



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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July 21, 2023

**NOTICE OF PUBLIC HEARING, AVAILABILITY OF DRAFT MITIGATED NEGATIVE
DECLARATION FOR PUBLIC REVIEW, AND NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE
DECLARATION**

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, August 24, 2023, 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 take place at the Planning and Building Services Conference Room, located at 860 North Bush Street, Ukiah and virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>, and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>

CASE#: CDP_2022-0018

DATE FILED: 5/18/2022

OWNER/APPLICANT: RYAN & ERIN MCNABB

REQUEST: Standard Coastal Development Permit to legalize after-the-fact demolition of an existing 1,366 square foot residence and permit construction of new residence in the same location.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: In the Coastal Zone, 2.5± miles east of Albion, on the south side of Albion Ridge Road (CR 402), 1.32± miles east of its intersection with State Route 1, located at 32601 Albion Ridge Road, Albion; (APN: 123-210-07 & 123-210-18).

SUPERVISORIAL DISTRICT: 5 (Williams)

STAFF PLANNER: LIAM CROWLEY

The Draft Mitigated Negative Declaration, Staff Report, and Notice will be available 30 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 W Fir Street, Fort Bragg, California, or by e-mail to pbscommissions@mendocinocounty.org no later than August 23, 2023. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail at pbscommissions@mendocinocounty.org, or telecomment, in lieu of personal attendance.

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 item may be obtained by calling the Department of Planning and Building Services at 707-234-6650 or 707-964-5379, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Coastal Permit Administrators decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services



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

**AUGUST 24, 2023
CDP_2022-0018**

SUMMARY

OWNER/APPLICANT:	RYAN & ERIN MCNABB 1200 ELEVENTH STREET LAKEPORT, CA 95453
REQUEST:	Standard Coastal Development Permit to legalize after-the-fact demolition of an existing 1,366 square foot residence and permit construction of new residence in the same location.
LOCATION:	In the Coastal Zone, 2.5± miles east of Albion, on the south side of Albion Ridge Road (CR 402), 1.32± miles east of its intersection with State Route 1, located at 32601 Albion Ridge Road, Albion; APN: 123-210-07 & 123-210-18.
TOTAL ACREAGE:	1.13± Acres
GENERAL PLAN:	Rural Residential 10-acre minimum (RR:10)
ZONING:	Rural Residential (RR)
SUPERVISORIAL DISTRICT:	5 th (Williams)
ENVIRONMENTAL DETERMINATION:	Mitigated Negative Declaration
APPEALABLE:	Yes, within 100 feet of wetland
RECOMMENDATION:	APPROVE WITH CONDITIONS
STAFF PLANNER:	LIAM CROWLEY

BACKGROUND

PROJECT DESCRIPTION: The project involves application for a Standard Coastal Development Permit to legalize after-the-fact demolition of an existing 1,366 square foot residence and permit construction of new residence in the same location. An electrical power pole would also be installed. The applicant previously demolished three walls of an existing single-family residence on the project site, leaving one standing wall and a perimeter foundation. The project would make use of the existing foundation for the new residence. The residence would be 18 feet in height. No additional landscaped area is proposed. Electric service exists to the parcel via Pacific Gas & Electric. No use of natural gas is proposed. The project would include exterior lighting, including front porch lights at the front door and a light at the back of the house at the covered porch area. The project would use an existing well and septic system. No grading or road construction is planned. No vegetation removal is planned.

RELATED APPLICATIONS:

On-Site

- BF_2022-0298 for a permanent power pole, under review
- BF_2021-0718 for an addition and remodel, under review pending CDP
- BF_2021-0717 for an electric panel upgrade, issued 9/14/2021

Neighboring Property

- CDP_2020-0025 for a single-family residence, approved 06/22/2022

SITE CHARACTERISTICS: Staff conducted a site visit of the property on June 16, 2022. The project site was accessed via Albion Ridge Road (CR 402). The lot was mostly flat, with a small dirt driveway leading to an existing garage-workshop and the remains of the partially demolished residence. The perimeter foundation and one wall of the former residence was present. Several other structures were located on the site, including a pump house, water tower, water tanks, greenhouse, carport, garage, deck, and storage shed. Shrubs and small trees lined the north and east side of the lot along Albion Ridge Road, but most of the lot was dominated by grasses. A large portion of the lot was inundated with shallow water and mud during the site visit. A concrete block was located to the south of the demolished house, with what appeared to be a septic tank casing.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR:10)	RR	1.3± Acres	Residential
EAST	RR:10	RR	21.8± Acres	Residential
SOUTH	RR:10	RR	21.8± Acres	Residential
WEST	RR:10	RR	1.7± Acres	Residential

PUBLIC SERVICES:

Access: Albion Ridge Road (CR 402)
 Fire District: Albion Little River Fire Protection District
 Water District: NONE
 Sewer District: NONE
 School District: NONE

AGENCY COMMENTS: On June 16, 2022, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. Any comment that would trigger a project modification, denial, conditions of approval, or required permits are discussed in full in the following section.

REFERRAL AGENCIES	COMMENT
Air Quality Management District	No Response
Archaeological Commission	Comments
Assessor's Office	No Response
Building Division (Fort Bragg)	No Comment
County Addresser	No Comment
Department of Transportation (DOT)	Comments
Environmental Health (EH)	Comments
Albion Little River Fire Protection District	No Response
Planning Division (Fort Bragg)	No Comment
Sonoma State University	Comments
CALFIRE (Land Use)	Comments
California Coastal Commission	No Response
California Department of Fish and Wildlife	Comments
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	Comments

- On June 16, 2022, the Building Division responded with no comment.

- On June 21, 2022, the Planning Division responded with additional information regarding a past permit on an adjacent parcel.
- On June 22, 2022, the Department of Transportation recommended approval of the project on the condition that the applicant construct a residential driveway approach to County Road and Development Standards.
- On June 29, 2022, Sonoma State University recommended that further archaeological field study be conducted due to the possibility of unrecorded archaeological sites being present on the site.
- On July 15, 2022, the Archaeological Commission requested that the project be scheduled for the next available Commission meeting depending on the response from Sonoma State University.
- On August 5, 2022, the Environmental Health Division responded, noting that the Coastal Development Permit could not be 'cleared' until a Qualified Site Evaluator submitted an acceptable septic permit application to the Division.
- On September 14, 2022, Sherwood Valley Band of Pomo Indians responded recommending that the 'Discovery Clause' be adhered to for the project.

LOCAL COASTAL PROGRAM CONSISTENCY

Land Use: The subject lot is classified as Rural Residential (RR) by the Mendocino County Coastal Element Chapter 2.2 Land Use Classifications (see attached *General Plan Classifications*). The Rural Residential classification is intended...

"...to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.

Principal Permitted Use. Residential and associated utilities, light agriculture, home occupation."

The proposed project includes authorization of after-the-fact partial demolition of an existing residence and construction of a new single-family residence, porch, and installation of a utility pole. Lot coverage requirements outlined in the Mendocino County Coastal Zoning Code ensure that the building envelope would not inhibit the agricultural potential of the lot. The proposed project would occur in an area of previous disturbance and remaining land would be available for agricultural use on site. Of the total 1.13± acre parcel, approximately 25,000 square feet is undeveloped and potentially available for agricultural use. Though establishment of an agricultural use is unlikely due to regulatory constraints discussed below, there is potential for small-scale aquaculture. A greenhouse also exists on the site, suggesting some small agriculture use is already in place. The proposed project, as a permitted use, is therefore consistent with the intent of the Coastal Element RR land use classification.

Zoning: The subject lot is within the Rural Residential (RR) zoning district as outlined in Mendocino County Coastal Zoning Code (MCC) Chapter 20.376 (see attached *Zoning Display Map*). The Rural Residential district is intended *"to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability."*

The proposed single-family residence is considered a "Family Residential: Single Family" use type as defined in MCC Section 20.316.010. Pursuant to MCC Section 20.376.010(A), this is a principal permitted use in the RR district. MCC Chapter 20.456 establishes accessory use types that are encompassed by principal permitted uses. The proposed porch and utility pole are accessory uses customarily associated with a single-family residence. These accessory uses are allowable pursuant to MCC Section 20.456.015. The proposed residence is consistent with other development standards established in MCC Chapter

20.456, including setbacks, height limit, and lot coverage (see attached *Site Plan*).

Visual Resources: Mendocino County Coastal Element Policy 3.5-1 and 3.5-3 establish review criteria for visual resources and “highly scenic areas” in the Coastal Zone. In addition, MCC Section 20.504.015 mirrors language in the Coastal Element and establishes the extent of Highly Scenic Areas. The following description of a Highly Scenic Area appears in both the Coastal Element and MCC Section 20.504.015: “portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.” These noted exceptions and inclusions east of Highway 1 are considered a “Highly Scenic Area (Conditional).” The project site is within this area (see attached *Highly Scenic & Tree Removal Areas*). However, the following is noted on the Highly Scenic/Tree Removal LCP map: “Between Albion Ridge Road and a point 200 feet north of Navarro Ridge Road/Highway 1 intersection everything within view easterly of Highway 1 is designated Highly Scenic” (available on file at Planning & Building Services). This language establishes the condition upon which the project site may or may not be considered a Highly Scenic Area. On June 16, 2022, staff visited the entrance to the project site and determined that Highway 1 could not be seen from the site. On the same day, staff noted that the project site could not be seen from Highway 1 from a point near its intersection with Albion Ridge Road. Even if all vegetation had been cleared between Highway 1 and the project site, staff believes the slope of the ridge and placement of the site behind the crest of the ridge would not allow the site to be seen from Highway 1. Therefore, staff determined that the project site is not within a Highly Scenic Area and the development criteria for Highly Scenic Areas within the Coastal Element and Coastal Zoning Code do not apply.

The site is not designated as Rural Village (RV) or Fishing Village (FV). Therefore, Coastal Zoning Code Section 20.504.020 does not apply. The site is not within the Special Treatment Area buffer zone. No satellite dish is proposed. The application proposes two outdoor lights at the front and rear of the residence. The proposed lights are downcast and shielded in accordance with Section 20.504.035 (*Exterior Light Schedule* available on file at Planning & Building Services). Staff nevertheless recommends that the requirements of Section 20.504.035 be memorialized as conditions of approval. Thus, the project is consistent with visual resource requirements.

Hazards Management: Mapping does not associate the site with faults, bluffs, tsunamis, or flood hazards (see attached *LCP Land Capabilities and Natural Hazards*). The site is flat, and landslide and erosion impacts are expected to be minimal. The California Geological Survey’s Deep-Seated Landslide Susceptibility map and Landslide Inventory do not associate the site with landslide risk.¹ In accordance with MCC Section 16.30.070, staff recommends a condition of approval requiring Best Management Practices (BMPs) to be implemented during construction to reduce possible erosion and runoff impacts.

MCC Chapter 20.500 states that “all new development shall be sited taking into consideration the fire hazard severity of the site, the type of development and the risk added by the development to the fire hazard risk. Where feasible, areas of extreme high risk should be avoided for development except agricultural and open space uses.” The site is within a High Fire Hazard Severity Zone. On September 28, 2021, the California Department of Forestry and Fire Protection (CALFIRE) reviewed the proposed project. The applicant provided CALFIRE document #338-21 which outlines the State Fire Safe Regulations that must be followed for the project, including the address standard, driveway standard, and maintenance of defensible space. Staff recommends that these regulations be included as conditions of approval to reduce wildfire hazard risks.

The defensible space requirement includes a minimum 30-foot setback for the proposed structure. Fuel modification and disposal of flammable vegetation and fuels caused by development must be completed prior to final inspection of a building permit. Some vegetation removal may be needed due to this requirement. The only identified ESHAs within the defensible space area are the wetland plants throughout the parcel (see *Habitats and Natural Resources* below). The wetland plants on site include a *Holcus lanatus - Anthoxanthum odoratum* Herbaceous Semi-Natural Alliance. It appears that *Holcus lanatus* could potentially increase fire fuel loads in California by reducing the frequency of gaps in vegetation and increase fuel continuity. In Sonoma, California, it was found that litter accumulations are greater in

¹ California Department of Conservation (2021). California Geological Survey. *EQ Zapp: California Earthquake Hazards Zone Application*. Retrieved from <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>.

Holcus lanatus communities than in natural grasslands.² This suggests that *Holcus lanatus* litter may need to be removed to manage defensible space. This can be achieved without directly removing living *Holcus lanatus* individuals, and staff believes that defensible space can be achieved simultaneously with maximum protection of the wetland while still allowing some residential development. Removal of individuals within this alliance may in fact result in a net benefit to the wetland because no direct filling would occur and both species are considered invasive.³ Staff recommends that CALFIRE regulations be included as conditions of approval to reduce wildfire risks and finds that the project would therefore be consistent with MCC Chapter 20.500. In addition, staff recommends a condition of approval requiring the replacement of wetland vegetation removed in association with defensible space maintenance.

Habitats and Natural Resources: Upon review pursuant to MCC Section 20.496.015, staff determined that the project has the potential to impact an Environmentally Sensitive Habitat Area (ESHA) due to the presence of multiple mapped occurrences of special-status species in the vicinity. In accordance with this determination, the applicant submitted a 'Biological Resources Assessment and ESHA Analysis' prepared by a qualified biologist (available on file at Planning & Building Services). The report notes that rare and special-status plant surveys were conducted on June 3 and July 15, 2022, and consisted of approximately eight (8) survey hours. The study area included the entirety of the parcel. No sensitive natural communities were identified within the study area. However, a few individual Bishop pine and Pygmy cypress trees were present in the northeastern portion of the study area, but "not enough to be considered a community". The report notes that fifty-three (53) special-status plant species have been documented within the vicinity of the study area. Thirty-five (35) special-status plant species have moderate or high potential to occur within the study area. All but two (2) of these species were either not observed or not present in the study area. Two (2) individual pygmy cypress trees (*Hesperocyparis pygmaea*) were observed within the study area. Two (2) small populations of harlequin lotus (*Hosackia gracilis*) were observed within the study area. The report notes that thirty-eight (38) special-status wildlife species have been documented within the vicinity of the study area. Four (4) of these species have a moderate or high potential to occur within the study area. None of these species were observed within the study area.

In accordance with MCC Section 20.496.020, buffer areas were recommended surrounding the populations of *Hosackia gracilis* and *Hesperocyparis pygmaea*. Based on a Reduced Buffer Analysis included in the biological survey, it was determined that a buffer area of fifty (50) feet would be sufficient to protect the *Hosackia gracilis* population and a one hundred (100) foot buffer would be sufficient to protect the *Hesperocyparis pygmaea* population. The project site is located outside of both buffer areas (see *Biological Resources Assessment and ESHA Analysis* available on file and Planning & Building Services). The project was referred to the California Department of Fish and Wildlife CDFW, who responded with comments on July 11, 2023. CDFW noted that the reduced buffer of fifty (50) was appropriate and recommended that the work area be delineated with temporary fencing or flagging to prevent encroachment upon the presumed wetland. As such, staff recommends a condition of approval requiring temporary fencing or flagging in accordance with this recommendation.

The biological report prepared in association with the project found that the closest mapped National Wetlands Inventory wetland is a Riverine approximately 448 feet northwest of the study area. The report found that the entire study area is a wetland as defined by the US Army Corp of Engineers (USACE) or California Coastal Commission (CCC) because multiple wetland plant species were present throughout the entire parcel (specifically a *Holcus lanatus* - *Anthoxanthum odoratum* alliance). Therefore, the reconstruction of a single-family residence would be inconsistent with MCC Section 20.496.025, which does not allow residential development within wetland areas. According to MCC Section 20.532.095(A)(1), to approve a Coastal Development Permit, it must be found that "*the proposed development is in conformity with the certified local coastal program*". Because the proposed project is not consistent with the local coastal program, this finding cannot be made in support of approval. However, staff has determined that the County must allow a reasonable residential development on the subject property to avoid a regulatory taking (see '*Takings Analysis*' below).

² Gucker, Corey L. 2008. *Holcus lanatus*. In: Fire Effects Information System, [Online]. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fire Sciences Laboratory (Producer). Available: <https://www.fs.usda.gov/database/feis/plants/graminoid/hollan/all.html> [2023, March 21].

³ California Invasive Plant Council (2023). *Holcus lanatus*. Retrieved from <https://www.cal-ipc.org/plants/profile/holcus-lanatus-profile/>

California Invasive Plant Council (2023). *Anthoxanthum odoratum*. Retrieved from <https://www.cal-ipc.org/plants/profile/anthoxanthum-odoratum-profile/>

The project would still meet the statutory requirements and supplemental findings pursuant to Chapter 20.532.100 for proposed development in a wetland. The biological report concludes the following:

“It is proposed that due to the existing house structure being on stilts and not having a cement foundation, that the reconstruction take place in the existing location. This will keep the wetland plants intact. If the house site were to be moved anywhere else within the Study Area, it would pose a risk to the wetland plants. The existing house site location is in the most feasible location within the Study Area and will not negatively impact the Wetland ESHA (Please see the Reduced Buffer Analysis in Appendix D).”

The report recommends that *“only work within the existing footprint of the house site shall be conducted. The stilts shall be kept in place and a cement foundation shall not be placed.”*

Because a reasonable residential development must be allowed and the project would make use of an existing foundation, the proposed project would be the least environmentally damaging alternative. The associated ‘Takings Analysis’ determines what a ‘reasonable’ amount of residential development must be allowed. Therefore, a significantly smaller residence would not be feasible. In addition, a smaller residence that uses a smaller foundation may impact wetland plants that were previously undisturbed. A location anywhere other than the previous location of the residence would also have the potential to damage wetland plants. Therefore, the proposed project is the least environmentally damaging alternative. Mitigation measures have been provided in the form of conditions of approval to minimize adverse environmental effects to the wetland plants. The project is otherwise consistent with Chapter 20.496 because it is not within or adjacent to a Pygmy Forest, dunes, or Other Resource Areas as identified in the Coastal Element.

Archaeological/Cultural Resources: As noted above, Sonoma State University recommended that an archaeological study be conducted prior to commencement of project activities. In accordance with MCC Chapter 22.12, the project was then heard by the Archaeological Commission at a regular meeting. The Commission required an archaeological survey to be prepared in association with the project. The applicant provided a ‘Cultural Resource Evaluation’ prepared by a qualified archaeologist dated July 6, 2022. The report found that no archaeological or cultural resources were present on the project site. The report was presented at the Archaeological Commission meeting on December 14, 2022. The Commission accepted the survey on the condition that the ‘Discovery Clause’ be adhered to. This has been added as a condition of approval. Based on the submitted report and action of the Commission, staff finds that the project is consistent with archaeological resources regulations, including MCC Chapter 22.12.

Groundwater Resources: The project site is not within the jurisdictional boundaries of a local water district. The project site mapped as Critical Water Resources (see attached *Ground Water Resources*).

Coastal Element Policy 3.8-1 states that *“Highway 1 capacity, **availability of water** and sewage disposal system and other known planning factors shall be considered when considering applications for development permits.”*

Coastal Element Policy 3.8-9 states that,

“approval of the creation of any new parcels shall be contingent upon an adequate water supply during dry summer months which will accommodate the proposed parcels, and will not adversely affect the groundwater table of contiguous or surrounding areas. Demonstration of the proof of water supply shall be made in accordance with policies found in the Mendocino Coastal Groundwater Study dated June 1982, as revised from time to time and the Mendocino County Division of Environmental Health's Land Division requirements as revised. (Appendix 6)...

Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. Such required proof shall be demonstrated prior to approval of the proposed use.”

MCC Section 20.516.015(B) mirrors this policy.

Coastal Element Policy 3.9-1 states that *“one housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Determination of service capacity shall be made prior to the issuance of a coastal development permit.”*

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

The 1982 Mendocino Coastal Ground Water Study, *“though not site specific, has identified coastal areas of differing ground water availability...from this information, general guidelines can be drawn to aid the planner in reviewing proposed development.”* The Study goes on to state that *“areas designated cWR (Critical Water Resources) shall have a minimum lot size of 5 ac[res] (ac) and demonstration of “proof of water”. All lots less than 5 ac[res] shall demonstrate “proof of water” and may require an environmental impact statement.*

According to Coastal Element Policy 3.9-1, the proposed project shall be compliant with existing health standards. These standards are outlined in the County of Mendocino Coastal Groundwater Development Guidelines prepared for the Environmental Health division. This document contains *Table 1: Groundwater Investigation Requirements for Land Development*. The table states that for single-family residences on existing lots of record, no proof of water or groundwater investigation is necessary. The proposed project includes development of a single-family residence on an existing lot of record. According to the guidelines, the minimum Estimated Water Demand for a single-family residence is **one (1) gallon per minute (gpm)**.

The project was referred to the Mendocino County Environmental Health Division (EH) on June 22, 2022. EH responded on June 30, 2022, but did not provide any comments regarding water supply or the existing well.

Coastal Element Policy 3.9-1 goes on to state that the determination of adequate water service capacity shall be made prior to issuance of a Coastal Development Permit. Though EH guidelines do not require proof of water for the proposed development, Policy 3.9-1 and the location of the site within a CWR area suggests that proof of water is necessary. The existing well served the previous residence and would serve the proposed project. To demonstrate adequate water service capacity, the applicant provided a well test report which included information on the recovery rate of the existing well (available on file at Planning & Building Services). The report noted a recovery rate of **2.46 gpm**. Staff finds that this production rate is adequate to support the proposed project. Given the referral response from EH and compliance with applicable Coastal Groundwater Development Guidelines, staff finds that the proposed project is consistent with Policy 3.9-1. Standard condition of approval #4 ensures that any further development of the well shall comply with EH standards.

Staff finds that the demonstration of adequate water service capacity in compliance with Coastal Element Policy 3.9-1 is likewise sufficient to demonstrate that availability of water has been considered for this Coastal Development Permit in compliance with Coastal Element Policy 3.8-1.

Therefore, staff finds that the proposed project is consistent with relevant Coastal Element Policies regarding water supply in addition to MCC Section 20.516.015(B).

Grading, Erosion, and Runoff: Effects of the proposed project on drainage patterns, erosion, runoff, and sedimentation are expected to be minimal due to the relatively flat nature of the site and lack of ground disturbance. However, some impacts could still occur due to construction and other project activities. Staff finds that standard Best Management Practices (BMPs) are sufficient to address potential impacts. Staff recommends a condition of approval requiring the applicant to follow BMPs during construction. As conditioned, the proposed project would be consistent with MCC Chapter 20.492.

Transportation, Utilities, and Public Services: Coastal Element Policy 3.8-1 requires Highway 1 capacity and availability of sewage disposal systems to be considered when reviewing applications for development permits. Policy 3.8-8 states that new or expanded sewage disposal systems should be designed to serve development consistent with that permitted by the Land Use Plan. The proposed project involves a principal permitted use and accessory uses. The site is accessed sufficiently by Albion Ridge Road, a publicly maintained road (CR 402). The project may have minor incremental impacts on Highway 1. However, these impacts were considered when the Rural Residential land use classification was assigned to the site.

The project was referred to EH and the Mendocino County Department of Transportation (DOT) on June 16, 2022. On August 5, 2022, the Environmental Health Division responded, noting that the Coastal Development Permit could not be 'cleared' until a Qualified Site Evaluator submitted an acceptable septic permit application to the Division. In accordance with this comment, an evaluation of the site was conducted by a qualified person and submitted to EH on June 13, 2023. EH subsequently notified staff to confirm that the septic evaluation was sufficient to 'clear' the CDP. Based on these comments, staff finds that the sewage disposal system is adequate to serve the proposed residence.

DOT responded on July 6, 2022, with the following recommended conditions of approval:

1. Prior to commencement of construction activities or issuance of a building permit, the applicant shall construct a residential driveway approach onto Albion Ridge Road (CR 402), 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.

2. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.

Staff does not recommend that these conditions be incorporated into this permit for the following reasons:

- For the purposes of compliance with MCC Chapter 20.516 and Coastal Element Chapter 3.8, these conditions are not necessary to conclude that adequate public service (access) exists to the site from Albion Ridge Road. The project is not a subdivision and does not abut Highway 1.
- The entirety of the parcel has been determined to be a wetland, including the existing driveway. Paving a driveway approach with asphalt or comparable surfacing has the potential to significantly damage the wetland. Leaving the existing driveway undisturbed would serve to minimize impacts to the wetland.
- Protection of the wetland outweighs compliance with County Road and Development Standards because it is statutorily required. The 'least environmentally damaging alternative' is one that does not include a paved driveway approach.

Staff therefore finds that the proposed project is consistent with MCC Chapter 20.516 and Coastal Element Chapter 3.8.

Takings Analysis: LCP Policy 3.1-7 and MCC Section 20.496.020 contain specific requirements for the establishment of a buffer area between development and an adjacent ESHA to protect ESHA from disturbances associated with proposed development. The width of the buffer area shall in any case be no less than fifty (50) feet. The entirety of the parcel has been determined to be a wetland. Therefore, the proposed residence cannot be sited in any area of the parcel without being in a wetland. Because the proposal cannot meet the ESHA buffer requirements, it is inconsistent with the LCP. The requisite findings for approval of a CDP cannot be made if it is inconsistent with the LCP. However, when the County considers denial of a project, a question may arise as to whether the denial results in an unconstitutional taking of the applicant's property without just compensation. California Public Resources Code (PRC) Section 30010 (California Coastal Act) addresses takings as follows:

"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 therefor. 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.”

Although the County is not a court and may not ultimately adjudicate whether its actions constitute a taking, the Coastal Act imposes on the County the duty to assess whether its action might constitute a taking so that the County may take steps to avoid it. If the County concludes that its action does not constitute a taking, then it may deny the project with the assurance that its actions are consistent with Section 30010. If the County determines that its action would constitute a taking, then application of Section 30010 would overcome the presumption of denial. In the latter case, the County would propose modifications to the development to minimize its Coastal Act inconsistencies while still allowing some reasonable amount of development.

Some factors that courts examine to determine if a regulatory taking has occurred include the presence of reasonable investment-backed expectations, the degree to which a regulation may interfere with those reasonable investment-backed expectations, and whether a regulation deprives an owner of all economic use of the property. To assist the County in determining whether a taking would occur, the applicant provided a 'Takings Analysis' document (available on file at Planning & Building Services).

The Takings Analysis document provided the following information regarding the owner's interest and investment in the property: The property was purchased on August 26, 2021. When the property was purchased, the property was in the Rural Residential Land Use Classification and Zoning District. The property currently remains within the same. The property was purchased for \$250,000 and a \$200,000 construction loan was secured. After purchasing the residence, the owners discovered a previously unknown easement that had existed prior. The owners filed for a Quiet Title and Declaratory Relief for a portion of the parcel in which the existing residence was located. Within the last five years, the owners have incurred a total of approximately \$457,352 of costs related to the property, including property tax, debt service, septic and well design, surveys, engineering and architecture, and attorney fees.

The recorded deed and Quiet Title documents explicitly establish the owner's interest in the property to allow pursuit of the proposed development. Based on the costs incurred and the source of such costs, it is clear the owners invested significantly under the assumption that a residence could be reconstructed in place of the partially demolished one. The property had been zoned for residential use prior to purchase and continues to be zoned for residential use. In the past, and in one case during review of the current proposal, surrounding properties had been approved and developed with similarly sized residences under the same regulations the owners are subject to. Similar development constraints existed in association with past development. However, without the biological survey prepared in association with the Coastal Development Permit application, there was no indication that reconstruction of the residence would not be possible.

To determine what could be considered a reasonable investment-backed expectation for development, staff conducted an analysis using homes in appropriate proximity and of similar size to the proposed development as well as relevant date of permit approval and appropriate level of sensitive resources comparable to the proposed development. The following criteria were used to determine which parcels could be used in this analysis:

- Parcels that are similarly zoned
- Parcels that were developed after the applicant purchased the subject parcel
- Parcels developed after implementation of the Local Coastal Plan of 1991 (certified in 1992)
- Parcels with available permit information
- Similarly sized parcels with similar lot coverage
- Parcels with similar constraints such as biological, geological, highly scenic, etc.

The properties used in the analysis include the following:

- 32505 Albion Ridge Road; APN 123-210-28
- 33710 Albion Ridge Road; APN 123-170-26
- 33700 Albion Ridge Road; APN 123-170-27
- 33080 Frog Pond Road; APN 121-030-07

32505 Albion Ridge Road is located immediately adjacent to the project site and is in the Rural Residential (RR) zoning district. The parcel is 22± acres in size. Coastal Development Permit CDP_2020-0025 was approved on Jun 6, 2022. The permit allowed for development of a 3,200 square foot residence and 640 square foot guest cottage. A biological survey was submitted in association with the project, and no special status plants or ESHA were observed.

33710 Albion Ridge Road is located 1± mile west of the project site and is in the RR zoning district. The parcel is 0.94± acres in size. CDP_2003-0111 was approved on September 28, 2004. The permit allowed for development of a 1,888 square foot residence, 576 square foot garage, 250-foot long driveway, and septic system. A geotechnical report and biological survey were submitted in association with the project. No ESHA was identified. The single-family residence associated with this project was constructed under building permit BF_2004-0989, which had an estimated job value of approximately \$114,000.

33700 Albion Ridge Road is located 0.9± miles west of the project site and is in the RR zoning district. The parcel is 1.9± acres in size. CDP_2016-0006 was approved on August 29, 2017. The permit allowed for development of a 1,450 square foot residence, 480 square foot garage, 150 square foot pump house, 500-gallon propane tank, 2,200-gallon water tank, 100-foot-long porous paver driveway, and septic system. A biological survey was submitted in association with the project, an ESHA was identified, but the development was sited outside the 100-foot buffer. The single-family residence and attached garage associated with this project was constructed under building permit BF_2018-0651, which had an estimated job value of approximately \$203,000.

33080 Frog Pond Road is located 1.75± miles northwest of the project site and is in the RR zoning district. The parcel is 4.3± acres in size. CDP_2016-0032 was approved on April 5, 2017. The permit allowed for development of a 1,642 square foot residence, 470 square foot deck, 600 square foot detached garage, 120 square foot shed, 720 square foot barn, 720 square foot studio, septic system, propane tank, water tank, and temporary occupancy of a travel trailer. A biological survey was submitted in association with the project, a wetland ESHA was identified, and the project was located outside of the 100-foot buffer. The single-family residence associated with this project was constructed under building permit BF_2019-0556, which had an estimated job value of approximately \$245,000.

Based on this information, it would have been reasonable for the owners to assume, upon purchasing the property, that a 1,366 square foot residence could be constructed in place of the existing residence and that sufficient space would be available to locate the residence outside of any identified wetland buffers if needed. In addition, it would have been reasonable for the owners to assume that the existing residence could be remodeled or reconstructed in some way without previously knowing of any wetlands on the site.

The project must also be evaluated to determine the extent to which the wetland regulations interfere with reasonable investment backed expectations. Per MCC Section 20.496.025, residential development is not allowable in a wetland. The entirety of the parcel was classified as a wetland. Therefore, no residential development could occur on the parcel. This contradicts the reasonable expectations of the property owner and the presence of the existing residence and accessory structures. Other project alternatives, such as different sites, scales, orientation, or design of the residence would not preclude the limitations on such development in a wetland. Therefore, in this case, the regulations interfere completely.

Lastly, the project must be evaluated to determine whether such regulations would deprive the owner of all economically viable use of the property. Under current regulations, the only economically viable use of the property would include uses that do not require issuance of a CDP or uses allowable in a wetland consistent with MCC Section 20.496.025. Those uses that do not require issuance of a CDP include those that are principal permitted uses in the RR zoning district and which would be exempt from the requirement to obtain a CDP if development would occur in association with the use. Principal permitted uses in the RR district include Family Residential: Single Family, Vacation Home Rental, Light Agriculture, Row and Field Crops, Tree Crops, and Passive Recreation. If these uses could be established without requiring issuance of a CDP and would provide an economically viable use of the property, then a regulatory taking is unlikely:

1. Family Residential: Single Family: This use would require the construction of a single-family residence, which in turn would require issuance of a CDP. Issuance of a CDP would require that the proposed use is allowable in a wetland. Single-Family residential development is not allowable in a wetland. This is not a potentially economically viable use.

2. Vacation Home Rental: This use would require the construction of a single-family residence, which in turn would require issuance of a CDP. Issuance of a CDP would require that the proposed use is allowable in a wetland. Single-Family residential development is not an allowable wetland use. This is not a potentially economically viable use.
3. Light Agriculture: This use includes the raising of farm animals or apiaries as defined by MCC Section 20.336.020. This use would require structures such as fences, barns, or chicken coops. Per 14 CCR §13253, these improvements would require a coastal development permit because they would be located in a wetland. Light Agriculture is not an allowable wetland use. This is not a potentially economically viable use.
4. Row and Field Crops: This use includes cultivation and sale of products grown in regular or scattered patterns. This use would require the removal or placement of vegetation to sow crops. Per 14 CCR §13253, this alteration of land would require a coastal development permit because it would be in a wetland. Row and Field Crops are not an allowable wetland use. This is not a potentially economically viable use.
5. Tree Crops: This use includes cultivation of tree-grown agricultural products. This use would require the removal or placement of vegetation such as saplings. The trees already existing on the property are not economically viable. Per 14 CCR §13253, alteration of land to plant saplings would require a coastal development permit because it would be in a wetland. Tree Crops are not an allowable wetland use. This is not a potentially economically viable use.
6. Passive Recreation: This use includes *"leisure activities that do not require permits pursuant to this Division nor constitute "development" as defined in Section 20.308.035(D), and that involve only minor supplementary equipment."* Though this use may not require a coastal development permit, it is unlikely to allow any economically viable use of the property. Passive recreation could involve hiking, bird watching, photography, nature study, or painting. The owner could charge a fee to use the land in this way without the need for development. However, this could hardly be construed as an economically viable use. The small size of the lot, existing structures as impediments, habitat characteristics, low scenic value, and lack of recreation infrastructure indicate that these activities would not be viable in a commercial setting. Almost any proposed infrastructure would require a coastal development permit because the entire lot is a wetland. In addition, Passive Recreation is not an allowable wetland use. This is not a potentially economically viable use.

If a CDP were required, some uses would be allowable in a wetland consistent with MCC Section 20.496.025. These allowable uses are listed below with discussion as to whether they would allow an economically viable use of the property:

1. Port facility expansion or construction: The site is not an existing port and is not adjacent to the sea. This use would be infeasible
2. Energy facility expansion or construction: This site is not an existing energy facility. The site is unlikely to be able to support new energy facility construction.
3. Coastal-dependent industrial facilities, such as commercial fishing facilities, expansion, or construction: This use would not be viable because the site is not located near a port, harbor, or the sea.
4. Maintenance or restoration of dredged depth or previously dredged depths in navigation vessels, turning basins, vessel berthing and mooring areas, and associated boat launching ramps: This use would not be viable because the site is not adjacent to the sea or major body of water and does not include any of these features.

5. Entrance channels for boating facilities: This use would not be viable because the site is not adjacent to the sea or a major body of water.
6. New or expanded boating facilities: This use would not be viable because the site is not adjacent to the sea or a major body of water.
7. Incidental public service purposes which temporarily impact the resource including but not limited to burying cables and pipes, or inspection of piers, and maintenance of existing intake and outfall lines: There is no indication that use of the property in this manner would have any economic viability because it would be temporary and involve public services. The need for such services at the project site is also unclear. Piers and intake or outfall lines would not be feasible as they are sea-dependent uses.
8. Restoration projects: A restoration project is unlikely to result in any economically viable use. Restoration of the site may be beneficial for Passive Recreation, but this has been shown to be economically infeasible on the subject property.
9. Mineral extraction, including sand for restoring beaches, except in ESHAs: The entire site is a wetland ESHA. As such, this would not be a viable use.
10. Nature study purposes and salmon restoration projects: Nature study may be included within Passive Recreation, but this has been shown to be infeasible on the subject property.
11. Aquaculture, or similar resource dependent activities excluding ocean ranching: It may be possible to develop some aquaculture on the site, but at just over one (1) acre it is unlikely to result in any economically viable use. In addition, removal of the existing structures would not necessarily allow such land to be reused for aquaculture purposes, leaving even less land available for such use.

Based on the analysis above, staff finds that to deny residential development on the subject property would significantly interfere with the owner's reasonable investment backed expectations in buying and improving the property and would deprive the owner of all economically viable use of the property. In this case, strict adherence to wetland ESHA regulations is likely to result in a taking. Therefore, some residential development should be permitted in accordance with Coastal Act Section 30010.

The possibility of takings does not preclude the County from enforcing the LCP to the maximum extent feasible. Therefore, the County may require modifications to the proposal, mitigation measures, or conditions of approval to maximize consistency with the LCP. In this case, the proposed project would be the least environmentally damaging alternative and thus is the alternative that maximizes consistency with the LCP. A different location or size of residence would require additional fill of the wetland. Use of the existing foundation and construction of a residence to effectively the same size as the previous residence in accordance with the recommended mitigation measures and conditions of approval would serve to maximize consistency with the LCP despite residential development occurring in the wetland.

ENVIRONMENTAL DETERMINATION

An Initial Study for the proposed project was completed by staff in accordance with the California Environmental Quality Act (CEQA). Based on this initial evaluation, it was found that the project would not produce any significant environmental impacts with mitigation incorporated. As such, a Mitigated Negative Declaration was prepared. It is noted in the Initial Study that the proposed project could result in some environmental impacts, but these were considered less-than-significant with mitigation incorporated.

PROJECT FINDINGS AND CONDITIONS: Staff recommends, pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, that the Coastal Permit Administrator adopts a Mitigated Negative Declaration, approves the proposed project and adopts the following findings and conditions.

FINDINGS:

1. Pursuant to MCC Section 20.532.095(A)(1), the proposed development is not in conformity with the certified local coastal program. Though the proposed development is a principal permitted use within the Rural Residential district, it does not meet the requirements for uses within a wetland pursuant to MCC Chapter 20.496. However, it has been determined that denial of the project considering this inconsistency would constitute a regulatory taking. As such, staff recommends that some residential development be allowed to avoid a taking. To the maximum extent feasible, the project is in conformity with other local coastal program regulations as discussed in the staff report; and
2. Pursuant to MCC Section 20.532.095(B)(2), the proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The project would utilize an existing well which has demonstrated adequate water supply, a septic system which meets Environmental Health requirements, access via Albion Ridge Road, electricity via a power pole and connection to a service provider, and BMPs to be implemented during construction; and
3. Pursuant to MCC Section 20.532.095(C)(3), the proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district. The project includes residential development, a principal permitted use within the Rural Residential district; and
4. Pursuant to MCC Section 20.532.095(D)(4), the proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. A Mitigated Negative Declaration was prepared for the project. No impacts were found which could not be mitigated below the threshold of significance. Mitigation measures have been implemented as conditions of approval; and
5. Pursuant to MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource. An archaeological survey was conducted on the property and did not identify any resources. The survey was accepted by the Archaeological Commission at a regular meeting. The 'Discovery Clause' has been added as a condition of approval to address any unanticipated discoveries; and
6. Pursuant to 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. The nearest solid waste facility is the Albion Transfer Station. Solid waste is delivered to the Potrero Hills landfill, which has been determined to have adequate capacity to serve the project. Impacts to Albion Ridge Road were considered when the Rural Residential land use classification was assigned to the property and is adequate to serve the principal permitted use.
7. Pursuant to MCC Section 20.532.100(A)(1)(a), the resource (wetland) as identified will not be significantly degraded by the proposed development. Use of the existing foundation would not significantly disturb wetland plants, thus protecting the functionality of the wetland. Mitigation measures have been included as conditions of approval to protect the resource to the extent feasible; and
8. Pursuant to MCC Section 20.532.100(A)(1)(b), there is no feasible less environmentally damaging alternative. The only less environmentally damaging alternative would be to deny the project, but this would constitute a regulatory taking. Thus, the proposed project is the least environmentally damaging alternative because a different size or location for the residence would require some fill of the wetland. Use of the existing foundation would allow the project not to fill the wetland any further; and
9. Pursuant to MCC Section 20.532.100(A)(1)(c), all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. Mitigation measures have been included as conditions of approval to limit impacts to the wetland, including use of the foundation, ESHA

buffers, BMPs, staging areas, restrictions on new development, replacement of lost vegetation, and avoidance of insect nests.

CONDITIONS OF APPROVAL:

*A double asterisk ** indicates the incorporated Mitigation Measures. Deletion and/or modification of these conditions may affect the issuance of a Mitigated Negative Declaration.*

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Code. The permit shall become effective after the 10th working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. This Coastal Development Permit shall expire and become null and void at the expiration of two years after the effective date, except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code (MCC).
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required Building Permits for the proposed project as required by the Building Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This Coastal Development Permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Coastal Code.
9. The applicant shall comply with those recommendations in the California Department of Forestry and Fire Protection Conditions of Approval (CAL FIRE #338-21) or other alternatives acceptable to the Department of Forestry and Fire Protection. Prior to final inspection of the building permit for the single-family residence, written verification shall be submitted from the Department of Forestry and Fire

Protection to the Department of Planning and Building Services that this condition has been met to their satisfaction.

10. **The applicant shall follow the recommendations outlined in the '*Biological Resources Assessment and ESHA Analysis*' prepared in association with the project and the following conditions derived from the report:
 - a. A 50-foot buffer shall be maintained between the project site, including construction activities, and the two (2) populations of *Hosackia gracilis* (harlequin lotus) as shown on Map #9 of the '*Biological Resources Assessment and ESHA Analysis*'.
 - b. A 100-foot buffer shall be maintained between the project site, including construction activities, and the two (2) *Hesperocyparis pygmaea* (pygmy cypress) trees as shown on Map #9 the '*Biological Resources Assessment and ESHA Analysis*'.
 - c. To the maximum extent feasible, only work within the existing footprint of the house site shall be conducted, the stilts and perimeter foundation shall be used, and the wetland plants within the existing perimeter foundation shall not be removed or disturbed.
 - d. If any special-status insect nests are observed during construction, the nests shall not be removed, relocated, or otherwise disturbed until the nest becomes inactive.
11. **Standard Best Management Practices (BMPs) such as straw bales, fiber rolls, and/or silt fencing structures shall be employed to ensure minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas. Construction fencing shall be utilized to protect sensitive habitat areas. Ground disturbance shall be limited to the minimum necessary. Any staging area shall be clearly marked and located, to the extent feasible, on existing disturbed areas such as the driveway approach to avoid impacts to wetland plants.
12. Fuels or lubricants used for equipment shall be stored in a location that ensures that spills would not seep into the soil. Refueling or maintenance shall occur on existing disturbed areas such as the driveway to limit impacts to the wetland.
13. **Future use of the property outside the development footprint and existing structure footprints shall be limited to those uses allowed within wetland ESHA or ESHA buffers as outlined in Coastal Zoning Code Section 20.496.025. No future development, as defined in Coastal Zoning Code Section 20.308.035(D), may occur within these areas without issuance of a Coastal Development Permit Amendment or a subsequent Coastal Development Permit.
14. In accordance with Coastal Zoning Code Section 20.504.035, exterior lighting shall be kept to the minimum necessary for safety and security purposes. Exterior lighting shall be downcast, shielded, and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel.
15. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,814.00 or CURRENT FEE shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within five (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 ensure timely compliance with this condition.**

7/17/23

DATE



LIAM CROWLEY
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery (Vicinity)
- C. Aerial Imagery (Detail)
- D. Topographic Map
- E. Site Plan
- F. Zoning Display Map
- G. General Plan Classifications
- H. LCP Land Use Map 18: Albion
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitats & Resources
- K. Adjacent Parcels
- L. Fire Hazard Zones & Responsibility Areas
- M. Ground Water Resources
- N. Highly Scenic & Tree Removal Areas
- O. Estimated Slope
- P. Mendocino Cypress
- Q. Takings Analysis

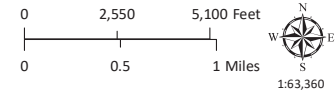
EXHIBIT A: MITIGATED NEGATIVE DECLARATION Initial Study available online at:
<https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>



MENDOCINO COUNTY PLANNING DEPARTMENT - 6/7/2023

CASE: CDP_2022-0018
 OWNER: McNABB, Erin & Ryan
 APN: 123-210-07
 APLCT: Erin & Ryan McNabb
 AGENT:
 ADDRESS: 32601 Albion Ridge Road, Albion



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

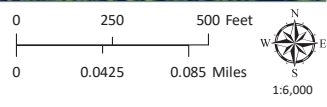


LOCATION MAP



CASE: CDP_2022-0018
OWNER: McNABB, Erin & Ryan
APN: 123-210-07
APLCT: Erin & Ryan McNabb
AGENT:
ADDRESS: 32601 Albion Ridge Road, Albion

-  Public Roads
-  Private Roads



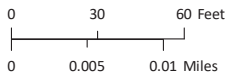
AERIAL IMAGERY



ALBION RIDGE ROAD

CASE: CDP_2022-0018
OWNER: McNABB, Erin & Ryan
APN: 123-210-07
APLCT: Erin & Ryan McNabb
AGENT:
ADDRESS: 32601 Albion Ridge Road, Albion

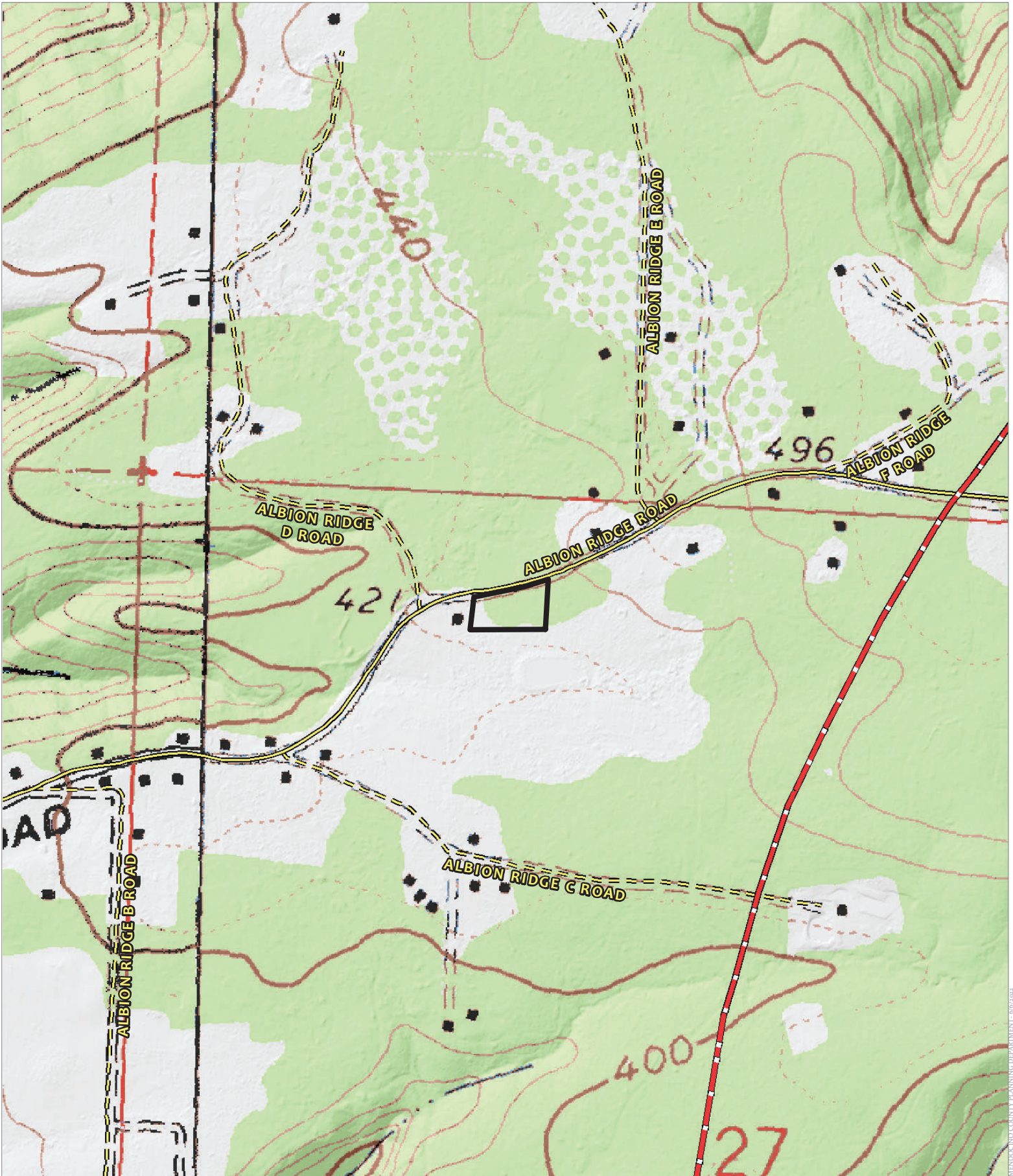
Public Roads



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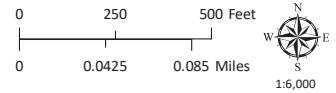
AERIAL IMAGERY

STENOGRAPH COUNTY PLANNING DEPARTMENT - 07/2023



CASE: CDP_2022-0018
 OWNER: McNABB, Erin & Ryan
 APN: 123-210-07
 APLCT: Erin & Ryan McNabb
 AGENT:
 ADDRESS: 32601 Albion Ridge Road, Albion

- - - Coastal Zone Boundary
- Public Roads
- Private Roads

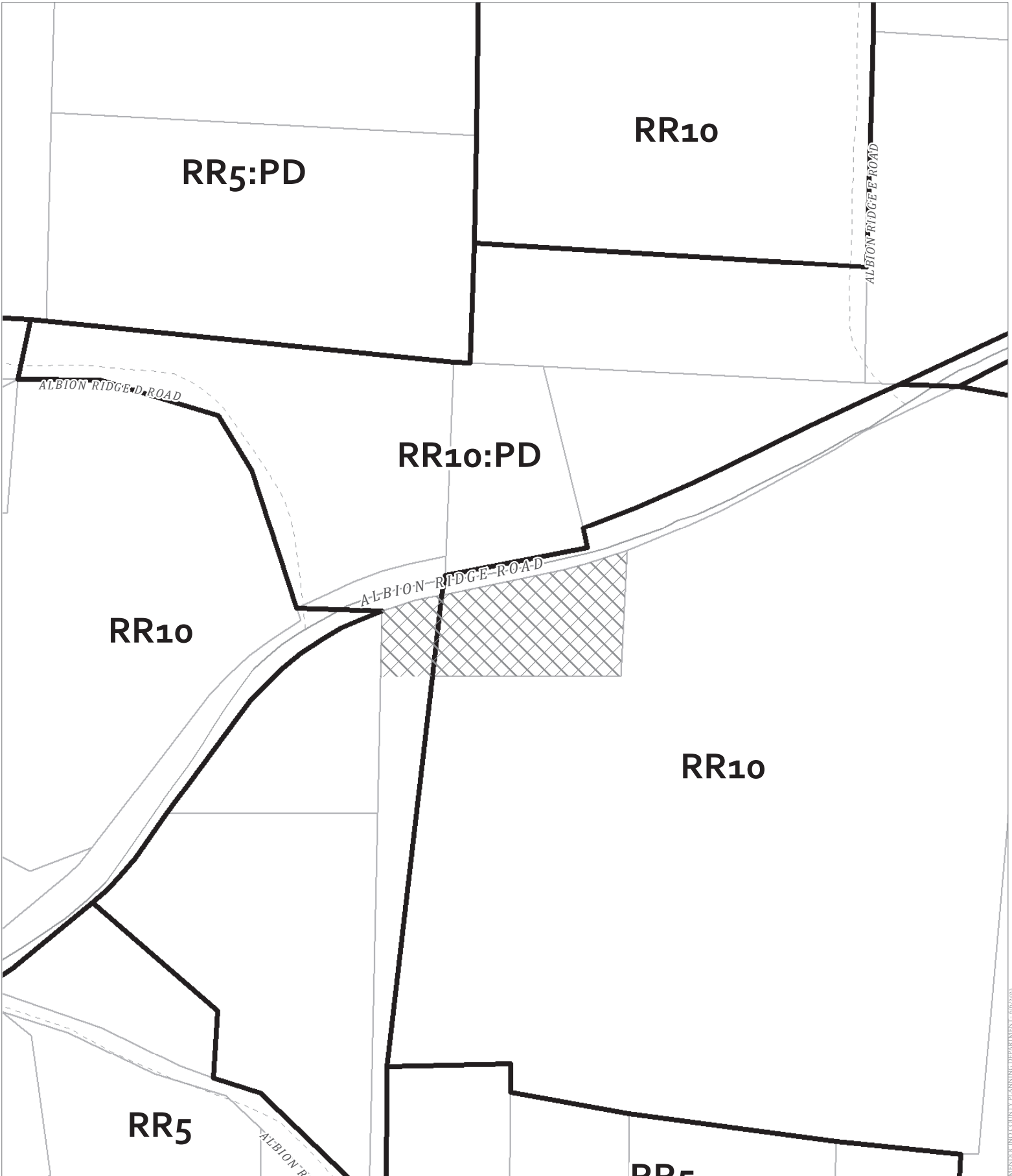


TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

MENDOCINO COUNTY PLANNING DEPARTMENT - 6/7/2023

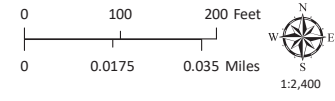
602' center of Rd.
Albion Ridge Rd. (32601)





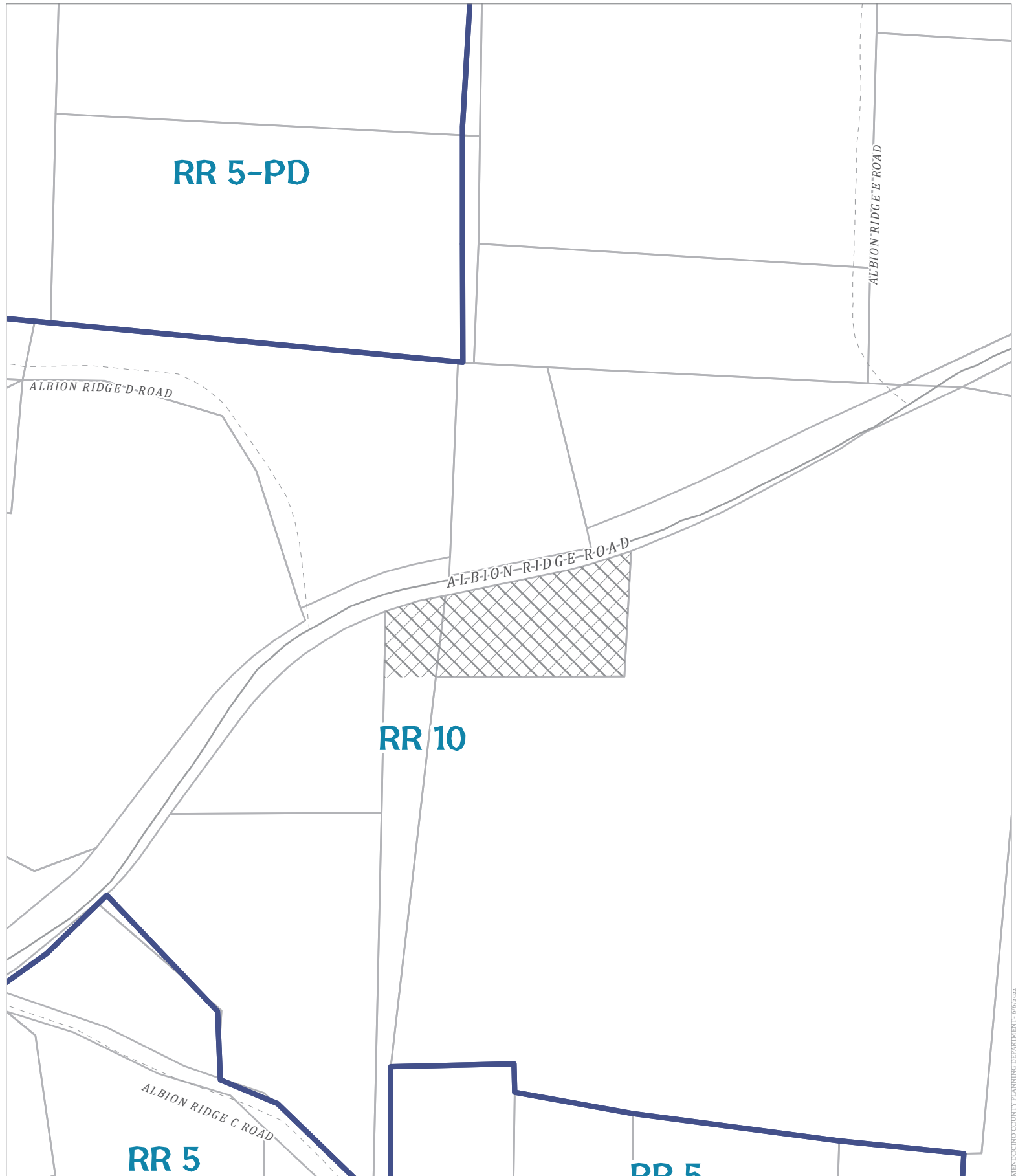
CASE: CDP_2022-0018
 OWNER: McNABB, Erin & Ryan
 APN: 123-210-07
 APLCT: Erin & Ryan McNabb
 AGENT:
 ADDRESS: 32601 Albion Ridge Road, Albion

 Zoning Districts
 Public Roads



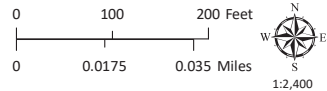
ZONING DISPLAY MAP

MENDOCINO COUNTY PLANNING DEPARTMENT - 6/6/2023

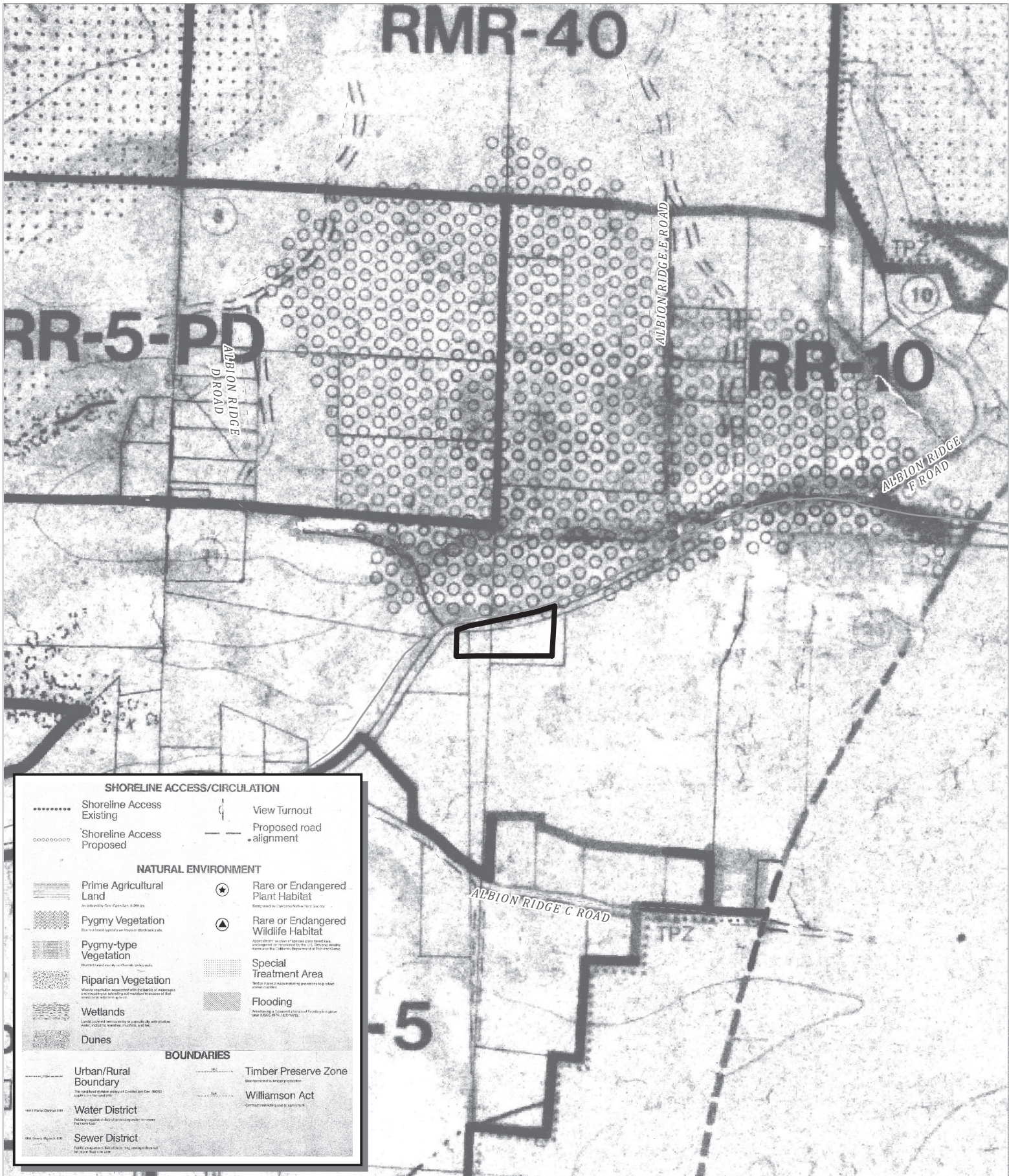


CASE: CDP_2022-0018
 OWNER: McNABB, Erin & Ryan
 APN: 123-210-07
 APLCT: Erin & Ryan McNabb
 AGENT:
 ADDRESS: 32601 Albion Ridge Road, Albion

 General Plan Classes
 Public Roads



GENERAL PLAN CLASSIFICATIONS



SHORELINE ACCESS/CIRCULATION

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

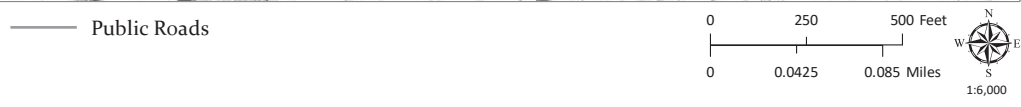
NATURAL ENVIRONMENT

- Prime Agricultural Land
As defined by the Farmland Use Ordinance
- Pygmy Vegetation
Shrubland habitat on the coast
- Pygmy-type Vegetation
Shrubland habitat on the coast
- Riparian Vegetation
Wet or vegetation associated with the banks of streams and waterways
- Wetlands
Wetlands covered by water or periodically with water, including swamps, marshes, and bays
- Dunes
- Rare or Endangered Plant Habitat
Designated by the California Native Plant Society
- Rare or Endangered Wildlife Habitat
Appointed by the State of California and the U.S. Fish and Wildlife Service or the California Department of Fish and Game
- Special Treatment Area
Wetlands or riparian areas with special values
- Flooding
Areas having a 100-year flood of 100 years or greater

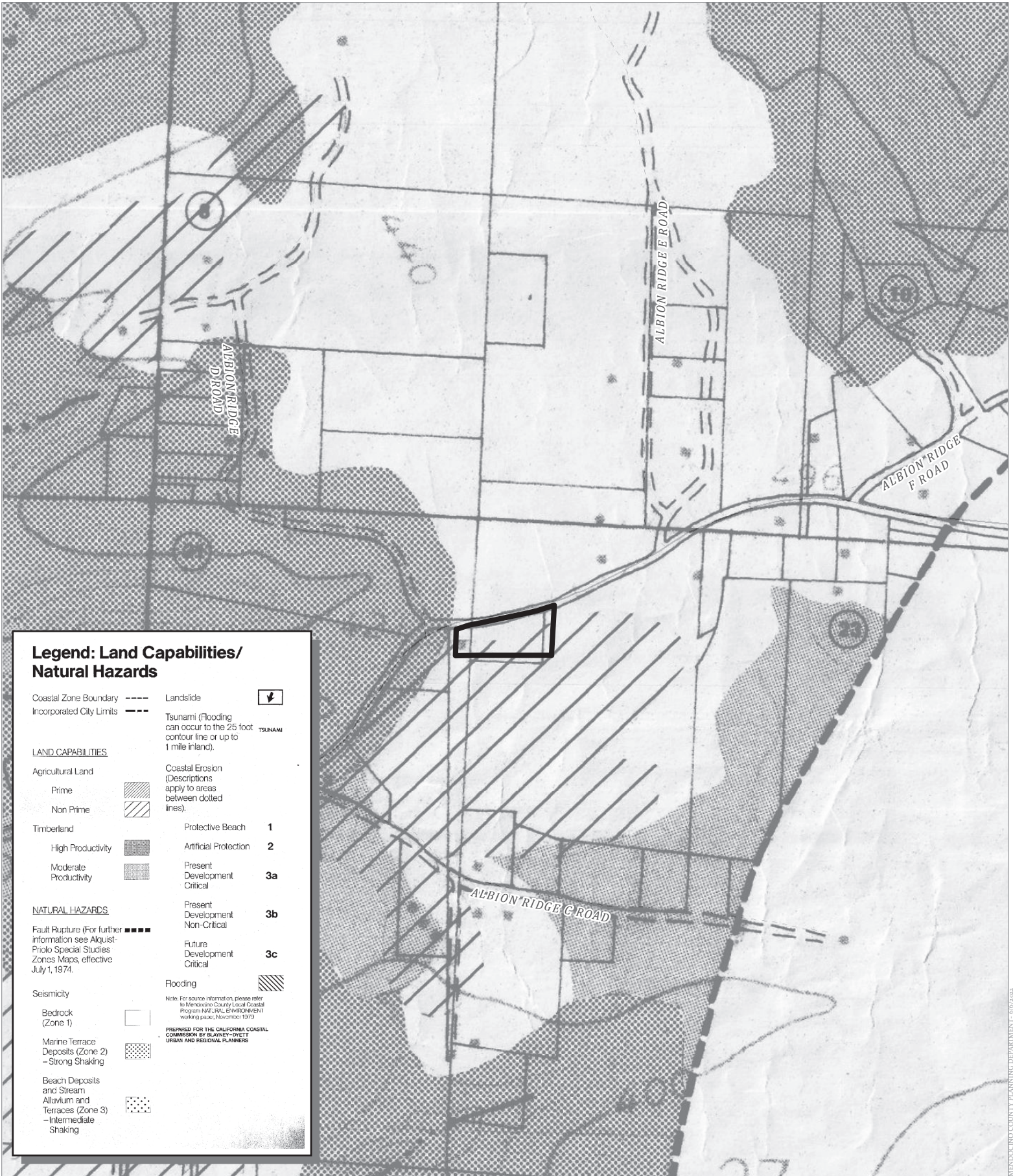
BOUNDARIES

- Urban/Rural Boundary
The boundary between the Urban/Rural and the Rural Use Districts
- Water District
Water District boundary as shown on the map
- Sewer District
Publicly owned sewer district boundary as shown on the map
- Timber Preserve Zone
Designated by the State of California
- Williamson Act
Contract number as per the agreement

CASE: CDP_2022-0018
 OWNER: McNABB, Erin & Ryan
 APN: 123-210-07
 APLCT: Erin & Ryan McNabb
 AGENT:
 ADDRESS: 32601 Albion Ridge Road, Albion



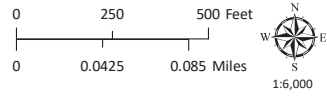
MENDOCINO COUNTY PLANNING DEPARTMENT - 6/17/2023



**Legend: Land Capabilities/
Natural Hazards**

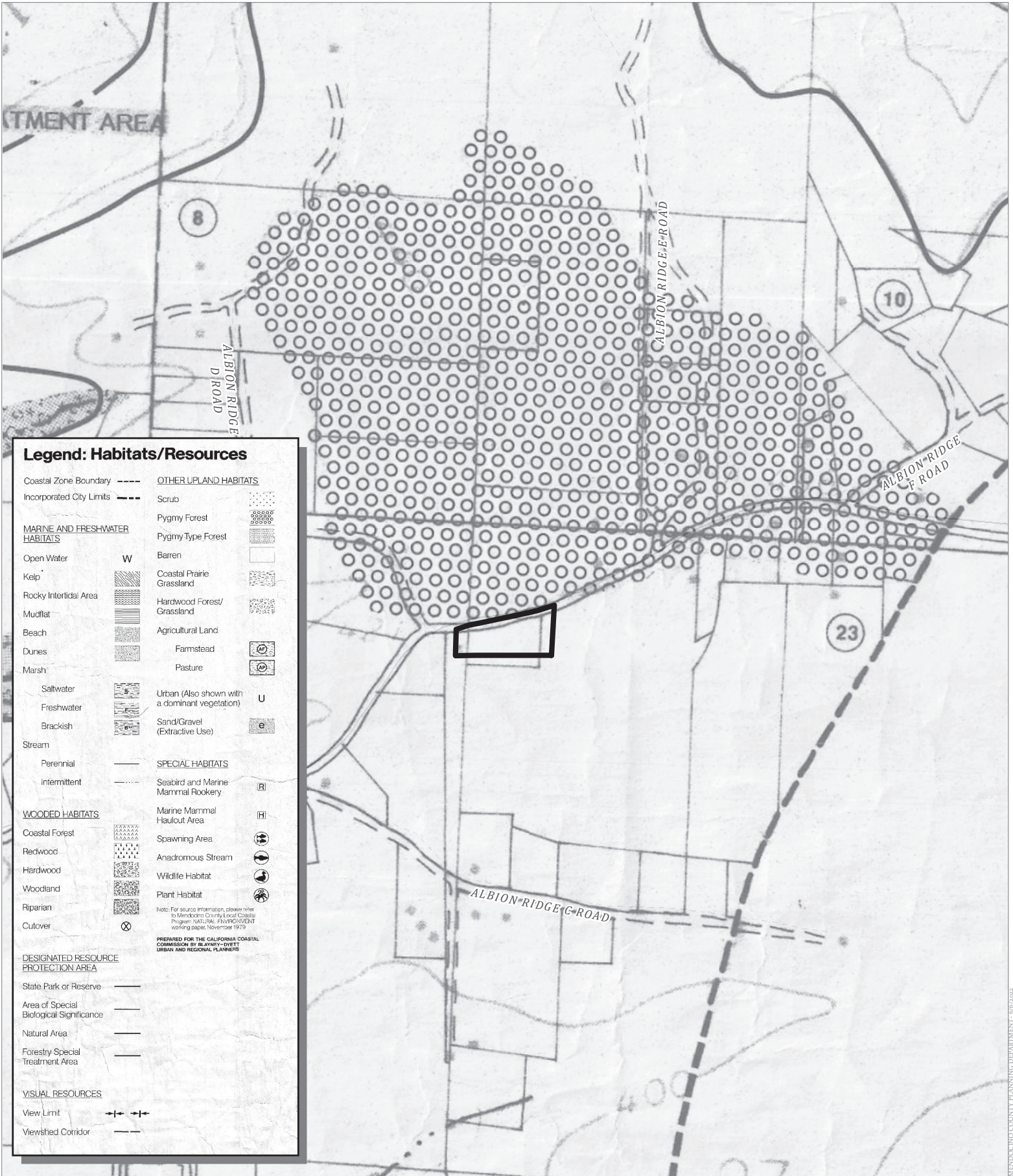
- | | | | |
|--|-----|---|----|
| Coastal Zone Boundary | --- | Landslide | |
| Incorporated City Limits | --- | Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland). | |
| LAND CAPABILITIES | | | |
| Agricultural Land | | Coastal Erosion (Descriptions apply to areas between dotted lines). | |
| Prime | | Protective Beach | 1 |
| Non Prime | | Artificial Protection | 2 |
| Timberland | | Present Development Critical | 3a |
| High Productivity | | Present Development Non-Critical | 3b |
| Moderate Productivity | | Future Development Critical | 3c |
| NATURAL HAZARDS | | | |
| Fault Rupture (For further information see Alquist-Prullo Special Studies Zones Maps, effective July 1, 1974). | --- | Flooding | |
| Seismicity | | <small>Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1979.</small> | |
| Bedrock (Zone 1) | | <small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY ISLANDY-DRETT URBAN AND REGIONAL PLANNERS</small> | |
| Marine Terrace Deposits (Zone 2) - Strong Shaking | | | |
| Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking | | | |

Public Roads



CASE: CDP_2022-0018
 OWNER: McNABB, Erin & Ryan
 APN: 123-210-07
 APLCT: Erin & Ryan McNabb
 AGENT:
 ADDRESS: 32601 Albion Ridge Road, Albion

MENDOCINO COUNTY PLANNING DEPARTMENT - 6/17/2023



Legend: Habitats/Resources

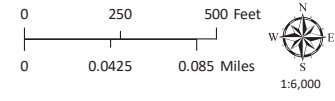
Coastal Zone Boundary	---	OTHER UPLAND HABITATS
Incorporated City Limits	- - - -	Scrub
MARINE AND FRESHWATER HABITATS		
Open Water	W	Pygmy Forest
Kelp	[Symbol]	Pygmy Type Forest
Rocky Intertidal Area	[Symbol]	Barren
Mudflat	[Symbol]	Coastal Prairie Grassland
Beach	[Symbol]	Hardwood Forest/ Grassland
Dunes	[Symbol]	Agricultural Land
Marsh	[Symbol]	Farmstead
Saltwater	[Symbol]	Pasture
Freshwater	[Symbol]	Urban (Also shown with a dominant vegetation)
Brackish	[Symbol]	Sand/Gravel (Extractive Use)
Stream		
Perennial	—	SPECIAL HABITATS
Intermittent	- - - -	Seabird and Marine Mammal Rookery
WOODED HABITATS		
Coastal Forest	[Symbol]	Marine Mammal Haulout Area
Redwood	[Symbol]	Spawning Area
Hardwood	[Symbol]	Anadromous Stream
Woodland	[Symbol]	Wildlife Habitat
Riparian	[Symbol]	Plant Habitat
Cutover	[Symbol]	
DESIGNATED RESOURCE PROTECTION AREA		
State Park or Reserve	—	
Area of Special Biological Significance	—	
Natural Area	—	
Forestry Special Treatment Area	—	
VISUAL RESOURCES		
View Limit	—+—+—	
Viewshed Corridor	—	

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

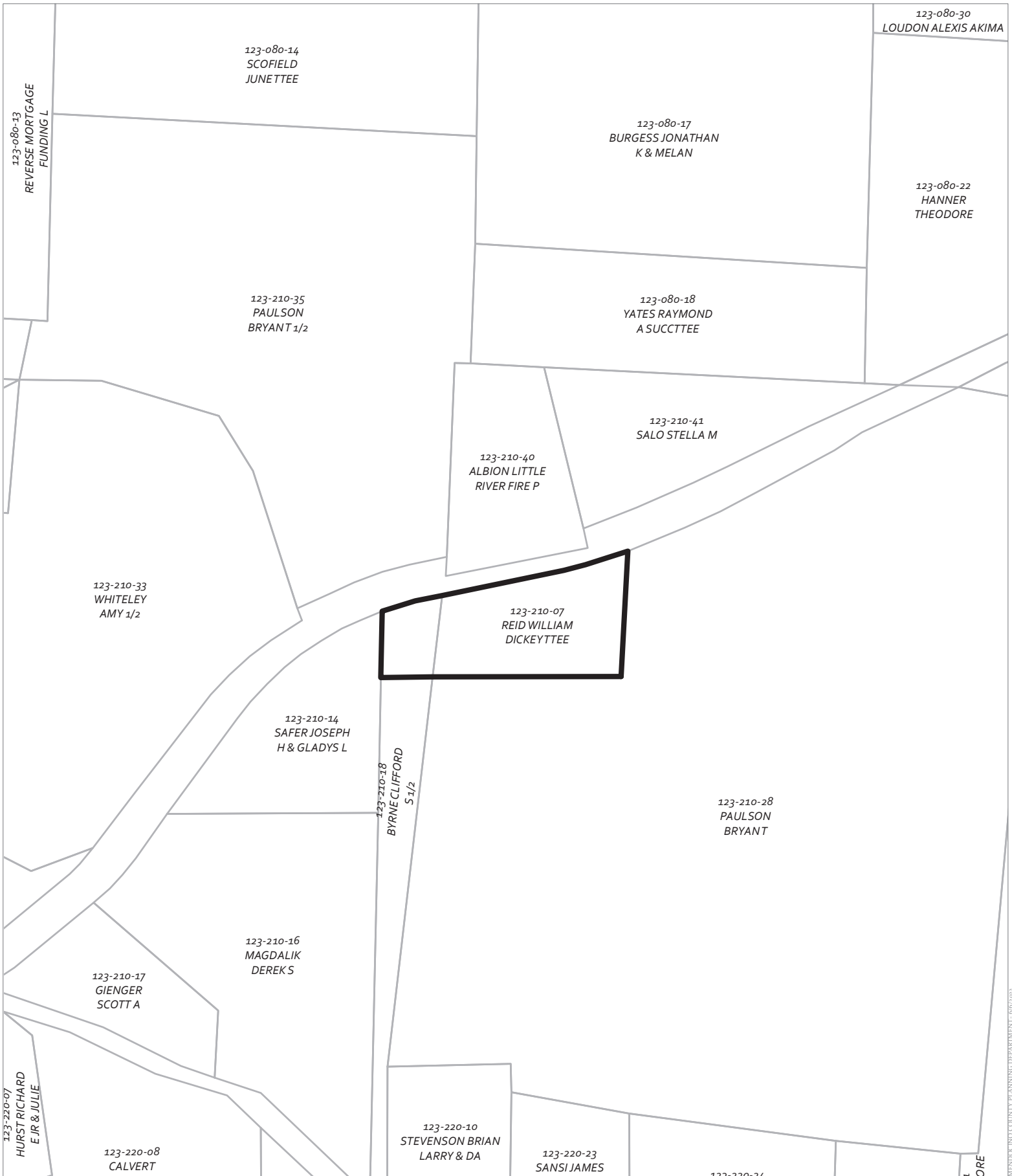
PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAVINY-DYETT URBAN AND REGIONAL PLANNERS

CASE: CDP_2022-0018
 OWNER: McNABB, Erin & Ryan
 APN: 123-210-07
 APLCT: Erin & Ryan McNabb
 AGENT:
 ADDRESS: 32601 Albion Ridge Road, Albion

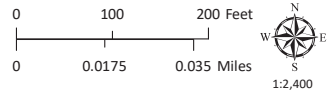
— Public Roads



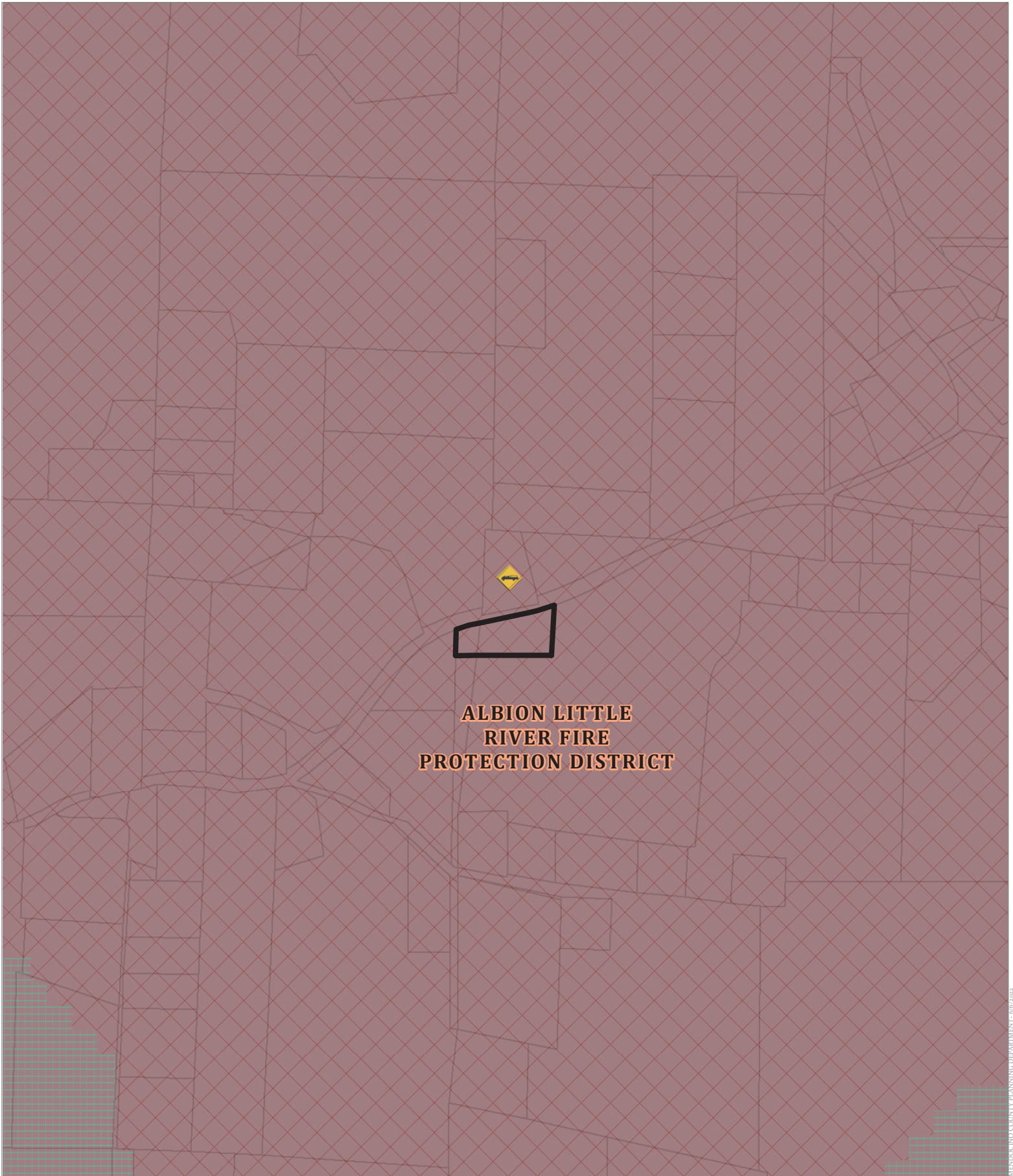
MENDOCINO COUNTY PLANNING DEPARTMENT - 6/7/2023



CASE: **CDP_2022-0018**
 OWNER: **McNABB, Erin & Ryan**
 APN: **123-210-07**
 APLCT: **Erin & Ryan McNabb**
 AGENT:
 ADDRESS: **32601 Albion Ridge Road, Albion**




ADJACENT PARCELS



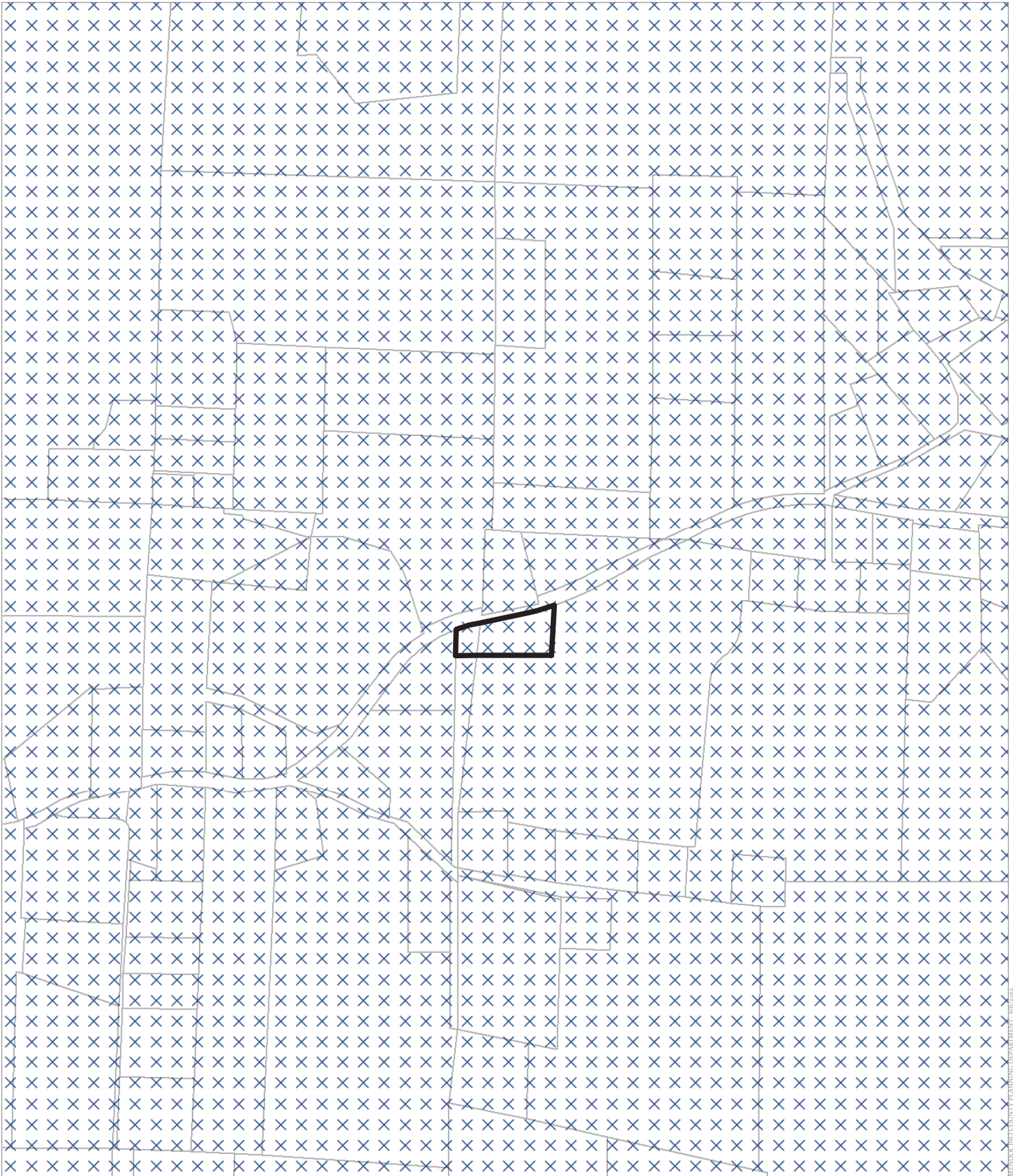
**ALBION LITTLE
RIVER FIRE
PROTECTION DISTRICT**

CASE: CDP_2022-0018
 OWNER: McNABB, Erin & Ryan
 APN: 123-210-07
 APLCT: Erin & Ryan McNabb
 AGENT:
 ADDRESS: 32601 Albion Ridge Road, Albion

 High Fire Hazard
 Moderate Fire Hazard
 Fire Stations
 County Fire Districts

0 250 500 Feet
 0 0.0425 0.085 Miles

 1:6,000

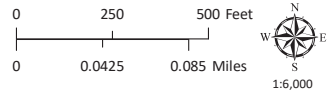
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA



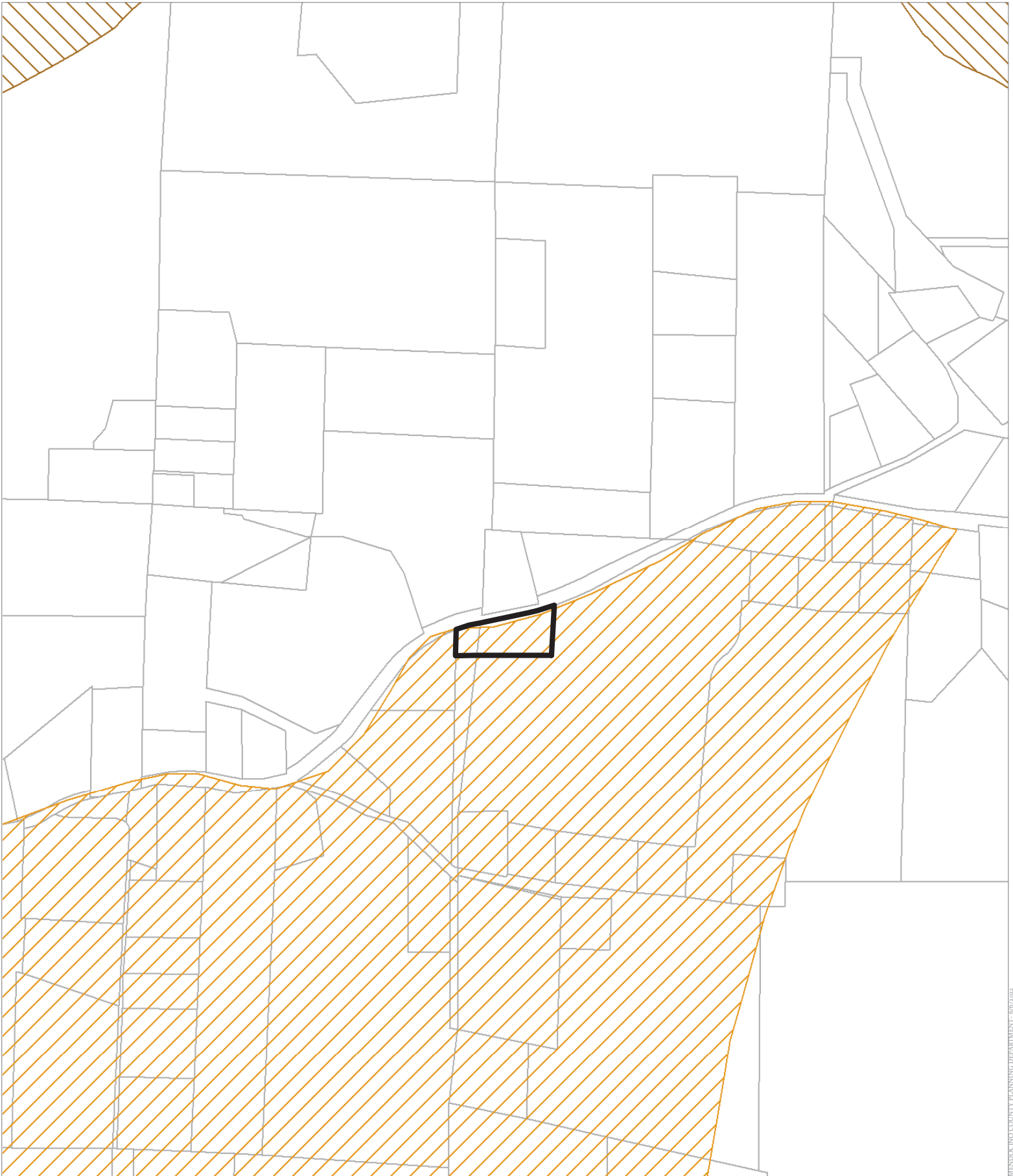
HERKOTO COUNTY PLANNING DEPARTMENT 6/16/23

CASE: CDP_2022-0018
OWNER: McNABB, Erin & Ryan
APN: 123-210-07
APLCT: Erin & Ryan McNabb
AGENT:
ADDRESS: 32601 Albion Ridge Road, Albion



 Critical Water Areas

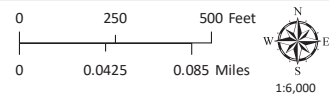


GROUND WATER RESOURCES



CASE: CDP_2022-0018
OWNER: McNABB, Erin & Ryan
APN: 123-210-07
APLCT: Erin & Ryan McNabb
AGENT:
ADDRESS: 32601 Albion Ridge Road, Albion

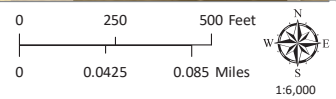
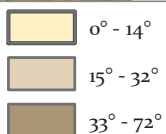
-  Highly Scenic Area
-  Highly Scenic Area (Conditional)



HIGHLY SCENIC & TREE REMOVAL AREAS

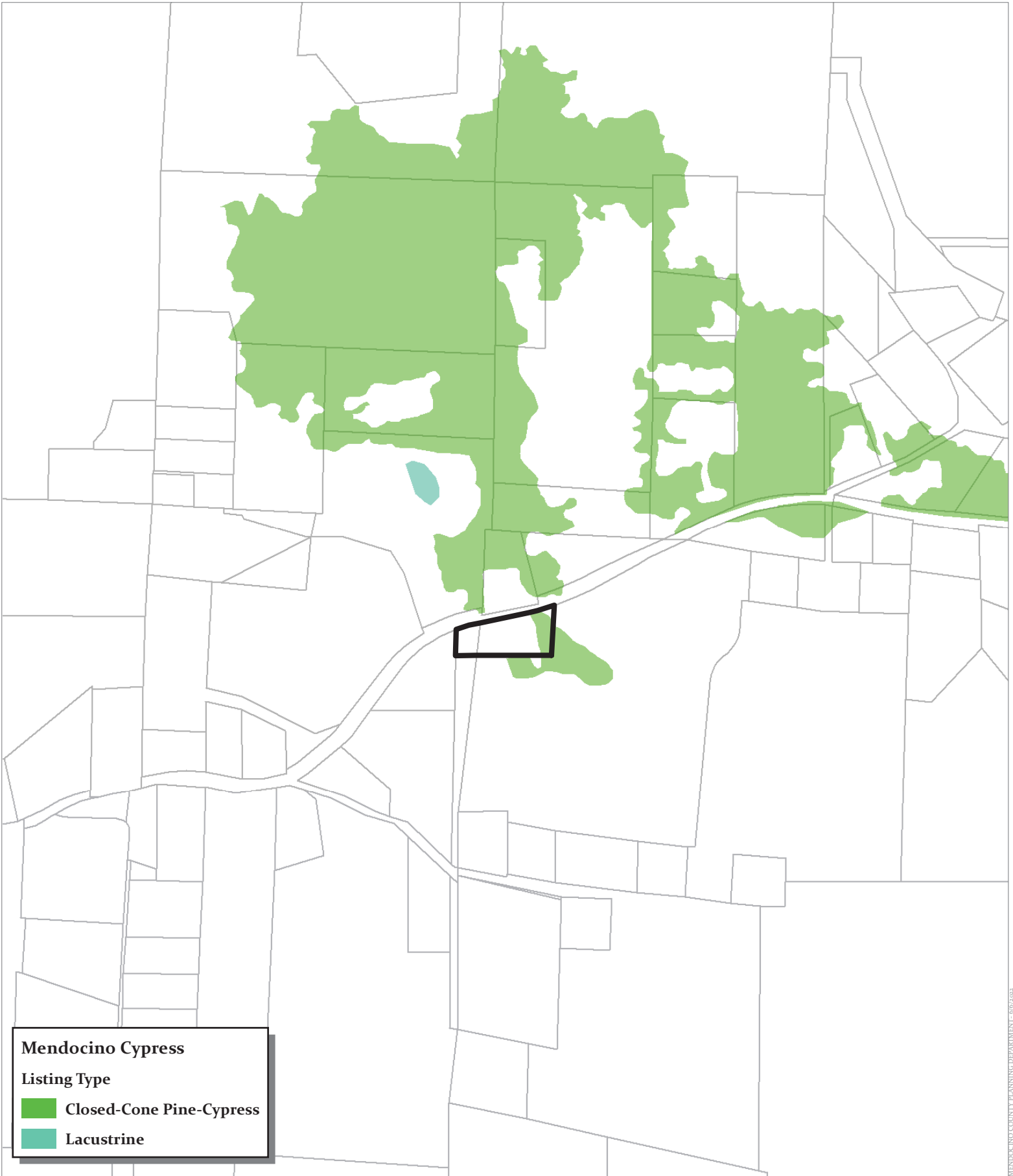


CASE: CDP_2022-0018
OWNER: McNABB, Erin & Ryan
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ADDRESS: 32601 Albion Ridge Road, Albion



ESTIMATED SLOPE

MENDOCINO COUNTY PLANNING DEPARTMENT - 6/17/2023

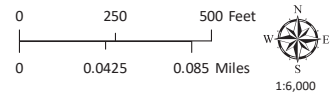


Mendocino Cypress

Listing Type

- Closed-Cone Pine-Cypress
- Lacustrine

CASE: CDP_2022-0018
 OWNER: McNABB, Erin & Ryan
 APN: 123-210-07
 APLCT: Erin & Ryan McNabb
 AGENT:
 ADDRESS: 32601 Albion Ridge Road, Albion



January 2023

Liam Crowley, Planner
County of Mendocino Planning & Building Services
120 West Fir Street
Fort Bragg, CA 95437

RE: McNabb Residence Takings Analysis

Applicant: Erin & Ryan McNabb

Site: 32601 Albion Ridge
Rd.
Albion, CA, 95410
APN: 123-210-07
Parcel Size: 1.13 +/- Acres

Dear Liam,

Enclosed is a "Takings Analysis Report" for the proposed McNabb Residence, along with the plans and application for a Coastal Development Permit. I have also included "Surroundings Development Data" taken from research information gathered for the immediate neighboring properties.

The Takings Analysis Report is being submitted based on the biological/botanical evaluation by Alicia Ives Ringstad at Jacobszoon & Associates, (submitted separately). This report indicates that rare plant and ESHA Areas. While this project is basically a complete new rebuild, the area is not a previously undisturbed parcel. The entire parcel is considered "disturbed ground" and the areas in which the rare plants were discovered are in the previously site's existing structure foundation area.

Feel free to call me with any other questions. Thank you.

Erin McNabb

TAKINGS ANALYSIS

In this case, the McNabb Residence qualifies for a permit under the "takings" avoidance exception.

Public Resources Code § 30010, as applied by the County and the Coastal Commission previously, requires the County and the Coastal Commission to allow at least a single-family home on the McNabb site similar to previously CDP-approved neighboring homes.

The McNabbs qualify for the takings exception under the *Lucas* analysis (since the entire site is ESHA), and also the *Penn Central* analysis since the McNabbs had a reasonable investment-backed expectation for rebuilding/remodeling the existing single-family residence.

The McNabbs purchased the Property with the reasonable expectation of residential use (for rebuilding/remodeling their home for future permanent residency), their investment in the Property was substantial (\$250,000 plus an approximately \$200,000 construction loan), and the proposed rebuilding is commensurate with the reasonable investment-backed expectations for the site (*Penn Central* analysis). The McNabbs purchased the site in part because it was at least 1.1 +/- acres, that was reasonably priced for a parcel that size, with the vision of hard work and determination, could be a future home for their family. Erin is a nurse and already works for Adventist Health, the only healthcare providing acute care hospital in the area (Fort Bragg) and thus would allow for an easy lifestyle transition for her and her family.

The proposed home size and footprint also is reasonable given the parcel size and given prior approval of homes in the area. The proposed residence has a footprint of about 2.8 percent of the total parcel.

An average of all post MCZ (1992) approvals is a total footprint of nearly 3.1 percent, thus indicating that it was reasonable for the McNabbs to assume a residence footprint of the size proposed.

When the McNabbs purchased the property in 2021, the property was zoned for residential use [RR-10 (Rural Residential 10-acre minimum)] and there were numerous existing homes on parcels in the area, including homes partially or fully located in ESHA. The McNabbs were made aware of these other homes by their real estate agent and as a result of their own research of housing in the area.

Consequently, the McNabbs had a reasonable investment-backed expectation that they were purchasing a home and property that could be rebuilt/remodeled/developed consistent with the ESHA policies of the Commission-certified LCP, and their investment reflected that residential use could be accommodated. Given that: (1) There was an existing single family residence on the parcel at the time of purchase (2) the property was planned and zoned for residential use; (3) other homes in the area had been approved even though located in ESHA (4) the McNabbs planned a home footprint (in terms of percentage of site coverage) similar to other homes in the area and a reasonable person would have had a reasonable expectation that the parcel could be developed as a single-family home of the size proposed.

Another advantage that the McNabb Residence has for development compared to some neighboring, approved homes in the area is that there will be little grading needed. No soil will be taken from the site and displaced soil, if any, can be spread around the property.

As such, the topography and geography, along with the McNabb's reasonable investment-backed expectations when purchasing the residence/parcel in 2021, require the approval of the proposed home, as located and configured on the site to minimize impacts to existing sensitive resources and environmental conditions, such as identified wetlands area, botanical/biological report (Jacobszoon & Associates), existing well, pending county-approval

septic system & expansion area. Significant changes to the proposed design and location cannot be achieved without adversely impacting the McNabb's reasonable investment-backed expectations based on these other identified conditions.

The McNabbs were made aware, or became aware, when they were purchasing the property that the Commission and/or County had previously approved other Mendocino County homes located in or impacting ESHA in order to avoid a taking and to comply with Public Resources Code § 30010 and the Constitution. For example, in 2012, the Commission approved Appeal No. A-1-MEN-09-034 (Marr and Marlin) which consisted of a residence with a total surface coverage of 4,759 feet and an 870-foot long driveway. The project impacted wetland ESHA, including the direct filling of 500 square feet of Coastal Act wetlands. However, the project was approved because according to Coastal staff, "To preclude a claim of takings and to assure conformance with California and United States Constitutional requirements, as provided by Coastal Act § 30010, this permit approval allows for the construction of a residential development to provide a reasonable economic use of the subject property." "... [S]ince any economic use of the subject property would necessitate a driveway through and adjacent to the wetland, staff recommends approval of the driveway in order to provide for a reasonable use of the property that will avoid an unconstitutional taking of private property for public use." "In view of the evidence that: (1) permanently restricting use of the property to resource dependent uses could potentially eliminate the economic value of the property; (2) residential use of a small portion of the property would provide an economic use; and (3) an applicant would have had a reasonable investment-backed expectation that a fully mitigated residential use would be allowed on the property, there is a reasonable possibility that a court might determine that the final denial of a residential use, based on the inconsistency of this use with LCP Policies and LCP Zoning would constitute a taking. Therefore, the Commission determines that the County LCP in this case does not preclude developing the proposed driveway within the wetland ESHA."

Similarly, in 2010, the Commission approved Appeal No. A-1-MEN-09-023 for a single-family home built entirely in ESHA in order to avoid a taking and to comply with Public Resources Code § 30010.

It was thus reasonable for the McNabbs to expect that they would be treated similarly by the County and the Commission.

For these reasons, the McNabb Residence as proposed qualifies for the takings exception.

In further support of this analysis, we submit the following information typically requested by the County in a takings exception analysis:

INFORMATION NEEDED TO EVALUATE PROPERTY CONSISTENCY WITH COASTAL ACT SECTION 30010

1. When the property was acquired, and from whom: (What date??) **Gina Smith Trustee, Reid Trust, William Dickey, recorded with Mendocino County on 08/26/2021. Document Number 2021-12983**
2. The purchase price paid for the property: **\$250,000 and additional \$200,000 construction loan/mortgage**
3. The fair market value of the property at the time it was acquired and the basis upon which fair market value was derived: **\$250,000 as is, and \$620,000 after the proposed rebuild/remodel.** Local Real Estate Comparisons by Umpqua Bank.
4. Whether a general plan, zoning, or similar land use designations applicable to the property changed since the time the property was purchased. If so, identify the particular designation(s) and applicable change(s): **NO**
5. At the time the property was purchased, or at any subsequent time, whether the project has been subject to any development restriction(s) (e.g., restrictive covenants, open space easements, etc.), other than the land use designations referred to in the preceding question: **No.**
6. Whether the size or use of the property changed in any way since it was purchased. If so, identify the nature of the change, the circumstances, and the relative date(s): **Yes. After purchasing the residence, the McNabbs discovered a previously undiscovered easement that unknowingly existed for decades. The McNabbs had to file for complaint for Quiet Title and Declaratory Relief, for a portion of the parcel that the existing home structure laid. Quiet Title Judgement to real property was finalized in the Mendocino County Courts on 05/16/2022 by Judge Jeanine B. Nadel.**
7. Whether a portion of, or interest in, the property was sold or leased since the time the applicants purchased it, and the relevant date(s), sales price(s), rent assessed, and the nature of the portion or interest sold or leased: **NO**
8. A copy of any title report, litigation guarantee or similar document that might have been prepared in connection with all or a portion of the property, together with a statement of when the document was prepared and for what purpose (e.g., refinancing, sale, purchase, etc.): **SEE ENCLOSED INFORMATION**
9. The *approximate* date and *offered* price of any offers to buy all or a portion of the property since the time the applicants purchased the property: **NONE**
10. The costs associated with ownership of the property on an annualized basis for the last five calendar years. These costs should include, but not necessarily be limited to, the following:
 - a. property taxes: (yearly) \$ **854.73** (2021), \$2,564.19 (2022)
 - b. property assessments: **0**
 - c. debt service, including mortgage and interest costs: **\$360,000**
 - d. operation and management costs:
 - i. Septic Design: \$45,000 (TBD date)
 - ii. Biological/Botanical Report: \$11,408.50
 - iii. Surveyor: \$2,250
 - iv. Archeological: \$2,675

- v. Engineering/Architectural Design & CDP Permit Analysis to date: \$19,000
- vi. Well: Existing: Work cost: \$4,600
- vii. Attorney Fees: \$9,000

SUBMITTAL OF COUNTY PARCEL AND HOUSE SIZE DATA FOR SURROUNDING DEVELOPMENTS. Stories (Exhibits 1-2, Table 1):

- a. Assessor's Parcel Number: **123-210-07**
- b. Parcel Physical Address: **32601 Albion Ridge Rd.**
- c. Parcel Owner Name: **Erin & Ryan McNabb**
- d. Whether the development is single-story or 2-story: **1 story**
- e. Total house size, in square feet (including square footage of a second story, if applicable): **1366 sf**
- f. Total garage size, in square feet (including square footage of second story, if applicable): **Existing garage/outbuildings to stay the same**
- g. **Total footprint** square footage (i.e., size of development footprints, excluding lofts and/or second stories) for house, garage/workshop, covered porches, pumphouse, (excluded: decks 30" above grade, gravel driveway, second floors): **1366**
- h. Past Coastal Development (well) and/or building permit number (NA): **TBD**



County of Mendocino

Department of Planning and Building Services

860 North Bush Street - Ukiah, CA – 95482 - 707-234-6650

www.mendocinocounty.org/government/planning-building-services

CEQA Initial Study for:
CDP_2022-0018 (McNabb)
Mitigated Negative Declaration
July 17, 2023

Lead Agency:
Mendocino County

Lead Agency Contact:
Liam Crowley, Planner II

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1.0 INTRODUCTION

1.1 Purpose of the Initial Study Checklist

The purpose of this Initial Study (IS) is to determine the environmental impacts associated with the proposed project and to determine if the project will have a significant adverse effect on the environment. As such, only one option—the proposed project—need be evaluated. If the IS reveals that the project will have a significant adverse effect on the environment, an Environmental Impact Report (EIR) will be required. This will necessitate the consideration of a range of reasonable alternatives that would achieve most of the basic objectives of the project but would also avoid or substantially lessen any of the significant effects of the project.

1.2 Initial Study Checklist Document

This document in its entirety is an Initial Study Checklist prepared in accordance with the California Environmental Quality Act (CEQA), including all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.).

2.0 PROJECT BACKGROUND

2.1 Project Location

In the Coastal Zone, 2.5± miles east of Albion, on the south side of Albion Ridge Road (CR 402), 1.32± miles east of its intersection with State Route 1, located at 32601 Albion Ridge Road, Albion. (Refer to Exhibit 1).

The Project site includes the following Assessor Parcel Numbers (APNs):

- 123-210-07 and 123-210-18

2.2 Project Description

The project involves application for a Standard Coastal Development Permit to legalize after-the-fact demolition of an existing 1,366 square foot residence and permit construction of a new residence in the same location. An electrical power pole would also be installed. The applicant previously demolished three walls of an existing single-family residence on the project site, leaving one standing wall and a cinder block perimeter foundation. The project would make use of the existing foundation for the new residence. The residence would be 18 feet in height. No additional landscaped area is proposed. Electric service exists to the parcel via Pacific Gas & Electric. No use of natural gas is proposed. The project would include exterior lighting, including front porch lights at the front door and a light at the back of the house at the covered porch area. The project would use an existing well and septic system. No grading or road construction is planned. No vegetation removal is planned. (Refer to Exhibit 2)

The Project's application materials are on file with the Mendocino County Department of Planning and Building Services, located at 860 North Bush Street, Ukiah, CA 95482 and are hereby incorporated by reference.

2.3 Existing Site Conditions/Environmental Setting

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced..." (CEQA Guidelines §15125[a]).

Staff conducted a site visit of the property on June 16, 2022. The project site was accessed via Albion Ridge Road (CR 402). The lot was mostly flat, with a small dirt driveway leading to an existing garage-workshop and the remains of the partially demolished residence. The perimeter foundation and one wall of the former residence was present. Several other structures were

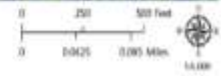
located on the site, including a pump house, water tower, water tanks, greenhouse, carport, garage, deck, and storage shed. Shrubs and small trees lined the north and east side of the lot along Albion Ridge Road, but most of the lot was dominated by grasses. A large portion of the lot was inundated with shallow water and mud during the site visit. A concrete block was located to the south of the demolished house, with what appeared to be a septic tank casing.

EXHIBIT 1: Project:



CASE: CDP_2022-008
OWNER: McNABB, Erin & Ryan
APN: 123-210-07
AGENT: Erin & Ryan McNabb
ADDRESS: 32601 Albion Ridge Road, Albion

Public Roads
Private Roads

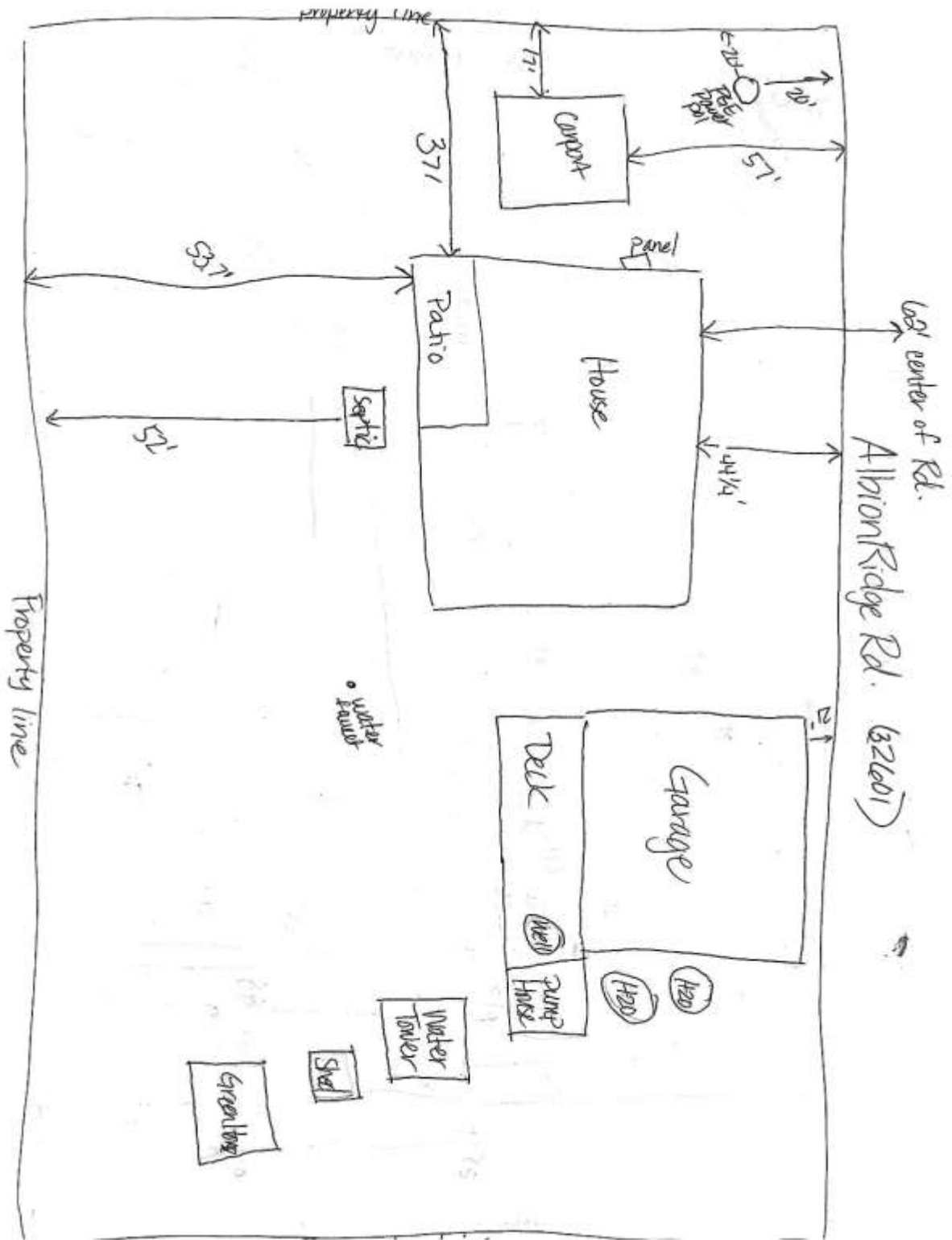


AERIAL IMAGERY

Map/Aerial Photo

ocation

EXHIBIT 2: SITE PLAN



3.0 INITIAL STUDY/ENVIRONMENTAL CHECKLIST

This Initial Study Checklist has been prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. The Project is evaluated based on its potential effect on 20 environmental factors categorized as follows, as well as Mandatory Findings of Significance:

- | | |
|-------------------------------------|-----------------------------------|
| 1. Aesthetics | 11. Land Use & Planning |
| 2. Agriculture & Forestry Resources | 12. Mineral Resources |
| 3. Air Quality | 13. Noise |
| 4. Biological Resources | 14. Population & Housing |
| 5. Cultural Resources | 15. Public Services |
| 6. Energy | 16. Recreation |
| 7. Geology & Soils | 17. Transportation |
| 8. Greenhouse Gas Emissions | 18. Tribal Cultural Resources |
| 9. Hazards & Hazardous Materials | 19. Utilities and Service Systems |
| 10. Hydrology & Water Quality | 20. Wildfire |

Each factor is analyzed by responding to a series of questions pertaining to the impact of the Project on said factor in the form of a checklist. This Initial Study Checklist provides a manner to analyze the impacts of the Project on each factor in order to determine the severity of the impact and determine if mitigation measures can be implemented to reduce the impact to less than significant without having to prepare an Environmental Impact Report.

CEQA also requires Lead Agencies to evaluate potential environmental effects based, to the extent possible, on scientific and factual data. A determination of whether or not a particular environmental impact will be significant must be based on substantial evidence, which includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

The effects of the Project are then placed in the following four categories, which are each followed by a summary to substantiate why the Project does not impact the factor with or without mitigation. If “Potentially Significant Impacts” that cannot be mitigated are found, then the Project does not qualify for a Mitigated Negative Declaration and an Environmental Impact Report must be prepared.

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

No Impact: No impact(s) identified or anticipated. Therefore, no mitigation is necessary.

Less than Significant Impact: No significant impact(s) identified or anticipated. Therefore, no mitigation is necessary and no mitigation measures are required.

Less than Significant Impact with Mitigation Incorporated: Potentially significant impact(s) have been identified or anticipated, but mitigation is possible to reduce impact(s) to a less than significant category. Mitigation measures must then be identified.

Potentially Significant Impact: Potentially significant impact(s) have been identified or anticipated that cannot be mitigated to a level of insignificance. An Environmental Impact Report must therefore be prepared.

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

DETERMINATION: Based on this initial evaluation, the following finding is made:

- The proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** shall be prepared.
- Although the proposed project could have a significant effect on the environment, there shall 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** shall be prepared.
- The proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- 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.
- 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.

3.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

Discussion: A “scenic vista” is defined as *a singular vantage point that offers high quality, harmonious, or visually interesting views of a valued landscape for the benefit of the public*. Scenic vistas are typically found along major highways or other public roads but may also occur in other areas accessible to the public.

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

¹ Streets and Highways Code, CA SHC § 260 (1969).

20 (SR-20), and all of State Route 128 (SR-128) is listed as “eligible”². No National Scenic Byways are located in Mendocino County as designated by the U.S. Secretary of Transportation³.

Additionally, the County has two roadway segments designated as “heritage corridors” by California Public Resources Code Section 5077.5. The North Coast Heritage Corridor includes the entire segment of SR 1 in the county, as well as the segment of U.S. Highway 101 from the junction with SR 1 in Leggett, north to the Humboldt County line. The Tahoe-Pacific Heritage Corridor extends from Lake Tahoe to the Mendocino County coast. It includes the entire segment of SR 20 within the county and the segment of US 101 from the SR 20 junction north of Calpella to the SR 20 highway exit south of Willits. Mendocino County’s General Plan Resource Management Goal RM-14’s (Visual Character) objective is: *Protection of the visual quality of the county’s natural and rural landscapes, scenic resources, and areas of significant natural beauty.*

The main source of daytime glare in the unincorporated portions of the Mendocino County is from sunlight reflecting from structures with reflective surfaces, such as windows. A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by “light pollution.” Two elements of light pollution may affect county residents: sky glow (a result of light fixtures that emit a portion of their light directly upward in the sky), and light trespass (poorly shielded or poorly aimed fixtures which cast light into unwanted areas, such as neighboring properties and homes). Different lighting standards are set by classifying areas by lighting zones (LZ). The 2000 Census classified the majority of Mendocino County as LZ2 (rural), which requires stricter lighting standards in order to protect these areas from new sources of light pollution and light trespass. Mendocino County’s General Plan Resource Management Goal RM-15’s (Dark Sky) objective is: *Protection of the qualities of the county’s nighttime sky and reduced energy use.*

According to the 2020 U.S. Census, there are three “Urban Areas” in Mendocino County: Ukiah, Willits, and Fort Bragg. Some of these Urban Areas extend into the unincorporated portions of the County. The Census provides shapefiles for use in visualizing these Urban Areas. The following County regulations govern scenic quality:

- Mendocino County Code (MCC) Chapter 20.504 – Visual Resource and Special Treatment Areas
- Mendocino County Coastal Element Chapter 3.5 – Visual Resources, Special Communities and Archaeological Resources
- Ukiah Valley Area Plan Chapter 4 – Community Design
- Mendocino County General Plan Chapter 6 – Community Specific Policies
- Mendocino County General Plan Policy DE-85: *“Viewshed preservation shall be considered when development is located in a highly scenic environment, adjacent to or atop a ridgeline or hill, and in similar settings.”*

a. Have a substantial adverse effect on a scenic vista?

No Impact: Views from the project site and adjacent public road are not indicative of a scenic vista. Near the project site, trees line the edge of Albion Ridge Road, and much of the surrounding area is dense forest that cannot be seen through. The site is not on a ridgeline or adjacent to the sea and is not within the visual path of the same. This visual characteristic is not unique to the area. The surrounding parcels contain dense forest, small amounts of grassland or cleared land, and residential structures. Construction would resemble the previous building mass and would not further damage the visual quality of the area because it would be in keeping with surrounding residential development. No vegetation removal is proposed.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact: The site is not in the vicinity of a scenic highway. The proposed residence would be located on a previously developed building envelope and no vegetation removal is proposed.

² Streets and Highways Code, CA SHC § 263.2 to 263.8 (2019).

³ U.S. Department of Transportation. Federal Highway Administration. *National Scenic Byways & All-American Roads*. Retrieved from <https://fhwaapps.fhwa.dot.gov/bywaysp/States/Show/CA>.

- c. ***In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?***

No Impact: The site is in a non-urbanized area. The site can be seen while travelling along Albion Ridge Road. Residential structures are typical of the site and its surroundings. The site contains open grassland, existing accessory structures, and trees. Trees line the edges of the property on two sides, and adjacent parcels are obscured by these trees. The site itself does not offer high quality or unique views. Construction of a single-family residence on the site would not impact the surrounding visual character because the proposed building mass is similar to surrounding residential structures and would not extend beyond the property boundaries. The proposed design features of the residence itself are also in keeping with surrounding development, including proposed color. The immediate surroundings themselves do not offer high quality or unique views, and thus the building mass would not block such views.

- d. ***Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?***

Less Than Significant Impact: The proposed development is subject to the requirements of the Mendocino County Coastal Zoning Code. Section 20.504.035 establishes exterior lighting regulations. These regulations are included as standard conditions of approval within a Coastal Development Permit. The proposed residence would be required to install downward facing and shielded exterior lighting in accordance with Section 20.504.035. The existing regulations ensure that the proposed development would no produce substantial light or glare. In addition, the proposed materials and colors do not include highly reflective objects.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Aesthetics.

3.2 AGRICULTURE AND FORESTRY RESOURCES

<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest</i></p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
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<i>Protocols adopted by the California. Would the Project:</i>				
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 checked="" type="checkbox"/>	<input 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 PRC 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 forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Discussion: The California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) which produces maps and statistical data used for analyzing impacts on California’s agricultural resources. The FMMP mapping survey covers roughly 98% of privately owned land in the state. Each map is updated at approximately two-year intervals. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called “Prime Farmland”. Other critical designations include “Unique Farmland” and “Farmland of Statewide Importance.” The most recent map covering Mendocino County was published in 2018.

The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for an agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses.

The Timberland Production Zone (T-P) 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 T-P lands except where necessary and compatible with ongoing timber production. The original purpose of T-P Zoning District was to preserve and protect timberland from conversion to other more profitable uses and ensure that timber producing areas not be subject to use conflicts with neighboring lands.

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

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

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

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

a. 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?

No Impact: The project site is classified by FMMP mapping as "Rural Residential Land". The project would not convert any off-site land to a different use.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Less Than Significant Impact: The project site is not within lands under a Williamson Act contract. The subject parcel is within the Rural Residential (RR) zoning district as regulated by Mendocino County Coastal Zoning Code Chapter 20.376. Permitted agricultural use types in the RR district include "Light Agriculture", "Row and Field Crops", and "Tree Crops". "Family Residential: Single-family" use is also permitted in the RR district. The proposed development would not conflict with this zoning district or significantly conflict with the potential for future agricultural use of the property because the development would make use of an existing foundation and the ratio of developed area to total parcel size is small enough to allow undeveloped areas to be used for agriculture (2.8%).

c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or

timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact: The proposed project does not involve rezoning. Several native trees are located on the property, but it is unlikely that the site meets the definition of forest land and timberland. As mentioned above, the Rural Residential zoning district allows for some agricultural uses, including management of tree crops. However, no tree removal is proposed as part of the project, and the use of an existing building footprint would not create any impact to the capability of the land for such uses.

d. Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact: As stated above, the proposed project would not involve the removal of any vegetation, including native trees. Use of the existing building footprint would not result in conversion of any forest land to non-forest use.

e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?

No Impact: No other changes to the existing environment are expected to occur beyond on-site construction and operation activities. These activities would not result in the conversion of farmland to non-agricultural use as noted in the responses above.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Agricultural and Forestry Resources.

3.3 AIR QUALITY

<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Discussion: Mendocino County is located within the North Coast Air Basin. Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing the state and federal Clean Air Act, as well as local air quality regulations. Air Districts in California develop regulations based on the measures identified in the Clean Air Act and its Clean Air plan as well as state regulations. In Mendocino County, these are known as the district “Rules and Regulations”. These regulations establish the procedure for new point source emissions to obtain an air quality permit, air quality standards for new construction, and others. In 2005, MCAQMD adopted a Particulate Matter Attainment Plan which quantified past and present Particulate Matter levels and recommended control measures to reduce emissions. These control measures were incorporated into the District Rules and Regulations.

MCAQMD Rule 1-400 states: “A person shall not discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or that endanger the comfort, repose, health or safety of any such persons or the public or that cause or have a natural tendency to cause injury or damage to business or property.”

According to the US Environmental Protection Agency (EPA) Nonattainment Areas for Criteria Pollutants (Green Book), Mendocino County is in attainment for all National Ambient Air Quality Standards (NAAQS).⁴ In addition, Mendocino County is currently in attainment for all California Ambient Air Quality Standards (CAAQS). The County achieved attainment in 2021.⁵ The Hydrogen Sulfide and Visibility Reducing Particles designations remain unclassified in Mendocino County.

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

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

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

Mendocino County also contains areas where naturally occurring asbestos (NOA) is known to occur. When asbestos fibers are disturbed, such as by grading and construction activities, the fibers can be released into the air. These fibers can cause serious health threats if inhaled. Ultramafic rocks are an indicator of possible asbestos minerals, including a rock known as serpentine. Serpentine and ultramafic rocks are common in the eastern belt of the Franciscan Formation in Mendocino County. Planning & Building Services

⁴ U.S. Environmental Protection Agency (2023). *Nonattainment Areas for Criteria Pollutants (Green Book)*. Retrieved from <https://www.epa.gov/green-book>.

⁵ California Air Resources Board (2022). 2021 Amendments to Area Designations for State Ambient Air Quality Standards. Retrieved from <https://ww2.arb.ca.gov/rulemaking>.

⁶ Mendocino County Air Quality Management District (2013). *District Interim CEQA Criteria and GHG Pollutant Thresholds*. Retrieved from <https://www.co.mendocino.ca.us/aqmd/>.

⁷ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

uses a map derived from the California Bureau of Mines and Geology and the US Department of Agriculture's Natural Resource Conservation Service (NRCS) to identify areas likely to have asbestos-containing geologic features. MCAQMD has adopted policies for areas containing NOA. For projects in areas identified as potentially containing NOA, the District requires an evaluation and report by a State registered geologist to determine that any observed NOA is below levels of regulatory concern in the areas being disturbed. If it is determined that NOA is present at levels above regulatory concern, or the applicant chooses not to have the testing and evaluation conducted, MCAQMD requires that certain measures be implemented in accordance with Title 17 California Code of Regulations Section 93105.⁸

a. Conflict with or obstruct implementation of the applicable air quality plan?

No Impact: The project application was referred to MCAQMD on June 16, 2022. No response was received. The project is expected to comply with existing regulatory requirements of MCAQMD. This includes MCAQMD Rule 1-430, which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land. As proposed, the project does not conflict with MCAQMD Rules and Regulations because it would be bound by the existing regulatory structure, including consultation with MCAQMD and any required permits. No project features are proposed which would conflict with District Rules and Regulations, such as wood-burning stoves.

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

No Impact: Mendocino County is currently in attainment for all criteria pollutants at both the State and Federal level.

c. Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact: Some pollutant emissions may occur due to construction and operation of the single-family residence. The nearest school is located approximately 1.7 miles away (Albion School). The nearest hospital is located approximately 14.7 miles away in Fort Bragg (Adventist Health). Other nearby sensitive receptors include the Diamonds on the Water senior care facility (1.9 miles away) and Oceanside Retirement Living (3.1 miles away). In addition to the significant distance between the project site and sensitive receptor locations and considering that the development of a single-family residence on the lot would likely be exempt from MCAQMD permit requirements for indirect source pollution, it is reasonable to conclude that construction and operation of the project would not expose sensitive receptors to substantial pollutant concentrations.

d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact: Construction and operation of a single-family residence is unlikely to produce any strong odors. Diesel exhaust associated with construction equipment may produce odors, but these emissions would be temporary. Though residential development is not expected to result in significant odors, MCAQMD can determine that a source of odors be considered a public nuisance due to received complaints. MCAQMD then has the authority to require the source to implement mitigation measures to correct the nuisance conditions. This regulatory structure ensures that unanticipated odor sources that may arise from the project are handled appropriately. The project site is not in an area of known serpentine or ultramafic rock.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Air Quality.

⁸ Mendocino County Air Quality Management District (2013). *Policies for Areas Containing Naturally Occurring Asbestos (NOA)*. Retrieved from <https://www.co.mendocino.ca.us/aqmd>.

3.4 BIOLOGICAL RESOURCES

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Wildlife 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 Wildlife 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.

Discussion: In accordance with CEQA Guidelines Section 15380, a species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:

- Sections 670.2 or 670.5, Title 14, California Code of Regulations
- Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered”

The following may also be considered a special status species:

- Species that are recognized as candidates for future listing by agencies with resource management responsibilities, such as US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NOAA Fisheries, also known as NMFS), and California Department of Fish and Wildlife (CDFW)
- Species defined by CDFW as California Species of Special Concern
- Species classified as “Fully Protected” by CDFW
- Plant species, subspecies, and varieties defined as rare or threatened by the California Native Plant Protection Act (California Fish and Game Code Section 1900, et seq.)
- Plant species listed by the California Native Plant Society (meeting the criteria in CEQA Guidelines Section 15380) according to the California Rare Plant Ranks (CRPR)
- Mountain lions protected under the California Wildlife Protection Act of 1990 (Proposition 117) and designated as a “specially protected mammal in California.

The Mendocino County General Plan identifies four (4) “sensitive habitats”, including Serpentine Soils and Rock Outcrops, Pygmy Forest, Wetlands and Waters of the United States, and Old-Growth Forest. Table 4-A of the General Plan contains a list of locally identified “special-status species” found in Mendocino County. In addition, General Plan Section 4-10 identifies Coho salmon, Chinook salmon, and steelhead trout as species for which habitat is found in large portions of Mendocino County. These species are of federal, state, and local concern.

The California Natural Diversity Database (CNDDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, agencies, and conservation organizations. The data helps drive conservation decisions, aid in the environmental review of projects and land use changes, and provide baseline data helpful in recovering endangered species and for research projects. Currently, CNDDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Endangered. Planning & Building Services uses CNDDDB mapping to assist in identifying project-specific locations where special-status species have been found.

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

Section 404 of the federal Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States. Section 404 requires a permit before dredged or fill material may be discharged unless the activity is exempt. Section 404 defines wetlands as *“those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that*

under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog, and similar areas.”

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

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

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

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

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

Mendocino County Coastal Zoning Code Chapter 20.496 establishes regulations for Environmentally Sensitive Habitat and Other Resource Areas (ESHA). Section 20.496.020 requires that a buffer be established adjacent to all identified ESHA. The purpose of the buffer is to provide for a sufficient area to protect the ESHA from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas. In addition, Chapter 20.496 limits the type of development or activities within wetlands, estuary areas, open coastal waters, lakes, streams, rivers, riparian corridors, riparian resource areas, dunes, and Pygmy forests. If development is permitted in such areas, Chapter 20.496 establishes specific limitations and requires findings to support approval.

a. Have a substantial adverse effect, either directly or through habitat modifications, on

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

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?

Less Than Significant Impact With Mitigation Incorporated: CNDDDB mapping associates the parcel with occurrences of four (4) special-status species. IPaC mapping associates the parcel with twelve (12) federally threatened or endangered species. A “Biological Resources Assessment and ESHA Analysis” was prepared in association with the project. The report notes that rare and special-status plant surveys were conducted on June 3, 2022 and July 15, 2022. The study area included the entirety of the parcel. No sensitive natural communities were identified within the study area. However, a few individual Bishop pine and Pygmy cypress trees were present in the northeastern portion of the study area, but not enough to be considered a community.

The report notes that fifty-three (53) special-status plant species have been documented within the vicinity of the study area. Thirty-five (35) special-status plant species have moderate or high potential to occur within the study area. The report notes that all but two (2) of these species were either not observed or not present in the study area. Two (2) individual pygmy cypress trees were observed within the study area. Two (2) small populations of harlequin lotus (*Hosackia gracilis*) were observed within the study area. The report notes that thirty-eight (38) special-status wildlife species have been documented within the vicinity of the study area. Four (4) of these species have a moderate or high potential to occur within the study area. None of these species were observed within the study area.

The report includes the following recommendations for special-status species in relation to the project:

- That a seasonally appropriate rare plant survey be conducted in the spring for plants that have moderate or high potential to occur within the study area. The report notes that a Rare Plant Survey addendum will be added to the report in Spring 2023, to be conducted by the report author Jacobszoon and Associates Inc.
- That a buffer of 50 feet around the two (2) populations of *Hosackia gracilis* shall be sufficient to not disturb the populations from re-construction in the proposed project area.
- That a buffer of 100 feet around the two (2) pygmy cypress trees shall be sufficient to not disturb the trees from re-construction in the proposed project area.
- If special-status insect nests are observed during reconstruction, it is recommended that active nests not be removed, relocated, or otherwise disturbed until the nest become inactive.
- That trees or other vegetation occupied by overwintering populations of butterflies not be removed or otherwise disturbed until all butterfly species have left the site.

Construction activities are unlikely to impact special-status plant species observed on the project site because the existing and proposed building footprint is located outside of the buffer areas recommended in the survey report. Though other special-status species were not observed during the surveys, the potential for such species to occupy or pass through the site in the future remains. Therefore, the project has the potential to indirectly impact special-status species. Following development, operational impacts are unlikely to occur because access to the proposed residence would occur through an existing driveway and additional ground disturbance would not occur. To ensure that indirect impacts associated with construction and operation do not significantly impact special-status species, mitigations measures are suggested based on the recommendations contained in the report (see ‘Mitigation Measures’ below). According to the biological report, no oak woodlands are present on the site.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact: VegCAMP mapping classifies most of the site as “Built-up and Urban Disturbance”. However, the eastern portion of the site is identified as a *Hesperocyparis pigmaea* – *Pinus contorta* ssp. *bolanderi* / *Rhododendron columbianum* association based on photo interpretation. This association is listed as a Sensitive Natural Community with a Global Rank of G1 (Critically Imperiled) and a State Rank of S1 (Critically Imperiled). The biological report prepared in association with the project found that a Mendocino Pygmy Cypress Forest is present adjacent to the study area along the

eastern and southeastern parcel boundary. The report notes that the Mendocino Pygmy Cypress Forest is ranked by CDFW as G1S2.1, while the California Native Plant Society ranks it as G1S1 (Critically Imperiled). This is considered a Sensitive Natural Community, but it is located more than one hundred (100) feet from the project site itself. No other sensitive natural communities were observed in the study area. The report notes that there were no watercourses, ponds, or riparian resource areas observed in the study area. Due to the distance between the project site and the identified Sensitive Natural Community, no impacts are expected to occur. The proposed project site meets the buffer requirements of Mendocino County Coastal Zoning Code (MCC) Chapter 20.496. The biological report does not recommend any measures related to Sensitive Natural Communities. The biological report was referred to CDFW, who responded on July 11, 2023. CDFW confirmed that a reduced buffer of 50 feet was acceptable and recommended including temporary fencing or flagging to be placed around the project site.

c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant Impact With Mitigation Incorporated: The biological report prepared in association with the project found that the closest mapped National Wetlands Inventory wetland is a Riverine approximately 448 feet northwest of the study area. The report found that the entire study area is a wetland as defined by the California Coastal Commission (CCC) because multiple wetland plant species were present throughout the entire parcel. The report concludes the following:

“It is proposed that due to the existing house structure being on stilts and not having a cement foundation, that the reconstruction take place in the existing location. This will keep the wetland plants intact. If the house site were to be moved anywhere else within the Study Area, it would pose a risk to the wetland plants. The existing house site location is in the most feasible location within the Study Area and will not negatively impact the Wetland ESHA (Please see the Reduced Buffer Analysis in Appendix D).” The report recommends that *“only work within the existing footprint of the house site shall be conducted. The stilts shall be kept in place and a cement foundation shall not be placed.”*

Based on these recommendations, mitigation that requires avoidance of the wetland plants and use of the existing perimeter foundation would keep potential impacts to less than significant levels. Some damage to wetland plants may occur during construction activities, but these incidental and temporary impacts would be less than significant with mitigation that includes use of the existing foundation and staging of materials on or near the driveway area.

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?

Less Than Significant Impact: IPaC mapping associates the parcel with fifteen (15) migratory bird species. The biological report prepared in association with the project concluded that no change to foraging or wintering habitat for migratory birds is expected because of the proposed project and no significant impacts to amphibian, aquatic, avian, mammalian, or reptilian species is expected. Project activities may produce some incidental impacts because the building mass may interfere with the movement of species. However, the conclusions of the biological report indicate that these impacts would not be significant.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact With Mitigation Incorporated: The entirety of the parcel is considered a wetland due to the presence of wetland plants. Per MCC Section 20.496.025, residential development is not permitted within a wetland. However, a denial of the ability to reconstruct a single-family residence on the entirety of the lot would likely constitute a taking of property without compensation. To avoid a potential taking, some level of development may be permitted despite the conflict. Mitigation measures can be implemented which would reduce significant impacts to the wetland to less than significant levels

as described above. In addition, the proposed site of reconstruction is the least environmentally damaging location. No vegetation would be removed due to the project. This would ensure that the same functional protections afforded to wetlands due the limitations on development listed in Section 20.496.025 would also be provided in the case of the proposed project. In addition, the project does not conflict with General Plan Policy RM-29 because no net loss of wetlands would occur. Use of the existing perimeter foundation for reconstruction of the residence would protect existing wetland plants.

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?

No Impact: The project site is not within the boundaries of any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

MITIGATION MEASURES

BIO-1: The applicant shall follow the recommendations outlined in the 'Biological Resources Assessment and ESHA Analysis' prepared in association with the project and the following mitigation measures derived from the report:

- Only work within the existing footprint of the house site shall be conducted. To the extent feasible, the stilts and perimeter foundation shall be kept in place and the wetland plants within the existing perimeter foundation shall not be removed or disturbed.
- A 50 foot buffer shall be maintained between the project site, including construction activities, and the two (2) populations of *Hosackia gracilis* as identified in the biological report.
- A 100 foot buffer shall be maintained between the project site, including construction activities, and the two (2) pygmy cypress trees as identified in the biological report.

If any special-status insect nests are observed during construction, the nests shall not be removed, relocated, or otherwise disturbed until the nest becomes inactive.

BIO-2: Standard Best Management Practices (BMPs) such as straw bales, coir rolls, and/or silt fencing structures shall be employed to ensure minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas. Construction fencing shall be utilized to protect sensitive habitat areas. Ground disturbance shall be limited to the minimum necessary. Any staging area shall be clearly marked and located on existing disturbed areas such as the driveway approach to avoid impacts to wetland plants.

BIO-3: Future use of the property outside the development footprint and existing structure footprints shall be limited to those uses allowed within wetland ESHA or ESHA buffers as outlined in Coastal Zoning Code Section 20.496.025. No future development, as defined in Coastal Zoning Code Section 20.308.035(D), may occur within these areas without issuance of a Coastal Development Permit Amendment or a subsequent Coastal Development Permit.

FINDINGS

The proposed project would have a **Less Than Significant Impact With Mitigation Incorporated** on Biological Resources.

3.5 CULTURAL RESOURCES

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Cal. Code Regs tit. 14 §15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to Cal. Code Regs tit. 14 §15064.5; or disturb any human remains, including those interred outside of formal cemeteries.

Discussion: In accordance with CEQA Guidelines section 15064.5, “historical resource” includes the following:

- A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
 - “Local register of historic resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:
 - Is associated with events that have made a significant contribution to the broad patters of California’s history and cultural heritage; or
 - Is associated with the lives of persons important in our past; or
 - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.
 - “Historical resource” includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. “Substantial adverse change in the significance of a historical resource” means physical demolition, destruction, relocation, or alteration of

the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

The significance of a historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

CEQA Guidelines Section 15064.5 establishes procedures for addressing determinations of historical resources on archaeological sites and subsequent treatment of the resource(s) in accordance with PRC Section 21083.2. CEQA Guidelines Section 15064.5 establishes procedures for the treatment of Native American human remains in environmental documents. PRC Section 21082 establishes standards for accidental discovery of historical or unique archaeological resources during construction.

The California Office of Historic Preservation (OHP) houses the Built Environment Resource Directory (BERD). BERD files provide information regarding non-archaeological resources in OHP's inventory. Each resource listed in BERD is assigned a status code, which indicates whether resources have been evaluated as eligible under certain criteria. This tool provides information to assist in identifying potentially historic resources throughout the County.¹⁰

a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

No Impact: The applicant submitted 'Cultural Resource Evaluation' dated July 6, 2022. The report includes information regarding the natural setting, prehistoric, and historic background of the site or vicinity. The report details the results of a field inspection conducted at the site on July 1, 2022. The report notes that prior to field inspection, a record search was conducted at the Sonoma State University office of the California Historical Resource Information System (CHRIS). The record search revealed that three prehistoric sites were recorded within 1 mile of the project area, but the project area had not been previously inspected. A letter was sent to the Native American Heritage Commission requesting a review of the Sacred Lands File for the area, but no response was received. A letter was also sent to the Sherwood Valley Band of Pomo Indians, but no response was received. The study results identified a garage, concrete lined well, and water tower on the site as well as isolated artifacts such as a belt-drive circular saw, looped wire fencing, and outboard motors. The study found that these structures and artifacts do not constitute significant historical resources.¹¹ In concurrence with the Cultural Resource Evaluation prepared in association with the project, staff finds that the project site does not contain a historical resource and therefore no impact would occur. Though the identified structures and artifacts may provide limited information about past cultural activities, they do not appear to meet the listing criteria outlined in Public Resources Code Section 5024.1 and California Code of Regulations Section 4852.

b. Cause a substantial adverse change in the significance of a archeological resource pursuant to §15064.5?

No Impact: The Cultural Resource Evaluation prepared in association with the project concluded that archaeological resources are unlikely to occur on the project site. No archaeological resources were

¹⁰ California Department of Parks and Recreation (2023). Office of Historic Preservation. *Built Environment Resource Directory (BERD)*. Retrieved from https://ohp.parks.ca.gov/?page_id=30338.

¹¹ Parker, J. W. (2022). *Cultural Resource Evaluation of 32601 Albion Ridge Road, Albion, CA 95410*. Wolf Creek Archaeology.

identified. The report concludes that any significant historic or prehistoric cultural sites would have been observed and recorded, but notes that it is possible that isolated artifacts may have been missed. Existing regulations are in place to account for unanticipated discovery of cultural resources under Mendocino County Code Chapter 22.12. These requirements are included as a standard condition of approval associated with discretionary permits. Existing local regulations cover the possibility of impacts due to unanticipated discovery.

c. Disturb any human remains, including those interred outside of formal cemeteries?

No Impact: No evidence of human remains was identified within the Cultural Resource Evaluation prepared in association with the project. Therefore, the project is unlikely to disturb any human remains. As described above, the potential for unanticipated discovery remains, but this situation is addressed by existing regulations and standard conditions.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have **No Impact** on Cultural Resources.

3.6 ENERGY

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<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 type="checkbox"/>	<input checked="" type="checkbox"/>

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

Discussion: California Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015, sets annual targets for energy efficiency and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission to establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy saving and demand reductions in electricity and natural gas end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The 2022 Scoping Plan for Achieving Carbon Neutrality, adopted by the California Air Resources Board (CARB), “lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas (GHG) emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279.”¹²

¹² California Air Resources Board (2022). 2022 Scoping Plan for Achieving Carbon Neutrality. Retrieved from <https://ww2.arb.ca.gov>.

Title 24, Part 11 of the California Code of Regulations establishes the California Green Building Standards Code, known as 'CALGreen'. The purpose of this code is to enhance the design and construction of buildings and encourage sustainable construction practices as they relate to planning and design, energy efficiency, water efficiency and conservation, materials conservation and resource efficiency, and environmental quality. Unless specifically exempt, the CALGreen standards apply to the planning, design, operation, construction, use, and occupancy of newly constructed buildings or structures throughout the state. Mandatory standards for energy efficiency are adopted by the California Energy Commission every three years. In 2021, the Commission adopted the 2022 Energy Code, which includes Building Energy Efficiency Standards. The Code “encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more.”

Project factors that may influence energy impacts include the following:

- Energy consuming equipment and process to be used during construction, operation, or demolition, including the energy intensiveness of materials and equipment.
- Fuel type and end use of energy.
- Energy conservation equipment and design features to be implemented.
- Energy supplies that would serve the project, such as a utility company.
- Vehicle trips to be generated, including estimated energy consumed per trip.

Factors that may lessen energy impacts include those that decrease overall per capita energy consumption; decreased reliance on fossil fuels such as coal, natural gas, and oil; and increased reliance on renewable energy sources.

Mendocino County General Plan Policy RM-55, and RM-57 relate to energy, including Action Item RM-55.1 and RM-55.2.¹³ Ukiah Public Utilities is the only municipal utility in Mendocino County. Most residents receive electric service from Pacific Gas and Electric (PG&E).

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?

Less Than Significant Impact: The proposed project would be required to comply with applicable best management practices and energy code standards for construction of the residence. The 2022 Energy Code standards ensure that operation of the residence, including the use of appliances, space heating, wells, and other energy-consuming activities would not create a significant impact. The project may induce additional vehicle trips or miles traveled, but residential use is not anticipated to result in significant energy use from vehicle trips as discussed in the “Transportation/Traffic” section. The site is accessed by a short driveway directly adjacent to a public road. This siting and orientation ensure that vehicles traveling to and from the site would not unnecessarily waste energy.

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact: Mendocino County does not have an allocated plan for renewable energy or energy efficiency. However, the project is consistent with applicable General Plan policies and SB 350 because it would be required to comply with Energy Code standards, including applicable renewable energy requirements for residential construction. Likewise, the project is consistent with CARB’s 2022 Scoping Plan as discussed in the Greenhouse Gas Emissions section of this document.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Energy.

3.7 GEOLOGY AND SOILS

¹³ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste-water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on geology and soils if it would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake

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

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

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

In 1991, the U.S. Department of Agriculture and Soil Conservation Service, in partnership with several other agencies, published the Soil Survey of Mendocino County, Eastern Part, and Trinity County, Southwestern Part, California. The survey assigns different soils to Map Unit numbers. In 2002, the accompanying Soil Survey of Mendocino County, California, Western Part was published.

The California Geological Survey (CGS) houses the web-based California Earthquake Hazards Zone Application (EQ Zapp), which allows a user to check whether a site is in an earthquake hazard zone.¹⁴ The California Department of Conservation also houses a general-purpose map viewer that contains layers displaying locations and data related to the California Landslide Inventory, the Seismic Hazards Program, Earthquake Shaking Potential, Historic Earthquakes, and others.

Development can result in soil erosion or loss of topsoil if project activities result in deep slope rills, gullies, or unmanageable accumulation of sediment. Ground disturbing activities most often result in impacts, including grading. Soil can be exposed during construction activities and increase the potential for soil erosion to occur, especially during storm events. Impervious surface areas would not be prone to erosion or siltation because no soil is included in these areas but increased impervious surfaces may impact surrounding hydrology and result in erosion impacts nearby.

Lateral spreading often occurs on gentle slopes or flat terrain and consists of lateral extension accompanied by shear or tensile fracture. Lateral spreading is often caused by liquefaction, which in turn is triggered by rapid ground motion from earthquakes or artificial activities. Bedrock or soil resting on materials that liquefy can undergo fracturing and extension and may then subside, translate, rotate, disintegrate, or liquefy and flow.

Subsidence refers to broad-scale change in the elevation of land. Subsidence is commonly caused by groundwater extraction, oil extraction, underground reservoir pumping of gas, dissolution of limestone aquifers (sinkholes), collapse of a mine, drainage of organic soil, or initial wetting of dry soil (hydrocompaction). The US Geological Survey (USGS) regularly publishes information on land subsidence in California, including a map showing areas of land subsidence due to groundwater pumping, peat loss, and oil extraction.¹⁵

¹⁴ California Department of Conservation (2021). California Geological Survey. *EQ Zapp: California Earthquake Hazards Zone Application*. Retrieved from <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>.

¹⁵ U.S. Geological Survey. *Liquefaction Susceptibility*. Retrieved from <https://earthquake.usgs.gov/education/geologicmaps/liquefaction.php>

The Mendocino County Local Agency Management Plan establishes standards for on-site treatment of wastewater, including site evaluation, design, construction, and monitoring requirements. The Plan is administered by the Division of Environmental Health.

Unique geologic features are rocks or formations which:

- Are the best example of their kind locally or regionally; or
- Embody the characteristics of a geologic principle that is exclusive to the locality or region; or
- Provide a key piece of information important in geology or geologic history; or
- Are a “type locality” of a geologic feature.

Impacts to unique geologic features could include material impairment through destruction or alteration, including grading, rock hunting, human encroachment, or permanent covering of the feature.

a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i-iv. 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and/or landslides?

- No Impact:** According to EQ Zapp mapping, the site is not located in an earthquake hazards zone.
- Less Than Significant Impact:** The nearest fault zone is associated with the San Andreas Fault about seven (7) miles due west offshore. CGS Map Sheet 48 shows Earthquake Shaking Potential for California, which depicts expected ground motion and incorporates anticipated amplification of ground motion by local soil conditions. According to this map, the project site has a shaking potential of 1.15 times the acceleration of gravity (Xg). This indicates a moderate to high shaking potential due to the proximity of the site to the San Andreas fault zone. However, standard building code requirements for construction of a residence would ensure that impacts due to ground shaking would be minimized.
- Less Than Significant Impact:** Mendocino County has not been evaluated by CGS and no Liquefaction Zones have been mapped as part of the Seismic Hazards Program. However, the site is not in an area that has been previously filled and is not a man-made landfill.
- No Impact:** Mendocino County has not been evaluated by CGS and no Landslide Zones have been mapped as part of the Seismic Hazards Program. CGS Deep-Seated Landslide Susceptibility mapping and CGS Landslide Inventory mapping do not associate the site with landslide risks. County mapping estimates a slope between 0 and 14 degrees. The entirety of the site is flat.

b. Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact: Soil erosion and loss of topsoil are unlikely because construction of the project would make use of an existing foundation and no ground disturbance is expected to occur. The project would increase impervious surface area once construction is complete, but this increased impervious surface area is unlikely to result in substantial erosion or loss of topsoil because the site is flat. During storm events, rain that would fall on the residence would be deflected onto the soil immediately surrounding the residence, but the limited slope would not allow runoff to reach speeds which may cause significant erosion.

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?

No Impact: According to CGS, the geologic unit of the site is “TK”, or marine sedimentary and metasedimentary rocks from the Tertiary-Cretaceous period. This is not known to be an unstable geologic unit. According to the 2002 Western Soil Survey, the site is located on Soil Unit Number 141, Ferncreek sandy loam. The survey notes that the main limitations affecting homesite development include “low strength, the seasonally saturated soil conditions, and the restricted permeability in the subsoil. The design of buildings and roads should offset the limited ability of the soil to support a load.” The project is not expected to contribute to unstable soil conditions because it would use an existing

foundation and the proposed residence is similar in size to that which occupied the site prior to demolition.

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact: The 1994 Uniform Building Code (UBC) has not been in effect since 1997, and the referenced table was removed entirely when the UBC was superseded by the International Building Code in 2000. The 1994 and 1997 editions of the UBC are now obscure, no longer published or easily publicly accessible and so cannot be considered an appropriate reference point for defining expansive soils. According to the 2002 Western Soil Survey, the Ferncreek soils are considered “nonplastic” to “slightly plastic” to “plastic” from soil horizons at 0 inches to 24 inches. The California building code requires a preliminary soil report prior to construction of a residence, which would further assist in determining whether expansive soils exist and measures to eliminate impacts due to expansive soils.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?

No Impact: The project site is not within the jurisdictional boundaries of a sewer district. Prior to construction, the project would be subject to a qualified site evaluation pursuant to County LAMP requirements and local ordinance. If an alternative wastewater system is needed, it would also be subject to local Environmental Health requirements. The project would make use of an existing septic system which served the previous residence. A septic evaluation report was submitted to the Environmental Health Division on June 13, 2023. Environmental Health subsequently notified staff that the septic evaluation was sufficient to serve the proposed residence.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

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

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Geology and Soils.

3.8 GREENHOUSE GAS EMISSIONS

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

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

Discussion: Title 14 CCR Section 15064.4 establishes specific guidelines for determining the significance of impacts from greenhouse gas emissions. Lead agencies may choose to quantify greenhouse gas emissions resulting from a project or rely on a qualitative analysis or performance-based standards.

Mendocino County Air Quality Management District (MCAQMD) has adopted CEQA thresholds of significance for criteria air pollutants and GHGs and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to MCAQMD, these CEQA thresholds of significance are the same as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD) with noted exceptions.

MCAQMD has not adopted a construction related emissions threshold. For projects other than stationary sources, the operational threshold is 1,100 Metric Tons of CO_{2e} per year or 4.5 Metric Tons of CO_{2e} per SP (residents + employees) per year. For stationary sources, the operational threshold is 10,000 Metric Tons of CO_{2e} per year.

The California Emissions Estimator Model (CalEEMod) is a tool that can be used to quantify ozone precursors, criteria pollutants, and greenhouse gas emissions from construction and operation of development in California. The model is published by the California Air Pollution Control Officers Association.¹⁶

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

a. *Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?*

Less Than Significant Impact: CalEEMod was used to estimate daily emissions from construction and yearly operational emissions.¹⁷ Maximum daily emissions during construction were estimated to be 1,315 pounds of CO_{2e} per day. This would be equivalent to approximately 60 metric tons of CO_{2e} per year. Though no construction threshold has been adopted, this would be well below the operational threshold adopted by MCAQMD, and impacts would therefore be less than significant. Operational emissions were estimated to be 24 metric tons of CO_{2e} per year, which is also below the threshold.

b. *Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Less Than Significant Impact: No Climate Action Plan has been adopted covering the project site. Therefore, a qualitative approach is used to determine whether the project is consistent with the State's climate goals by reviewing key project attributes.¹⁸ The project is not located on an infill site but does reuse an existing home site served by utilities and public services. The project would not result in the conversion of natural and working lands because the existing building footprint would be used, and no ground disturbance would occur. This would reduce expected VMT impacts. The project would not incorporate EV charging infrastructure, would not consist of transit-supportive density, is not near a transit stop, does not reduce parking requirements, and is not expected to be included as affordable to lower-income residents. However, the small scale of the project does not lend itself to these standards. The construction of one (1) single-family residence is minimal in scale, and these measures would not

¹⁶ California Air Pollution Control Officers Association. (2022). *CalEEMod* (Version 2022.1). <https://www.caleemod.com/>

¹⁷ Mendocino County Department of Planning & Building Services (2023). *CDP_2022-0018 Detailed Report*. Available on file at the Department of Planning & Building Services.

¹⁸ California Air Resources Board (2022). *2022 Scoping Plan for Achieving Carbon Neutrality*. Retrieved from <https://ww2.arb.ca.gov>.

significantly change emissions. The project is expected to use electric appliances which would work toward building decarbonization. Therefore, the project is substantially consistent with relevant attributes aligning with State climate goals.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Greenhouse Gas Emissions.

3.9 HAZARDS AND HAZARDOUS MATERIALS

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<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"/>
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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Thresholds of Significance: The project would have a significant effect on hazards and hazardous materials if it were to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment; result in a safety hazard or excessive noise for people residing or working in the project area if located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; or impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Discussion: California Health and Safety Code (HSC) Section 25501 defines “hazardous materials” as a material that, *“because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.”* The use, storage, and transport of hazardous materials are regulated by the California Department of Toxic Substances Control (DTSC) as provided by Title 22 California Code of Regulations Section 66001, et seq. Unless specifically exempted, it is unlawful for any person to transport hazardous waste unless the person holds a valid registration issued by DTSC.

Construction activities often involve the use of oils, fuels, solvents, gasoline, lubricants, and paint. These and other materials may be classified as hazardous materials. Commercial or residential operations may also involve the use of hazardous materials, particularly cleaning supplies, batteries, and electronics. Agricultural operations and landscaping may include hazardous materials such as fertilizer and pesticides.

The California Environmental Protection Agency (CalEPA) maintains several data resources that provide information regarding the facilities or sites identified as meeting the “Cortese List” requirements, including:

- List of Hazardous Waste and Substances sites from DTSC EnviroStor database
- List of Leaking Underground Storage Tank Sites from the State Water Board’s GeoTracker database
- List of Solid Waste Disposal Sites identified by the Water Board with waste constituents above hazardous waste levels outside the waste management unit (from CalEPA’s website)
- List of “active” CDO and CAO from the State Water Board
- List of Hazardous Waste Facilities subject to corrective action pursuant to CA HSC §25187.5 as identified by DTSC (from CalEPA’s website)

The Mendocino Solid Waste Management Authority (MendoRecycle) was formed in 1990 as a joint powers authority between the County of Mendocino and the cities of Ukiah, Willits, and Fort Bragg. MendoRecycle provides administrative oversight and program implementation for solid waste and recycling in the County. MendoRecycle directly operates the household hazardous waste (HHW) facility in Ukiah. The Mendocino County Division of Environmental Health is responsible for administering hazardous waste generation and treatment regulations. General Plan Policy DE-203, DE-209 and DE-210 relate to hazardous materials and wastes.

The Mendocino County Airport Land Use Plan and Ukiah Municipal Airport Land Use Compatibility Plan establish regulations, implementation measures, and procedures for addressing safety hazards and noise concerns related to airports. Mendocino County’s Emergency Operations Plan and Multi-Jurisdictional Hazard Mitigation Plan establish regulations, implementation measures, and procedures related to emergency response and evacuation. The California Department of Forestry and Fire Protection (CALFIRE) has established Fire Safe Regulations for certain projects in the State Responsibility Area. CALFIRE designates areas of the County into fire severity zones, which inform recommendations for land use

agencies and planning. Several fire agencies serve the Local Responsibility Areas in Mendocino County and have established fire safety regulations for development.

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact: No transport or use of hazardous materials are proposed as part of the project. Some incidental use of hazardous materials may occur during construction or operation, but the transport and use of these materials would be temporary and at concentrations that do not pose a significant health risk. Household products and construction tools are expected to meet applicable local, state, and federal requirements for hazardous materials. Adequate facilities exist to handle disposal of waste through MendoRecycle.

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?

Less Than Significant Impact: No significant concentrations of hazardous materials are expected to be used during construction or operation. The proposed project would make use of BMPs addressing polluted stormwater, erosion, and sedimentation. This would limit accidental release of potentially hazardous materials into the surrounding environment.

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact: The nearest existing or proposed school is the Albion School approximately 1.75 miles from the project site. Project construction and operation is not expected to utilize substantially hazardous materials. It is unlikely that such materials would be emitted beyond the project site.

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?

No Impact: The project site is not listed on any of the above referenced documents that would be considered part of the "Cortese List" compiled pursuant to Government Code Section 65962.5.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact: The nearest airport is the Little River Airport about 2.5 miles north of the site. However, the site is not within an airport zone as outlined in the Airport Land Use Plan. Therefore, no safety hazards or excessive noise are expected due to the airport at the project site.

f. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact: As outlined in the Emergency Operations Plan, the County uses the California Standardized Emergency Management System and National Response Framework to guide emergency response. The project is not expected to interfere with the establishment of an Emergency Operations Center because it would not physically impair travel to and from a center. The project is expected to make use of existing utility and telecommunication infrastructure, which would allow receipt of alerts, notifications, or warnings. Therefore, the project is not expected to interfere with the adopted Emergency Operations Plan.

g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less Than Significant Impact: The project site is within the State Responsibility Area and is classified within the High Fire Hazard Severity Zone. The project is subject to CALFIRE standards. The project application was referred to CALFIRE on June 16, 2022. No response was received. The owner submitted an application to CAL FIRE which was reviewed on September 28, 2021. CAL FIRE provided

letter #338-21 outlining standards which must be met to meet Fire Safe Regulations. Standard conditions of approval require that the applicant follow the measures recommended by CAL FIRE. With standard conditions in place, the project would meet CAL FIRE standards which would minimize fire risk.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Hazards and Hazardous Materials.

3.10 HYDROLOGY AND WATER QUALITY

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may 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:				
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"/>

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

Discussion: Regulatory agencies include the State Water Resources Control Board (SWRCB) and the North Coast Regional Quality Control Board (NCRWQCB). The State Water Resources Control Board is responsible for implementing water quality standards in California. Water Code Section 13050(d) states: *“Waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.”* Typical activities and uses that affect water quality include, but are not limited to, discharge of process wastewater from factories, confined animal facilities, construction sites, sewage treatment facilities, and material handling areas which drain into storm drains. Certain activities may require a Construction General Permit from SWRCB.

Water Code Section 1005.1 defines groundwater as *water beneath the surface of the ground, whether or not flowing through known and definite channels*. Both surface water and groundwater define a watershed, as they move from higher to lower elevations. In Mendocino County, groundwater is the main source for municipal and individual domestic water systems outside of the Ukiah Valley and contributes significantly to irrigation. The County’s groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. There are six identified major groundwater basins in Mendocino County. Groundwater recharge is the replacement of water in the groundwater aquifer. Recharge occurs in the form of precipitation, surface runoff that later enters the ground, and irrigation. Specific information regarding recharge areas for Mendocino County’s groundwater basins is not generally available, but recharge for inland groundwater basins comes primarily from infiltration of precipitation and intercepted runoff in stream channels, and from permeable soils along the margins of valleys. Recharge for coastal groundwater basins takes place in fractured and weathered bedrock, coastal terraces, and along recent alluvial deposits and bedrock formations. If recharge areas are protected from major modification such as paving, building and gravel removal, it is anticipated that continued recharge will re-supply groundwater reservoirs.

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

The National Flood Hazard Layer maintained by the Federal Emergency Management Agency (FEMA) can be used to review project impacts from flooding. The Department of Water Resources Division of Safety of

Dams (DSOD) reviews and approves inundation maps prepared by licensed civil engineers and submitted by dam owners for hazardous dams and appurtenant structures. These maps are based on a hypothetical failure of a dam or appurtenant structure. DSOD maintains a web map that displays this information.

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

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

No Impact: The project would make use of an existing well that must comply with Environmental Health standards. The standard regulations applicable to the project ensure that discharges due to construction would not degrade water quality or violate discharge requirements. Though unlikely, the general prohibition on elicited discharges would ensure that potential violations during operation of the single-family residence would be remediated, inspected, monitored, or enforced appropriately in accordance with MCC Chapter 16.30.

b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

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

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

The 1982 Mendocino Coastal Ground Water Study, *“though not site specific, has identified coastal areas of differing ground water availability...from this information, general guidelines can be drawn to aid the planner in reviewing proposed development.”* The Study goes on to state that *“areas designated CWR (Critical Water Resources) shall have a minimum lot size of 5 ac[res] and demonstration of “proof of water”. All lots less than 5 ac[res] shall demonstrate “proof of water” and may require an environmental impact statement.”*

According to Coastal Element Policy 3.9-1, the proposed project shall be compliant with existing health standards. These standards are outlined in the County of Mendocino Coastal Groundwater Development Guidelines prepared for the Environmental Health division. This document contains *Table 1: Groundwater Investigation Requirements for Land Development*. This table states that for single-family residences on existing lots of record, no proof of water or groundwater investigation is necessary. The proposed project includes development of a single-family residence on an existing lot of record. If Proof of Water is required, these guidelines establish Professional Qualifications, Pump Testing Requirements, and Estimated Water Demand, Pump Testing Methods, Pump Test Procedures, Analysis of Data, and Report of Findings. According to the guidelines, *“dry season conditions”* are defined to be the period of August 20th to October 31st. According to the guidelines, minimum Estimated Water Demand requirements for a single-family residence utilizing at least 2,500 gallons of water storage capacity is five tenths (0.5) gallons per minute (gpm). The project was referred to the Environmental Health Division (EH) on June 16, 2022. EH commented on septic system requirements but did not comment on the use of an existing well.

Coastal Element Policy 3.9-1 goes on to state that the determination of adequate water service capacity shall be made prior to issuance of a Coastal Development Permit. Though EH standards do not require proof of water for the proposed development, Policy 3.9-1 and the location of the site within a Critical Water Resources area suggests that proof of water is necessary. The applicant provided a well test report which noted that the existing well recovered approximately 2.46 gallons per minute. Therefore, the test meets the guidelines established by EH for Estimated Water Demand and Pump Testing

Requirements. The project would be compliant with Coastal Element, Coastal Zoning Code, Coastal Ground Water Study, and Environmental Health standards. This indicates that the project, including operation of a single-family residence, would not substantially decrease groundwater supplies or interfere with recharge.

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site?

Less Than Significant Impact: As noted, the project would make use of an existing foundation and would be required to implement BMPs which would reduce erosion or siltation during construction. The project is not located near a stream or river. Because ground disturbance would not occur, substantial erosion or siltation is not expected due to the project.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less Than Significant Impact: The project may increase the rate or amount of surface runoff due to additional impervious surface area once construction is complete. Additional impervious surface area would be limited to 1,366 square feet. BMPs implemented during construction would mitigate stormwater runoff impacts.

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?

Less Than Significant Impact: The project site is not part of an existing or planned municipal stormwater drainage system. Substantial polluted runoff would be avoided through implementation of BMPs.

iv. Impede or redirect flood flows?

No Impact: The site is not within a FEMA Flood Hazard Area and therefore is not expected to impede or redirect flood flows.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact: The site is not within a FEMA Flood Hazard Area. Though the site is flat and contains wetland plants, it is unlikely to be affected by seismic seiche because any standing water on the site would be shallow and interrupted by vegetation. The site is not within a dam breach inundation area as identified by the Division of Safety of Dams. The site is not within a Tsunami Hazard Area as identified by the California Geological Survey.

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact: In the case of the proposed project, the applicable plans include the Mendocino County Coastal Element, Coastal Zoning Code, 1982 Coastal Ground Water Study, and Environmental Health Standards. As discussed above, the proposed project is consistent with these plans.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Hydrology and Water Quality.

3.11 LAND USE AND PLANNING

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

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

a. Physically divide an established community?

No Impact: Construction and operation of a single-family residence is not expected to result in any physical divisions within the surrounding neighborhood. The residence would not block travel from one parcel to another.

b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact: The General Plan, Coastal Element, and Coastal Zoning Code contain policies and regulations aimed at avoiding or mitigating environment effects. The project has been determined to be consistent with relevant regulations as described elsewhere in the Initial Study.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have **No Impact** on Land Use and Planning.

3.12 MINERAL RESOURCES

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

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

Discussion: The Surface Mining and Reclamation Act (SMARA) of 1975 provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state’s mineral resources. SMARA requires the State Mining and Geology Board to adopt policies for the reclamation of mined lands and the conservation of mineral resources. SMARA also directs the State Geologist to identify and map non-fuel mineral resources of the state to show where economically significant mineral deposits occur and where they are likely to occur based upon the best available scientific data. No SMARA classification has yet occurred in Mendocino County. The California Division of Mine Reclamation houses the Mines Online database, which maps the location and provides access to documents for several mines in Mendocino County.

The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits. The demand for aggregate is typically related to the size of the population, and construction activities, with demand fluctuating from year to year in response to major construction projects, large development activity, and overall economic conditions. After the completion of U.S. 101 in the late 1960s, the bulk of aggregate production and use shifted primarily to residential and related construction. However, since 1990, use has begun to shift back toward highway construction. However, no specific sites have been identified in the General Plan or Coastal Element as locally important mineral resource recovery sites beyond the general identification of quarries, instream gravel, and terrace gravel operations.

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?

No Impact: The site does not contain any known mineral resources of value. No ground disturbance is expected to occur.

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?

No Impact: No locally important mineral resources are known to occur on the project site. No ground disturbance is expected to occur.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.13 NOISE

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

Discussion: Acceptable levels of noise vary depending on the land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and federal standards have been established as guidelines for determining the compatibility of a particular use with its noise environment. Mendocino County relies principally on standards in its Noise Element, its Zoning Ordinance, and other County ordinances, and the Mendocino County Airport Comprehensive Land Use Plan to evaluate noise-related impacts of development. Land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise sensitive.

Major noise sources in Mendocino County consist of highway and local traffic, railroad operations, airports, commercial and industrial uses, recreation, and community facilities. Highways with traffic that generates significant noise include State Route 101, 1, 20, 128, 162, 175, and 253. The only active railroad is the Skunk Train which runs between Fort Bragg and Willits. Public Airports include Ukiah Municipal, Willits Municipal (Ells Field), Round Valley Airport, Boonville Airport, Little River Airport, and Ocean Ridge Airport

(Gualala). Major industrial sources of noise include lumber mills and timber production facilities. Other noise sources are identified in the General Plan. General Plan Policy DE-98, DE-99, and DE-105 relate to noise, including Action Item DE-99.2.¹⁹

a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact: Construction of the residence is not expected to create substantial noise beyond the standards outlined in the General Plan and the Exterior Noise Limit Standards found in Appendix C of the County Code. Some temporary noise impacts may occur, but existing regulations limiting allowable noise would restrict construction noise. Operation is not expected to be a significant new source of noise. The proposed residence would be considered a noise-sensitive land use but is not located in an area of excessive noise. No roadway construction is proposed.

b. Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact: Excessive ground borne vibration may occur from pile driving, pavement breaking, demolition of old structures, and blasting.²⁰ The proposed project does not include any of these activities. Demolition of the structure was completed prior to application for a Coastal Development Permit. The project is not adjacent to a highway and does not include overly sensitive uses such as laboratory equipment. No railroads exist near the project site. Some noise may be generated during construction, but this would be temporary.

c. For a project located within the vicinity of private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact: The nearest airport is the Little River Airport about 2.5 miles north of the site. However, the site is not within an airport zone as outlined in the Airport Land Use Plan. Therefore, the project site is not expected to be exposed to excessive noise due to the airport.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Noise.

3.14 POPULATION AND HOUSING

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

¹⁹ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

²⁰ California Department of Transportation (2013). Division of Environmental Analysis. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Retrieved from <https://dot.ca.gov/programs/environmental-analysis/noise-vibration>.

infrastructure)?				
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Discussion: The most recent census for Mendocino County was in 2020, with an estimated population of 91,305. The county has undergone cycles of population boom followed by periods of slower growth. For example, the county population increased by approximately 25 percent between 1950 and 1960, but barely grew from 1960 to 1970. Between 1990 and 2000, the population of Mendocino County increased 7.4 percent, a much slower rate of growth than the 20 percent increase from 1980 to 1990. Population growth further slowed from 2000 to 2010, increasing by only 1.8 percent. The growth rate rebounded somewhat between 2010 and 2020, during which the population increased by 4.3 percent.

Mendocino County’s Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The State of California has determined that housing demand in the region exceeds supply and that further housing development is necessary, designating a Regional Needs Housing Allocation target of 1,845 new housing units between 2019 and 2027. The Mendocino Council of Government’s (MCOG) Regional Housing Needs Plan divided this target into separate production goals for each jurisdiction in the County, assigning 1,349 units to the unincorporated area. Goals and policies were set forth in order to facilitate the development of these housing units at a range of sizes and types to address this need.

a. 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)?

Less Than Significant Impact: The addition of one (1) single-family residence would not induce substantial population growth. No additional roads or infrastructure are proposed.

b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact: The proposed project would not demolish or otherwise displace existing people or housing.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Population and Housing.

3.15 PUBLIC SERVICES

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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 following public services:				
i. Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Discussion: The Mendocino County Office of Emergency Services (OES) is the primary local coordination agency for emergencies and disasters affecting residents, public infrastructure, and government operations in the Mendocino County Operational Area. Fire protection services are provided by the California Department of Forestry and Fire Protection (CALFIRE) or one of several local fire districts. Police protection is provided by the County Sheriff, California Highway Patrol, or city police. Several school districts and parks are located throughout the County. Other public facilities include roads, libraries, water and sewage treatment plants, airports, and animal control facilities. Projects may have an impact if they would cumulatively contribute to significant increased demand for public services such that new facilities would be required. General Plan Policy DE-179 establishes standards for the provision of parkland in the county. The amount of sufficient park space is determined by population.²¹

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 following public services:*

²¹ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

i. Fire Protection?

No Impact: Fire protection services would be provided by the Albion Little River Fire District and CALFIRE. The project would be required to comply with CALFIRE Fire Safe Regulations letter #338-21, including defensible space and driveway requirements. The addition of one (1) single-family residence would induce minimal population growth and is not expected to require the provision of new fire facilities.

ii. Police Protection?

No Impact: The nearest police station is the Mendocino County Sheriff's Office substation in Fort Bragg. The addition of one (1) single-family residence would induce minimal population growth and is not expected to require the provision of new police facilities.

iii. Schools?

No Impact: The project site is within the Mendocino Unified School District. The addition of one (1) single-family residence would induce minimal population growth and is not expected to require the provision of new school facilities.

iv. Parks?

No Impact: The nearest County park is Bower Park in Gualala. The project site is also in the vicinity of several state parks, including Navarro River Redwoods State Park, Mendocino Headlands State Park, and Van Damme State Park. The available nearby parkland is consistent with General Plan Policy DE-179. The addition of one (1) single-family residence would induce minimal population growth and is not expected to require the provision of new park facilities.

v. Other Public Facilities?

No Impact: The addition of one (1) single-family residence would induce minimal population growth and is not expected to require the provision of other additional public facilities.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.16 RECREATION

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

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

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

a. 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?

No Impact: The nearest County-maintained recreation area is Bower Park in Gualala. The project site is in the vicinity of several state parks, including Navarro River Redwoods State Park, Mendocino Headlands State Park, and Van Damme State Park. For the proposed project, the availability of nearby parkland is consistent with General Plan Policy DE-179. The addition of one (1) single-family residence would induce minimal population growth and is not expected to require the provision of new park facilities.

b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact: No recreational facilities are proposed as part of the project. The project would not require the construction or expansion of recreational facilities because it would not require the provision of new park facilities.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **No Impact** on Recreation.

3.17 TRANSPORTATION

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

equipment)?				
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Discussion: General Plan Policy DE-131, DE-148, DE-149, and DE-157 relate to transportation, including Action Item DE-138.1.²² The Mendocino Council of Governments (MCOG) most recently adopted a Regional Transportation Plan on April 7, 2022. The Regional Transportation Plan is a long-range planning document that provides a vision of regional transportation goals, policies, objectives, and strategies. These may be relevant to individual projects when conducting environmental review.

CEQA Guidelines Section 15064.3 recommends “specific considerations for evaluating a project’s transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, “vehicle miles traveled” refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. This section details appropriate methods for determining the significance of transportation impacts.

According to the 2018 Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA, “many local agencies have developed screening thresholds to indicate when detailed analysis is needed. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.”²³ The 2010 MCOG Travel Demand Forecasting Model estimates daily trip generation values for various land uses and geographic areas in Mendocino County and may be used to assist in determining whether projects exceed the screening threshold.²⁴

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

a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less Than Significant Impact: The proposed project does not conflict with General Plan and Regional Transportation Plan policies regarding circulation. The project is not a land division or major development application, and thus would not require substantial road improvements or traffic studies. The project site abuts a County maintained road. The project was referred to the Department of

²² The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

²³ State of California. Governor’s Office of Planning and Research. (2018). *Technical Advisory on Evaluating Transportation Impacts in CEQA*.

²⁴ Mendocino Council of Governments. (2010). *Final Model Development Report: MCOG Travel Demand Forecasting Model*.

Transportation (DOT), who recommended that the project be conditionally approved to require the applicant to construct a driveway approach consistent with County standards. However, because the entirety of the parcel has been classified as a wetland, the construction of a driveway approach would cause a potential significant impact to wetland plants because it would involve paving a portion of the driveway approach with asphalt. This could directly harm or remove wetland plants. Therefore, this recommendation is considered infeasible due to conflicts with mitigation measures discussed in the Biological Resources section. Though this would create some conflict with County Road Standards, the conflict would be less than significant because such inconsistency would not significantly undermine the broad goals of the General Plan and Regional Transportation Plan. The omission of one opportunity to require conformance to County Standards amongst many other noncompliant properties throughout the County in service of other General Plan goals regarding protection of Biological Resources does not significantly impinge upon the general ability to access the parcel, protect the roadway, and align with existing transit, bicycle, and pedestrian facilities.

b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less Than Significant Impact: According to the MCOG Travel Demand Forecasting Model, the project would be expected to generate 9.79 trips per day.²⁵ This is below the screening threshold described in the OPR Technical Advisory.

c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact: The project would not make use of farm equipment and would not change the existing circulation pattern of the site and surroundings. The entrance to the property is not a blind driveway, sharp curve, or other hazardous feature.

d. Result in inadequate emergency access?

No Impact: As described above in response to Public Services and Hazards & Hazardous Materials checklist questions, the project would not result in inadequate emergency access. The site is accessible through the driveway abutting Albion Ridge Road.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have **Less Than Significant Impact** on Transportation.

3.18 TRIBAL CULTURAL RESOURCES

<i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

²⁵ Mendocino Council of Governments. (2010). *Final Model Development Report: MCOG Travel Demand Forecasting Model*.

Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?				
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on Tribal Cultural Resources if it would cause a substantial adverse change 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.

Discussion: According to Public Resources Code (PRC) Section 21074, “Tribal cultural resources” are either of the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. (“a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.”)
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1 ((1) *Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;* (2) *Is associated with the lives of persons important in our past;* (3) *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;* (4) *Has yielded, or may be likely to yield, information important in prehistory or history*). In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) or Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

PRC Section 5020.1(k) defines a “local register of historical resources” as “a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.”

PRC Section 5024.1(c) establishes the following: “A resource may be listed as a historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history.”

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?

No Impact: The Cultural Resource Evaluation prepared in association with the project did not identify any historical resources listed or eligible for listing. Mendocino County does not house a local register of historical resources.

b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No Impact: The Cultural Resource Evaluation prepared in association with the project did not identify any significant resources pursuant to PRC Section 5024.1. Therefore, Mendocino County determines that there is no substantial evidence to suggest the presence of significant resources on the site.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have **No Impact** on Tribal Cultural Resources.

3.19 UTILITIES AND SERVICE SYSTEMS

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

Mendocino County's Development Goal DE-21 covers solid waste. Solid Waste and Hazardous Waste and Material Management Policy DE-201 states the County's waste management plan *shall include programs to increase recycling and reuse of materials to reduce landfilled waste*. Mendocino County's Environmental

Health Division regulates and inspects solid waste facilities in Mendocino County, including: five (5) closed/inactive municipal landfills, three (3) wood-waste disposal sites, two (2) composting facilities, and eleven (11) transfer stations.

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact: The project would utilize an existing well and septic system. The project would not result in the relocation or construction of water or wastewater treatment facilities. The project would not make use of a municipal or other formal stormwater drainage system. Pacific Gas and Electric (PG&E) would provide electric service to the parcel. The project includes a proposed power pole to connect the new residence to PG&E service. No new telecommunications facilities are proposed, and none would be required due to the project. Existing telecommunications facilities are considered sufficient to service the site.

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

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

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?

No Impact: The project is not served by a wastewater treatment provider. If a wastewater treatment provider were to serve the site in the future, it is expected to have discretion to permit new connections and therefore the ability to determine whether adequate capacity exists.

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?

Less Than Significant Impact: The nearest transfer station is the Albion Transfer Station approximately 2 miles east of the site. The project is not expected to generate excessive solid waste beyond that of a typical single-family residence. The project would incrementally contribute to throughput at the Potrero Hills Landfill, but the estimated remaining operational lifespan of the facility (2048) indicates that this contribution is minimal and less than significant. According to the City of Los Angeles Thresholds Guide, a residential use is expected to produce 12.23 pounds of solid waste per household per day.²⁶ The daily throughput of the Potrero Hills Landfill is 4,330 tons per day. The addition of one single-family residence would contribute minimally to throughput.

e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

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

NO MITIGATION MEASURES REQUIRED

FINDINGS

²⁶ City of Los Angeles (2006). *L.A. CEQA Thresholds Guide*. Retrieved from <https://planning.lacity.org/>.

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

3.20 WILDFIRE

<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

Discussion: California law requires the California Department of Forestry and Fire Protection to designate areas, or make recommendations for local agency designation of areas, that are at risk from significant fire hazards based on fuels, terrain, weather, and other relevant factors. These areas at risk of interface fire losses are referred to by law as "Fire Hazard Severity Zones" (FHSZ). The law requires different zones to be identified (Moderate to Very High). But with limited exception, the same wildfire protection building construction and defensible space regulations apply to all "State Responsibility Areas" and any "Fire Hazard Severity Zone" designation.

The County of Mendocino County adopted a *Mendocino County Operational Area Emergency Operations Plan* (County EOP) on September 13, 2016, under Resolution Number 16-119. As noted on the County's website, the County EOP, which complies with local ordinances, state law, and stated and federal emergency planning guidance, serves as the primary guide for coordinating and responding to all

emergencies and disasters within the County. The purpose of the County EOP is to “*facilitate multi-agency and multi-jurisdictional coordination during emergency operations, particularly between Mendocino County, local and tribal governments, special districts as well as state and Federal agencies*” (County of Mendocino – Plans and Publications, 2019).

For certain projects, the California Fire Code, Section R337 of the California Residential Code, and Chapter 7A of the California Building Code may apply to provide structural protections against fire. General Plan Policy DE-214, DE-215, DE-216, DE-217, DE-220, DE-222, and Action Item DE-222.2 relate to fire.²⁷

Factors to consider when evaluating wildfire risk include:

- Land uses (urban developed, rural, agricultural, parcels sizes, etc.)
- Land ownership (private, public, state)
- Vegetation (type, health, existing/planned vegetation management)
- Topography/terrain
- Weather conditions (wind, temperature, humidity, precipitation)
- Fire history (year, location, size)
- Fire severity mapping
- Fire protection agencies and capabilities
- Extent of roadway system and roadway sizes (number of lanes)

a. *Impair an adopted emergency response plan or emergency evacuation plan?*

No Impact: The project is in the State Responsibility Area. As outlined in the Emergency Operations Plan, the County uses the California Standardized Emergency Management System and National Response Framework to guide emergency response. The project is not expected to interfere with the establishment of an Emergency Operations Center because it would not physically impair travel to and from such a center. The project is expected to make use of existing utility and telecommunication infrastructure, which would allow receipt of alerts, notifications, or warnings. Therefore, the project is not expected to interfere with the adopted Emergency Operations Plan. The project was referred to the Albion Little River Fire District on June 16, 2022. No response has been received. The project site is accessed through a short driveway from Albion Ridge Road (CR 402) and is expected to be accessible to emergency vehicles. The short distance from the project site to Albion Ridge Road would allow swift evacuation.

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?*

Less Than Significant Impact: Little impact is expected because the project site is on a relatively flat slope. The project would be required to comply with applicable Building Code and Fire Code standards as well as CALFIRE Fire Safe Regulations. As discussed previously, standard conditions would require the applicant to comply with CAL FIRE letter #338-21. However, risk of wildfire is still present regardless of protections afforded by these existing regulations.

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?*

Less Than Significant Impact: The project would include a new power pole which may introduce a new ignition source. However, this is not expected to significantly exacerbate wildfire risk because it too would be required to meet any applicable CALFIRE standards. No other infrastructure features are proposed.

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?*

²⁷ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

Less Than Significant Impact: Standard BMPs implemented during construction would ensure that drainage challenges are addressed. Operation of the single-family residence is not expected to result in significant impacts because of the flat nature of the site.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Wildfire.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project 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?	<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 in consideration of the 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.

Discussion: Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed and 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 legalize after-the-fact demolition of an existing 1,366 square foot residence and permit construction of a new residence in the same location 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.

- a. Does the project 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?**

Less Than Significant Impact With Mitigation Incorporated: Based on discussion throughout the report, particularly in Section IV – Biological Resources and XVIII Tribal Cultural Resources, there is some potential for impacts. However, with mitigation incorporated, there is no evidence to support a finding that the project would result in significant impacts regarding the quality of the environment, habitat of fish or wildlife species, fish or wildlife populations, plant, or animal communities, rare or endangered species, or important examples of major periods of California history or prehistory.

- b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).**

Less Than Significant Impact: Cumulative impacts were considered for applicable potential impacts as discussed throughout the report, including but not limited to Section 3.3 (Air Quality) and 3.8 (Greenhouse Gas Emissions). Potential impacts were identified in these sections where it was determined that no significant cumulative effects would occur because of the project.

- c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

Less Than Significant Impact With Mitigation Incorporated: Based on discussion throughout this initial study, potential adverse effects on human beings, both directly and indirectly, have been considered and found to be less than significant or less than significant with mitigation measures implemented.

MITIGATION MEASURES

None beyond those discussed in Section IV – Biological Resources.

FINDINGS

The proposed project would have a **Less Than Significant Impact With Mitigation Incorporated** when considering the Mandatory Findings of Significance.

4.0 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.

7/17/23

DATE



LIAM CROWLEY
PLANNER II