

**Section I Description Of Project.****DATE:** June 8, 2018**CASE#:** CDPM\_2017-0007**DATE FILED:** August 8, 2017**OWNER/APPLICANT:** Elizabeth Cross**STAFF PLANNER:** Julia Acker, Senior Planner**REQUEST:** Administrative Coastal Development Permit Modification of CDP\_2014-0004 to change the use of the approved barn to a single-family residence. The proposal also includes after-the-fact approval for two storage sheds. Associated improvements include a septic system and temporary occupancy of a travel trailer while constructing the primary dwelling.**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration**LOCATION:** In the Coastal Zone, the site is located on the south side of Fish Rock Road (CR 122), 1.2± miles east of its intersection with Highway 1 (SH1), at 46051 Fish Rock Road (APN 143-110-32).**Section II Environmental Checklist.**

*"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).*

*Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.*

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

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality
<input checked="" 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 checked="" type="checkbox"/> Mandatory Findings of Significance	

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

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

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

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

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

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

<b><u>I. AESTHETICS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

**a, b, c) No Impact:** No new development will take place on the subject site that will have impacts on the scenic vistas as the proposed single-family residence is to be located in the footprint of an already approved Barn. Most of the surrounding sites are also developed with single-family residences. Additionally, the site is not located within a mapped Highly Scenic Area.

**d) Less Than Significant Impact:** A Condition of Approval is recommended to mitigate any new source of light that may affect nighttime views in the area. The proposed exterior lighting will be downcast and shielded.

<b><u>II. AGRICULTURE AND FORESTRY RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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"/>

<b>II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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"/>

**a, b, c, d, e) No Impact:** No farmland or timberland conversion will take place. Under the Farmland Mapping and Monitoring Program (FMMP), the project site is primarily designated as "Urban & Built-Up Land" and "Grazing Land" via the California Department of Conservation, Division of Land Resource Protection. No portion of the project site is currently under a Williamson Act contract.

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

**a) No Impact:** The project will not conflict with or obstruct implementation of any air quality plan as there are no components of the project that would conflict with any existing air quality plans. Additionally, Conditions of approval are recommended that will ensure that the project will achieve compliance with AQMD standards.

**b, c, d) Less Than Significant Impact:** The AQMD is in attainment for all State standards with the exception of particulate matter less than 10 microns in size (PM10). The most common source of PM10 is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. A PM10 attainment plan was finalized in 2005 that provides regulations for construction and grading activities and unpaved roads. The proposed project has the potential to increase PM10 in the immediate vicinity of the site if new roadwork/repair of existing roads is to occur. Local impacts to the area during construction would be less than significant using standard dust control measures. Conditions of approval are recommended that will ensure that the project will achieve compliance with AQMD standards.

- e) **No Impact:** Sensitive receptors can include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwellings. The Project is proposed within a residential area and is not expected to generate objectionable odors given its proposed residential use.

<b><u>IV. BIOLOGICAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a, b, e) **Less Than Significant with Mitigation Incorporated:** As part of the previous Coastal Development Permit, CDP\_2014-0004, Spade Natural Resources Consulting prepared a Biological Scoping and Botanical Survey Report, dated September 5, 2014, to determine the extent of any environmentally sensitive habitat areas (ESHA) that may be present on the subject parcel. At that time and for CDP\_2014-0004 the only identified ESHA consisted of Mendocino cypress (*Hesperocyparis pygmaea*). A fifty (50) foot buffer was recommended between the identified ESHA and all proposed development. A Reduced Buffer Analysis was included in the Survey Report and California Department of Fish and Wildlife (CDFW) concurred that a 50 foot buffer would be appropriate to protect the identified ESHA from development related impacts.

With the current modification request to convert the previously approved barn to a single-family residence and obtain after-the-fact approval for two existing storage sheds, the application was referred to CDFW for comments on the proposed change. In an email response dated April 2, 2017, CDFW determined that despite previous review of the submitted Biological Scoping and Botanical Survey Report in 2014 that they now found the identified glossy leaf manzanita (*Arctostaphylos nummularia*) to constitute a sensitive habitat alliance and therefore an ESHA. With the inclusion of *Arctostaphylos (nummularia, sensitiva)*

Shrubland Alliance, the developable portion of the site is considered to be 100% ESHA or its associated buffer.

The resource area will not be significantly degraded by the proposed development. The applicant has constructed the two subject sheds in between existing manzanita bushes and other native vegetation, and has kept the native plant communities as a natural landscaping. Additionally, the applicant has been diligently removing the non-native, invasive broom and acacia from the property. The ecological balance has been improved on the parcel. The development is proposed between existing native vegetation, and existing native vegetation has been left in place as landscaping. Conditions of Approval are recommended, which provide mitigation measures to be implemented to reduce any potential impacts to the existing natural resources present on the parcel. Ground disturbing activities, such as vegetation removal and initiation of construction, are limited to the non-breeding season for birds (September to January). Vegetation removal activities are limited to the time period after young bats have matured and prior to the bat hibernation period (September 1 to October 31). Additionally, invasive non-native plant removal is recommended as a continued practice on the parcel to restore native plant communities.

The proposed mitigation measures will mitigate the impact of the proposed development, and restore and enhance ESHA located on the parcel and provide avoidance measures to protect special status birds, bats, frogs and tree voles.

Mitigation Measure 1: To provide for the protection of natural resources, the following shall be required:

- a. A 50 foot buffer shall be established around the stand of Mendocino Cypress (*Hesperocyparis pygmaea*). The only development permissible within the 50 foot buffer to the Mendocino Cypress is the septic system.
- b. If significant vegetation removal or ground disturbance is to occur during rainy periods, or if disturbed areas are left unstabilized, silt fencing shall be installed between the project area and downslope areas in order to prevent erosion.
- c. Sonoma Tree Vole. If Douglas fir or Bishop pine trees are to be removed to accommodate the development, as Sonoma Tree Vole survey shall occur within two weeks of tree removal activities. If tree voles are identified in the trees to be removed, protocols shall be followed for protection as required by the Department of Fish and Wildlife.
- d. Special Status Birds. The clearing of vegetation and initiation of construction shall be limited to the non-breeding season between September and January. If work must occur outside the specified timeframe, Planning and Building Services shall be contacted to determine the appropriate procedure to insure special status birds are protected.
- e. Special Status Bats. Vegetation removal shall be limited to between September 1 and October 31, after young have matured and prior to bat hibernation period. If work must occur outside the specified timeframe, Planning and Building Services shall be contacted to determine the appropriate procedure to insure special status bats are protected.
- f. California Red-legged Frog. Prior to construction, project contractors will be trained by a qualified biologist in the identification of the California red-legged frog. Construction crews will begin each day with a visual search around all stacked or stored materials, as well as along any silt fences, to detect California red-legged frogs. If a California red-legged frog is detected, construction crews shall contact the U.S. Fish and Wildlife Service or a qualified biologist prior to re-initiating work.  
  
If a rain event occurs during the construction period, all construction-related activities will cease for a period of 48 hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) will examine the site for the presence of California red-legged frogs. If no California red-legged frogs are found, construction activities may resume.
- g. French Broom (*Genista monspessulana*), and acacia (*Acacia sp.*) shall be removed from all portions of the property to the greatest extent practicable.
- h. The use of rodenticides or other wildlife poisons shall be avoided.
- i. Landscaping on the lot shall not include any invasive plants and shall consist of native plants compatible with the adjacent plant communities.

- j. The shed located directly adjacent to the stand of Mendocino Cypress shall be relocated to a conforming location within the previously established building envelope resulting from CDB 21-96.

**c, d, f) No Impact:** There are no wetlands within 100 feet of the project area and no potential impacts to Ferguson Gulch have been identified by the project biologist. The proposed project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species. Conditions of Approval are recommended to avoid any impacts to special status birds, bats, frogs, and tree voles. The project will not conflict with any applicable habitat conservation plan or natural community conservation plan as there are none applicable to the area that this project would conflict with.

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

**a, b, c, d) No Impact:** The project was referred to the California Historic Resource Information System (CHRIS) to review for impacts on cultural resources, including archaeological or paleontological resources. In a letter dated October 24, 2014 (on file), CHRIS replied that there is a previous study on file, "Study 21882 (Van Bueren 1999), covering approximately 100% of the proposed project area, identified no archaeological resources. Further study for archaeological resources is not recommended." A Standard Condition advises the property owner of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

<b><u>VI. GEOLOGY AND SOILS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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 type="checkbox"/>	<input checked="" type="checkbox"/>

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Less Than Significant Impact:** The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone (Department of Conservation, Division of Mines and Geology 2015). The San Andreas fault is located approximately two miles to the northeast of the project site and is the nearest active fault. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

The subject property has been designated with a combining district of development limitations (DL). The intent of the development limitations combining district is for use "in conjunction with another land use classification on parcels or portions of parcels that according to available data have serious constraints that may prevent or severely limit development including slope over 30 percent, erosion or landslide" (Chapter 2.2 The County of Mendocino General Plan). There are no translational/rotational or debris slides mapped on the subject parcel (Department of Conservation, Division of Mines and Geology 1984).

- b, c, d, e) **No Impact:** No new development is being proposed that would result in any impacts to geology and soils, or to any existing structures. Displacement of soil within the project area resulting from future earth movement is expected to be minimal. Significant erosion from site from the placement of additional structures is unlikely. Potential development impacts will be kept to a minimum with the uniform application of standard construction site erosion control requirements recommended in the conditions of approval, and those regulations found in MCC Chapter 16.30 Stormwater Runoff Pollution Prevention Procedure. The Division of Environmental Health has approved a septic permit for the subject property, demonstrating the ability for the site to support an on-site septic system.

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

- a) **Less Than Significant Impact:** Construction activities associated with the construction of a future residence and driveway could generate GHGs from the engine emissions. These activities are limited in scope and duration and would not contribute significantly to greenhouse gas emissions. Given the relatively small size of the project scale, the proposed project would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional or state level.
- b) **No Impact:** The framework for regulating GHG emissions in California is described under Assembly Bill (AB) 32. In 2006, the California Global Warming Solutions Act (AB 32) definitively established the state's climate change policy and set GHG reduction targets (health & Safety Code §38500 et seq.), including

setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions. The MCAQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

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

- a, b) Less Than Significant Impact:** The project will establish a residential use involving the routine transport, use and disposal of hazardous materials in small or limited quantities. These materials include construction materials, household cleaning supplies, and other materials including but not limited to fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. Storage of these materials in the open may result in contaminated stormwater runoff being discharged into nearby water bodies, including the Pacific Ocean.

This potential hazard is not significant if these materials, particularly construction debris, are properly stored on the project site and then disposed at an approved collection facility. 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. Therefore, potential impacts involving the transport, use or disposal of hazardous materials is less than significant.



**c, d, e, f, g) No Impact:** The nearest existing or proposed school is located greater than one-quarter mile away from the project site. No hazardous sites are located near the project site, nor is the site within an airport land use planning area or in the vicinity of a private airstrip. The proposed project will not impair the implementation of or physically interfere with an adopted emergency response plan. Conditions of approval are recommended to ensure that the appropriate responsible agencies provide clearance on the project prior to the residence building permit being finalized.

**h) Less Than Significant Impact:** The project is located in an area that has a high fire hazard severity rating, as shown on the Fire Hazard Zones and Responsibility Areas map. The project application was referred to the South Coast Fire Protection District and California Department of Forestry and Fire Protection (CalFire) for comment. CalFire submitted recommended Conditions of Approval (CDF 446-17), for address standards, driveway standards, and defensible space standards. A Condition of Approval is recommended to achieve compliance with CalFire safety standards.

<b>IX. HYDROLOGY AND WATER QUALITY.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or 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 type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100 year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100 year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>IX. HYDROLOGY AND WATER QUALITY.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?				
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact:** The project will be constructed in conformance with any water quality or waste discharge requirements within the County. There has been no evidence or indication that the proposed project would violate any existing requirements.
- b) **Less Than Significant Impact:** The project site is located within a mapped Critical Water Resources in which the site's density may be increased only upon proof of public water or a positive hydrological report. The subject parcel currently maintains approval for an on-site well and also has an existing meter from North Gualala Water Company. As described in the Staff Report, the previously approved well would be utilized for the proposed development unless present disagreements between the California Department of Fish and Wildlife and North Gualala Water Company are resolved. Since no new parcels or building sites are proposed, additional water studies are not required per Mendocino County Code (MCC) Section 20.516.015(B). Staff finds the development would not adversely affect groundwater resources.
- c, d) **No Impact:** The proposed project will not substantially alter the existing drainage pattern of the site resulting in either substantial erosion or flooding on- or off-site. The proposed project is for the establishment of a single-family residence in the location of a previously approved barn. Minimal ground disturbance will be required to accommodate future development at the site as the area of development is relatively level and all proposed structures will maintain a greater than 100 foot setback to the identified drainage area on the parcel (Ferguson Gulch).
- e, f) **No Impact:** There are no existing or planned stormwater drainage systems that the runoff generated from the proposed project would cause to exceed its capacity nor will the project provide substantial new sources of polluted runoff.
- g, h, i) **No Impact:** The project is not located within a mapped 100-year flood hazard area, and therefore will not impede or redirect flood flows, and will not expose people or structures to a significant risk involving flooding, including flooding as a result of the failure of a levee or dam.
- j) **No Impact:** The project site is not within a known area that is subject to inundation by seiche, tsunami, or mudflow based upon review of available mapping resources.
- k) **No Impact:** The proposed project is for one additional residence within a residential area. The proposed project is not anticipated to create any pollutant discharges beyond those of a typical residential parcel. Therefore, the proposed project will not result in an increase in pollutant discharges to receiving waters.
- l) **No Impact:** The proposed septic system for the single-family residence has been designed in conformance with Mendocino County Division of Environmental Health standards for preventing impacts to groundwater quality. Therefore, the proposed project will not have a significant impact on groundwater quality.
- m) **No Impact:** The proposed project will not impact aquatic, wetland or riparian habitat as the existing and proposed development will maintain adequate buffers to identified resources such that there should be no impact to the resources.

<b><u>X. LAND USE AND PLANNING.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact:** The proposed project is for one additional single-family residence in an area of existing residential development. The proposed project is surrounded by existing residences and will not divide an established community but rather help to maintain the established community by allowing additional residential use in an area zoned for such a use.
- b) **Less Than Significant with Mitigation Incorporated:** The proposed project is in conformance with all other policies contained within Mendocino County Code (MCC) and the Local Coastal Program (LCP) except for policies related to Environmentally Sensitive Habitat Area buffers required per MCC Section 20.496.020(A)(1), which reads in part, "the buffer area shall be measured from the outside edge of Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width." The project is inconsistent with this LCP policy; however, no alternative exists on the parcel that could be found to be consistent with this LCP policy.

As part of the previous Coastal Development Permit, CDP\_2014-0004, Spade Natural Resources Consulting prepared a Biological Scoping and Botanical Survey Report, dated September 5, 2014, to determine the extent of any environmentally sensitive habitat areas (ESHA) that may be present on the subject parcel. At that time and for CDP\_2014-0004 the only identified ESHA consisted of Mendocino cypress (*Hesperocyparis pygmaea*). A 50 foot buffer was recommended between the identified ESHA and all proposed development. A Reduced Buffer Analysis was included in the Survey Report and California Department of Fish and Wildlife (CDFW) concurred that a 50 foot buffer would be appropriate to protect the identified ESHA from development related impacts.

With the current modification request to convert the previously approved barn to a single-family residence and obtain after-the-fact approval for two existing storage sheds, the application was referred to CDFW for comments on the proposed change. In an email response dated April 2, 2017, CDFW determined that despite previous review of the submitted Biological Scoping and Botanical Survey Report in 2014 that they now found the identified glossy leaf manzanita (*Arctostaphylos nummularia*) to constitute a sensitive habitat alliance and therefore an ESHA. With the inclusion of *Arctostaphylos (nummularia, sensitiva)* Shrubland Alliance, the developable portion of the site is considered to be 100% ESHA or its associated buffer.

Constraints on the parcel include that septic is only possible in a very limited area based upon the site evaluation conducted by Dave Miller for Septic Permit #ST22966 and unfortunately this location falls within the 50 foot buffer to the identified ESHA. Additionally, 2.3± acres of the 4.2± acre parcel (located west of the existing access road) are designated with a combining district of Development Limitations (DL) and contain slopes of 60-70% with a creek located at the base of the slope. This area is unsuitable for development and would require substantially more disturbance of natural resources and would be more impactful than locating development to the east of the access road, as is presently proposed in this application. Finally, the change in determination from CDFW about what constitutes ESHA on the parcel

has rendered all developable space outside of the DL designated portions of the parcel as either ESHA or its associated buffer.

There are several constraints on the subject parcel that already limited development to one particular area of the site and essentially have now led this project down the route of considering whether a regulatory taking would occur if the development were denied. In this case, prohibiting development within fifty feet of an ESHA would deprive the owner of all economic use of the property. There are no alternative development options where the project can be at least fifty feet from ESHA and/or outside of the portions of the parcel designated DL. Some factors courts examine to determine if a regulatory taking has occurred involve the presence of reasonable investment backed expectations, the degree to which a regulation may interfere with those reasonable investment backed expectations, and whether or not a regulation deprives an owner of all economic use of the property. Staff believes there was a reasonable investment-backed expectation at the time of purchase and that the scale of the residential development proposed is consistent with similar properties in the vicinity. Considering the property is zoned for residential development as a principally permitted use, and residential development exists on adjacent properties, a reasonable person would have believed that the property could have been developed with a single family residence.

It should also be noted that building envelopes were established at the time of the previous Coastal Development Boundary Line Adjustment CDB 21-96, which were provided to allow future development of residential uses to be located within that area. It was also noted under CDB 21-96 that the PD and DL designations have been applied to the subject property as a result of the topographical constraints and the riparian vegetation associated with the existing water course (Ferguson Gulch) which affects the westerly portions of both parcels. The proposed single-family residence, septic, and one of the existing sheds is located within this identified building envelope. The other shed is located adjacent to the pygmy habitat and under this permit that shed is required to be relocated to the building envelope area of the parcel.

The size of the proposed residence of less than 1,000 square feet is well within the size of scale of residences located on adjacent properties. As noted above for related applications on neighboring properties, a 1,900 square foot residence was approved on the parcel directly adjacent to this site. Additionally, the average square footage of development in the surrounding area is 2,350 square feet (all years) and 2,020 square feet (post LCP Certification in 1992). Therefore, it is clearly demonstrated that the proposed development is well within the size and scale of development on adjacent properties.

MCC Section 20.368.010 states the principally permitted use types in the RR district, which include: single family residential, vacation home rental, light agriculture, row and field crops, tree crops and passive recreation. Due to the prevalence of ESHA on the parcel, all principally permitted uses would require encroachment into a fifty foot ESHA buffer. The allowed agricultural uses would require additional site disturbance and clearing and are not a viable use of the property. Passive recreation use would be the only option that would be less impactful than the construction of a single family residence and possibly not require any activities meeting the definition of development under the Coastal Act. Passive recreation uses include sightseeing, hiking, scuba diving, swimming, sunbathing, jogging, surfing, fishing, bird watching, bicycling, horseback riding, boating, photography nature study and painting. These passive recreation uses do not afford the property owner an economically viable use.

Alternatives to the proposed development, including different projects and alternative locations, were considered and analyzed by a qualified professional, as required by MCC Sections 20.496.020(A)(4)(b) and 20.532.060(E). The proposed project is substantially smaller in scale than development existing on adjacent properties in the vicinity of this property. The proposed project is considered the most feasible, least environmentally damaging alternative. The resource area is not significantly degraded by the proposed development. The applicant has constructed the two subject sheds in between existing manzanita bushes and other native vegetation, and has kept the native plant communities as a natural landscaping. Additionally, the applicant has been diligently removing the non-native, invasive broom and acacia from the property. The ecological balance has been improved on the parcel. The development has been placed between existing native vegetation, and existing native vegetation has been left in place as landscaping. Conditions of Approval are recommended, which provide mitigation measures to be implemented to reduce any potential impacts to the existing natural resources present on the parcel.

Ground disturbing activities, such as vegetation removal and initiation of construction, are limited to the non-breeding season for birds (September to January). Vegetation removal activities are limited to the time period after young bats have matured and prior to the bat hibernation period (September 1 to October 31). Additionally, invasive non-native plant removal is recommended as a continued practice on the parcel to restore native plant communities.

In summary, the proposed project is not consistent with all LCP policies relating to ESHA; there are no other alternative locations on the site that would not impact identified ESHA. A least environmentally damaging alternative has been identified, which minimizes vegetation removal and mitigation measures are proposed to offset project impacts. Prohibiting development within 50 feet of an ESHA would deprive the owner of all economic use of the property. The proposed mitigation measures will mitigate the impact of the proposed development, and restore and enhance ESHA located on the parcel.

- c) **No Impact:** The project will not conflict with any applicable habitat conservation plan or natural community conservation plan as there are none applicable to the resources identified on this site nor any applicable to the area that this project would conflict with.

<b><u>XI. MINERAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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"/>

- a, b) **No Impact:** There are no known mineral resources on site based upon available data with Mendocino County Planning and Building Services therefore there will be no loss in availability of a known mineral resources. No mitigation is required.

<b><u>XII. NOISE.</u></b> <b>Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project 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"/>
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**a, b, c, d, e, f) No Impact:** Only limited new residential development is proposed with minimal grading needed to accommodate the use. As a result, no excessive noise will result from the project and no mitigation is required. All development within the Mendocino County Coastal Zone is subject to Exterior Noise Limit Standards specified in Appendix B of Title 20, Division II of Mendocino County Code.

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

**a, b, c) No Impact:** The project will not have any substantial impacts to housing in the area as the proposed project will result in creation of one additional housing unit beyond that which exists today. The establishment of one additional housing unit within this area will not induce substantial population growth nor will it displace any existing housing units or any substantial numbers of people. No mitigation is required.

<b><u>XIV. PUBLIC SERVICES.</u></b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Medical Services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) Less Than Significant Impact:** The project must comply with the fire safety standards set forth by the California Department of Forestry and Fire Protection (CalFire) in addition to any requirements of the local fire district, South Coast Fire Protection District. A preliminary clearance for the proposed project was obtained from CalFire and submitted with the project application. A condition of approval is recommended to ensure that the project receives clearance from CalFire before the building permit for the residence can

be finalized. No other public services require enhancement or alteration as a result of the proposed project as the proposed project only creates one additional residential unit beyond what exists today.

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

- 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 housing unit. This small increase in residential units will not increase use of recreational facilities such that substantial physical deterioration will result nor require expansion of recreational facilities. No mitigation is required.

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

- a, b) **No Impact:** The proposed project, which consists of creation of one additional housing unit, will not conflict with any plan, ordinance or policy that establishes measures of effectiveness for the performance of the circulation system. Additionally, the proposed project will not conflict with any applicable congestion management program. The Mendocino County Department of Transportation reviewed the project and provided a "no comment" response to the project referral.
- c) **No Impact:** The project site is not located within any designated County airport zones and therefore will not result in a change to air traffic patterns.
- d) **No Impact:** The proposed project will not substantially increase hazards due to a design feature or establish incompatible uses as it relates to transportation and traffic. The proposed project includes development of one additional housing unit. The proposed project is located in an area where residential use is common and the area is appropriately zoned to allow for further expansion of residential use within the area.
- e) **Less Than Significant Impact:** The proposed project will not result in inadequate emergency access. The project must comply with the fire safety standards set forth by the California Department of Forestry and Fire Protection (CalFire) in addition to any requirements of the local fire district, South Coast Fire Protection District. A preliminary clearance for the proposed project was obtained from CalFire and submitted with the project application. Conditions of approval are recommended to ensure that the project receives clearance from applicable fire agencies before the building permit for the residence can be finalized.
- f) **No Impact:** The proposed project will not conflict with any adopted policies, plans or programs related to transportation and traffic or otherwise decrease the performance or safety of transportation facilities. The Mendocino County Department of Transportation reviewed the application and provided a "no comment" response indicating lack of conflict with any policies, plans, or programs related to transportation and traffic.

<b><u>XVII. TRIBAL CULTURAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



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.				
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- a, b) No Impact:** The project will not result in any impact to tribal cultural resources. The project was referred to the California Historic Resource Information System (CHRIS) to review for impacts on cultural resources, including archaeological or paleontological resources. In a letter dated October 24, 2014 (on file), CHRIS replied that there is a previous study on file, "Study #21882 (Van Bueren 1999), covering approximately 100% of the proposed project area, identified no archaeological resources. Further study for archaeological resources is not recommended." A Standard Condition advises the property owner of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

<b><u>XVIII. UTILITIES AND SERVICE SYSTEMS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a, b, e) No Impact:** Septic Permit #ST22966 has been approved by the Mendocino County Division of Environmental Health to accommodate the waste from the proposed residence. The construction of the septic system to serve the development has been determined by project biologists to not cause a significant environmental effect. No comments have been received that would indicate that the approved septic system design would exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. There is no wastewater treatment provider for this area of the coast; therefore, the project will have no impact on existing capacity of any wastewater provider.

- c) No Impact:** No new storm water drainage facilities or expansion of existing facilities is required to accommodate the proposed project. The project was referred to the County Water Agency and Mendocino County Department of Transportation and neither provided comments or concerns related to the need for construction of additional storm water facilities as a result of the project.

- d) **No Impact:** The project site is located within a mapped Critical Water Resources in which the site's density may be increased only upon proof of public water or a positive hydrological report. The subject parcel currently maintains approval for an on-site well and also has an existing meter from North Gualala Water Company. As described in the Staff Report, the previously approved well would be utilized for the proposed development unless present disagreements between the California Department of Fish and Wildlife and North Gualala Water Company are resolved. Since no new parcels or building sites are proposed, additional water studies are not required per Mendocino County Code (MCC) Section 20.516.015(B). Staff finds the development would have sufficient water supplies to serve the proposed project and no new or expanded facilities are needed.
- f, g) **No Impact:** The South Coast Transfer Station is located approximately 4 miles from the project site, providing for the disposal of solid waste resulting from the existing residential uses on the parcel. Additionally, curbside pickup is available, should the owner choose to purchase the service. Solid waste disposal is adequate to serve the proposed development. The proposed project will not conflict with any federal, state, or local statutes or regulations related to solid waste.

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

- a) **Less Than Significant with Mitigation Incorporated:** As was previously noted in the Biological Resources and Land Use/Planning sections of this Initial Study, the site contains several ESHA and mitigation measures are recommended to ensure that project impacts will be reduced to less than significant levels. It is not anticipated that the proposed project would eliminate or substantially reduce the habitat or range of a particular sensitive plant or wildlife species, but it may have localized impacts to the resource within the parcel boundaries and as a result may degrade the environment. Staff finds that with incorporation of the recommended mitigation measures, the project should not have any significant adverse impacts on the environment or identified resources on the parcel.
- b) **Less Than Significant Impact:** Staff finds this particular project to have minimal impacts to identified resources on the parcel, but on a broader level the continued development within resource designated lands can reduce habitat for sensitive resources. This particular project does not provide a nexus and proportionality to consider mitigation measures related to potential cumulative impacts to resources such as pygmy cypress, but nevertheless it should be noted that the continuous development of housing units within areas of sensitive natural resources can result in a cumulative impact to the resource. There are no

probable future projects on this site that would create a "cumulatively considerable" impact. Therefore, staff finds there to be a less than significant impact.

- c) **No Impact:** The proposed project will not directly or indirectly adversely affect human beings. The potential environmental effects of the project on identified natural resources will not result in impacts to human beings as a result. Potential impacts to the natural resources present on the parcel may be things such as damage to root systems from construction activities. There will be no adverse impacts to human beings as a result of this project.

**DETERMINATION:** On the basis of this initial evaluation:

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

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

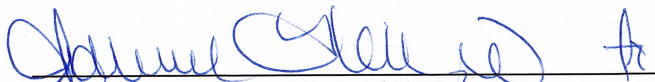
☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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

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

7-9-18

DATE



JULIA ACKER  
SENIOR PLANNER

