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| **Section I** | **Project Summary** |
| **DATE:** February 14, 2022  **CASE#:**  MS\_2021-0002 **DATE FILED:**  6/17/2021 **OWNER/APPLICANT:**  RURAL COMMUNITIES HOUSING DEVELOPMENT CORPORATION (RCHDC)  **AGENT:**  CORT MUNSELLE, MUNSELLE CIVIL ENGINEERING  **REQUEST:**  Two lot minor subdivision of a 4.1± acre parcel to create one parcel of 2.37± acres (Lot 1) and one parcel of 1.73± acres (Lot 2). **ENVIRONMENTAL DETERMINATION:** Negative Declaration  **LOCATION:**  0.6± miles northeast of the City of Ukiah at the intersection of Brush Street (CR 217) and North Orchard Avenue (City of Ukiah), located at 365 Brush Street, Ukiah; APN: 002-101-31.  **STAFF PLANNER:**  RUSS FORD | |
| **Section II** | **Project Description** |
| **INTRODUCTION**: The proposed project requests the division of an existing 4.1± acre lot into two separate lots of 2.37± acres and 1.73± acres to facilitate the construction of multi-family housing.  **PROJECT OBJECTIVES**: The Rural Communities Housing Development Corporation (hereafter ‘RCHDC’) has previously completed several Boundary Line Adjustments to facilitate the construction of multi-family housing along Brush Street (CR 217), known as Orr Creek Commons Phases 1 and 2. Construction of unit 1 has completed and construction of unit 2 is underway. The division of this parcel will allow RCHDC to apply for a third unit of multi-family housing, at least a portion of which will be designated ‘affordable’ or ‘low income’ housing (less than 50%).  **SETTING AND LOCATION**: The subject site lies within the sphere of influence of the City of Ukiah at the intersection of Brush Street and North Orchard Avenue, immediately adjacent to the city’s incorporated boundary. The site is served by the Ukiah Valley Sanitation District for wastewater treatment and though technically outside its district boundary, domestic water is provided by the City of Ukiah. Domestic water for Orr Creek Commons Phases 1 and 2 was also provided by the City of Ukiah, and on July 29, 2021, they provided an updated comment letter stating that the City has the resources and intention to support the additional housing proposed by RCHDC.  The site itself is currently undeveloped, but was previously used for materials storage for the construction of Orr Creek Commons Unit 2. The parcels to the west and south of the subject site are heavily developed with residential uses, and the parcels to the north contain several mini-storage lots and another multi-family residential development intended for use by agricultural workers. The eastern and northeastern most parcels are currently undeveloped. The entire project site is classified as a type AE flood zone on FEMA’s Flood Insurance Rate Maps (FIRM), with a base flood elevation of approximately 607 feet above sea level. Prior to construction of Orr Creek Commons Phases 1 and 2, fill dirt was added to the site to bring the at grade elevation above the calculated base flood elevation. The site is approximately 600 feet west of the US 101 corridor and is visible from the highway, but cannot be accessed directly from it.  Orr’s Creek, an existing riparian corridor, forms the southern boundary of the project site. As part of the Orr Creek Commons Unit 1, the land immediately adjacent to the creek was dedicated to the City of Ukiah for use as open space and a riparian buffer. This project would only affect the portion of the remaining land outside of that existing dedication, and does not propose changes to the buffer zone.  **BASELINE CONDITIONS:** The California Environmental Quality Act (CEQA) Guidelines Section 15125 requires that the Project Description identify existing baseline physical conditions to evaluate the significance of the project impacts. In the case of the subject parcel, baseline conditions include existing multi-family residential development on two adjacent sites, as well as existing transportation and utility infrastructure commonly associated with urban development. | |
| **Section III** | **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.

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

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

**a-c) No Impact:** The project site is immediately adjacent to the incorporated City of Ukiah and still well within the associated urbanized areas surrounding it. Three large multi-family residential developments are immediately adjacent to this proposed site, as well as a multi-acre mini storage and other associated residential and urban developed uses. The southern boundary of the parcel formed by Orr’s Creek may be considered a visual resource, but an existing buffer area intended to protect it has already been created via dedication of a buffer zone along the creek to the City of Ukiah. This project affects only the remaining portion of the land outside of the dedication, and so no adverse impact to any scenic vista will occur as a result. Previous grading associated with construction and construction storage for Orr Creek Commons Phases 1 and 2 has occurred on the site, and no scenic resources are present, and it is not near a designated state scenic highway.

**d) Less That Significant Impact:** The development of a new multi-family housing complex facilitated by this land division may increase the potential for degradation of the existing visual character, but those concerns are less than significant given the existing development of the adjacent properties and site location. New lighting associated with residential development must meet dark sky compliance requirements and be shielded and downcast, in compliance with Policy RM-134 of Chapter 4 of the County’s General Plan. However, any addition of new lights are likely to be inconsequential given the existing density of nearby residential development, much of which has existed for decades and was built well before dark sky compliances existed.

| **II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
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| 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? |  |  |  |  |
| b) Conflict with existing zoning for agricultural use, 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))? |  |  |  |  |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? |  |  |  |  |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? |  |  |  |  |

a-e) **No Impact:** The project site is zoned Multi-Family Residential (R3) and is immediately adjacent to the City of Ukiah and a large residential development. Years ago, several of the parcels north of the project site were pear orchards, but those have been long removed and the sites are now zoned for General Industrial (I-1) use. No agricultural resources or timber resources exist on the site or in the immediate vicinity, and no premature conversion of natural resources will occur as a result of this project. Therefore, no impacts to agricultural or forestry resources will result.

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| **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:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
| a) Conflict with or obstruct implementation of any applicable air quality plan? |  |  |  |  |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? |  |  |  |  |
| 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)? |  |  |  |  |
| d) Expose sensitive receptors to substantial pollutant concentrations? |  |  |  |  |
| e) Create objectionable odors affecting a substantial number of people? |  |  |  |  |

**a-e) No Impact:** Mendocino County is located within the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. Additionally, the Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing the state and federal Clean Air Acts, as well as local air quality protection regulations. Any new emission point source is subject to an air quality permit, consistent with the District’s air quality plan, prior to project construction. The MCAQMD also enforces standards requiring new construction, including houses, to use energy efficient, low-emission Environmental Protection Agency (EPA) certified wood stoves and similar combustion devices to help reduce area source emissions.

While no impacts to air quality are expected from the land division itself, the subsequent development of multi-family house may result in minor impacts to air quality associated with residential use and transportation. Current California building codes prohibit the use of unsealed fireplaces, which are associated with older residences and high incidences of air pollution during colder months. But these uses will not conflict or obstruct the existing air monitoring plan by MCAQMD, they will not expose sensitive receptors to substantial pollution concentrations, or create objectionable odors affecting a substantial number of people. Therefore, no air quality impacts are expected to occur as a result of this project.

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| **IV. BIOLOGICAL RESOURCES.  Would the project:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? |  |  |  |  |
| 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? |  |  |  |  |
| 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? |  |  |  |  |
| 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? |  |  |  |  |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree 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? |  |  |  |  |

1. **No Impact:** As part of a previous project, U\_2016-0003 (Orr Creek Commons), a comprehensive Wildlife Biological Evaluation was conducted by Marcus H. Bole & Associates, a United State Fish & Wildlife and CDFW approved biological consulting firm. The evaluation concluded that project –as designed- would not impact federal or state listed wildlife species. This project is in the immediate vicinity of U\_2016-0003 and shares the same environmental considerations. Additionally, the Californian Natural Diversity Database contains no instances of endangered flora or fauna within the project site or its vicinity. Therefore, no impact to an identified sensitive species will occur as a result of this project.
2. **No Impact:** The southern boundary of the project site is formed by Orr’s Creek, a seasonal creek and riparian area. However, as part of the previous development of Orr Creek Commons Unit 1, a riparian buffer zone and open space area adjacent to the creek was offered for dedication to the City of Ukiah by RCHDC. This project would affect only the remaining portion of the property not affected by the dedication. Given that Orr’s Creek has been previously afforded protection from development and impact, no adverse impacts to the riparian area will occur as a result of this project.

c-d) **No Impact:** No federally protected wetlands exist on the site or in its vicinity, and the Orr’s Creek along the sites southern boundary is a seasonal creek and not typically fish-bearing. No impacts to protected wetlands or migratory fish or wildlife will occur as a result of this project.

e-f) **No Impact:** Previous work on the site associated with the construction of Orr Creek Commons Phases 1 and 2 resulted in the removal of any residual vegetation, so no impacts to tree preservation policies will occur. While the project site is within the Ukiah Valley Area Plan special plan district, the UVAP does not contain specific restrictions regarding conservation of natural habitat or natural communities, and is not covered by a state habitat conservation plan.

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

**a-d) No Impact:** The proposed project was referred to Sonoma State University on July 23, 2021. To date, no response has been received indicating further studies should be done, and the Mendocino County Archaeological Commission does not review projects unless recommend by a referral from Sonoma State. Given the previous ground disturbance to the site associated with construction of Orr Creek Commons Phases 1 and 2, it’s unlikely that any cultural resources remain on the project site. No identified paleontological resources or human remains exist on the site, so no impacts to cultural resources are expected as a result of this project.

Additionally, a Cultural Resource Reconnaissance of the project site was done for a previous project, U\_2016-0003 (Orr Creek Commons), which included both an on-foot survey of the project area, as well as a records search of previous discoveries related to the site. As a result of the records search, 03-1077, it was determined that no archaeological or ethnographic sites had been recorded with the boundaries of the project. The on-foot survey similarly discovered no cultural resources within the site.

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

a-b) **Less Than Significant Impact:** On October 7, 2015, Governor Edmund G. Brown Jr., signed into law Senate Bill (SB) 350, the Clean Energy and Pollution Reduction Act of 2015 (De León, Chapter 547, Statutes of 2015), which sets ambitious annual targets for energy efficiency and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy efficiency savings and demand reductions in electricity and natural gas final end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The proposed SB 350 doubling target for electricity increases from 7,286 gigawatt hours (GWh) in 2015 up to 82,870 GWh in 2029. For natural gas, the proposed SB 350 doubling target increases from 42 million of therms (MM) in 2015 up to 1, 174 MM in 2029.[[1]](#footnote-1)

Permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The 2019 Building Energy Efficiency Standards are designed to reduce wasteful, uneconomic, inefficient or unnecessary consumption of energy and enhance outdoor and indoor environmental quality. The multi-family complex proposed to follow this subdivision will be required to meet these energy requirements as part of building permit review process. The proposed subdivision does not conflict with any state plans for renewable energy and is not anticipated to use or waste significant amounts of energy or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

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| **VII. GEOLOGY AND SOILS.**  **Would the project:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: |  |  |  |  |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. |  |  |  |  |
| ii) Strong seismic ground shaking? |  |  |  |  |
| iii) Seismic-related ground failure, including liquefaction? |  |  |  |  |
| iv) Landslides? |  |  |  |  |
| b) Result in substantial soil erosion or the loss of topsoil? |  |  |  |  |
| 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? |  |  |  |  |
| 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? |  |  |  |  |
| 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? |  |  |  |  |

a) **Less Than Significant Impact:** Mendocino County, along with most of California, is a very geologically active area that is rife with many faults of varying activity levels and strengths. Per FEMAs Earthquake Hazard Maps, this region of the County is classified as D2, with the potential effects listed as:

*Strong shaking – Damage negligible in buildings of good design and construction; slight to moderate in well-built ordinary structures; considerable damage in poorly build structures.*

The Mayacama Fault Zone sits approximately 1 mile east of the project site, and the San Andreas Fault lies 27 miles to the southwest. In all likelihood, substantial activity from either of these faults may cause impacts for dozens if not hundreds of miles from the epicenter and would certainly be felt by residents at this location. However, modern building codes are required to address the impacts associated with earthquake action in California and those requirements are expected to mitigate all but the most destructive tremors, for which no mitigation can be provided.

b) **No Impact:** The project site sits adjacent to Orrs Creek, a seasonal watercourse and riparian area and within a FEMA class AE flood zone. The proposed multi-family development following this division would require all structures to be built at or above the calculated base flood elevation. The residential complex would also be required to meet parking requirements based on the number on units, and would likely be sealed with some kind of impenetrable or less-penetrable material, such as asphalt. Therefore, no soil erosion or loss of topsoil is expected to occur as a result of this project.

c,d) **No Impact:** The project site is comprised largely of Talmage gravelly sandy loam soils, with a small portion of Cole clay loam. These soils tend to be deep and formed in alluvium derived from various kinds of rock. Runoff is slow and the hazard of erosion is slight, though they can be subject to flooding during prolonged, high-intensity storms. Talmage gravelly sandy loam is best used as a source of aggregate and for vineyards, orchard, hay pastures and homesite development. Neither of these soil types are located on slopes greater than 2 percent, and both are permeable and stable, and not classified as “expansive soils” as defined in table 18-1-B of the Uniform Building Code (1994). Therefore, no impact is expected to the stability of the soils as a result of this project.

e) **No Impact**: The site is served by the Ukiah Valley Sanitation District, and all future development will be required to utilize the existing district infrastructure for wastewater disposal and treatment, per Mendocino County Code Section 16.12.020. On-site septic systems are not permitted within the UVSD service area.

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

**Discussion**: The California Global Warming Solutions Act of 2006, also known as Assembly Bill 32 (AB32), 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 statuses were mended 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 (MCAQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies evaluate air quality impacts to determine if a project’s individual emissions would be cumulatively considerable. According to the MCAQMD, 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. Additionally, Mendocino County’s building code requires new construction to include energy efficient materials and fixtures.

1. **Less Than Significant Impact**: While the subdivision itself will not result in the increase of GHG emissions, the subsequent development of a multi-family housing complex is likely to have at least a minor impact on GHG emissions. However, the project has been designed to implement the measures outlined in the Greenhouse Gas Assessment for the Ukiah Valley Area Plan (February 2009) by the Department of Planning and Building Services to result in emission reductions to include:
   1. **Systemic Design to Avoid Emissions** – The project will result in growth and infill occurring in an efficient manner and would reduce potential GHG emissions at a regional and/or jurisdictional level.
   2. **Project Design to Avoid Emissions** – Laying out the project so that it relates to and with the surround development; avoiding GHG potential due to poor site access and internal configuration.
   3. **Project Elements that Reduce Emissions** – Requiring the use of energy efficient building techniques that reduce the energy demands.
   4. **Concurrent Onsite Actions to Offset Emissions** – Generating electricity via photovoltaic solar panels to offset project electricity demands and emissions by providing 200kW of solar generated electricity that is expected to provide most or all energy needed at the site.
   5. **Concurrent Office Actions to Offset Emissions** – Purchasing or partnering with others to mitigate project emissions elsewhere.

b) **No Impact**: There are no identified plans, policies, or regulations that would be violated through any of the project activities as proposed. The framework for regulating GHG emissions in California is robust and requires local governments to take an active role in addressing climate change and reducing GHG emissions. The Mendocino County Air Quality Management District (MCAQMD) does not have rules, regulations, or thresholds of significance for non-stationary or construction related GHG emissions. Therefore, there is considered to be no impact.

| **IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
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| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? |  |  |  |  |
| 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? |  |  |  |  |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? |  |  |  |  |
| 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? |  |  |  |  |
| 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? |  |  |  |  |
| 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? |  |  |  |  |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? |  |  |  |  |
| 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? |  |  |  |  |

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

**Discussion**: California Health and Safety Code states: “Hazardous material” means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard of human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the unified program agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.[[2]](#footnote-2)

Mendocino County has adopted a Hazardous Waste management Plan to guide future decisions by the County and the incorporated cities about hazardous waste management. Policies in the General Plan emphasize source reduction and recycling of hazardous wastes, and express a preference for onsite hazardous waste treatment over offsite treatment. The Hazardous Waste Management Plan proposes a number of hazardous waste programs and set forth criteria to guide the siting of new offsite hazardous waste facilities. However, to date, no facilities have been cited in the County. In 1997, the County Division of Environmental Health assumed responsibility of administering hazardous waste generation and treatment regulations. The General Plan includes several policies devoted to solid waste and hazardous waste and materials management and specifically, Policy DE-203 states: *All development projects shall include plans and facilities to store and mange solid waste and hazardous materials and wastes in a safe and environmentally sound manner.[[3]](#footnote-3)*

The California Air Resources Board classifies asbestos as a known human carcinogen. Asbestos of any type is considered hazardous and may cause asbestosis and lung cancer if inhaled, becoming permanently lodged in body tissues. Exposure to asbestos has also been shown to cause stomach and other cancers. Asbestos is the general name for a group of rock-forming minerals that consist of extremely strong and durable fibers. When asbestos fibers are disturbed by grading and construction activities, they are released into the air where they remain for a long period of time. Naturally occurring asbestos is an issue of concern in Mendocino County, which contains areas where asbestos-containing rocks are found. The presence of ultramafic rocks indicates the possible existence of asbestos mineral groups. Ultramafic rocks contain 90 percent or more of dark-colored, iron-magnesium-silicate minerals. Ultramafic rocks may be partially or completely altered to a rock known as serpentinite, more commonly called serpentine.

The Mendocino County Air Quality Management District enforces state regulations to reduce the effects of development projects involving construction sites and unpaved roads in areas tested and determined by the state registered geologist to contain Naturally Occurring Asbestos. Serpentine and ultramafic rocks are common in the eastern belt of the Franciscan Formation in Mendocino County. Small localized areas of serpentine do occur in the coastal belt of the Franciscan Formation, but they are significantly less abundant.

The California Department of Forestry and Fire Protection (CalFire) designates areas of the County into fire severity zones. These maps are used to develop recommendations for local land use agencies and for general planning purposes.

a-b) **Less Than Significant Impact**: The proposed Project will allow a residential use which does involve 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 such as fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, power tools and other equipment associated with small-scale agricultural production. Storage of these materials in the open may result in contaminated storm water runoff being discharged into nearby water bodies, including the Pacific Ocean hence the common practice for manufacturers to include critical storage information on product labels. As the proposed project does not include the use of any hazardous materials rather hazardous materials may be associated with the residential use of the subject property, there will be less than significant impact.

c-d) **No Impact**: The closest identified school (Frank Zeek Elementary) is approximately 2,300 feet west of the proposed project site. The project does not propose any activities that would emit hazardous emissions or use any hazardous materials. The subject property has not been identified as a hazardous materials site and therefore, there is no impact.

e-f) **No Impact**: The closest airport is the Ukiah Municipal Airport, approximately 1.75 miles south of the proposed site. The project is not located within an airport land-use plan and is not within the vicinity of a private airstrip and therefore would not cause hazardous conditions for residents or workers.

g) **No Impact:** Access to the Project is provided by Brush Street (CR 217), which connects between North State Street (City of Ukiah) and North Orchard Avenue (City of Ukiah), both major access roads within the city limits. Both road connect to US 101, a major regional highway. The proposed project will not impair the implementation of or physically interfere with an adopted emergency response plan or evacuation plan.

h) **Less Than Significant Impact**: The project site is classified as “Low Density Interface” per the USDA Wildland-Urban Interface map and is entirely within a Local Responsibility Area (Ukiah Valley Fire District) and so has not been assigned a fire hazard classification by the State. The site is heavily developed with high density residential and commercial uses on three sides and is within 1,000 feet of the US 101 corridor on the fourth. While it’s impossible to completely disregard any threat from wildland fire, the project site is likely better protected than most by being within an urbanized area with existing access and fire protection infrastructure (i.e., hydrants). For these reasons, the threat of wildland fire to the project site and subsequent residential development is determined to be less than significant.

| **X. HYDROLOGY AND WATER QUALITY. Would the project:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
| --- | --- | --- | --- | --- |
| a) Violate any water quality standards or waste discharge requirements? |  |  |  |  |
| 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)? |  |  |  |  |
| 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: |  |  |  |  |
| i) Result in substantial erosion or siltation on- or off-site? |  |  |  |  |
| ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? |  |  |  |  |
| iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? |  |  |  |  |
| iv) Impede or redirect flood flows? |  |  |  |  |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? |  |  |  |  |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? |  |  |  |  |

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

**Discussion**: The California State Water Resources Control Board (SWRCB) is responsible for implementing water quality standards in California. These standards are codified in Division 7: Water Quality of the California Code of Regulations which defines waste and groundwater independently. Typical activities and uses that affect water quality include, but are not limited to, discharge of process wastewater from factories, confined animal facilities, construction sites, sewage treatment facilities, and material handling areas which drain into storm drains. In Mendocino County, groundwater is the main source for municipal and individual domestic water systems, outside of the Ukiah Valley, and contributes significantly to irrigation. Wells throughout Mendocino County support a variety of uses, including domestic, commercial, industrial, and agricultural and fire protection. The County’s groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. Mountainous areas are underlain by consolidated rocks of the Franciscan Complex, which are commonly dry and generally supply less than 5 gallons per minute of water to wells. Interior valleys are underlain by relatively thick deposits of valley fill, in which water extraction yields vary from less than 50 gallons per minute to 1,000 gallons per minute. There are six identified major groundwater basins in Mendocino County. Groundwater recharge is the replacement of water in the groundwater aquifer. Recharge occurs in the form of precipitation, surface runoff that later enters the ground, irrigation, and in some parts of California (but not in Mendocino County) by imported water. Specific information regarding recharge areas for Mendocino County’s groundwater basis is not generally available, but recharge for inland groundwater basins comes primarily for infiltration of precipitation and intercepted runoff in stream channels, and from permeable soils along the margins of valleys. Recharge for coastal groundwater basins takes place in fractured and weathered bedrock and coastal terraces, and along recent alluvial deposits and bedrock formations. If recharge areas are protected from major modification – such as paving, building and gravel removal – it is anticipated that continued recharge will re-supply groundwater reservoirs. The basic source of all water in Mendocino County is precipitation in the form of rain or snow. Average annual rainfall in Mendocino county ranges from slightly less than 35 inches in the Ukiah area to more than 80 inches near Branscomb. Most of the precipitation falls during the winter, and substantial snowfall is limited to higher elevations. Rainfall is often from storms which move in form the northwest.

a,e) **No Impact**: The proposed project would not violate any water quality standards or waste discharge requirements or substantially degrade surface or ground water quality. All permanent structures to be built on the new parcel are required to be constructed in accordance with the most recent standards set by all regulatory agencies including but not limited to the County, State Water Resources Control Board (SWRCB) and the North Coast Regional Quality Control Board (NCRWQCB). All recommended driveway improvements along Brush Street are required to comply with standards and regulations as provided by the Mendocino County Department of Transportation. Conditions of approval are recommended to ensure that no water quality standards or waste discharge requirements are violated and there has been no evidence or indication that the proposed project would violate any existing requirements and therefore, there is no impact.

b) **Less Than Significant Impact:** The subdivision does not require the use of water resources, but the subsequent multi-family housing development will. The project site is adjacent to the City of Ukiah, who has confirmed their commitment to provide domestic water services to the project in a letter dated August 27, 2021. The City confirms that the proposed addition of 32 units falls within its previous commitment of serving up to 154 units, and that the City has the resources available to provide this service. The City has several production wells available to meet its water needs, as well as a robust water treatment system that re-introduces up to 40% of the water back to the aquifer following treatment. While the addition of the housing units will cause a draw on the aquifer, the resources currently available to the City are expected to make this draw a less than significant impact.

c) **Less Than Significant Impact**: The proposed project includes improvements such as installation of a driveway and parking area which could alter existing drainage patterns through the addition of impervious surfaces. These improvements are subject to Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure. Chapter 16.30 requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris or contaminants from construction materials, tools and equipment from entering the storm drainage system. The project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite, 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. Additionally, the project site lies within a mapped FEMA flood zone. New structures are required to be constructed a minimum of two (2) feet above the local Base Flood Elevation (BFE), but may otherwise be permitted within this zone. This has the potential to cause a minor diversion of flood waters in the event of a major flood. However, the existing drainage infrastructure around the project site is expected to mitigate this impact to be less than significant.

d) **Less Than Significant Impact:** As discussed above and in Section IX, the subsequent construction of a multi-family housing development on this project site brings with it certain incidental risks associated with hazardous material transportation, usage, storage, disposal and leakage, including fluids associated with automobile operation and parking. The residential classification of the site will prohibit hazardous materials of an industrial nature or volume from being present on site, however a major flood would likely result in a measurable -if insignificant- release of additional pollutants into adjacent rivers or watercourses. As the nature and volume of these pollutants would be essential the same as cause by heavy rainfall, the impact to the flood zone is considered to be less than significant.

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| **XI. LAND USE AND PLANNING.**  **Would the project:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
| a) Physically divide an established community? |  |  |  |  |
| 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? |  |  |  |  |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? |  |  |  |  |

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

a) **No Impact**: The proposed project is located adjacent to the City of Ukiah and within its immediate sphere of influence and community identification. Both the proposed subdivision and the subsequent development would be wholly within this community area, so no division will occur.

b) **No Impact**: The project site is within the Ukiah Valley Area Plan, and classified as Suburban Residential (SR). Sec. 20.044.005 MCC defines the intent of the SR district to “..create and enhance neighborhoods where a mixture of residential, public facilities and services … are desired. Areas designated Suburban Residential should be served by a publicly-maintained road network, and should be located within public service districts or logical extensions thereof.” The project site is zoned Multiple-Family Residential (R3), which is intended to “…create and enhance areas suitable for higher density residential uses…” No other specific plans that would regulate mitigation or avoidance of environmental effects have been adopted for this site.

c) **No Impact**: There are no identified habitats or natural community conservation plans for the project location, thus there is no possibility for the project to conflict with any such plans. According to the California Natural Diversity Database (CNDDB), no sensitive flora or fauna have been reported on the project site.

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| **XII. MINERAL RESOURCES.**  **Would the project:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than**  **Significant Impact** | **No Impact** |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? |  |  |  |  |
| 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? |  |  |  |  |

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

**Discussion**: The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel and terrace gravel deposits. The demand for aggregate is typically related to the size of the population, and construction activities, with demand fluctuating from year to year in response to major construction projects, large development activity, and overall economic conditions. After the completion of U.S. 101 in the late 1960s, the bulk of aggregate production and use shifted primarily to residential and related construction. However, since 1990 a significant amount of aggregate has shifted back toward highway construction.

a-b)**No Impact:** The proposed project is not located on or within any identified mineral resource lands, thus it will not result in the loss of any available mineral resource.

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| **XIII. NOISE.**  **Would the project result in:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? |  |  |  |  |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? |  |  |  |  |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? |  |  |  |  |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? |  |  |  |  |
| 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? |  |  |  |  |
| 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? |  |  |  |  |

**Thresholds of Significance**: The project would have a significant effect on noise if it would result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or generation of excessive groundborne vibration or groundborne noise levels; or expose people residing or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport).

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

a-b) **No Impact**: The existing residential development does not exceed noise levels, neither will the proposed subdivision or subsequent development, as permitted uses are limited to residential activities and prevent noisier, more impactful uses. Additionally, the proposed subdivision will not expose persons to excessive groundborne vibration.

c-d) **Less Than Significant Impact**: The proposed multi-family development is identical in nature and scale to the two existing multi-family developments adjacent to the project site. Approval of the project would not result in an significant increase in ambient noise over that which currently exists, largely limited to incidental noise and activity associated with residential development. Construction activities associated with site preparation, construction and cleanup would be temporary in nature and are likely to cause an increase to local noise levels, though these would be less than significant through the implementation of standard permit conditions. Standard permit conditions require limiting construction hours within 500 feet of residential uses to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas.

e-f) **No Impact**: The proposed project is not located near any airport zone or within any airport land use plan, thus it would not expose people to any level of noise regarding aircrafts or airstrips.

| **XIV. POPULATION AND HOUSING.**  **Would the project:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
| --- | --- | --- | --- | --- |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? |  |  |  |  |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? |  |  |  |  |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? |  |  |  |  |

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

**Discussion**: Mendocino County’s Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The Mendocino Council of Government’s (MCOG) Regional Housing Needs Plan assigned the County a production goal of 2,552 housing unit for the unincorporated area between 2009 and 2014. Goals and policies were set forth in order to facilitate the development of these housing units at a range of sizes and types to address this need.

a-c) **Less than significant impact**: Approval of the project will allow subsequent construction of a multi-family residential complex of 32 units, however substantial population growth in the area is not expected to be significantly impacted. Future growth of the immediate area is limited by the classification of adjacent parcels. Following construction of these new units, the only remaining unimproved land in the vicinity will be zoned Limited Industrial (I1), which prohibits residential uses. The new housing units are expected to help ameliorate the existing housing deficit in the community, rather than serve as a draw to new members. Establishment of new residential units will not displace any existing residence or require the construction of replacement housing, so the project is expected to have a less than significant impact here.

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

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

**Discussion**: The Mendocino County Office of Emergency Services (OES) is the primary local coordination agency for emergencies and disasters affecting residents, public infrastructure, and government operations in the Mendocino County Operational Area. Other public services including fire protection, police servicing, medical, school, and other public facilities are already provided for the existing parcel. A road easement provides access to existing infrastructure in the north parcel and improvements required for the new Parcel 2 to the south.

a) **No Impact**: The project is entirely within a Local Responsibility Area (LRA) administered by the Ukiah Valley Fire Protection District (UVFD). The district currently provides structure and wildland protection to parcels within its service district. The project site is at the corner of two publicly maintained streets, with liberal access to fire protection equipment and resources. Law enforcement is provided by the County of Mendocino, with the headquarters of the Mendocino County Sheriff’s Office (MCSO) 1± mile to the west. Approval of the project is not likely to require an increase in the staff or equipment required by either the UVFD or the MCSO, so no impact is expected to public services.

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| **XVI. RECREATION.** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? |  |  |  |  |
| 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? |  |  |  |  |

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

a-b) **No Impact**: The nearest regional park to the project site is Low Gap Park, 1.5± miles to the west. It’s likely that the increase in residents associated with the subsequent construction of a multi-family housing complex will increase the use of local parks to some degree, but not to the point that substantial physical deterioration of the facilities would occur, or that new facilities would need to be constructed. Additionally, previous approval of the Orr Creek Commons Phase 1 complex adjacent to the project site resulted in dedicated of a riparian area along Orrs Creek to be used for both environmental protection as well as community recreation through the establishment of a creekside walking trail. The increase in on-site recreation options together with the existing number of parks in the area should mitigate any potential use increase to negligible levels.

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| **XVII. TRANSPORTATION/TRAFFIC.**  **Would the project:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? |  |  |  |  |
| 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? |  |  |  |  |
| 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? |  |  |  |  |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? |  |  |  |  |
| e) Result in inadequate emergency access? |  |  |  |  |
| 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? |  |  |  |  |

**Thresholds of Significance**: The project would have a significant effect on transportation if it would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b); substantially increase hazards due to a geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access. California’s greenhouse gas reduction goals encourage reductions to vehicle miles traveled. A technical advisory on evaluating transportation impacts in CEQA suggests the criteria for determining the significance of transportation impacts must “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.[[4]](#footnote-4) The Office of Planning and Research (OPR) suggests for local governments to assess emission reductions from greenhouse gas mitigation and refer to a wide range of research, including the California Air Pollution Control Officers Association (CAPCOA), *Quantifying Greenhouse Gas Mitigation Measures*.

CAPCOA finds that the most important determinant of Vehicle Miles Traveled (VMT) is location within a region and in some cases, streamlining CEQA review of projects in travel efficient locations may be the most effective means of reducing VMT. Yet, few empirical studies are available to suggest appropriate VMT reduction caps for strategies implemented in rural areas. Vanpools, telecommute or alternative work schedules and master planned communities with design and land-use diversity that facilitates intra-community travel are among the most successful strategies to reduce VMT. To reduce greenhouse gas emissions, CAPCOA recommendations include increasing location efficiencies (LUT-2), increasing destination accessibility (LUT-4), locating projects near bike path/bike lanes (LUT-8), and many other potential measures relating to land use, location, neighborhood and site enhancements, parking policies and pricing, or commute trip reduction programs. For example, if an increase of destination accessibility included adding bike path or bike lanes to a project the estimated range of effectiveness could be a 20% VMT reduction and therefore 6-20% reduction in GHG emissions (Ibid). While LUT-2, LUT-4, and LUT-8 measures are appropriate for industrial projects, these measures would likely have a negligible effect in a rural context, such as Mendocino County.

**Discussion**: It is expected that approval of the project and subsequent construction of the multi-family housing complex will result in an increase in traffic to and from the site, as typically associated with residential development and uses.

a - b) **Less Than Significant Impact**: The proposed project was referred to the Mendocino County Department of Transportation (DOT) and no comments were received that expressed conflicts with any adopted plan. During the October 14, 2021 Subdivision Committee review of the proposed project, no exceptions were requested or discussed. The proposed project is located in an area where residential use is common and established, and well served by existing public infrastructure. The project site is appropriately zoned to allow for further expansion of residential use. A comment letter from the City of Ukiah requests that an bike line be constructed along North Orchard Avenue that would connect with the existing bike lane within the City of Ukiah, and this will be added as a condition of approval.

c) **No Impact**: The project site is 1.75± miles north of the Ukiah Municipal Airport but is outside any established airport zone. The existing Airport Comprehensive Land Use Plan (ACLUP) takes into account optimal approach and departure routes to minimize accidental impact to residential areas. Proposal of this project will not affect established flight routes either way, so no impact is expected.

d-e) **No Impact:** No change to existing access infrastructure or land use will occur as a result of the project. Both are suited to high-density residential, so no impacts will occur.

f) **Less Than Significant 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. Conditions of Approval are recommended to ensure that the project receives clearance from both fire agencies before the subdivision can be completed, and that a connection to the existing bicycle lane on North Orchard Avenue be installed to connect it to Brush Street.

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

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

a-b) **No Impact:** As discussed in section V, a Cultural Resource Reconnaissance of the project site was accomplished in conjunction with U\_2016-0003. The associated records survey (03-1077) and foot survey revealed no resources within the project site or previous discoveries.

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| **XIX. UTILITIES AND SERVICE SYSTEMS.**  **Would the project:** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? |  |  |  |  |
| 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? |  |  |  |  |
| 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? |  |  |  |  |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? |  |  |  |  |
| 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? |  |  |  |  |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? |  |  |  |  |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? |  |  |  |  |

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

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

Solid waste management in Mendocino County has undergone a significant transformation from waste disposal in landfills supplemented by transfer stations and waste stream diversion. These changes have responded to rigorous water quality and environmental laws, particularly the California Integrated Waste Management Act of 1989 (AB 939). The Act required each city and county to divert 50 percent of its waste stream from landfill disposal by the year 2000 through source reduction, recycling, composting, and other programs. Chapter 3 (Development Element) of the Mendocino County General Plan (2009) notes there are no remaining operating landfills in Mendocino County, and as a result, solid waste generated within the County is exported for disposal to the Potrero Hills Landfill in Solano County. The Potrero Hills Landfill has a maximum permitted throughput of 4,330 tons per day and remaining capacity of 13.872 million cubic yards, and is estimated to remain in operation until February 2048.

Mendocino County’s Development Goal DE-21 (Solid Waste) states: *Reduce solid waste sent to landfills by reducing waste, reusing materials, and recycling waste*. Mendocino County’s Environmental Health Division regulates and inspects more than 50 solid waste facilities in Mendocino County, including: 5 closed/inactive municipal landfills, 3 wood-waste disposal sites, 2 composting facilities and 11 transfer stations.

a-c,e) **No Impact**: The project site is served by the Ukiah Valley Sanitation District (UVSD) for wastewater treatment. Referrals sent to the district were returned recommending approval of the project.

d) **No Impact**: An existing agreement with the City of Ukiah will provide domestic water to the housing development on the project. A letter from the City confirms their commitment to support up to 154 units here with their existing resources.

f - g) **Less Than Significant Impact**: The proposed project will comply with federal, state, and local statutes and regulations related to solid waste. The project site is served by a commercial solid waste disposal provided (Waste Management), and the nearest transfer station is approximately 3 miles south.

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

**Discussion**: To *“facilitate multi-agency and multijurisdictional coordination during emergency operations, particularly between Mendocino County, local and tribal governments, special districts as well as state and Federal agencies”* the County of Mendocino adopted a *Mendocino County Operational Area Emergency Operations Plan* (County EOP) on September 13, 2016, under Resolution Number 16-119. As noted on the County’s website, the County EOP, which complies with local ordinances, state law, and state and federal emergency planning guidance, serves as the primary guide for coordinating and responding to all emergencies and disasters within the County (County of Mendocino – Plans and Publications, 2019).

a) **No Impact**: As discussed in the Hazards and Hazardous Materials Section IX, there are no components of the project that would impair an adopted emergency response plan or emergency evaluation plan, including the adopted County EOP.

b) **No Impact**: As proposed, it is not anticipated that wildfire risks would be exacerbated due to slope, prevailing winds or proposed infrastructure to be installed. The project is within an urbanized area and a Local Responsibility Fire area, so impacts to wildland and potential causes of or effects from wildfires are expected to be negligible.

c) **No Impact**: As mentioned in sections above, the project site is adjacent to the City of Ukiah and within the urbanized area surrounding it. The infrastructure required to serve the project and subsequent development -including road, drainage and utilities- already exists on site.

d) **No Impact**: The site is level and located in an urbanized area with existing drainage and stormwater infrastructure. Though it is potentially subject to inundation in the event of a severe flood, construction standards specified in Section 22.17.405 MCC require structures within a flood zone to have their finished floor a minimum of two (2) feet above the Base Flood Elevation to ensure safety.

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| **XXI. MANDATORY FINDINGS OF SIGNIFICANCE.** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporated** | **Less Than Significant Impact** | **No Impact** |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? |  |  |  |  |
| 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)? |  |  |  |  |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? |  |  |  |  |

**Thresholds of Significance**: The project would have a significant effect on mandatory findings of significance if it would have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory; have impacts that are individually limited, but cumulatively considerable (“Cumulatively considerable” means that he incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.); or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

**Discussion**: Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed and it has been determined that it would not:

• Substantially degrade environmental quality;

• Substantially reduce fish or wildlife habitat;

• Cause a fish or wildlife population to fall below self-sustaining levels;

• Threaten to eliminate a plant or animal community;

• Reduce the numbers or range of a rare, threatened, or endangered species;

• Eliminate important examples of the major periods of California history or pre-history;

• Achieve short term goals to the disadvantage of long term goals;

• Have environmental effects that will directly or indirectly cause substantial adverse effects on human beings; or

• Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects.

Potential environmental impacts from the approval of a subdivision of a 4.10± acre parcel to create one parcel of 2.37± acres (Lot 1) and one parcel of 1.73± acres (Lot 2), as well as the subsequent construction of multi-family housing complex have been analyzed in this document, and the impacts have been determined to be less than significant.

a) **No Impact**: As noted in previous sections, the proposed project has limited impact on the quality of the environment and it would not 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, nor would the project eliminate important examples of the major periods of California history or prehistory. Any impacts that would occur are considered to be less than significant and will be diminished through the Conditions of Approval.

b) **No Impact**: The proposed project will not create any cumulative impacts on the surrounding area and any impact that would occur is considered to be less than significant.

c) **No Impact**: Due to the insignificant impacts on the environment, as indicated through this Initial Study, the proposed project would not have an effect on the environment that would have adverse impacts on human beings.

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

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

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

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

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

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

DATE RUSSELL D. FORD

1. Senate Bill No. 350, Chapter 29, De León, Approved by Governor October 7, 2015 [↑](#footnote-ref-1)
2. California Code of Regulations, Health and Safety Code Chapter 6.95 §25501 (m), Accessed March 23, 2021: https://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?lawCode=HSC&sectionNum=25501 [↑](#footnote-ref-2)
3. Mendocino County General Plan, Chapter 3: Development Element, Policies DE-201-DE-204, page 3-180 & 3-109 (August 2009) [↑](#footnote-ref-3)
4. Governor’s Office of Planning and Research. April 2018. [↑](#footnote-ref-4)