

**ATTACHMENT B**

**CEQA INITIAL STUDY  
MITIGATED NEGATIVE DECLARATION**

**CDP\_ 2014-0024**

**JUNE 25, 2015**

**MENDOCINO COUNTY  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND):**

<b>DATE:</b> June 25, 2015
<b>CASE NUMBER:</b> CDP_2014-0024
<b>OWNER/APPLICANT:</b> Bret and Valeria Taber
<b>PROJECT DESCRIPTION:</b> The applicant requests a Standard Coastal Development Permit for the (1) partial demolition of an existing ±1,882 square foot two-story single-family residence and demolition of two existing sheds; (2) construction of a ±2,638 square foot single story single-family residence on a bridge-type foundation with a ±410 square foot covered porch, ±638 square feet of wood decking, two sheds (within a proposed ±1,130 square foot gravel courtyard utilizing ±730 square feet of existing asphalt), and ±46 linear feet of fencing; and (3) site work including removal of asphalt surfacing, decommissioning an existing septic system with installation of a new septic system and sewage line, a gravel courtyard, and storm drainage improvements. The existing two-car garage will remain in its present location and configuration.
<b>LOCATION:</b> In the Coastal Zone, 2± miles south of Little River at the western terminus of Frog Pond Road (private), 0.5± miles northwest of its intersection with Highway 1, at 5720 North Highway 1, Little River; APN 121-110-06.
<b>Environmental Checklist.</b>
<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>
<i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist. This includes explanations of “no” responses.</i>

**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"/> 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"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance

1. Aesthetics:

<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The subject parcel lies west of Highway 1, south of Buckhorn Creek and north of Smith Creek. This highway segment runs past the property, through a wooded rural residential area, where the public view west of the highway is dominated by dense woodland vegetation with glimpses of residential structures, visitor accommodation services and the ocean. There are no other public places or scenic vistas in the vicinity of the project site. State Highway 1 is not a designated state scenic highway.

The subject parcel is located within a mapped Highly Scenic Area (HSA), as depicted on the *Albion LCP* map, requiring that new structures not exceed “eighteen feet above natural grade...unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.”<sup>1</sup> The proposed residence is depicted with a maximum height of eighteen feet on the elevation drawings provided with the application materials, consistent with the height limitations of HSA.

The LCP and MCC contain additional development criteria for projects in HSA to protect views to and along the ocean and scenic coastal areas. The proposed project would replace an existing single-family residence with a new single-family residence and associated development approximately 1,000 feet west of Highway 1, where it will stand on the western edge of existing vegetation near the location of the existing single-family residence. The proposed location of the development is buffered by existing woodland vegetation, and is almost completely shielded from the view of motorists.

The proposed development will be visible from the sea, appearing before a forested backdrop. The development is at the toe of the slope, and is not appear as a silhouette against the sky from the sea or any other vantage point. It will appear similar to the existing single-family residential development in the nearby community.

The existing residence to be partially demolished is two stories tall. The removal of the second story, and replacing the residence with a one story structure will lessen the project’s impacts and bring the development into compliance with visual resource policies of the LCP.

Additionally, the project application indicates proposed materials and colors for the proposed structures. The original application included metal roofing. Materials in the Coastal Zone are required to blend with the natural surroundings and minimize reflective surfaces. Staff questioned how the metal roofing could be consistent with these requirements, and in email correspondence on March 30, 2015, the applicant

<sup>1</sup> Mendocino County Code, § II-20.376.045 (1991). Print.

revised the proposed roofing materials from metal to composition shingles, and revised the proposed roofing colors from copper to gray. The final proposed project materials and colors are as follows:

<b>Element</b>	<b>Materials</b>	<b>Color</b>
Siding	Hardie cement board lap siding	Kelly Moore – Stagecoach (brown)
Trim	Wood (cedar)	Kelly Moore – Swiss Coffee (white)
Chimney	Stone Veneer – Beaver Creek by Telluride Stone Company	Brown / Earth tones
Roofing	Composition shingles	Gray / Charcoal
Window Frame	Fiberglass – Millguard	Brown
Door	Fiberglass – Millguard	Brown
Fencing	Hardie cement board lap siding	Kelly Moore – Stagecoach (brown)
Deck	Wood	Brown

Staff recommends **Condition 12** requiring the project be constructed with the proposed materials and colors.

**Condition 12:** Prior to final inspection of a building permit in reliance on this Coastal Development Permit, Planning and Building Services shall inspect the construction of the single-family residence and associated development to ensure the utilized materials and colors are consistent with the proposed project materials and colors in **Table 1**.

The MCC provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district’s height limit regulations, and also must be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel.<sup>2</sup>

No lighting is shown on the proposed elevations. **Condition 13** is recommended to ensure that any exterior lighting will comply with lighting policies.

**Condition 13:** Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit an exterior lighting plan and design details or manufacturer’s specifications for all exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and 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 in compliance with Section 20.504.035 of the Mendocino County Code.

The recommended conditions of approval will ensure project impacts will be held to a less than significant level.

**2. Agricultural/Forestry:**

<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>
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,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>2</sup> Mendocino County Code. § 20.504.35 (1991). Print.

or a Williamson Act contract?				
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<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"/>

The project site is located in an area designated as “Mendocino Grazing Land” by the State of California Department of Conservation. The parcel is zoned Rural Residential, as are surrounding parcels, and while limited agricultural uses are permitted in the Rural Residential zoning district, approval of this application would not convert any agriculturally zoned lands to non-agricultural uses. The project would not convert any land designated “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance” to non-agricultural uses.

**3. Air Quality:**

<b>III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

The project is located within the jurisdiction of the Mendocino County Air Quality Management District (AQMD). 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 AQMD 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.

While the project will not include a new point source, it may contribute to area source emissions by generating wood smoke from residential stoves or fireplaces. The County’s building permit plan check process ensures that this and similar combustion source requirements are fulfilled before construction is

permitted to begin, consistent with the current air quality plan. Consequently, 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 (MCC Sections 20.492.010; -020). These policies limit ground disturbance and require immediate revegetation after the disturbance. Consequently, these existing County requirements will help to ensure PM10 generated by the project will not be significant and that the project will not conflict with nor obstruct attainment of the air quality plan PM10 reduction goals.

The project will establish a single-family residence in a low density rural residential coastal setting where a single-family residence already exists. 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.

The proposed removal of asphalt surfacing to create a gravel driveway is subject to air quality standards regarding fugitive dust and asbestos. **Condition 18** is recommended to ensure that the driveway and be maintained consistent with Air Quality Management District Regulation 1, Rule 430.

Additionally, 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.

Adherence to recommended **Condition 18** will reduce potential project impacts to a less than significant level.

**4. Biological Resources:**

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

preservation policy or ordinance?				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

In 2007, while the parcel was under separate ownership, Planning and Building Services opened a zoning code violation case (BC\_2007-0014) on the subject parcel. Earthmoving and vegetation removal activities resulted in disturbed earth within and near a riparian woodland, wetland and seasonal creek that outlets to the ocean. A Coastal Development Permit Authorization for Emergency Work (EM\_2007-0003) was issued for the removal of berm piles and stabilization of disturbed earth areas prior to seasonal rains to prevent erosion and sedimentation into the creek and discharging to the ocean.

A Coastal Development Permit (CDP\_2007-0071) was later issued following the Emergency Permit. CDP\_2007-0071 permitted removal of stockpiles of dirt and logs, and restoration activities including construction of replacement wetlands and establishment of native plant habitats. Special Condition 1 of the approved permit states (in part) the following monitoring mechanism for the restoration plan:

*...Allow staff to conduct a site view in two years (September 2014). If for some reason the site becomes significantly degraded, additional restoration activities shall be necessary. Significantly degraded for the purposes of review in two years shall mean that greater than 50% of the planted native species shall have perished or invasive plants have increased cover of the restored areas by more than 30%.*

On October 17, 2014, California Department of Fish and Wildlife (CDFW) visited the parcel to assist in verifying whether these criteria for success had been met. Staff and CDFW concluded that Condition 1 of CDP\_2007-0071 has been satisfied. CDFW summarizes the visit as follows:

*Vegetative cover in the created wetland areas appears to meet the success criteria. Only a small amount of rain has fallen this water year, so it is not surprising that wetland areas were not inundated during our visit. However, hydrophytic vegetation in these areas appeared to be alive and likely to revive with additional precipitation.*

*In general, success criteria appear to have been reached, and the site appears to be recovering well—especially considering the challenge of the continuing drought.*

The applicant submitted biological analysis prepared by WRA Environmental Consultants titled *Coastal Act Compliance Report*<sup>3</sup> in concert with the application for the replacement single-family residence (**ATTACHMENT D: BIOLOGICAL REPORTS**). Special status species and communities identified in the report include blue blossom scrub (0.29 acres), common rush meadow (0.02 acres), pacific reed grass meadow (0.13 acres), and shore pine forest (0.51 acres). A wetland delineation mapped 0.15 acres of wetlands, featuring hydrophytic vegetation alliances common rush meadow and pacific reed grass meadow.

MCC Section 20.496.020(A) requires that buffer areas “be established adjacent to all environmentally sensitive habitat areas....” The ordinance goes on to describe the ramifications of multiple buffer distances:

<sup>3</sup> WRA Environmental Consultants, *Coastal Act Compliance Report*. Rep. June. 2014. Print

*The width of the buffer area shall be a minimum of one hundred (100) feet, unless the applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width.*

There is no area on the parcel greater than one hundred feet from any ESHA, and very little area beyond fifty feet from any ESHA. The proposed development has been sited to avoid the literal extent of all on-site ESHA; however, development is proposed within fifty feet of identified ESHA, conflicting with Section 20.496.020(A)(1), which states that buffer areas shall not be less than fifty feet in width.

Section 20.496.020 requires that development less than one hundred feet from ESHA demonstrate that one hundred feet is not necessary for the protection of the ESHA from the proposed development. Section 20.496.020(A)(4) prescribes minimum standards for development within an ESHA buffer. In the *Coastal Act Compliance Report*, and in subsequent addendum letters dated December 29, 2014, and February 23, 2015, WRA Environmental Consultants address these minimum development standards and offer Mitigation Measures to achieve consistency with the LCP ESHA policies.

The Mitigation Measures are recommended by the project biologist to ensure that the project does not have an adverse impact on the sensitive resources at the site, and have been incorporated into recommended **Condition 17** requiring that the recommendations are implemented.

**Condition 17:** The Environmentally Sensitive Habitat Area recognized by this report and shown in the *Coastal Act Compliance Report* prepared by WRA Environmental Consultants, dated June, 2014, and amended by letters dated December 29, 2014, and February 23, 2015, shall be protected from development and disturbances other than those expressly authorized by this permit in perpetuity. The following mitigation measures represent those presented in the *Coastal Act Compliance Report*.

Mitigation Measure 1-1: Vegetation removal shall be targeted to include only those species that are within the footprint of the proposed updated residence, and shall be identified on a site plan associated with any building permit application in reliance on this Coastal Development Permit to be reviewed by Planning and Building staff. The applicant shall erect and maintain high-visibility construction fencing delineating the boundary between selected vegetation removal/ground-disturbance and non-removal areas throughout the construction period.

Mitigation Measure 1-2: All construction materials and staging shall utilize existing landscaped or developed areas.

Mitigation Measure 1-3: The applicant shall reseed and/or replant with fast-growing native herbaceous species to reinforce areas of loosened soil.

Mitigation Measure 1-4: Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall develop a native plant landscaping plan to address compensation for impacts to the 100 and 50 foot ESHA buffer, to be submitted for approval to Planning and Building Services. The plan should include selected sites for planting native trees, shrubs, and herbs that will enhance the shore pine forest and coastal terrace prairie (wetland) ESHA on site as well as provide visual screening from neighboring properties. Locally sourced beach pine and Pacific reed grass shall be procured to be planted in areas depicted in Figure 5 of the *Coastal Act Compliance Report* prepared by WRA Environmental Consultants dated June 2014, as amended. Planting areas shall total a minimum of 0.32 acres. Plant spacing, irrigation, maintenance, site preparation, and other landscape features will be addressed under a separate landscape plan document.

Mitigation Measure 1-5: A split rail fence shall be erected that extends from the northwestern and southwestern corner of the replacement residence to prevent access into the on site ESHA as depicted in Figure 5 of the *Coastal Act Compliance Report* prepared by WRA Environmental Consultants dated June 2014, as amended.

Mitigation Measure 2-1: Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit a Stormwater and Erosion Control Plan implementing standard erosion best management practices such as straw wattles, silt fencing, etc. to prevent sediment migration, to be reviewed and approved by Planning and Building Services. Where feasible, work shall commence during the dry season to reduce sediment migration.

Mitigation Measure 2-2: The applicant shall reseed and/or replant with fast-growing, native herbaceous species atop the septic and leach lines.

Mitigation Measure 2-3: During construction, materials, including but not limited to lumber, concrete, finishwares, hand tools, power tools, generators, vehicles, heavy equipment, shall be lain down in non-ESHA areas such as the existing driveway which are clearly designated by high visibility construction fencing or other signage. Spill prevention devices should be utilized for all toxic liquids including but not limited to gasoline, diesel, motor oil, solvents, paints, and herbicides.

Mitigation Measure 2-4: The septic pressure line shall be sited to the eastern side of the driveway and the driveway shall act as a buffer. The leach lines shall be hand dug to avoid impacts to tree roots.

Mitigation Measure 3-1: If feasible, clearing of vegetation and the initiation of construction should be done in the non-breeding season between September 1 and January 31. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform pre-construction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

The minimum development standards listed in Section 20.496.020(A)(4) require that structures are allowed within buffer areas only if there is no other feasible site available on the parcel, and the proposed development is the least environmentally damaging alternative. In the *Coastal Act Compliance Report* addendum letter dated February 23, 2015, WRA Environmental Consultants supplied an analysis of development alternatives to the proposed project (**ATTACHMENT E: ALTERNATIVES ANALYSIS**). The alternatives analysis considers the initially proposed location, three different development locations, and a two-story alternative.

Several competing constraints limit the viability of alternative development proposals, as explained in the Alternatives Analysis. The table below is included within the Alternatives Analysis, and evaluates the various development scenarios against the environmental, geological and policy constraints of the parcel.

CONSTRAINTS	Proposed Residence, 1-story	Proposed Residence Location, 2-story	Alternative A	Alternative B	Alternative C	No Project
Avoids Literal Extent of ESHA?	Yes	Yes	Yes (No)	Yes (No)	Yes	Yes
Avoids 50- and 100-foot ESHA Buffer?	No	No	No	No	No	No
Avoids Previous Restoration Area?	Yes	Yes	Yes (No)	Yes (No)	Yes	Yes
Meets Sea Bluff Setback?	Yes	Yes	No	Yes	Yes	Yes
Meets Sea Cave Setback?	Yes	Yes	No	No	Yes	No
Meets Property Line Setback?	Yes	Yes	Yes	No	No	Yes
Meets PG&E Setback?	Yes	Yes	Yes	Yes	No	Yes
Meets Setback from Proposed Septic Area?	Yes	Yes	Yes	Yes	No	Yes
Off-haul Volume (cubic yards)	158	600	200	560	455	N/A
Driveway Extension Necessary?	No	No	Yes	No	Yes	No
Tree Removal Necessary?	No	No (Yes)	Yes	No	Yes	No
CalFire Turnaround Required	No	No	Yes	Yes	Yes	No
CalFire Fire-safe Vegetation Management Required	No	No	Yes	Yes	Yes	No
CalFire Driveway Upgrade Required	No	No	Yes	Yes	Yes	No

Following analysis of all considered alternatives, the report concludes:

*It is the professional opinion of WRA that working within these constraints the Proposed Residence is the least environmentally damaging alternative for a replacement residence. This alternative takes full advantage of areas that have been developed for several decades, essentially repurposing the area. The expansion of the footprint is necessary to ensure the safety and stability of the updated residence, and prevent contamination should the sea cave fail and collapse the existing residence....Siting the residence in Alternatives A through C present violations of several required setbacks, and will result in increased grading, trenching, and soil cutting over the Proposed Residence to provide for grade leveling, utility lines, and CalFire mandated updates. Likewise, these Alternatives would require the removal of the existing residence resulting in the exposure of compacted and denatured soils that would be labor intensive and expensive to remediate and rehabilitate to native habitat. Rather, mitigation for the Proposed Residence would be preferentially sited within one or more of the footprints of Alternatives A through C. These areas have a much higher likelihood of success for habitat restoration than that of the existing residence.*

Alternatives to the proposed development, including different projects and alternative locations, have been 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 development is the least damaging, feasible alternative development scenario on the parcel.

In addition to identifying the least damaging feasible development scenario, the standards for development within a buffer area also require that mitigation measures shall replace the protective values of the buffer area on the parcel, at a minimum ratio of one-to-one, which are lost as a result of the development (Section 20.496.020(A)(4)(e)). WRA recommends a vegetation planting plan to provide enhanced habitat and visual screening, and notes that "immediate vegetation impacts are overwhelmingly to non-native species." Figure 1, titled *Proposed Footprint, Restoration and Enhancement Areas* found in

the *Coastal Act Compliance Report Addendum* dated December 29, 2014, depicts a combined 0.32 acres of shore pine forest restoration, coastal bluff scrub restoration, and coastal terrace prairie restoration. Additionally, Figure 1 identifies 0.54 acres of shore pine forest enhancement. These areas are identified for future vegetation planting to replace the protective values of the buffer area affected by the proposed development.

Furthermore, development within ESHA buffers must also minimize impervious surfaces and minimize removal of vegetation (Section 20.496.020(A)(4)(f)). The proposed residence location relies heavily on the existing development footprint. This development location utilizes the existing access and does not require driveway expansion, and places development in existing unvegetated areas to limit the removal or existing vegetation.

In summary, the proposed project impacts biological resources due to the proximity of development to said resources. The mitigation recommended reduces project impacts to a less than significant level.

**5. Cultural Resources:**

<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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

On September 10, 2014, the project was referred to the Mendocino County Archaeological Commission to review an archaeological survey prepared for the parcel by John W. Parker dated March 25, 2014. The archaeological survey discovered one historic site within the project area, and recommended that the project be approved as planned with a provision that future construction and development take place at least thirty feet away from the boundary of the historic resource. All development is proposed over thirty feet from the resource as identified in the archaeological survey. The Archaeological Commission accepted the survey and found that the recommendations of the report are acceptable.

The Commissioned also advised the applicant of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the “Discovery Clause.” Recommended **Condition 16** similarly advises the applicant of the Discovery Clause, which prescribes the procedures governing the discovery of any cultural resources during construction of the project.

**Condition 16:** 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.

**6. Geology and Soils:**

<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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>

The property does not lie within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault area or Landslide and Liquefaction Zone, per California Division of Mines and Geology mapping. The San Andreas fault is located approximately five (5) miles west of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan.

The proposed structure is located on a relatively flat coastal terrace with a steep coastal bluff approximately seventy-five to eighty feet in vertical height. Section 20.500.20(B) of the MCC outlines siting and land use restrictions relative to ocean bluffs, requiring new structures to be set back a sufficient distance from the edge of the bluff to ensure their safety from bluff erosion and bluff retreat during their economic life span (seventy-five years). The MCC also states that drought tolerant vegetation be shall be required within the bluff setback, and construction landward of the setback shall not contribute to erosion of the bluff face or instability of the bluff.

A Geotechnical Investigation was performed by Brunsing Associates, Inc. (BAI) to determine the appropriate setback from the bluff edge for the proposed residence<sup>4</sup> (**ATTACHMENT C: GEOTECHNICAL INVESTIGATION**). The report from BAI recommends a thirty-six foot setback for development from the bluff edge. The report additionally found that a fifteen foot setback from the walls of the underlying sea cave would be sufficient to safely site development. The existing residence is approximately forty-five feet from the bluff edge and meets the recommended bluff setback; however, the existing residence is within the recommended fifteen foot setback from the walls of the underlying sea cave.

As a result of these recommended setbacks, the applicant has designed the residence to rest on a bridge-type foundation spanning the sea cave and anchored over fifteen feet from its walls. The bridge supporting the residence spans from abutment to abutment, gaining no support from the underlying soil or rock within the cave roof. The bridge is also at least thirty-six feet from the bluff edge, meeting the recommendations of the Geotechnical Investigation. The BAI recommendations for setbacks are included as **Condition 8**.

<sup>4</sup> Brunsing Associates, Inc. *Geotechnical Investigation*. Rep. 11 Jun. 2014.

**Condition 8:** The recommendations in the Geotechnical Investigation prepared by Brunsing Associates, Inc. dated June 11, 2014 shall be incorporated into the design and construction of the proposed project. Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit evidence that a qualified geotechnical or civil engineer has reviewed the final building plans for consistency with the Geotechnical Investigation. No development shall be permitted within 36 feet of the blufftop edge, or within 15 feet of the cave walls.

BAI further recommended that “prior to construction, BAI should review the final grading and foundation plans, and soil related specifications for conformance with our recommendations.” **Condition 9** is in place to require this inspection.

**Condition 9:** Prior to issuance of a building permit in reliance on this Coastal Development Permit, Brunsing Associates, Inc. shall review the final grading and foundation plans, and soil related specifications for conformance with the recommendations in their Geotechnical Investigation report dated June, 11, 2014.

It is the policy of the Coastal Commission and Mendocino County to require recordation of a deed restriction as a condition of development on blufftop parcels, prohibiting the construction of seawalls and requiring that permitted improvements be removed from the property if threatened by bluff retreat. The restriction also requires that the landowner be responsible for any clean-up associated with portions of the development that might fall onto a beach or into the ocean. **Condition 10** is recommended to address this issue.

**Condition 10:** Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:

- a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards;
- b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys’ fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
- c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
- d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject single-family residence, garage, septic system, or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
- e. The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal;

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.

Drainage is subject to Section 20.492.025 of the MCC, which requires that water flows in excess of natural flows resulting from the project development be mitigated. The applicant submitted a *Stormwater*

*Management Report* dated May 20, 2014 (revised December 22, 2014) prepared by Doble Thomas & Associates addressing the project impacts on stormwater runoff. The report concludes that “there is no change in the runoff CN as a result of the increased building footprint for the new house and the addition of a court yard area versus what exists today. This is a result of the removal of 0.11ac of existing pavement and replacing with gravel driveway.” The *Storm Water Management Report* recommends **Condition 14**, directing roof drains to planters as stormwater treatment control measures. This volume based approach will detain the increased runoff from the roofs, and slowly release it at a rate that mimics the existing runoff rate of the site. This volume-based treatment is used to minimize erosion in addition to providing filtration and should be sufficient to mitigate an increase in runoff.

**Condition 14:** Prior to final inspection of a building permit in reliance on this Coastal Development permit, the applicant shall install “flow-thru” planters providing a volume based treatment of all of the roof areas. This shall be achieved by routing the roof down drains to the planters prior to discharging to the downstream area. The planters shall be designed to capture the first one inch of runoff, filter it slowly through the planting medium and soils before discharging to the downstream area.

The following condition is recommended to reduce stormwater runoff impacts, and to provide the development with drainage consistent with Section 20.492.025 of MCC:

**Condition 15:** Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit for approval by Planning and Building staff a drainage and erosion control plan. The plan shall detail erosion and sediment control Best Management Practices, including concrete wash out area, staging, stockpile locations, and tree protection areas, as necessary.

**7. Greenhouse Gas Emissions:**

<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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006 recognized that California is a source of substantial amounts of greenhouse gas (GHG) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emission which includes criteria air pollutants (regional) and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (AQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project’s individual emissions would be cumulatively considerable. According to the AQMD, these CEQA thresholds of significance are the same as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 metric tons CO2e (CO2 equivalent) of operation emission on an annual basis. This project as proposed, creating one additional parcel and one 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.



8. Hazards and Hazardous Materials:

<b><u>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</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) 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

This potential hazard is not significant if these materials, particularly construction debris, are properly stored on the project site and then disposed at an approved collection facility such as the nearby Albion Transfer Station. Cleaning supplies and other household hazardous materials are less of a concern as they are routinely collected with the household waste and transported by waste haulers to approved disposal facilities. The nearest school is located approximately three (3) miles from the project site, and will not be impacted by the limited quantities of hazardous materials present at or discarded from the project. Consequently, potential impacts involving the transport, use or disposal of hazardous materials is less than significant.

The nearest airport (Little River Airport) is approximately one (1) mile from the project site, and the Land Use Compatibility Map for Little River Airport depicts *Zone C*, the outer boundary of the Common Traffic Pattern Zone, beyond the extent of the parcel boundaries. The project site is not subject to any airport land use plan.

The project will not result in any physical change to the existing roadway that would impair its use as an evacuation route. The parcel is located in an area characterized by a high fire hazard severity rating.<sup>5</sup> The project application was referred to the California Department of Forestry and Fire Protection (CALFIRE) for input. CALFIRE submitted recommended conditions of approval (CDF #47-14) on February 20, 2014, requiring the applicant abide by typical conditions concerning address standards, driveway standards, and defensible space standards.

In a letter to CALFIRE, the applicant requested an exemption from the recommended driveway standards condition, offering that the existing house and driveway were constructed in 1948, and that driveway standards do not apply to existing roads and driveways.<sup>6</sup> CALFIRE replied to the request, approving the exemption.<sup>7</sup>

CALFIRE granted the exemption to the driveway standards; however, the remaining standards are recommended as **Condition 11**.

**Condition 11:** The applicant shall comply with those recommendations in the California Department of Forestry letter dated February 20, 2014 (CDF #17-14), excluding recommended driveway improvement standards, or other alternatives as acceptable to the Department of Forestry. Written verification 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.

The project application was likewise referred to Albion Little River Fire Protection District (ALRFPD) for review and comment. ALRFPD did not return comment.

The recommended conditions will reduce impacts of hazards and hazardous materials to a less than significant level.

**9. Hydrology and Water Quality:**

<b><u>IX. HYDROLOGY AND WATER QUALITY.</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) 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>5</sup> *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

<sup>6</sup> Taber, Bret. "CalFire 47-14 / 5720 North Highway 1 Little River." Letter. 25 Nov. 2014.

<sup>7</sup> Zimmermaker, Shawn. "RE: Cal Fire 47-14 / 5720 North Highway 1 Little River." Letter. 1 Dec. 2014.

siltation on- or off-site?				
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>

The existing well service is adequate to serve the proposed new residence, and no conditions are necessary.

The proposed density of the project maximizes the development potential of the existing approximately parcel. The General Plan designation (Remote Residential – 5) and zoning district (Remote Residential – 5) of the subject site precludes any further subdividing. Additionally, the MCC does not allow second residences on the proposed parcels. The low-density nature of the project, and the lack of potential for future development will ensure that local groundwater supplies are not substantially depleted.

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.

Hydrology and water quality impacts will be less than significant, without mitigation.

**10. Land Use and Planning:**

<b>X. LAND USE AND PLANNING.</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 checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is situated in a long established rural residential area, and proposed adjacent to an existing residential development. The low-density development will be consistent with the established community.

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

The proposed development is not located in an area subject to a habitat conservation plan or natural community conservation plan.

**11. Mineral Resources:**

<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"/>

The project is not located in an area of known mineral resources. No impact is expected and no mitigation is required.

**12. Noise:**

<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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

working in the project area to excessive noise levels?				
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With the exception of short-term construction related noise, the proposed development will not create a new source of noise that will impact the community. Noise created by the single-family residence and is not anticipated to be significant, and no mitigation is required.

**13. Population and Housing:**

<b>XIII. POPULATION AND HOUSING.</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"/>

The project would permit a new single-family residence in a zoning district and General Plan land use designation intended for residential development and on a parcel where a single-family residence presently exists. 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 remove an existing house, but will replace with one of similar square footage. and will not require the displacement of any person living or working the area. No impacts are expected, and no mitigation is required.

**14. Public Services:**

<b>XIV. PUBLIC SERVICES.</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 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"/>

The project site is served by CalFire and the Albion Little River Fire Protection District. The replacement of one single-family residence with another in an existing community would not create additional significant service demands or result in adverse physical impacts associated with delivery of fire, police, parks or other public services.



15. Recreation:

<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"/>

The project site is located west of Highway 1, but is not designated as a potential public access trail location on the Local Coastal Plan maps. There is no evidence of prescriptive access on the site, nor would the development generate enough recreation demand to require the construction of additional facilities. The project would have no impact on public access or recreation, and no mitigation is required.

16. Transportation/Traffic:

<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 checked="" type="checkbox"/>	<input 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"/>

The parcel is currently provided with an existing private driveway (Frog Pond Road) that intersects Highway 1. The subject parcel is located at the terminus of this private driveway. The applicant proposes

to remove existing asphalt surfacing and utilize the existing underlying pervious base materials as the finished surface. Approximately 2,400 square feet of asphalt surfacing will be removed

Mendocino County Department of Transportation (DOT) was invited to provide comment on the application. A letter to Planning and Building Services from DOT dated October 23, 2014, provided no comment on the project. Caltrans did not respond to the request for comments. The proposed development will be provided with adequate access roads. There are no other transportation facilities that serve the property.

The proposed residential use is consistent with Mendocino County’s Local Coastal Program for the area and is a low-trip generating use, which will not degrade performance of the existing private roadway. The project is not located within an area subject to a congestion management program.

Little River Airport is located approximately two miles northeast of the subject property. The replacement of one single-family residence with another will not have any effect on local air traffic patterns.

In a letter to CALFIRE, the applicant requested an exemption from the recommended driveway standards condition, offering that the existing house and driveway were constructed in 1948, and that driveway standards do not apply to existing roads and driveways.<sup>8</sup> CALFIRE replied to the request, approving the exemption.<sup>9</sup>

CALFIRE granted the exemption to the driveway standards; however, the remaining standards are recommended as **Condition 11**.

Impacts to transportation and circulation are less than significant, with mitigation incorporated.

**17. Utilities and Service Systems:**

<b><u>XVII. 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>8</sup> Taber, Bret. “CalFire 47-14 / 5720 North Highway 1 Little River.” Letter. 25 Nov. 2014.

<sup>9</sup> Zimmermaker, Shawn. “RE: Cal Fire 47-14 / 5720 North Highway 1 Little River.” Letter. 1 Dec. 2014.

capacity to accommodate the project's solid waste disposal needs?				
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project will generate domestic wastewater processed by a proposed on-site septic system, which will be required to meet local standards for septic design and location. The Mendocino County Division of Environmental Health reviewed the project application and recommended conditional approval.

The County's Stormwater Ordinance will ensure construction activities on the site will limit the project's stormwater impacts to a level that is not significant.

A septic system and well currently serve the existing development. The existing septic system is approximately 66 years old and located directly above the sea cave with a single leach line that discharges over the bluff face. The applicant proposes to install a new septic system and sewage line to replace the existing dated septic system, pursuant to a submitted Site Evaluation Report prepared by Carl Rittiman and Associates, Inc.

The application and Site Evaluation Report was referred to Mendocino County Division of Environmental Health to address water supply and wastewater disposal for the project. In their response dated July 28, 2014, Environmental Health indicated that "DEH can clear this CDP." No conditions are required associated with the proposed septic system.

Impacts related to utilities and service systems are less than significant.

**18. Mandatory Findings of Significance:**

<b><u>XVIII. 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 checked="" type="checkbox"/>	<input type="checkbox"/>

The project's potential to degrade the quality of the environment, as described in the first Mandatory Finding of Significance, will be less than significant provided it incorporates the mitigation measures recommended in this Initial Study.

None of the of the project mitigated impacts are cumulatively considerable because the project's potential impacts are limited to the project site, and the approval and establishment of the project will not alter the

existing setting nor amend an existing regulation that would create a circumstance where the incremental effect of a probable future project will generate a potentially significant environmental impact.

The project will not generate any potential direct or indirect environmental effect that will have a substantial adverse impact on human beings including, but not limited to, exposure to geologic hazards, air quality, water quality, traffic hazards, noise and fire hazards.

**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.

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DATE

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SCOTT PERKINS  
PLANNER I