



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
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MEMORANDUM

DATE: SEPTEMBER 28, 2023
TO: COASTAL PERMIT ADMINISTRATOR
FROM: LIAM CROWLEY, PLANNING STAFF
SUBJECT: CDP_2018-0012 (SHEPPARD)

This memorandum is intended to provide additional information regarding this project based on the concerns mentioned in the memorandum prepared by staff dated August 10, 2023 as well as other concerns raised by the Coastal Permit Administrator during previous hearings.

Environmentally Sensitive Habitat Areas (ESHA): CDFW uses a hierarchical system to classify vegetation as Natural Communities and Sensitive Natural Communities. Staff considers vegetation which is classified as a Sensitive Natural Community by CDFW to be ESHA. As noted in the Memorandum prepared by staff dated August 10, 2023, there has been ongoing discussion between staff, CDFW, and the biologist retained by the applicant regarding the classification of vegetation on the project site. According to a letter from the biologist submitted on August 25, 2021, the forest surrounding the project site does not meet the membership requirements to be classified as a Grand Fir Forest Alliance, and instead fits best within the Douglas Fir – Tanoak Forest and Woodland Alliance. This Douglas Fir – Tanoak Forest and Woodland Alliance was previously assigned a ranking of G3 S3 by CDFW, which indicated that this was a sensitive alliance. However, CDFW recently made changes to their Natural Communities list on June 1, 2023. These changes suggested that the Douglas Fir – Tanoak Forest and Woodland Alliance has been merged under what is now known as the Douglas fir – tanoak forest – madrone forest and woodland Alliance. This alliance has a ranking of G4 S4 and therefore is not considered sensitive. Staff therefore felt it would be reasonable to conclude that the forest surrounding the site may not be considered sensitive, and therefore not ESHA as previously found.

Staff then requested confirmation of this reasoning with CDFW. However, no formal response was received. However, staff received informal information from CDFW regarding their hierarchical classification system. Specifically, CDFW noted that vegetation Alliances are often broken into more specific Associations. Though a broad vegetation Alliance may not be considered sensitive, individual Associations within that Alliance may be considered sensitive. Therefore, staff requested more information from the biologist to determine which Association the vegetation on the project site may be classified as. On September 26, staff received the attached letter from the biologist, which notes that the vegetation on the site does not fit within the Associations listed under the Douglas fir – tanoak forest – madrone forest and woodland Alliance (see attachment A). Therefore, the biologist determined that the vegetation surrounding the project site should be classified under the general Alliance, and therefore is not considered sensitive. Based on this information, staff finds that the forest surrounding the project site should not be considered ESHA. Therefore, the findings and conditions of approval must be revised within the staff report to reflect this conclusion. These recommended changes are shown in the attached redline version of the findings and conditions of approval (see Attachment C). This conclusion must also be clarified within the Initial Study, as previously identified impacts derived from the conclusion that the vegetation was a Sensitive Natural Community no longer apply (see Attachment D).

Drainage: As noted in the staff report, the project would involve ground disturbing activities as part of construction of the residence and ancillary uses as well as the proposed roadway improvements. The applicant provided a Subsurface Investigation Report related to construction of the residence and ancillary uses as well as Improvement Plans related to the proposed roadway improvements. These documents outline general Best Management Practices for grading and erosion control, as well as other recommendations described in the staff report. In addition, the Improvement Plans show a proposed ditch, culvert, storm drain, and other features. The recommendations in this Report and Improvement Plans have been recommended as conditions of approval in addition to the requirements for roadway improvements outlined in

the previous Unilateral Agreement. With these recommendations and features incorporated into the project, staff would consider the project to be in conformity with the LCP and Zoning Code regarding drainage.

Adequate Water Supply: “Adequate water supply” is defined in County Code Section 20.744.010 as “sufficient quantities of water to support proposed uses and to maintain contiguous and surrounding uses as determined by the District or as defined by the Division of Environmental Health in its publication “Land Division Requirements,” as revised.” As noted in the Staff Report, the applicant received a Groundwater Extraction Permit approved by the Mendocino City Community Services District for a three-bedroom residence based on a 2022 review of the 2005 hydrological study performed for the property. The 2005 study notes the following:

“The pump rate during the aquifer test must be at least 2.5 times the estimated allotment for the proposed development of the new parcel to prove an adequate water supply. The test well was pumped at an average constant rate of 0.459 gpm (661 gal/day) during the 72-hr. pump test. This rate is the short-term well yield. The three day constant rate discharge from the test pump proved an adequate water supply for a maximum allotment equal to 264 gal/day.”

Given that the hydrological study was reviewed and approved in 2022 and the Groundwater Extraction Permit has an allotment of 260 gal/day, the proposed development meets District requirements for adequate water supply and therefore is consistent with the LCP and Zoning Code.

Consistency with Previous Unilateral Agreement: The subject parcel was created by Coastal Development Minor Subdivision #28-2006. A Unilateral Agreement for this subdivision was recorded on April 3, 2008. The Unilateral Agreement notes that the original property owners “certify this 3 day of March, 2008, under penalty of perjury that all conditions of approval of the tentative map of CDMS #28-2006 as prescribed by the Planning Commission on the 20th, day of September, 2007, have been complied with.” The document includes seventeen (17) conditions of approval and two (2) special conditions of approval related to the subdivision (see Attachment B). Condition numbers 1, 2, 10, and 13 relate to grading and roadway improvements. Staff recommended several conditions of approval to ensure that the proposed project maintains consistency with these applicable conditions of approval, particularly the proposed realignment of the access road. However, upon further review, staff notes that some inconsistencies remain between the recommended conditions of approval and the Unilateral Agreement. For example, the Unilateral Agreement notes that “new or replaced culverts shall be a minimum of 18 inches in diameter”, while the recommended conditions note that “new or replaced culverts shall be a minimum of 12 inches in diameter”. In addition, the Improvement Plans shows designs for a 12-foot driveway, while the Unilateral Agreement requires an 18-foot driveway.

To address this, staff recommends a condition of approval requiring the applicant to submit revised Improvement Plans for approval by the Coastal Permit Administrator, and ultimately inspection by the Department of Transportation. This change is not expected to result in any new environmental impacts which were not already addressed within the Mitigated Negative Declaration because compliance with existing standards and regulations, including grading requirements, erosion control measures, culverts, and other drainage features identified within the existing proposal, reports, and conditions of approval are sufficient to avoid impacts. Therefore, staff has prepared amended conditions of approval which ensure that the proposed development will comply with those requirements outlined in the Unilateral Agreement. The requirements outlined in the Unilateral Agreement, Department of Transportation comments, studies/plans completed for the project, and recommended conditions of approval would ensure that roadway development is consistent with the LCP and Zoning Code (see Attachment C).

Clarifications to Initial Study: Staff has prepared a “redline” version of the Mitigated Negative Declaration to incorporate the additional information discussed within this memorandum and to provide more clarity regarding the project description (see Attachment D). For example, modifications were made to the Biological Resources section based on the determination that the forest surrounding the site is not considered a Sensitive Natural Community. Additional information was also provided regarding drainage based on the Coastal Permit Administrator’s verbal comments at the August 10, 2023 meeting. Though the project description within the Mitigated Negative Declaration does not explicitly mention all project activities, these activities were nevertheless discussed within the body of the Mitigated Negative Declaration. Therefore, modification would serve only to clarify existing information available in the record. No new impacts have been identified that were not already addressed in the Initial Study. These modifications serve only to clarify the determinations already made within the Mitigated Negative Declaration, as well as the discovery that certain previously identified potential impacts would not, in fact, occur. Modifications to the conditions of approval discussed within this memorandum are not based on new impacts and are not expected to result in significant impacts themselves. Based on this information, staff finds that recirculation of the Mitigated Negative Declaration is not required per 14 CCR §15073.5.

Appealability: As discussed in the Memorandum dated August 10, 2023, staff received clarification from the Coastal Commission, who confirmed that the Town of Mendocino is not a “Sensitive Coastal Resource Area” with respect to appealability under PRC Section 30603(a)(3). Therefore, development in the Town of Mendocino is only appealable pursuant to PRC Section 30603(a)(1), (2), (4), or (5). As the project would not be located within one hundred (100) feet of

the delineated wetlands, staff has determined that the project is not appealable to the California Coastal Commission. The Conditions of Approval have been modified to reflect this determination (see Attachment C).

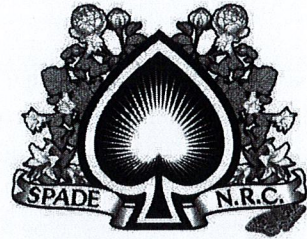
Staff therefore recommends that the Coastal Permit Administrator approve CDP_2018-0012 based on the facts and findings contained in the record, including this memorandum, subject to the conditions of approval as modified.

ATTACHMENTS:

- Attachment A – Biological Update Letter, September 20, 2023
- Attachment B – Unilateral Agreement
- Attachment C – Proposed revisions to Findings and Conditions of Approval
- Attachment D – Proposed revisions to Initial Study/Mitigated Negative Declaration

Attachment A

Teresa R Spade, AICP
Spade Natural Resources Consulting
520 Cedar Street
Mt Shasta, CA 96067
phone: 707-357-5966
spadenrc@gmail.com



To: Noah Sheppard

Re: CDP 2018-0012
10760 Calypso Lane
APN 119-090-46

Mendocino County

SEP 26 2023

Planning & Building Services

Date: September 20, 2023

Dear Noah:

At the request of the County of Mendocino Planner, I am providing you with a clarification of my interpretation of the most accurate current vegetation alliance/association that applies to your property located at 10760 Calypso Lane.

Vegetation alliances are classifications of plant communities that are listed by the dominant overstory vegetation. Associations are sub-classifications of the same. For the subject property, as outlined in the August 20, 2021 letter from Registered Professional Forester Steve Severi, the overstory at the subject property is comprised of the following (I am adding Latin names to help with the classification):

Grand fir (*Abies grandis*), Bishop pine (*Pinus muricata*), Douglas fir (*Pseudotsuga menziesii*), Western hemlock, (*Tsuga heterophylla*) and tanoak (*Notholithocarpus densiflorus*), with an understory that is characterized by the presence of salal (*Gaultheria shallon*), blackberry (*Rubus ursinus*, *Rubus armeniacus*), huckleberry (*Vaccinium ovatum*, *Vaccinium parvifolium*), rhododendron (*Rhododendron macrophyllum*), and ferns (*Athyrium filix-femina*, *Polysticum munitum*).

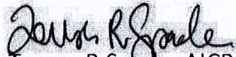
This has been classified in the past as a common mixed conifer forest, consistent with the 2006 Botanical Survey for the property by Bill Maslach. The alliance type that most closely corresponds with mixed conifer forest is the Douglas fir – Tanoak forest – Madrone Forest and Woodland. The Douglas Fir – Tanoak Forest – Madrone Forest and Woodland Type is selected because this a mixed forest type. The description of the forest type allows for a 30% or more relative cover of Douglas fir, with 30% to 60% tanoak.

According to the most current list of Alliances and Associations (June 1, 2023), there are over 50 Associations in the Douglas Fir – Tanoak Forest – Madrone Forest and Woodland. These are listed by characteristic dominants. Fore example, the *Pseudotsuga menziesii* / *Umbellularia californica* / (*Toxicodendron diversilobum*) association is characterized by the presence of Douglas fir and bay laurel, possibly with a substantial amount of poison oak in the understory. The associations come from vegetation classification survey efforts which convey the character of the dominants at the surveyed sites. The USDA Ecological Section Map shows this Vegetation Alliance forest type covering at least a third of Northern California (<https://vegetation.cnps.org/alliance/600>).

The associations listed in the current list (attached) do not fit with the characterizing overstory and understory species of the site. I don't think that means that the forest type of the site is uncommon, mixed conifer forest with Douglas fir and tanoak is in fact the most common and clearly the most diverse forest type (by the number of associations that have been created) in California. It just has not been classified much formally in much of its

coast range, is diverse by character as a forest type, and has not been formally surveyed and recorded much in Mendocino County, as much of Mendocino County has not been surveyed and recorded as part of the veg mapping effort. If there is a question of the uniqueness of the habitat of the site, that is a question best answered by a forester or botanist familiar with the forests of Mendocino County. In my opinion the forest on the subject site is a common forest type found in Mendocino County, and does not warrant special status protection. I would best classify this as the Douglas Fir – Tanoak Forest – Madrone Forest and Woodland Alliance (G4 S4, common), with no specific association as the associations listed cover a large geographical area and do not describe well the common forest of our area.

Sincerely,


Teresa R Spade, AICP

Spade Natural Resources Consulting

Mendocino County

SEP 26 2023

Planning & Building Services

2008-04850
Recorded at the request of
ERIC W GORDON
04/03/2008 01:58P
Fee: 29.00 No of Pages: 8

When recorded, please mail
this instrument to:
Henry McCusker & Stacey Squire
P. O. Box 1366
Mendocino, Ca. 95460

OFFICIAL RECORDS
Susan M. Ranochak, Clerk-Recorder
Mendocino County, CA

UNILATERAL EXECUTED AGREEMENT
FOR WAIVER OF FILING OF PARCEL MAP
MENDOCINO COUNTY MINOR SUBDIVISION # CDMS 28-2006

We, Henry F. McCusker and Agatha Anne Yount, Trustees of The Henry F. McCusker and Agatha Anne Yount Living Trust dated April 25, 2006, as to an undivided 50% interest and Stacey Squire, a single woman, as to an undivided 50% interest, owners of the property defined in *Exhibit "A" (Conditions of Approval) and *Exhibit "B" (Being a legal description, describing the property considered by the planning commission as being divided) hereto attached pursuant to the Mendocino County Code, Section 17-49 (D) (2) (b), hereby certify this 3 day of March, 2008, under penalty of perjury that all conditions of approval of the tentative map of CDMS# 28-2006 as prescribed by the Planning Commission on the 20th, day of September, 2007, have been complied with.

Signed [Signature]
Henry F. McCusker

Signed [Signature]
Stacey Squire

Signed [Signature]
Agatha Anne Yount

I, RAYMOND HALL
Mendocino County Director of the Planning and
Building Services Department, hereby certify this
unilateral agreement has been checked for
compliance with applicable sections of the
Mendocino County Code and is hereby approved
for recording this 3rd day of
APRIL, 2008

By: [Signature]
Deputy

Mendocino County Planning &
Building Services Director

*Exhibits "A" and "B" must be typed and attached hereto.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of MENDOCINO

On 3/3/2008 before me, MARY JANE KILGOS
Date Here Insert Name and Title of the Officer

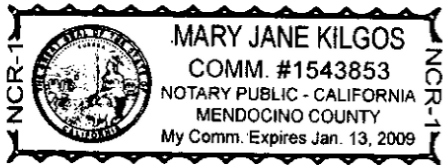
personally appeared STACEY SQUIRE
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Mary Jane Kilgos
Signature of Notary Public



Place Notary Seal Above



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Mendocino

On 3/26/08 before me, MARY JANE KILGOS
Date Here Insert Name and Title of the Officer

personally appeared HENRY F. McCusker and Agatha Anne Yount
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Mary Jane Kilgos
Signature of Notary Public



Place Notary Seal Above

EXHIBIT "A"

CONDITIONS OF APPROVAL:

1. The applicant shall submit a statement to the Department of Planning and Building Services acknowledging that all grading and site preparation, at a minimum, will adhere to the following "Best Management Practices":
 - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
 - e. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year, unless winter season protocols are approved by Planning and Building Services.
 - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
 2. A fill less than 1 foot (305mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.
2. A notation shall be placed on the Parcel Map/Unilateral Agreement stating that, "Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified above".
3. A note shall appear on the Unilateral Agreement that the access road, driveway and interior circulation routes be maintained in such a manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with Air quality Management District regulations regarding asbestos content.

EXHIBIT "A" (CONTINUED)

4. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game 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 \$1,850.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to October 5, 2007 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game 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 payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**
5. "Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes which will maintain the 100-foot buffer in accordance with the Botanical Survey prepared by William Maslach, dated August 2006. A note shall be placed on the Unilateral Agreement or Additional information Sheet stating that development will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.
6. The applicant shall bring the un-permitted structures as noted on the comments from the Building Inspection Division dated December 20, 2006 into compliance with the proper permits required by the Planning and Building Services Department, Planning and Building Divisions, Department of Environmental Health and any other permits that may be deemed necessary, or the structures shall be removed from the site. Written Clearance from all departments shall be obtained.
7. There shall be provided an access easement of 60 feet and 40 feet in width (as per tentative map) from a publicly maintained road to each parcel being created. Documentation of access easement shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
8. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.
9. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such Improvements have been completed.
10. The Access road to each parcel shall be improved to an eighteen (18) foot wide road within the access easement including four (4) inch minimum rock base, one hundred twenty-five (125) foot minimum radius of horizontal curve, grade not to exceed fifteen (15) percent, drainage culverts where necessary. New or replaced culverts shall be a minimum of 18 inches in diameter.
11. A standard private road approach shall be constructed at the intersection of Calypso Lane, to a minimum width of eighteen (18) feet, area to be improved twenty (20) feet from the edge of the County road, to be surfaced with surfacing comparable to that on the County road.
12. Any proposed work within county right of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
13. A 40-foot radius turnaround be constructed within a 50-foot radius easement at terminus of access easement to the satisfaction of the Mendocino County Department of Transportation. A Hammerhead T may be built upon concurrence with the local fire agency.

EXHIBIT "A" (CONTINUED)

14. The subdivider shall comply with those recommendations in the California Department of Forestry letter of June 11, 2007 (CDF # 236-07) or other alternatives as acceptable to the Department of Forestry. Written verification (Final Clearance) shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
15. The applicant shall either (1) submit to the Division of Environmental Health, a letter from the district(s) or agency(s) stating that water and/or sewer services (and main extensions, where required) have been installed to the satisfaction of the district or agency to serve each lot in said subdivision and connected to the system providing the service(s) and has been accepted by the district or agency for maintenance by said district or agency (Mendocino County Code 17.55 & 17.56); or (2) the applicant shall submit a letter to the Division of Environmental Health from the district(s) or agency(s) stating that engineered improvement plans for the future installation of services (and main extensions, where required) for each lot and the connection to the system providing the service are acceptable to the district, including maintenance of the system by the district and the applicant shall submit a letter to Division of Environmental Health from the County Engineer stating that performance bonds or other adequate surety have been secured, to the satisfaction of the county engineer, to cover the cost of the installation of services (and main extensions, where required) for each lot and the connection to the system providing the service per Mendocino County Code Chapter 17 Article VIII.
16. A not shall appear on the Unilateral Agreement that in the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
17. Pursuant to Government Code Section 66492 & 66493, prior to the recordation of the Parcel Map or Unilateral Agreement, the subdivider must: (1) obtain a certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.

SPECIAL CONDITION OF APPROVAL

1. Those requirements as outlined in the letter dated June 20, 2007; Mendocino Community Services District shall be met. Written verification (Final Clearance) shall be submitted from the Mendocino Community Services District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the District.
2. No further division of the property subject to this Unilateral Agreement may be further subdivided.



EXHIBIT "B"

PARCEL 1

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA AND BEING IN SECTION 29, TOWNSHIP 17 NORTH, RANGE 17 WEST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 3 AS SHOWN AND DELINEATED ON THAT CERTAIN RECORD OF SURVEY FILED IN MAP CASE 2, DRAWER 39, PAGE, 31, MENDOCINO COUNTY RECORDS; THENCE ALONG THE BOUNDARIES OF SAID PARCEL 3 AS FOLLOWS: SOUTH 01°33'51" WEST, 296.57 FEET; THENCE SOUTH 30°33'25" EAST, 126.34 FEET; THENCE SOUTH 79°14'32" WEST, 125.00 FEET; THENCE NORTH 23°17'39" WEST, 130.25 FEET; THENCE SOUTH 77°00'00" WEST, 123.48 FEET; THENCE LEAVING THE SOUTHERLY BOUNDARY OF SAID PARCEL 3, NORTH 339.63 FEET TO THE NORTH BOUNDARY THEREOF; THENCE SOUTH 89°18'09" EAST, 238.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.02 ACRES

REMAINDER PARCEL

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA AND BEING IN SECTION 29 AND 30, TOWNSHIP 17 NORTH, RANGE 17 WEST, MOUNT DIABLO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

PARCEL 3 AS SHOWN AND DELINEATED ON THAT CERTAIN RECORD OF SURVEY FILED IN MAP CASE 2, DRAWER 39, PAGE, 31, MENDOCINO COUNTY RECORDS EXCEPTING:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 3 AS SHOWN AND DELINEATED ON THAT CERTAIN RECORD OF SURVEY FILED IN MAP CASE 2, DRAWER 39, PAGE, 31, MENDOCINO COUNTY RECORDS; THENCE ALONG THE BOUNDARIES OF SAID PARCEL 3 AS FOLLOWS: SOUTH 01°33'51" WEST, 296.57 FEET; THENCE SOUTH 30°33'25" EAST, 126.34 FEET; THENCE SOUTH 79°14'32" WEST, 125.00 FEET; THENCE NORTH 23°17'39" WEST, 130.25 FEET; THENCE SOUTH 77°00'00" WEST, 123.48 FEET; THENCE LEAVING THE SOUTHERLY BOUNDARY OF SAID PARCEL 3, NORTH 339.63 FEET TO THE NORTH BOUNDARY THEREOF; THENCE SOUTH 89°18'09" EAST, 238.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.43 ACRES, MORE OR LESS.

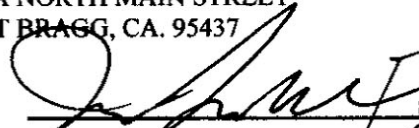
TOGETHER WITH A 40 FOOT PRIVATE ROADWAY AND PUBLIC UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY PROPERTY LINE OF PARCEL 3 AS SHOWN AND DELINEATED ON THAT CERTAIN RECORD OF SURVEY FILED IN MAP CASE 2, DRAWER 39, PAGE, 31, MENDOCINO COUNTY RECORDS FROM WHICH THE NORTHEAST CORNER OF SAID PARCEL 3 BEARS NORTH 01° 33' 51" EAST, 21.83 FEET; THENCE FROM SAID POINT OF BEGINNING ALONG SAID CENTERLINE, SOUTH 67° 57' 35" WEST, 256.65 FEET TO THE EASTERLY PROPERTY OF THE REMAINDER PARCEL DESCRIBED ABOVE.

THE SIDELINES OF SAID EASEMENT TO BE EXTENDED OR SHORTENED TO BEGIN ON THE EASTERLY PROPERTY LINE OF PARCEL 3 AS SHOWN AND DELINEATED ON THAT CERTAIN RECORD OF SURVEY FILED IN MAP CASE 2, DRAWER 39, PAGE, 31, MENDOCINO COUNTY

RECORDS AN END ON THE EASTERLY PROPERTY OF THE REMAINDER PARCEL DESCRIBED ABOVE

DESCRIPTIONS PREPARED BY: I. L. WELTY & ASSOCIATES
703-A NORTH MAIN STREET
FORT BRAGG, CA. 95437


IVAN LEE WELTY, R. C. E. 1946
LICENSE EXPIRES 9/30/09



NOTES:

Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified above.

The access road, driveway and interior circulation routes shall be maintained in such a manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with Air quality Management District regulations regarding asbestos content.

Development shall be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.

In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

No further division of the property subject to this Unilateral Agreement may be further subdivided.



ATTACHMENT C
PROPOSED REVISIONS TO FINDINGS AND CONDITIONS OF APPROVAL
CASE# CDP_2018-0012 - NOAH & ZOE SHEPPARD

FINDINGS:

1. Pursuant to MCC Section 20.720.035(A)(1), the proposed development is in conformity with the certified Mendocino Town Local Coastal Program. The Mendocino Town Local Coastal Program is the Mendocino Town Plan. The site is classified as Rural Residential (RR-2) on the Mendocino Town Land Use Map. The Project meets the principal permitted use, density, height limitation, and parking requirements for the Rural Residential Classification. Therefore, the Project is consistent with Mendocino Town Plan Section 5.2. Applicable Town Plan policies include GM-6, GM-8, GM-9, DG-5, CP-1, S-1, S-2, S-3, S-4, S-5, S-6, S-11, PAR-1, CNS-7, and CNS-9. With recommended conditions of approval, the Project is consistent with these applicable policies as discussed throughout the staff report and as evidenced by the associated materials; and
2. Pursuant to MCC Section 20.720.035(A)(2), the proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The applicant has provided Improvement Plans **and a Subsurface Investigation Report** which identify measures to be undertaken during project activities to provide adequate drainage, and conditions of approval are recommended to require Best Management Practices for drainage. Conditions of approval are recommended to assure that improvement of the subdivision road matches subdivision requirements, and the property has been approved for groundwater extraction and connection to the Mendocino City Community Services District sewer system as discussed in the staff report; and
3. Pursuant to MCC Section 20.720.035(A)(3), the proposed development is consistent with the purpose and intent of the zoning district applicable to the real property on which the development is proposed, as well as the provisions of this Division, and preserves the integrity of the zoning district. The Project would establish single-family residential use and associated accessory uses, which are permitted uses in the Mendocino Rural Residential zoning district. The Project would preserve the integrity of the zoning district by ~~restricting uses within ESHA~~ and retaining **sufficient** land for potential agricultural use; and
4. Pursuant to MCC Section 20.720.035(A)(4), the proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. An initial study was prepared for the proposed project. It was found that some environmental impacts could occur. However, mitigation measures were identified which would render these impacts less than significant. Thus, a Mitigated Negative Declaration was prepared. The mitigation measures identified in the Initial Study have been incorporated as recommended conditions of approval.; and
5. Pursuant to MCC Section 20.720.035(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource. An archaeological study was conducted on the property which found no cultural resources. A condition of approval is recommended requiring additional actions upon any unanticipated discovery of cultural resources during project activities in accordance with Mendocino County Code Chapter 22.12; and
6. Pursuant to MCC Section 20.720.035(A)(6), other services, including but not limited to, solid waste, public roadway capacity and proof of an adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the proposed development. The Project is accessed by a private road. Available capacity of the public roadway was considered when the Rural Residential land use classification was assigned to the site and when the property was subdivided. There are no solid waste landfills in Mendocino County, but transfer stations are available nearby to transport solid waste

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elsewhere. Proof of adequate water supply has been demonstrated as discussed in the staff report, including the letter from Mendocino City Community Services District confirming that a groundwater extraction permit for a 3-bedroom single-family residence has been approved and the associated hydrological study is still valid. **The results of the hydrological study concluded that adequate water supply is available based on District standards;** and

7. Pursuant to MCC Section 20.720.035(A)(7), the proposed development is in conformance with the design standards of Section 20.760.050. The property is within Historical Zone B and is not visible from any point within Historical Zone A. As such, prior approval from the Historical Review Board is not necessary; and
8. Pursuant to MCC Section 20.720.035(D) and 20.532.100(A)(1), the proposed development is not located within an Environmentally Sensitive Habitat Area (ESHA). Rather, it is located adjacent to an ESHA within the recommended fifty (50) foot buffer area. The Project conforms to Chapter 20.712 *Environmentally Sensitive Habitat and Other Resource Areas* regulations as conditions of approval are recommended to establish appropriate buffers to identified ESHA, limitation on uses within ESHA buffers and a replanting plan is recommended to restore habitat, and appropriate findings have been made for development within identified ESHA buffer areas as discussed in the staff report and associated application materials. A project alternative was considered, and it was determined that the proposed site would limit the amount of development within the ESHA buffer while locating development further away from riparian areas and the nearby subdivision road to be improved.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.720.015 of the Mendocino Town Zoning 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 expiration. **The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.**
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division III 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 of all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction, including all required Building Permits for the proposed project as required by the Building Division of the Department of Planning and Building Services.
5. 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 judgement of a court of competent jurisdiction has declared one or more conditions to

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be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

6. 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.
7. 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 Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.190 of the Mendocino County Code.
8. In accordance with MCC Section 20.719.020(A), a one hundred (100) foot buffer area shall be established from the identified Stream ESHA as mapped in the August 23, 2019 Update Letter to Botanical Survey prepared by Spade Natural Resources Consulting.
- ~~9. In accordance with MCC Section 20.719.020(A), a fifty (50) foot buffer area shall be established from the identified Grand Fir Forest ESHA as mapped by the red dotted line in the July 28, 2020 Special Status Community Avoidance and Replanting Plan prepared by Spade Natural Resources Consulting.~~
- ~~10. This permit authorizes development of portions of the single family residence garage, and appurtenant structures associated with CDP_2018-0012 within the fifty (50) foot buffer area. However, future development within the established buffer areas not authorized by CDP_2018-0012 shall be limited to Open Space Use Types and shall require a Coastal Development Permit or permit amendment, except exemptions allowed by MCC Section 20.720.020(A)(1) for repair and maintenance activities.~~
11. This permit authorizes a sewer connection to Mendocino City Community Services District and installation of an on-site septic tank intended to connect to a sewer lateral. A Coastal Development Permit shall be required for development of any future on-site solid waste treatment system.
12. Exterior lighting shall be kept to the minimum necessary for safety and security purposes, shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel.
13. The property owner shall comply with special status bird and bat, special status amphibian, Northern Red-Legged Frog, Sonoma Tree Vole, and Special Status Habitat avoidance measures as described in the August 23, 2019 Update Letter to Botanical Survey and March 26, 2020 Report of Compliance prepared by Spade Natural Resources Consulting.
14. The property owner shall comply with the Impact Avoidance Plan described in the July 28, 2020 Special Status Community Avoidance and Replanting Plan prepared by Spade Natural Resources Consulting, including staging, fencing, erosion, sedimentation, and dust control, invasive plant contamination avoidance, spill prevention, and contractor education.
15. The property owner is notified of the recommendations for invasive plant removal as described in the March 26, 2020 Report of Compliance prepared by Spade Natural Resources Consulting.
- 16. Standard Best Management Practices (BMPs) shall be employed during construction activities to avoid or minimize erosion, sedimentation, and storm water pollution from construction activities. Additional measures shall be employed as described in the 2023 Improvement Plans prepared by Pope Engineering. In accordance with the Unilateral Agreement related to Minor Subdivision CDMS 28-2006, the applicant shall submit a statement to the Department of Planning and Building**

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Services acknowledging that all grading and site preparation, at a minimum, will adhere to the following “Best Management Practices”:

- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
- b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
- c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
- d. Temporary erosion control measures shall be in place at the end of each day’s work, and shall be maintained until permanent protection is established.
- e. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary.
- f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year, unless winter season protocols are approved by Planning and Building Services.
- g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by on of the following:
 - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
 - ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3m³) on any one lot and does not obstruct a drainage.

17. Restoration planting shall occur as follows:

- a. ~~Prior to issuance of a certificate of occupancy, restoration planting will occur as shown in Figure 2 of the Special Status Community Avoidance and Replanting Plan prepared by Spade Natural Resources Consulting. Should adjustments need to be made to accommodate available plant species, changing regulatory protocols or changes of circumstance that prevent planting as shown, an alternative planting plan shall be reviewed by the Coastal Permit Administrator or their designee in consultation with California Department of Fish & Wildlife staff.~~
- b. ~~Plants used will be purchased in a minimum 5-gallon size container and will be irrigated or hand watered daily to twice a week as need for at least the first dry season. Plants will be protected from deer browse and dead plants will be replaced as needed.~~
- c. ~~If any detrimental impacts to the mapped Grand Fir Forest occur during project implementation, all disturbances to the sensitive area shall cease. Any equipment or materials shall be removed from the area. The head contractor shall contact the Department of Planning & Building Services. Planning & Building Services staff shall~~

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~~consult with California Department of Fish & Wildlife staff, who may be allowed on-site to assess and record the extent of the disturbance. If needed, any disturbed soils shall be replaced to previous conditions to the extent feasible.~~

- ~~d. Monitoring will occur until replacement goals are achieved as described in the Special Status Community Avoidance and Replanting Plan prepared by Spade Natural Resources Consulting.~~

~~18. Prior to the issuance of a Building Permit associated with CDP_2018-0012, the property owner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:~~

- ~~a. The conditions of Permit CDP_2018-0012 are imposed as covenants, conditions and restrictions on the use and enjoyment of the property; and~~
- ~~b. The adopted findings and conditions approving CDP_2018-0012 shall be attached as exhibits to the Deed Restriction.~~
- ~~c. An exhibit shall identify the property boundaries, all easements, wells, and the Grand Fir Forest ESHA, Riparian ESHA, and their buffers, and the 50-foot wide restoration planting area. The exhibit shall be prepared to the satisfaction of the Coastal Permit Administrator or their designee.~~
- ~~d. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.~~

19. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife 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.**

20. Any outstanding code violations associated with storing an unassembled residence on the site shall be resolved to the satisfaction of the Mendocino County Code Enforcement Division prior to expiration of CDP_2018-0012.

21. The property owner shall comply with those recommendations in the California Department of Forestry and Fire Protection Conditions of Approval (CAL FIRE File Number 242-18) or other alternative 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 (CAL FIRE) to the Department of Planning and Building Services that this condition has been met to their satisfaction.

22. Prior to commencement of construction activities or issuance of a building permit, the applicant shall submit revised Improvement Plans prepared by a California Registered Civil Engineer for improvement the subdivision road in accordance with the Unilateral Agreement for CDMS 28-2006, or as modified by the applicant and approved by the Department of Transportation Staff during field review. The revised Improvement Plans shall be submitted to the Department of Transportation and the Department of Planning & Building Services. The roadway shall be

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inspected by the Department of Transportation. The Department of Transportation shall notify the Department of Planning and Building Services when the subdivision road has been completed to the satisfaction of the Department of Transportation. Current inspection fees shall apply. The subdivision road within the access easement located on APN 119-090-46 shall be improved in accordance with County of Mendocino Road and Development Standards drawing A10H and the following minimum standards: **Eighteen (18) foot wide, eight (8) inch minimum thickness Class 2 aggregate base rocked road, one hundred twenty-five (125) foot minimum radius of horizontal curve, grade not to exceed fifteen (15) percent, drainage culverts where necessary. New or replaced culverts shall be a minimum of 18 inches in diameter.**

23. Grades for subdivision roads must not exceed sixteen percent (16%). Where topography requires grades of greater than 16%, if requested in writing by applicant and if approved in writing by the applicable fire protection service provider(s), the Director of Transportation may approve grades exceeding 16% provided that such grades are surfaced with a double chip seal and contain turnouts and other features consistent with Fire Safe Regulations. The process of allowing grades exceeding 16% shall be in accordance with County of Mendocino Road and Development Standards Tab H – Exception Procedures.
24. A 40-foot radius turnaround shall be constructed within a 50-foot radius easement at terminus of access easement to the satisfaction of the Mendocino County Department of Transportation. Where topography precludes the use of a cul-de-sac design, and if approved in writing by the applicable fire protection service provider(s), in lieu of the turnaround described above, subdivider shall construct a "Hammerhead-T" turnaround within a forty (40) foot wide by eighty (80) foot long easement at the terminus of the access easement. Turnaround shall be constructed with eight (8) inch minimum rock base, twenty (20) feet wide and sixty (60) feet long, with twenty (20) foot radius surfacing returns.
25. Drainage culverts shall be installed or replaced where necessary in association with road improvements. New or replaced culverts shall be a minimum of ~~42~~ **18** inches in diameter and designed by a California Registered Civil Engineer to accommodate the 10-year storm event with a headwater to depth ratio of no greater than 1.0. In no case shall a new or replaced culvert be smaller than an upstream culvert.
26. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
27. No structure or portion of any structure shall be located within the access easement as described in the Unilateral Agreement associated with CDMS 28-2006 (Document No. 2008-04850).
28. The property owner shall comply with applicable recommendations contained in the Subsurface Investigation Report prepared in association with the project, dated May 16, 2023.

Attachment D

Section I Description Of Project.
<p>DATE: MAY 23, 2023 CASE#: CDP_2018-0012 DATE FILED: 4/23/2018 OWNER: NOAH & ZOE SHEPPARD APPLICANT: NOAH SHEPPARD REQUEST: Standard Coastal Development Permit, after the fact, request to construct a single family residence, associated and ancillary structures less than 100 feet from sensitive habitat areas. A Coastal Development Permit to authorize after-the-fact construction of a single-family residence, detached garage, and pump house. The application also includes a request to convert a test well into a production well for residential use, and a request to realign the driveway as shown on the revised Improvement Plans. ENVIRONMENTAL DETERMINATION: MITIGATED NEGATIVE DECLARATION LOCATION: In the Town of Mendocino, on the south side of Calypso Lane, 800± ft. from of its intersection with Little Lake Road (CR 408), located at 10760 Calypso Lane (Private), Mendocino; APN: 119-090-46. STAFF PLANNER: LIAM CROWLEY</p>
Section II Environmental Checklist.
<p><i>"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).</i></p> <p><i>Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.</i></p>

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

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

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

In the checklist the following definitions are used:

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

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

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

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

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

<u>I. AESTHETICS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<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) Substantially degrade the existing visual character, or quality of the site, and its surroundings?	<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.

a – c) **No impact:** A scenic vista is defined as a location that offers a high quality, harmonious, and visually interesting view. Although there are scenic resources throughout Mendocino County that are visible from roads, and highways; only one roadway in Mendocino County, State Route 128, has been designated as a State Scenic Highway by California State Assembly Bill 998, approved on July 12, 2019.¹ The site of the proposed project is near, but not adjacent to nor takes access from, a major “visually interesting” roadway of State Route 1. State Route 1 is part of the California Freeway and Expressway System, and traverses through the Los Angeles metro area, Monterey, Santa Cruz, San Francisco metro area, and Leggett. It is part of the National Highway System, a network of highways that are considered essential to the country’s economy, defense, and mobility by the Federal Highway Administration. State Route 1 is eligible to be included in the State Scenic Highway System; however, only a few stretches between Los Angeles and San Francisco have officially been designated as a “scenic highway”, meaning that there are substantial sections of highway passing through a “memorable landscape” with no “visual intrusions”.

The subject parcel lies east of State Route 1 and is accessed via a private road. The subject parcel is located in a residential area where homes are interspersed with trees and other natural vegetation. The proposed project will be in character with the surrounding environment, and nestled such that natural vegetation will still remain around it. While the addition of any development will change the current visual character of the site, the addition of a residence that is similar in size and scale to those on adjacent properties is not an impact to the visual character of the area.

d) **Less than significant impact:** MCC Sections 20.504.020(C), and 20.504.035 provides exterior lighting and finish regulations intended to protect coastal visual resources in Highly Scenic Areas, Special Treatment Areas, and Special Communities of the Coastal Zone, such as the Town of Mendocino. Exterior lighting is required to be below the maximum height limit for the district and is required to be shielded (positioned in a manner that light, and glare does not extend beyond the

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

boundaries of the parcel). Building materials and exterior colors shall be compatible with those of existing structures. With adherence to the zoning code standards, the project will have a less than significant impact in terms of creating a new source of light or glare which could adversely affect day or nighttime views in the surrounding area.

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

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

a - e) **No impact:** The project site is located in an area designated as “Grazing Land” by the State of California Department of Conservation. The parcel is zoned Mendocino Rural Residential, as are surrounding parcels, and while limited agricultural uses are allowed in the Mendocino Rural Residential zoning district, approval of this application would not convert any agriculturally zoned lands to non-agricultural uses. The project would not convert any land designated “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance” to non-agricultural uses.

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

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

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

a - b) **No impact:** The project is located within the North Coast Air Basin consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. The Project Site is located within the Mendocino County Air Quality Management District (MCAQMD) which is responsible for enforcing California and federal Clean Air Acts, as well as local air quality protection regulations. Any new emission point source is subject to an air quality permit, consistent with the District’s air quality plan, prior to project construction. The MCAQMD also enforces standards requiring new construction, including houses, to use energy efficient, low-emission EPA certified wood stoves and similar combustion devices to help reduce area source emissions. The proposed project does not propose any activities that would conflict with the District’s air quality plan, and the project is subject to any requirements of the MCAQMD; therefore, there will be no impact.

c) **Less than significant impact:** MCAQMD operates air monitoring stations in Fort Bragg, Ukiah, and Willits. 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). In addition, Mendocino County is currently in attainment for all California Ambient Air Quality Standards (CAAQS) The County attained Particulate Matter (PM10) attainment in 2021. In January of 2005, MCAQMD adopted a Particulate Matter Attainment Plan establishing a policy framework for the reduction of PM10 emissions, and has adopted Rule 1-430 which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

- 1) All visibly-dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions; and

- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals, or oils, shall have a posted speed limit of 10 miles per hour; and
- 3) Earth, or other material that has been transported by trucking, or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed; and
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to airborne dusts; and
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour; and
- 6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and
- 7) The operator shall keep a daily log of activities to control fugitive dust. In December of 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards, and use of wood burning appliances to reduce particulate emissions. These regulations are applied to wood heating appliances, installed both indoors, and outdoors for residential, and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites, and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM), and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading, or road development must be registered in the Air Resources Board DOORS program, and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets, and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous, and solid material which contributes to PM2.5. All stationary, and portable diesel engines over 50 horse power need a permit through the MCAQMD.

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

The generation of dust during grading activities, another type of area-source emission, will be limited by the County's standard grading, and erosion control requirements contained in MCC Chapter 20.492 and MCC Chapter 20.717. These policies limit ground disturbance and require immediate revegetation after the disturbance. These existing County requirements will help to ensure PM10 generated by the project will not be significant, and that the project will not conflict with nor obstruct attainment of the Air Quality Plan PM10 reduction goals.

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

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

<u>IV. BIOLOGICAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly, or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local, or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service?	<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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident, or migratory fish, or wildlife species, or with established native resident, or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies, or ordinances protecting biological resources, such as a tree preservation policy, or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on biological resources if it would have a substantial adverse effect, either directly, or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local, or regional plans, policies, or regulations, or by the California Department of Fish and 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 California, 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 California habitat conservation plan.

a, b, d) **Less than significant impact with mitigation incorporated:** Several studies were prepared for the proposed project in order to identify sensitive resources on the parcel, and also to provide recommendations to prevent potential impacts to documented sensitive resources as a result of the project:

- “Botanical Survey for 10770 Calypso Lane (APN: 119-090-35).” William Maslach. August 2006.
- “Update Letter to Botanical Survey for 10770 Calypso Lane (APN: 119-090-46).” Spade Natural Resources Consulting. August 27, 2019 Revised. (Including Table 4, a reduced buffer analysis).
- “CDP_2018-0012 Sheppard Botanical Update Report and Clarifications.” Spade Natural Resources Consulting. September 9, 2019.
- “Report of Compliance for 10770 Calypso Lane (APN: 119-090-46).” Spade Natural Resources Consulting. March 26, 2020.
- “Special Status Community Avoidance and Replanting Plan for 10770 Calypso Lane (APN: 119-090-46).” Spade Natural Resources Consulting. July 28, 2020.
- “CDP 2018-0012 Sheppard Botanical Update Report Clarifications (supersedes September 9, 2019 clarification letter).” Spade Natural Resources Consulting. August 25, 2021.

The studies propose mitigation and avoidance measures. These measures would ensure that all impacts from the proposed development will have a less than significant effect on sensitive resources. These documents are kept on file with the Mendocino County Department of Planning & Building Services and the measures, as modified, are a part of the recommended conditions for project approval.

Based on the available information, including surveys, reports, and correspondence between staff, the applicant, the applicant's agent, California Department of Fish and Wildlife (CDFW) staff, and California Coastal Commission (CCC) Staff, three (3) issues regarding biological impacts emerged. First, the identified streams and associated buffer distances; second, treatment of the vegetation alliance surrounding the building site, including associated buffer distances and recommended avoidance measures; and third, the treatment of previously unaddressed vegetation removal, including any recommended avoidance or restoration measures. Correspondence and discussion between County Staff, CDFW, and the California Coastal Commission occurred regarding these issues as noted in the August 12, 2021 Coastal Permit Administrator Staff Report. CDFW staff approved of the reduced fifty (50) foot buffer on August 16, 2021. In addition, a site visit was conducted on April 28, 2023 between County Planning and DOT staff, CDFW staff, and the property owner. After consideration of all the analysis submitted and written or verbal comments received, staff determined (1) that a one hundred (100) foot stream buffer should be maintained based on the streams discussed in the 2006 Maslach survey and mapped by Spade Natural Resources Consulting (SNRC) in 2019; (2) regardless of whether the surrounding forest is considered a Grand Fir Forest alliance or a Douglas Fir – Tanoak Forest and Woodland alliance, the sensitive status of both alliances as defined by CDFW indicates that the surround forest should be considered an environmentally sensitive habitat area. As such, a fifty (50) foot buffer should be established as measured from the 2019 surveyed canopy and the Reduced Buffer Analysis submitted by SNRC. Limited development would be allowed within the 50-foot buffer area in accordance with MCC Section 20.719.020(D), and any necessary measures should be implemented to ensure compliance with this section to the maximum extent feasible; (3) as proposed in the Special Status Community Avoidance and Replanting Plan, restoration planting should occur to account for previously unauthorized vegetation removal and development within the 50-foot buffer area; and (4) future development within the established buffer areas should require a Coastal Development Permit, except for repair and maintenance activities. Uses within the established buffer areas should be limited to Open Space Use Types that are allowed, or conditionally allowed, within the

MRR District. However, upon further discussion between County staff, CDFW, and the biologist, the following should be noted:

CDFW uses a hierarchical system to classify vegetation as Natural Communities and Sensitive Natural Communities. According to a letter from the biologist submitted on August 25, 2021, the forest surrounding the project site does not meet the membership requirements to be classified as a Grand Fir Forest Alliance, and instead fits best within the Douglas Fir – Tanoak Forest and Woodland Alliance. This Douglas Fir – Tanoak Forest and Woodland Alliance was previously assigned a ranking of G3 S3 by CDFW, which indicated that this was a sensitive alliance. However, CDFW recently made changes to their Natural Communities list on June 1, 2023. These changes suggested that the Douglas Fir – Tanoak Forest and Woodland Alliance has been merged under what is now known as the Douglas fir – tanoak forest – madrone forest and woodland Alliance. This alliance has a ranking of G4 S4 and therefore is not considered sensitive. Staff therefore felt it would be reasonable to conclude that the forest surrounding the site may not be considered sensitive, and therefore not ESHA as previously found. Staff then requested confirmation of this reasoning with CDFW. However, no formal response was received. However, staff received informal information from CDFW regarding their hierarchical classification system. Specifically, CDFW noted that vegetation Alliances are often broken into more specific Associations. Though a broad vegetation Alliance may not be considered sensitive, individual Associations within that Alliance may be considered sensitive. Therefore, staff requested more information from the biologist to determine which Association the vegetation on the project site may be classified as. On September 26, 2023 staff received a letter from the biologist, which notes that the vegetation on the site does not fit within the Associations listed under the Douglas fir – tanoak forest – madrone forest and woodland Alliance. Therefore, the biologist determined that the vegetation surrounding the project site should be classified under the general Alliance, and therefore is not considered sensitive. Based on this information, the forest surrounding the project site should not be considered a Sensitive Natural Community. As such, no impacts related to its previous classification as a Sensitive Natural Community would occur, including any impacts due to previous tree removal. Regardless, impacts may still occur regarding special status species. Therefore, mitigation measures related to the forest surrounding the project site should be removed. However, other mitigation measures recommended by the biologist and Civil Engineer should be kept in place.

~~The submitted avoidance measures and restoration plan would ensure that adjacent habitat area would be maintained as required by the conditions of approval. The proposed site is the most feasible because it balances maximum avoidance of the 50-foot buffer with impacts due to additional driveway development and distance to nearby riparian areas. As noted in the Report of Compliance, the proposed site is the “best site”. This would limit impervious surfaces, removal of vegetation, and other intrusion into the buffer area. The various surveys and reports submitted in association with the project recommend mitigation and avoidance measures to minimize impacts to environmentally sensitive habitats. Staff recommends mitigation measures which would require, as a condition of approval, that the property owner comply with the measures recommended by these reports.~~

The proposed project will not interfere substantially with the movement of any native resident, or migratory fish or wildlife species, or with established native resident, or migratory wildlife corridors with incorporated mitigation measures. Since the parcel is presently undeveloped it may be host to several nesting birds or bats, and act as a wildlife corridor for animals traveling to the coast. With the incorporation of mitigation measures and establishing a buffer between the proposed development and the ~~Grand Fir Forest~~ habitat and stream habitat, impacts associated with the proposed project are considered less than significant.

- c) **No Impact:** The project area does not include federally protected wetlands.

- e, f) **Less than significant impact:** The proposed development, including an after-the-fact request to remove approximately 6,000 square feet of tree canopy, does not conflict with local policies or ordinances or an Habitat Conservation Plan, Natural Community Conservation Plan, or other similar plan. The approving authority is requested to consider the entire proposed project, including Major Vegetation Removal, and the recommended mitigation measures that include planting sword ferns, wax myrtles, Grand Fir and Douglas Fir within the areas where previously vegetation was removed without authorization.

Mitigation Measures:

BIO-1: In accordance with MCC Section 20.719.020(A), a one hundred (100) foot buffer area shall be established from the identified Stream ESHA as mapped in the August 23, 2019 Update Letter to Botanical Survey prepared by Spade Natural Resources Consulting.

~~**BIO-2:** In accordance with MCC Section 20.719.020(A), a fifty (50) foot buffer area shall be established from the identified Grand Fir Forest ESHA as mapped by the red dotted line in the July 28, 2020 Special Status Community Avoidance and Replanting Plan prepared by Spade Natural Resources Consulting.~~

~~**BIO-3:** This Coastal Development Permit authorizes development of portions of the single family residence garage, and appurtenant structures associated with CDP_2018-0012 within the fifty (50) foot buffer area. However, future development within the established buffer areas not authorized by CDP_2018-0012 shall be limited to Open Space Use Types and shall require a Coastal Development Permit or permit amendment, except exemptions allowed by MCC Section 20.720.020(A)(1) for repair and maintenance activities.~~

BIO-4: The property owner shall comply with special status bird and bat, special status amphibian, Northern Red-Legged Frog, Sonoma Tree Vole, and Special Status Habitat avoidance measures as described in the August 23, 2019 Update Letter to Botanical Survey and March 26, 2020 Report of Compliance prepared by Spade Natural Resources Consulting.

BIO-5: The property owner shall comply with the Impact Avoidance Plan described in the July 28, 2020 Special Status Community Avoidance and Replanting Plan prepared by Spade Natural Resources Consulting, including staging, fencing, erosion, sedimentation, and dust control, invasive plant contamination avoidance, spill prevention, and contractor education.

BIO-6: The property owner is notified of the recommendations for invasive plant removal as described in the March 26, 2020 Report of Compliance prepared by Spade Natural Resources Consulting.

~~**BIO-7:** Restoration planting shall occur as follows:~~

- ~~1. Prior to issuance of a certificate of occupancy, restoration planting will occur as shown in Figure 2 of the Special Status Community Avoidance and Replanting Plan prepared by Spade Natural Resources Consulting. Should adjustments need to be made to accommodate available plant species, changing regulatory protocols or changes of circumstance that prevent planting as shown, an alternative planting plan shall be reviewed by the Coastal Permit Administrator or their designee in consultation with California Department of Fish & Wildlife staff.~~
- ~~2. Plants used will be purchased in a minimum 5-gallon size container and will be irrigated or hand watered daily to twice a week as need for at least the first dry season. Plants will be protected from deer browse and dead plants will be replaced as needed.~~
- ~~3. If any detrimental impacts to the mapped Grand Fir Forest occur during project implementation, all disturbances to the sensitive area shall cease. Any equipment or materials shall be removed from the area. The head contractor shall contact the Department of Planning & Building Services. Planning & Building Services staff shall consult with California Department of Fish & Wildlife staff, who may be allowed on site to assess and record the extent of the disturbance. If needed, any~~

~~disturbed soils shall be replaced to previous conditions to the extent feasible.~~

~~4. Monitoring will occur until replacement goals are achieved as described in the Special Status Community Avoidance and Replanting Plan prepared by Spade Natural Resources Consulting.~~

BIO-8: 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.**

BIO-9: Standard Best Management Practices (BMPs) shall be employed during construction activities to avoid or minimize erosion, sedimentation, and storm water pollution from construction activities. Additional measures shall be employed as described in the 2023 Improvement Plans prepared by Pope Engineering.

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

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

a - d) **Less Than Significant Impact:** Archeological resources are governed by MCC Sec. 22.12.090, which echoes California law regarding discovery of artifacts, and states, in part, “*It shall be unlawful, prohibited, and a misdemeanor for any person knowingly to disturb, or cause to be disturbed, in any fashion whatsoever, or to excavate, or cause to be excavated, to any extent whatsoever, an archaeological site without complying with the provisions of this section*”.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), “*If an archeological resource is neither a unique archeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.*” No cultural resources have been identified as being directly or indirectly impacted as a result of the proposed project. Identification of any unique resources or features with the potential to be affected would trigger the application of California Code of Regulations, Title 14, Division 6, Chapter 3;

California Environmental Quality Act Section 21083.2; and Mendocino County Code, Division IV, governing discovery, or identification of potential resources, or features.

No component of the proposed intends to allow for, or facilitate disturbance of sites that contain human remains, or internment locations. MCC Section 22.12.090 governs discovery, and treatment of archeological resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled. On October 22, 2019, CHRIS staff responded that Study 33181 (DeGeorgey 2007) identified no cultural resources and further study was not recommended at that time. A previously proposed project was reviewed by the Mendocino County Archaeological Commission on May 9, 2007, where the 2007 DeGeorgey survey report was accepted. Standard conditions establish a procedure when unanticipated sites or artifacts are discovered. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

<p align="center">VI. ENERGY Would the project:</p>	<p align="center">Potentially Significant Impact</p>	<p align="center">Less Than Significant with Mitigation Incorporated</p>	<p align="center">Less Than Significant Impact</p>	<p align="center">No Impact</p>
<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Conflict with, or obstruct a State or local plan for renewable energy, or energy efficiency?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

a - b) **No impact:** On October 7, 2015, Governor Edmund G. Brown, Jr. signed into law Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015 (De León, Chapter 547, Statutes of 2015), which sets ambitious annual targets for energy efficiency, and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission to establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy efficiency savings, and demand reductions in electricity, and natural gas final end uses by January 1, 2030. This mandate is one of the primary measures to help California achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The proposed SB 350 doubling target for electricity increases from 7,286 gigawatt hours (GWh) in 2015 up to 82,870 GWh in 2029. For natural gas, the proposed SB 350 doubling target increases from 42 million of therms (MM) in 2015 up to 1,174 MM in 2029 (CEC, 2017).

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

The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction, or operation, nor would the project conflict with, or obstruct a California or local plan for renewable energy, or energy efficiency. As noted above, permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The proposed project is not anticipated to use or

waste significant amounts of energy, or conflict with or obstruct a California or local plan for renewable energy or energy efficiency. No impact is expected.

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

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

a, c) **No Impact:** The proposed project will not expose people or structures to substantial adverse effects including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong

seismic ground shaking, seismic-related ground failure, or landslides. The nearest active fault is the San Andreas Fault which is located approximately 3.5 miles inland, east from the project site. As with all parcels within Mendocino County, the site would experience some seismic ground shaking as a result of an earthquake occurring. The Local Coastal Plan Map for Land Capabilities and Natural Hazards designates the site as “Beach Deposits and Stream Alluvium and Terraces (Zone 3) – Intermediate Shaking”. The subject parcel is not mapped as an area with potential liquefaction. The soil unit upon which the parcel is located is not known to have a potential of liquefaction. Mapping does not show any landslides within close proximity to the project site. Additionally, the project site is relatively level therefore concerns regarding landslide potential are minimal. Due to the fact that the project site could experience some risk involving earthquake hazards, but not significant risks, no impact would occur. **A Subsurface Investigation Report and Improvement Plans were prepared for the project, which included several recommendations and BMPs to be implemented during construction to avoid potential impacts (available on file at Planning & Building Services).**

- b) **Less Than Significant Impact:** As with any development within Mendocino County, the proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, fiber rolls, and/or silt fencing structures. This is to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas. And would be required to stabilize disturbed soils, and vegetate bare soil created by the construction phase of the project with native vegetation, and/or native seed mixes for soil stabilization as soon as feasible. As a result, the proposed project would not result in substantial soil erosion, or the loss of topsoil, and a less than significant impact would occur. **A Subsurface Investigation Report and Improvement Plans were prepared for the project, which included several recommendations and BMPs to be implemented during construction to avoid potential impacts (available on file at Planning & Building Services).**

- d) **Less Than Significant Impact:** Expansive soils generally comprise cohesive, fine-grained clay soils, and represent a significant structural hazard to buildings erected on them, especially where seasonal fluctuations in soil moisture occur at the foundation-bearing depth. The subsurface soils at the property are mapped as soil units 199 – Shinglemill-Gibney complex, 2 to 9 percent slopes – by the Soil Survey of Mendocino County, California, Western Part. The Soil Survey notes that 199 Shinglemill-Gibney complex is about 45 percent Shinglemill, 35 percent Gibney, and 20 percent minor components. Both Shinglemill and Gibney soils are from marine terraces. Their properties and qualities include a low frequency of flooding and a high (or very high) runoff classification.

- e) **No Impact:** The proposed project does not include a leach field; Mendocino City Community Services District has provided a will serve letter for connecting to the sewer lateral. The District requires on on-site septic tank to hold and disperse effluent to the sewer connection. No impact is expected and no mitigation is required.

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

<u>VIII. GREENHOUSE GAS EMISSIONS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>VIII. GREENHOUSE GAS EMISSIONS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

a - b) **No Impact:** Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006 recognized that California is a source of substantial amounts of greenhouse gas (GHG) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a California goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emission, which includes criteria air pollutants (regional), and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (AQMD) adopted CEQA thresholds of significance for criteria air pollutants, and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to the AQMD, these CEQA thresholds of significance are the same as those, which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 metric tons CO₂e (CO₂ equivalent) of operation emission on an annual basis. This project as proposed, creating one additional single family residence, will have no impact and be below the threshold for project significance of 1,100 metric tons CO₂e.

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

<u>IX. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public, or the environment through the routine transport, use, or disposal of hazardous materials?	<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"/>

<u>IX. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing, or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing, or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of, or physically interfere with an adopted emergency response plan, or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people, or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas, or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- a - b) **Less Than Significant Impact:** The project will establish a residential use involving the routine transport, use, and disposal of hazardous materials in small or limited quantities. These materials include construction materials, household cleaning supplies, and other materials including but not limited to fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. Storage of these materials in the open may result in contaminated storm water runoff being discharged into nearby water bodies, including the Pacific Ocean. This potential hazard is not significant if these materials, particularly construction debris, are properly stored on the project site, and then disposed at an approved collection facility such as the nearby Caspar Transfer Station. Cleaning supplies and other household hazardous materials are less of a concern as they are routinely collected with the household waste and transported by waste haulers to approved disposal facilities. Consequently, potential impacts involving the transport, use, or disposal of hazardous materials are less than significant.
- c) **No Impact:** The proposed project will not emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The nearest school to the project site is several miles away. Due to the project location and residential nature, there will be no impact.
- d) **No Impact:** The proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, the development of a single-family residence, and associated improvements on the subject parcel would not create a significant hazard to the public, or the environment.

- e - f) **No Impact:** The project site is not subject to any airport land use plan, nor is the project site located within the vicinity of a private airstrip. As a result of the project’s location outside of any airport influence area, or private airstrip, there will be no impact in terms of safety hazards for people residing or working in the project area.
- g) **No Impact:** The project will not result in any physical change to the existing roadway that would impair its use as an evacuation route. Staff is not aware of an adopted emergency response or emergency evacuation plan for the area. Evacuation from this residential neighborhood would likely be via the existing County roads which the project will not interfere with. Therefore, there will be no impact because of the project.
- h) **Less Than Significant Impact:** The proposed project will not increase any existing wildland fire hazard in the area. Residential development is located on surrounding properties, and the addition of one new single-family residence will not substantially increase the existing hazard in the area. The parcel is in an area classified with a “High Fire Hazard” severity rating.² Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire). The project application was referred to CalFire and the Mendocino Fire Protection District for input; the fire district had no comment, whereas CalFire responded with a recommended condition to comply with the minimum fire safety standards for Hazardous Fire Areas, per the Public Resources Code. CalFire has submitted recommended conditions of approval (CDF 242-18) for address standards, driveway standards, and defensible space standards. With adherence to the CalFire recommendations the project will have a less than significant impact in terms of exposure of people to risks related to wildland fires.

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

² Mendocino County Department of Planning & Building Services. No Date. *Fire Hazard Zones & Responsibility Areas* [map]

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

- a) **Less Than Significant Impact:** The proposed project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. The permanent structures proposed would be constructed in accordance with the most recent standards set by all regulatory agencies, including but not limited to the County, state, and local water quality control boards [State Water Resources Control Board (SWRCB), and the North Coast Regional Quality Control Board (NCRWQCB)]. Since the majority of the site would remain undeveloped, stormwater runoff would continue to flow naturally and infiltrate into the soil. In addition, the preservation of existing vegetation, to the extent feasible, will help to filter potential pollutants from stormwater flows. **A Subsurface Investigation Report and Improvement Plans were prepared for the project, which included several recommendations and BMPs to be implemented during construction to avoid potential impacts (available on file at Planning & Building Services).** As a result, the proposed project would have a less than significant impact.
- b) **Less Than Significant Impact:** The project site is located within a mapped “Critical Water Resource” area by the Mendocino County Coastal Groundwater Study. The proposed project would not substantially deplete groundwater supplies, or interfere substantially with groundwater recharge, as significant water use is not anticipated under the project. Additionally, since most of the site would remain undeveloped, stormwater would continue to infiltrate the ground. Under the project, potable water would be provided by a proposed on-site well. In a letter from March 23, 2022 the MCCSD Superintendent confirmed that a Groundwater Extraction Permit for 10760 Calypso Lane was approved by the MCCSD Board of Directors for a three-bedroom single-family residence. The Board of Directors also approved a 2022 review of the 2005 hydrological study performed for the property and concluded that the 2005 results were still valid. The letter states that the property owners have met all MCCSD requirements for water service. A final permit will be issued upon completion of the project and inspection by MCCSD of the water meter. A less than significant impact would occur.
- c) **Less Than Significant Impact:** Although the existing drainage patterns of the site may be slightly altered through the addition of impervious surfaces associated with the permanent structures proposed on the site, the project would not result in substantial erosion or siltation on- or off-site as the project would be subject to Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.). MCC Chapters 16.30 and 20.717 require any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools, and equipment from entering the storm drainage system (off-site). In addition, due to the small development footprint of the project, infiltration into the site’s soils would continue, reducing the potential for increased peak runoff flow and removing potential pollutants from stormwater flow. As a result, the introduction of limited impervious surfaces, and the slight modification to existing topography resulting from the development and driveway, construction would not result in substantial erosion or siltation, and a less than significant would occur.

The project would not substantially increase the rate, or amount of surface runoff in a manner which would result in flooding on- or off-site, create or contribute runoff water which would exceed the

capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff. Storm drainage infrastructure within the vicinity of the site is limited. Although development is proposed on-site, due to the proposed development footprint, site drainage would continue follow a natural flow pattern and infiltrate into the ground. A Subsurface Investigation Report and Improvement Plans were prepared for the project, which included several recommendations and BMPs to be implemented during construction to avoid potential impacts (available on file at Planning & Building Services). A less than significant impact would occur.

The project site is not located in a mapped flood zone area by FEMA. As a result, the project would not impede or redirect flood flows, and no impact would occur.

- d) **No Impact:** The project site is not located in a mapped flood zone area by FEMA. The parcel is not a blufftop lands. The project site is not mapped as a Tsunami Inundation Zone nor is there any large bodies of water that may result in a seiche affecting the parcel. As a result, the project would not risk the release of pollutants due to inundation, and no impact would occur.
- e) **Less Than Significant Impact:** As discussed above, the project would be required to comply with Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.), which requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools, and equipment from entering the storm drainage system (off-site). Compliance with these regulations would facilitate the implementation of water quality control efforts at the local and California levels. Therefore, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. A less than significant impact would occur.

<u>XI. LAND USE AND PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant 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) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding, or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan, or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a) **No Impact:** The project site is situated in an established residential area and proposed adjacent to existing residential development. The low-density development will be consistent with the established community. Therefore, there will no division of an established community because of the project.
- b) **Less Than Significant Impact:** The proposed project is consistent with all policies of the Local Coastal Program of the General Plan, including Coastal Element Chapter 4.13 *Mendocino Town*

Plan. The findings included in the Staff Report address the analysis of alternatives, the mitigation measures proposed to offset impacts, and other analysis of the proposed residential development.

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

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

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

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

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

Thresholds of Significance: The project would have a significant effect on noise if it would result in the generation of a substantial temporary, or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan, or noise ordinance, or applicable

standards of other agencies; or generation of excessive groundborne vibration, or groundborne noise levels; or expose people residing, or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip, or an airport, or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport, or public use airport).

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

Generally speaking, land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise sensitive. Except for short-term construction related noise, the proposed development will not create a new source of noise that will impact the community. Noise created by the single-family residence is not anticipated to be significant, and no mitigation is required. The permanent residence proposed under the project, and associated improvements, are compatible with the uses that already exist in the area.

Construction of the residence and associated improvements, and use of construction equipment, would cause temporary increases in noise; however, these impacts would only be associated with construction, and would be temporary in nature. In addition, given the small size of the project, it is anticipated that the effects of construction noise levels and vibration would be less than significant through the implementation of standard permit conditions and would be temporary in nature. Standard permit conditions require limiting construction hours within 500 feet of residential uses to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas.

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

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

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

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

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

a - c) **No Impact:** The project would include establishment of a new single-family residence in a zoning district and General Plan land use designation intended for residential development. The project would not trigger the need for new public roads or other infrastructure that may indirectly trigger population growth. Consequently, the project would not generate unanticipated population growth in the local area. The project will not require the displacement of any person living or working the area. No impacts are expected.

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

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

a) **Less Than Significant Impact:** There are no elements of the proposed project that would impact the ability of the County, or other local services providers, to provide public services to the site or local community. The site is located within the State Responsibility Area (SRA) and is served by the California Department of Forestry and Fire Protection (CalFire). The site is mapped as located within a “High” fire hazard severity zone (Mendocino County Maps - Fire Hazard Severity Map, 2007). CalFire has submitted recommended conditions of approval (CDF 242-18) for address standards, driveway standards, and defensible space standards. Compliance with CalFire conditions would ensure a less than significant impact would occur.

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

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

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

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

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

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

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

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

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

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

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

- e) **Less Than Significant Impact:** CalFire has submitted recommended conditions of approval (CDF 242-18) for address standards, driveway standards, and defensible space standards. With adherence to the CalFire recommendations the project will have a less than significant impact in terms of emergency access.
- f) **No Impact:** The proposed project will not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The proposed project proposes a new single-family residence in a residential neighborhood, and access to the parcel is provided via existing County roads. There is no adopted policy or plan applicable to the project site that would be violated. Therefore, there will be no impact.

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

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

- a - b) **Less Than Significant Impact:** Per Chapter 3 (Development Element) of the Mendocino County General Plan (2009), the prehistory of Mendocino County is not well known. Native American tribes known to inhabit the County concentrated mainly along the coast, and along major rivers and

streams. Mountainous areas and the County’s redwood groves were occupied seasonally by some tribes. Ten Native American tribes had territory in what is now Mendocino County. The entire southern third of Mendocino County was the home of groups of Central Pomo. To the north of the Central Pomo groups were the Northern Pomo, who controlled a strip of land extending from the coast to Clear Lake. The Coast Yuki claimed a portion of the coast from Fort Bragg north to an area slightly north of Rockport. They were linguistically related to a small group, called the Huchnom, living along the South Eel River north of Potter Valley. Both smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkyone, the Eel River, and the Pitch Wailaki.

As discussed under Section V (Cultural Resources) above, the project was reviewed by the Mendocino County Archaeological Commission on July 8, 2018, where it was determined that no archaeological survey is required at this time. The Archaeological Commission has recommended a condition of approval that the applicant provide a survey after vegetation removal has occurred on the parcel, and prior to construction activities. The project was referred to three local tribes for review and comment, including the Sherwood Valley Rancheria, Redwood Valley Rancheria, and the Cloverdale Rancheria. As of this date, no response has been received from the three local tribes. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

<u>XVIX. UTILITIES AND SERVICE SYSTEMS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require, or result in the relocation, or construction of new, or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction, or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves, or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state, or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management, and reduction statutes, and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on utilities, and service systems if it would require, or result in the relocation, or construction of new, or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction, or relocation of which could cause significant environmental effects; not have sufficient water supplies available to serve the project, and reasonably foreseeable future development during normal, dry, and multiple dry years; result in a determination by the wastewater treatment provider, which serves, or may serve the project that it does not have adequate capacity to serve the project’s projected demand in addition

to the provider’s existing commitments; generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or not comply with federal, state, and local management, and reduction statutes, and regulations related to solid waste.

- a) **Less Than Significant Impact:** The infrastructure necessary for electrical, telecommunications, on-site water supply, and wastewater collection connections will be installed as part of the proposed project; however, in order to ensure significant environmental effects would not occur, the respective utility providers and installers would implement applicable Best Management Practices (BMPs) to reduce the potential for impacts, including, but not limited to, erosion during construction to occur. A less than significant impact would occur.
- b) **Less Than Significant Impact:** Under the project, potable water would be provided by a proposed on-site well. The proposed water system will be permitted through the Mendocino County Division of Environmental Health (DEH) and a groundwater extraction permit issued by Mendocino City Community Services District. The new well will be required to be constructed in accordance with DEH Standards and will comply with all relevant local and State regulations. In a letter from March 23, 2022, the MCCSD Superintendent confirmed that a Groundwater Extraction Permit for 10760 Calypso Lane was approved by the MCCSD Board of Directors for a three-bedroom single-family residence. The Board of Directors also approved a 2022 review of the 2005 hydrological study performed for the property and concluded that the 2005 results were still valid. The letter states that the property owners have met all MCCSD requirements for water service. A final permit will be issued upon completion of the project and inspection by MCCSD of the water meter. A less than significant impact would occur.
- c) **No Impact:** The proposed project would be served by a sewer lateral connection to Mendocino City Community Services District with an on-site storage and distribution (septic) tank. Since the project would be served by sewer lateral connection, no impact would occur.
- d - e) **Less Than Significant Impact:** A significant amount of solid waste is not anticipated under the project, and all solid waste generated under the project would be disposed of in accordance with all federal, State, and local statutes and regulations related to solid waste including waste diversion requirements. A local service provider for solid waste service, which will likely consist of curbside pick-up, will serve the proposed project. As noted in Chapter 3 (Development Element) of the Mendocino County General Plan (2009), there are no remaining operating landfills in Mendocino County, and as a result, solid waste generated within the County is exported for disposal to the Potrero Hills Landfill in Solano County. Based on information provided on CalRecycle’s website, the Potrero Hills Landfill has a maximum permitted throughput of 4,330 tons per day and a remaining capacity of 13.872 million cubic yards. The landfill is estimated to remain in operation until February 2048 (as of 2019). As such, the proposed project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. A less than significant impact would occur.

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

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

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

- a) **Less Than Significant Impact:** The County of Mendocino adopted a *Mendocino County Operational Area Emergency Operations Plan* (County EOP) on September 13, 2016, under Resolution Number 16-119. As noted on the County’s website, the County EOP, which complies with local ordinances, State law and federal emergency planning guidance, serves as the primary guide for coordinating and responding to all emergencies and disasters within the County. The purpose of the County EOP is to “*facilitate multi-agency and multi-jurisdictional coordination during emergency operations, particularly between Mendocino County, local and tribal governments, and special districts, as well as State and federal agencies*” (County of Mendocino – Plans and Publications, 2019). As discussed under Section IX, Hazards and Hazardous Materials, above, there are no components of the project that would impair an adopted emergency response plan or emergency evaluation plan, including the adopted County EOP. CalFire conditioned the project to require the applicant to provide adequate driveway and roadway width for emergency response vehicles and maintain defensible space for fire protection purposes to ensure State Fire Safe Regulations are met. As a result, a less than significant impact would occur.
- b) **Less Than Significant Impact:** Under the proposed project, it is not anticipated that wildfire risks would be exacerbated due to slope, prevailing winds, and other factors. The site includes a road, access to two creeks, riparian and Grand Fir Forest vegetation. The project would require compliance with CalFire’s Fire Safe Regulations to ensure adequate fire protection measures and access. As a result, a less than significant impact would occur.
- c) **Less Than Significant Impact:** The proposed project would require the installation and maintenance of associated infrastructure including internal access roads, and utility line (electricity, water, and on-site septic tank) installation and connections. However, the developed footprint is not significant in size, and during infrastructure installation and associated maintenance, appropriate Best Management Practices (BMPs) would be implemented. A less than significant impact would occur.
- d) **Less Than Significant Impact:** The proposed project would not expose people or structures to significant risks including downslope or downstream flooding, landslides, because of runoff, post-fire slope instability, or drainage challenges. While the site is not level, the project includes measures to reduce the potential for water runoff. Appropriate Best Management Practices are required as a condition of project approval. A less than significant impact would occur.

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

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

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

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

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

- b) **Less Than Significant Impact:** No cumulative impacts have been identified because of the proposed project. Individual impacts from the project would not significantly contribute to cumulative impacts in the area. A less than significant impact would occur.
- c) **Less than Significant with Mitigation Incorporated:** Based on the findings in this Initial Study, and as mitigated and conditioned, the proposed project would not have environmental effects that would cause substantial adverse effects on human beings either directly or indirectly when mitigation is incorporated. Potential environmental impacts associated with approval of the project have been analyzed, and as mitigated, all potential impacts can be reduced to a less-than-significant level.

DETERMINATION: On the basis of this initial evaluation:

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

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

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

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

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

DATE

LIAM CROWLEY
PLANNER II