

RESOLUTION NO. 2022-78

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (SCH NO. 2022050556); ADOPTING FINDINGS OF FACT PURSUANT TO PUBLIC RESOURCES CODE ("PRC") §21081 AND CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") GUIDELINES §15091; AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS IN ACCORDANCE WITH PRC §21081(b) AND CEQA GUIDELINES §15093; AND APPROVING A MITIGATION, MONITORING, AND REPORTING PROGRAM IN CONNECTION WITH THE UKIAH 2040 GENERAL PLAN

WHEREAS:

1. Government Code Section 65300 requires each legislative body and planning agency to prepare and adopt a comprehensive, long-term general plan for the physical development of the City; and
2. The City of Ukiah General Plan was last comprehensively updated on December 6, 1995 and subsequently amended in 2004 with the Circulation and Transportation Element, in 2019 with certification of the 2019-2027 Housing Element, and in 2019 with the Land Use Element; and
3. In 2019, the City initiated a multi-year process to comprehensively update the General Plan (2040 General Plan or "Project") by approving a work plan and schedule, hiring consultants, launching the General Plan Update website, and commencing public outreach efforts; and
4. On August 5, 2022, the City sent the Public Review Draft 2040 General Plan to affected public entities and agencies in compliance with state law (Government Code Sections 65302(g)(7), 65302.5, 65302.7, 65352, 65352(a)(9) and Public Utilities Code Section 21676), and in accordance with Government Code Section 65352.3, and invited comments by the public; and
5. The City has included a General Plan Errata, dated November 23, 2022, as a part of the 2040 General Plan to summarize changes and revisions that are proposed to the Public Review Draft 2040 General Plan since its release on August 5, 2022; and
6. In accordance with the CEQA Guidelines, a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) was circulated from May 31, 2022 to June 30, 2022. The NOP was circulated to all interested parties, stakeholders, and public agencies; posted at the State Clearinghouse and Mendocino County Clerk's office, as well as on the 2040 General Plan website; published in the Ukiah Daily Journal; and posted in the Civic Center glass case; and
7. During circulation of the NOP, the City of Ukiah received seven (7) written comments and one (1) verbal comment. A summary of comments and City responses to the comments are included in DEIR Table 1-1 (beginning on pp.1-5); and
8. On April 7, 2022, the City sent a letter to the Native American Heritage Commission (NAHC) requesting a current SB 18 and AB 52 Native American Contact List for the Project vicinity. On June 9, 2022, the NAHC provided a list of fifteen (15) tribal contacts with connections to the Planning Area. In accordance with AB 52 and SB 18, on June 21, 2022, the City notified the fifteen (15) tribes about the Project and invited them to participate in consultation. As noted in the DEIR (pp. 4.12-2 and 4.12-3), the City received letters from two tribes and provided responses in accordance with AB 52 and SB 18. No further action was required and the AB 52 and SB 18 process concluded on July 26, 2022; and

9. The City held a public scoping meeting for the DEIR on June 15, 2022. The scoping meeting was held in-person at the City's Civic Center Council Chamber, and participants were also able to join virtually via teleconference; and
10. The DEIR was prepared and made available for a 45-day public review period on October 7, 2022. The Notice of Availability of the DEIR was posted with the State Clearinghouse, at the office of the Mendocino County Clerk, and on the City's 2040 General Plan website. The Notice of Availability was also published in the Ukiah Daily Journal. Furthermore, copies of the Notice of Availability were e-mailed to all parties that commented on the NOP, agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project (Govt. Code 65091(3)); as well as all interested parties, stakeholders, and members of the public that requested being added to the City's 2040 General Plan email contact list. The DEIR was posted electronically on the City's 2040 General Plan website and hard copies of the DEIR were made available for public review at the Community Development Department's office and at the Mendocino County Public Library (Ukiah Branch); and
11. The DEIR public review period ended on November 21, 2022; the City received three comment letters on the DEIR during the public review period; and
12. On November 23, 2022 a Final EIR ("FEIR"), including copies of comments received on the DEIR and City responses to those comments, and changes proposed as a result of comments received, was prepared (comments and responses are included in Section 4 of the Final EIR, beginning on pp. 26). The FEIR was distributed via email to all parties that commented on the DEIR, agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project (Govt. Code 65091(3)); as well as all interested parties, stakeholders, and members of the public that requested being added to the City's 2040 General Plan email contact list. The FEIR was also posted to the 2040 General Plan website and made available at the Community Development Department 's office; and
13. As described in DEIR Section 2.7.8, Project Buildout, the EIR (DEIR and FEIR) analyzes impacts from the 2040 General Plan. Impacts are specific to the 2040 General Plan designating land uses that define the type and amount of development that can occur throughout the City and proposed annexation areas through the planning horizon year of 2040 (over approximately 18 years). Based on the potential land use changes, the 2040 General Plan has a maximum buildout potential of an additional 2,350 housing units and an additional 4,514,820 non-residential square feet. These numbers represent a "maximum buildout" scenario which is an estimate and not intended to predict the amount of development that will in fact occur in the City in the future. Similarly, this "maximum buildout" scenario is used as a conservative assumption for purposes of the CEQA analysis in the EIR and future streamlining opportunities; and
14. The DEIR (Chapter 4) identified environmental impacts of the Project and determined that impacts to air quality, cultural resources, greenhouse gas emissions, and noise cannot be mitigated to a level considered less than significant and would remain significant and unavoidable, as summarized below:
 - Air Quality Impact AQ-2: Development facilitated by the 2040 General Plan would result in a net increase of criteria pollutants due to operational vehicle miles traveled (VMT) compared to existing conditions. The City has adopted thresholds of significance and screening criteria for transportation impacts (to determine if they are exempt from CEQA) that would be expected to result in a less than significant transportation impact for nearly all of the projects facilitated under the 2040 General Plan (see DEIR Appendix D). Additionally, Mitigation Measure AQ-2 requires projects that are not exempt from CEQA to use Bay Area Air Quality Management District (BAAQMD) screening thresholds to analyze project impacts, and implementation of measures for

reduction of operational pollutants. Lastly, all feasible measures to reduce VMT are included as policies in the 2040 General Plan. However, the EIR conservatively determines that the overall operational impacts to air quality would remain significant and unavoidable because the maximum buildout of the 2040 General Plan would increase criteria pollutants when compared to existing conditions (see FEIR pp. 2; DEIR pp. 4.3-13 and 4.11-13; and Appendix D).

- Cultural Resources Impact CUL-1: Development facilitated by the 2040 General Plan would have the potential to impact historical resources (structures). Existing Ukiah City Code and CEQA regulations, in addition to proposed 2040 General Plan policies and Mitigation Measure CUL-1, would reduce impacts to historic resources to the extent feasible. However, because historic structures could potentially be demolished or significantly modified in the future, impacts would be significant and unavoidable (see FEIR pp. 8; DEIR pp. 4-5.12).
 - Greenhouse Gas Emissions Impact GHG-1: Development facilitated by the 2040 General Plan would make progress towards achieving State goals but would not necessarily meet State 2030 or 2045 goals. Mitigation Measures GHG-1 and GHG-2 would result in implementation of CEQA GHG thresholds and a Climate Action Plan (CAP) update; however, development facilitated by the 2040 General Plan would not meet the 2030 or 2045 goals until the CAP is updated and adopted. This impact would be significant and unavoidable (see FEIR pp.10; DEIR pp. 4-6.12).
 - Noise Impact NOI-1: Construction of individual projects facilitated by the 2040 General Plan would temporarily increase noise levels, potentially affecting nearby noise-sensitive land uses. Additionally, development facilitated by the 2040 General Plan would introduce new (operational) on-site noise sources and would contribute to increases in traffic noise. Mitigation Measure NOI-1 requires implementation of construction noise reduction measures, and the continued regulation of on-site noise, consistent with the Ukiah City Code and implementation of proposed 2040 General Plan policies would minimize disturbance to adjacent land uses. However, construction noise and traffic noise may still exceed noise standards and impacts would be significant and unavoidable (see FEIR pp.11; DEIR pp. 4-8.12); and
15. Public Resources Code (PRC) Section 21081 and CEQA Guidelines section 15091 provide that the City shall not approve or carry out a project for which an EIR has been completed that identifies one or more significant environmental impacts, unless it makes specified findings; and
 16. PRC Section 21081(b) and CEQA Guidelines Section 15093 require adoption of a Statement of Overriding Considerations for a project that will have any unmitigated adverse environmental impacts; and
 17. As stated below, the City Council has made the Findings of Fact and the Statement of Overriding Considerations required under CEQA Guidelines Section 15093, where, as here, a project has an adverse environmental impact that cannot be mitigated to a level of insignificance; and
 18. For purposes of CEQA and these Findings, the record before the City Council includes: the DEIR and all appendices; the FEIR including revisions to the DEIR, comments on the DEIR and responses to comments and all appendices to the Final EIR; all notices required by CEQA; all studies conducted for the 2040 General Plan and EIR and contained in, or referenced by, the DEIR or the FEIR; and all public comments received; and
 19. The record of proceedings upon which this decision is based, including all of the aforementioned documents and information, is maintained in the office of the City's Community

Development Department, located at 300 Seminary Avenue, Ukiah, CA 95482, as the custodian of the record, and is available for public inspection upon request of the Director of Community Development, or his/her designee.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council finds that the FEIR (SCH No. 2022050556) were prepared and made available for public review and comment in full compliance with the procedures set forth in CEQA and the CEQA Guidelines.
2. The City Council finds that the FEIR was considered at a duly noticed public meeting held on December 7, 2022.
3. The City Council has considered all public comments and documents submitted and oral testimony given during the public comment period for the DEIR, the FEIR itself, and the December 7, 2022 Staff Report recommending certification of the FEIR (incorporated herein by reference).
4. The City Council has independently reviewed and analyzed this resolution and the FEIR.
5. The City Council hereby certifies the FEIR for the City of Ukiah 2040 General Plan.
6. The City Council hereby adopts the Findings of Fact and Statement of Overriding Considerations included in Exhibit A, in accordance with sections 15091 and 15093 of the CEQA Guidelines.
7. The City Council hereby adopts the Mitigation, Monitoring, and Reporting Program contained within Exhibit B, in accordance with Section 15091 of the CEQA Guidelines.

PASSED AND ADOPTED this 7th day of December, 2022 by the following roll call vote:

AYES: Councilmembers Orozco, Sher, Crane, Duenas, and Mayor Rodin
NOES: None
ABSENT: None
ABSTAIN: None



Mari Rodin, Mayor

ATTEST:



Kristine Lawler, City Clerk

Ukiah 2040 General Plan EIR CEQA Certification and Findings of Fact

- A. The 2040 General Plan or "the Project" is described in full in the EIR (DEIR and FEIR), at pp. 2-1 through 2-14, and FEIR pp. 1 through 4. This project description is incorporated herein by reference.
- B. The EIR evaluated the impacts of the Project itself as well as its impacts in combination with impacts from past, present, and probable future projects. Those impacts, both individual and cumulative, along with recommended mitigation measures and suggested conditions, are summarized in the Executive Summary provided in DEIR pp. ES-1 et seq. and Table 1: Summary of Impacts and Mitigation Measures, FEIR pp. 5 et seq.
- C. The City finds that, based upon substantial evidence in the record, as discussed throughout the EIR (DEIR Chapter 4, Environmental Impact Analysis), the Project's impacts on the topical areas outlined in Appendix G of the CEQA Guidelines are as follows:
- i. Less than Significant Impact: Aesthetics, Agricultural and Forestry Resources, Land Use and Planning, Population and Housing, Public Services, Transportation, and Utilities and Service Systems.
 - ii. Less than Significant Impact with Mitigation: Biological Resources, Tribal Cultural Resources, Wildfire, and Paleontological Resources.
 - iii. As discussed in DEIR Section 4.16, Effects Found Not to be Significant, during evaluation of the 2040 General Plan, the following topical areas were found to have a less than significant impact or no impact: Energy, Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality and Mineral Resources. As allowed under CEQA Guidelines Section 15128, these topical areas are not further discussed in detail in the DEIR as individual sections.
 - iv. Significant and Unavoidable: Air Quality, Cultural Resources, Greenhouse Gas Emissions, and Noise.
- D. Mitigation measures designed to avoid or substantially lessen the significant environmental effects of the Project as identified in the EIR are set forth in the Mitigation, Monitoring, and Reporting Plan ("MMRP"), and incorporated herein by reference. The measures constitute binding commitments and those measures shall be incorporated into the Project and monitored in accordance with the MMRP.
- E. Based on substantial evidence presented and discussed throughout the EIR (DEIR Chapter 4, Environmental Impact Analysis), the City Council finds that these mitigation measures will avoid or reduce impacts to Biological Resources, Tribal Cultural Resources, Wildfire and Paleontological Resources to less than significant levels.
- F. The City finds that, based upon substantial evidence in the record, as discussed throughout the EIR (DEIR Chapter 4, Environmental Impact Analysis), the Project's impacts on the following topical areas outlined in Appendix G of the CEQA Guidelines would remain significant and unavoidable: Air Quality, Cultural Resources, Greenhouse Gas Emissions, and Noise.
- G. Based on the foregoing and pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15091(a)(3) and 15093(b), the City Council finds that the remaining significant unavoidable impacts of the Project are acceptable in light of its economic, fiscal, technological, and social benefits as well as other considerations. Such

benefits outweigh identified significant and unavoidable impacts and provide the substantive and legal basis for this Statement of Overriding Considerations.

- H. The City Council finds that the specific benefits and economic, legal, social, technological or other considerations below outweigh the Project's significant and unavoidable impacts and make the Project alternatives identified in the EIR infeasible.
- i. **The Project Objectives.** As discussed on DEIR pp. 2-6 and 2-7, the 2040 General Plan is intended to function as a policy document to guide the City's long-term framework for future growth and resource management within the planning area through the year 2040. Based on community input and in recognition of the State's planning priorities, a vision and values supporting the vision for the community were developed.

The Ukiah City Council approved the following Vision Statement for the 2040 General Plan on March 3, 2021:

"The City of Ukiah is a diverse, family-oriented, and friendly community connected to the beautiful, surrounding natural open space areas that give the community its unique sense of place. Ukiah is a safe and resilient community that is fiscally responsible, environmentally conscious, and inclusive. The city offers a great place for people of all ages, incomes, and ethnicities to live, work, and visit."

The City of Ukiah developed guiding principles to expand on the main ideas contained in the vision statement. The following guiding principles express the key values and aspirations for Ukiah's future, guide the goals, policies and implementation measures contained within the 2040 General Plan, and serve as the Project's overarching objectives:

- Guide land uses and development that meet the needs of the community, are environmentally conscious, and maintain Ukiah as a diverse, family-oriented, and friendly community, where people from all racial, ethnic and cultural backgrounds thrive socially, economically, academically, and physically.
- Ensure development in all neighborhoods is compatible with the unique characteristics and land use patterns and fosters a sense of place.
- Promote resilient and sustainable facilities and infrastructure to ensure delivery of high-quality services.
- Promote a diverse, local, business-friendly economy that fosters new job growth and is adaptable to changes in consumer habits and market trends.
- Maintain and advance a well interconnected circulation network that accommodates and encourages alternative modes of transportation that reduce congestion and encourage walkable and bikeable neighborhoods.
- Preserve existing open space resources while enhancing accessibility to parks and recreational amenities.
- Manage, conserve, and preserve the existing natural environment to ensure sustainable longevity for present and future generations.
- Provide for a safe community through resilient infrastructure, community-wide education and preparation, and hazard planning that is responsive to potential climate-related, natural, and human-caused disasters.
- Preserve Ukiah Municipal Airport as a vital economic driver and transportation system and maintain consistency with the criteria and policies of the Ukiah

Municipal Airport Master Plan and Mendocino County Airport Land Use Compatibility Plan.

- Foster an inclusive community through conditions that allow for and stimulate a diversity of housing options for community members of all ages, incomes, and ethnicities.

ii. **Infeasibility of Project Alternatives Discussed in EIR.** The following social, economic, legal, technological, and other considerations make the two alternatives identified in the EIR (DEIR pp. 5-1 through 5-19) infeasible. The two alternatives are: 1) No Project Alternative; and 2) Decreased Residential Density Alternative.

- a. *No Project Alternative.* The No Project Alternative (Alternative 1) assumes there is no change in zoning or General Plan land use designations and analyzes the existing General Plan land use designations and densities for vacant land within the City. The No Project Alternative includes identified sites for annexation, as well as housing sites identified as part of the 2019-2027 Housing Element. As the No Project Alternative focuses on existing designations, Annexation Areas would have existing land use designations, in contrast to the proposed Project, which apply City land use designations to these areas. Buildout under the No Project Alternative, assuming a maximum buildout scenario, would allow for 1,692 housing units and approximately 3,831,300 square feet of additional non-residential land uses.

The No Project Alternative would result in less impacts when compared to the Project, but would not accomplish the project objectives to the extent that the proposed Project would, as the No Project Alternative would provide reduced housing options and exclude multiple policies from the 2040 General Plan pertaining to community development, preservation of natural resources, sustainability, and improvement of Ukiah's circulation network.

- b. *Decreased Residential Density Alternative.* The Decreased Residential Density Alternative (Alternative 2) assumes increased residential densities (1,868 units total) allowed by each land use designation compared to the existing General Plan (1995) and No Project Alternative (1,692 units total), but decreased residential densities when compared to the proposed Project (2,350 total units). For example, the existing General Plan (1995) allows High Density Residential development of up to 28 dwelling units per acre (du/ac) and the proposed Project (as well as Alternative 2) would allow a density of up to 40 du/ac. Both the proposed Project and Alternative 2 would apply new and/or existing General Plan land use designations to lands within the city limits and Annexation Areas. However, Alternative 2 would not add new land use designations intended to increase commercial land uses and would rely on existing General Plan land use designations (and densities). Because Alternative 2 would maintain the same designations for non-residential spaces, the buildout of non-residential space would be the same as the No Project Alternative. In addition, Alternative 2 would not add some of the new land use designations identified for the proposed Project, which explains why Alternative 2 would have less residential units than the proposed Project.

Assuming a maximum buildout scenario, buildout under Alternative 2 would allow for 1,868 housing units and approximately 3,831,300 square feet of additional non-residential land uses (refer to DEIR Table 5-1). Non-residential development would be the same as the No Project Alternative but would be less than the proposed Project. Resulting residential density would be less than the proposed

Project and more than the No Project Alternative. However, Alternative 2 would not accomplish project objectives to the extent that the proposed Project would, as Alternative 2 would provide reduced housing options.

iii. Alternatives Considered but Rejected in the EIR

As discussed on DEIR pp. 5-17, in an effort to reduce noise impacts identified in the DEIR, the City considered an alternative that would require an update to the zoning code to include requiring noise barriers to reduce construction noise for development on project sites. Noise barriers would reduce on-site noise by about 10 to 20 dBA depending on construction materials and barrier height, since noise barriers are traditionally constructed of material with a minimum weight of 2 pounds per square foot with no gaps or perforations. Noise barriers may be constructed of, but are not limited to, 5/8-inch plywood, 5/8-inch oriented strand board, or hay bales. This alternative, which would require noise barriers that would reduce construction noise, could reduce the significant construction noise impact, but would not reduce the significant and unavoidable operational noise impact. Additionally, construction of noise barriers could result in increased impacts associated with ground disturbance (such as those related to biological resources, geology and soils, air quality, etc.) and visual impacts. Lastly, this alternative would meet Project objectives to provide housing, but fewer housing units would likely be built, because development on certain sites would be infeasible due to construction cost constraints.

iv. Environmentally Superior Alternative

CEQA requires identification of the environmentally superior alternative among the alternatives to the proposed project. The environmentally superior alternative must be an alternative that reduces some of the project's environmental impacts, regardless of the financial costs associated. Identification of the environmentally superior alternative is an informational procedure and the alternative identified as the environmentally superior alternative may not be that which best meets the goals or needs of the proposed project.

Table 5-2 of the DEIR (pp. 5-18) provides a summary of Project impacts and indicates whether each alternative's environmental impact is greater than, less than, or equal to the proposed Project for each of the issue areas studied. Overall, none of the alternatives identified in the analysis changed the impact conclusions that were identified for the proposed Project. However, some of the alternatives did reduce the severity of the impact; thus, the analysis considers the severity of the impact to identify the environmentally superior alternative. Based on the analysis of alternatives in the DEIR, the No Project Alternative is the environmentally superior alternative as it lessens the severity of most impacts of the proposed Project.

If the No Project Alternative is determined to avoid or reduce more impacts than any other alternative, CEQA requires that the EIR identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6[e]). Of the other alternatives evaluated in the EIR, the Decreased Residential Density Alternative (Alternative 2) would be the environmentally superior alternative. Like the No Project Alternative, Alternative 2 would result in less construction impacts (air quality construction emissions, biological resources, cultural resources, greenhouse gas emissions, temporary noise, tribal cultural resources, and paleontological resources) than the proposed Project because of a reduction in buildout. In addition, Alternative 2 would result in less operational impacts (aesthetics, air quality, greenhouse gas emissions, noise, public services, recreation, and utilities) due to the reduced buildout. Nonetheless, compared to the proposed Project, Alternative 2 would not fulfill the project objectives as well. This is because the proposed Project would offer more housing

opportunities and a diversity of land uses for future Ukiah residents.

Pursuant to CEQA requirements, Alternative 2 would be considered the environmentally superior alternative; however, the 2040 General Plan would offer benefits that would not be achieved by Alternative 2, primarily housing opportunities and a diversity of land uses.

Statement of Overriding Considerations

CEQA requires decision makers to balance the benefits of the proposed Project against its unavoidable environmental risks when determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (CEQA Guidelines Section 15093[a]). CEQA requires the lead agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093[b]). The agency's statement is referred to as a "Statement of Overriding Considerations." The following sections provide a description of each of the Project's significant and unavoidable impacts and the justification for adopting a statement of overriding considerations.

- Air Quality Impact AQ-2: Development facilitated by the 2040 General Plan would result in a net increase of criteria pollutants due to operational vehicle miles traveled (VMT) compared to existing conditions. The City has adopted thresholds of significance and screening criteria for transportation impacts (to determine if they are exempt from CEQA) that would be expected to result in a less than significant transportation impact for nearly all of the projects facilitated under the 2040 General Plan (see DEIR Appendix D). Additionally, Mitigation Measure AQ-2 requires projects that are not exempt from CEQA to use Bay Area Air Quality Management District (BAAQMD) screening thresholds to analyze project impacts, and implementation of measures for reduction of operational pollutants. Lastly, all feasible measures to reduce VMT are included as policies in the 2040 General Plan. However, the EIR conservatively determines that the overall operational impacts to air quality would remain significant and unavoidable because the maximum buildout of the 2040 General Plan would increase criteria pollutants when compared to existing conditions (see FEIR pp. 2; DEIR pp. 4.3-13 and 4.11-13; and Appendix D).
- Cultural Resources Impact CUL-1: Development facilitated by the 2040 General Plan would have the potential to impact historical resources (structures). Existing Ukiah City Code and CEQA regulations, in addition to proposed 2040 General Plan policies and Mitigation Measure CUL-1, would reduce impacts to historic resources to the extent feasible. However, because historic structures could potentially be demolished or significantly modified in the future, impacts would be significant and unavoidable (see FEIR pp. 8; DEIR pp. 4-5.12).
- Greenhouse Gas Emissions Impact GHG-1: Development facilitated by the 2040 General Plan would make progress towards achieving State goals but would not necessarily meet State 2030 or 2045 goals. Mitigation Measures GHG-1 and GHG-2 would result in implementation of CEQA GHG thresholds and a Climate Action Plan (CAP) update; however, development facilitated by the 2040 General Plan would not meet the 2030 or 2045 goals until the CAP is updated and adopted. This impact would be significant and unavoidable (see FEIR pp.10; DEIR pp. 4-6.12).
- Noise Impact NOI-1: Construction of individual projects facilitated by the 2040 General Plan would temporarily increase noise levels, potentially affecting nearby noise-

sensitive land uses. Additionally, development facilitated by the 2040 General Plan would introduce new (operational) on-site noise sources and would contribute to increases in traffic noise. Mitigation Measure NOI-1 requires implementation of construction noise reduction measures, and the continued regulation of on-site noise, consistent with the Ukiah City Code and implementation of proposed 2040 General Plan policies would minimize disturbance to adjacent land uses. However, construction noise and traffic noise may still exceed noise standards and impacts would be significant and unavoidable (see FEIR pp.11; DEIR pp. 4-8.12).

For the following reasons, the City Council finds that the economic, social, technological or other benefits of the Project outweigh the significant and unavoidable air quality, greenhouse gas emissions, cultural resources and noise impacts and identified in the EIR. The City finds that each of the benefits set forth below in this Statement constitutes a separate and independent ground for finding that the benefits of the proposed plans outweigh the risks of their potential significant adverse environmental impacts. The benefits of the proposed General Plan Update are as follows:

- Under State law, the City must adopt a General Plan which is its long-term framework or “constitution” for future growth and development. The general plan represents the community’s aspiration for its future growth and development. The general plan contains the goals and policies upon which the City Council and Planning Commission will base their land use decisions.
- The City has prepared the update to refine the General Plan, address emerging trends and recent State laws, consider new issues, and remove and/or consolidate implementation measures. This effort is a comprehensive overhaul of the existing General Plan. This allows the City to implement best practices in planning to ensure Ukiah is resilient to future risks while also improving quality of life.
- The 2040 General Plan was shaped by an extensive public outreach process that engaged the community and decision-makers. The City hosted a series of community workshops, online forums, stakeholder interviews, and Planning Commission and City Council meetings. The 2040 General Plan was developed with all this public input and consideration.
- The 2040 General Plan would achieve a number of economic benefits that address both City and regional goals for fiscal sustainability, housing supply and affordability, enhancement of public infrastructure and facilities and improved quality of employment opportunities (as demonstrated through the Project’s Objectives listed above).
- The 2040 General Plan reflects the stated vision, goals and objectives of the City of Ukiah (summarized above under Finding of Fact H(i) above and incorporated here by reference).
- The 2040 General Plan will ensure orderly development patterns to accommodate projected increases in population through buildout of the General Plan by providing strategic land use designations that avoid or minimize land use conflicts.
- The 2040 General Plan will maximize and broaden the City’s sales tax base by providing local and regional tax-generating uses.
- Through numerous legislative actions in the past several years, the State of California has identified the lack of housing as a significant area of public concern, leading to an unsustainable lack of housing affordability, increased homelessness, social stress related to increased poverty and a reduction in economic prosperity for many state residents. The 2040 General Plan will provide a variety of housing opportunities with a range of densities, styles, sizes and values that will be designed to satisfy existing and future

demand for quality housing in the area, and aid in achieving the City's regional housing needs allocation (RHNA).

The City Council finds that any one or more of these overriding considerations are sufficient to outweigh adverse impacts. As the CEQA Lead Agency for the proposed action, the City Council has carefully reviewed the Project and the alternatives presented in the EIR, and fully understands the Project and Project alternatives. Further, this City Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the DEIR, the Final EIR and public testimony. On balance, the City finds that there are specific considerations associated with The 2040 General Plan that serve to override and outweigh the Project's significant unavoidable impacts. Therefore, pursuant to CEQA Guidelines Section 15093(b), these adverse effects are considered acceptable and the City Council adopts this Statement of Overriding Considerations.

CITY OF UKIAH 2040 GENERAL PLAN UPDATE MITIGATION, MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
Air Quality					
AQ-1: Implement BAAQMD and MCAQMD Basic Construction Mitigation Measures					
<p>To reduce fugitive dust emissions from the construction of individual projects, the City shall require that future projects implement the BAAQMD and MCAQMD Basic Construction Mitigation Measures. These include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points. 	Developer/Applicant	Developer/Applicant City Community Development Department	During Construction		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<ul style="list-style-type: none"> All construction equipment shall be maintained and properly tuned in accordance with manufacture's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's number shall also be visible to ensure compliance with applicable regulations. 					
AQ-2: Implement Measures to Reduce Operational Emissions					
<p>Prior to discretionary approval by the City of Ukiah for development projects subject to CEQA review (i.e., non-exempt projects), a screening assessment shall be performed by the City using the screening criteria from the 2017 BAAQMD CEQA Air Quality Guidelines. If the project exceeds the screening size by land use type, the project applicant shall prepare and submit a technical assessment to the City for review and approval, which evaluates potential project-related operational air quality impacts. The evaluation shall be prepared in conformance with BAAQMD methodology in assessing air quality impacts. If operation-related air pollutants are determined to have the potential to exceed the BAAQMD-adopted thresholds of significance, the City shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the conditions of approval. Possible mitigation measures to reduce long-term emissions could include, but are not limited to the following:</p> <ul style="list-style-type: none"> For site-specific development that requires refrigerated vehicles, the planning documents 	<p>City Community Development Department</p> <p>Developer/Applicant</p>	<p>Developer/Applicant</p> <p>City Community Development Department</p>	<p>Prior to Project Approval</p>		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<p>shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers, to reduce idling time and emissions.</p> <ul style="list-style-type: none"> • Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power in appropriate applications to optimize renewable energy generation systems and avoid peak energy use. • Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 California Code of Regulations Chapter 10 Section 2485). • Provide changing/shower facilities as specified in Section A5.106.4.3 of the CalGreen Code (Nonresidential Voluntary Measures). • Provide bicycle parking facilities pursuant to Section A4.106.9 (Residential Voluntary Measures) of the CalGreen Code. • Provide preferential parking spaces for low-emitting, fuel-efficient, and carpool/van vehicles per Section A5.106.5.1 of the CalGreen Code (Nonresidential Voluntary Measures). • Provide facilities to support electric charging stations pursuant to Section A5.106.5.3 (Nonresidential Voluntary Measures) and Section A5.106.8.2 (Residential Voluntary Measures) of the CalGreen Code. • Applicant-provided appliances (e.g., dishwashers, refrigerators, clothes washers, and dryers) shall be Energy Star–certified appliances or appliances of equivalent energy efficiency. Installation of Energy Star–certified or equivalent appliances 					

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<p>shall be verified by Building & Safety during plan check.</p> <ul style="list-style-type: none"> Applicants for future development projects along existing and planned transit routes shall coordinate with the City and County to ensure that bus pad and shelter improvements are incorporated, as appropriate. 					
AQ-3: Conduct Construction Health Risk Assessment					
<p>For individual projects (excluding accessory dwelling units, single-family residences, and duplexes) where construction activities would occur within 1,000 feet of sensitive receptors, would last longer than two months, and would not utilize Tier 4 and/or alternative fuel construction equipment, the project applicant shall prepare a construction health risk assessment (HRA) prior to project approval. The HRA shall determine potential risk and compare the risk to the following BAAQMD thresholds:</p> <ul style="list-style-type: none"> Non-compliance with Qualified Community Risk Reduction Plan; Increased cancer risk of > 10.0 in a million; Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute); or Ambient PM2.5 increase of > 0.3 µg/m3 annual average <p>If risk exceeds the thresholds, measures such as requiring the use of Tier 4 and/or alternative fuel construction equipment shall be incorporated to reduce the risk to appropriate levels.</p>	Developer/Applicant	City Community Development Department	Prior to Project Approval or Construction		
Biological Resources					
BIO-1: Recommended Policy for Biological Resource Assessment					
<p>The City shall implement the following policy into Ukiah 2040:</p> <p>Policy ENV-4.9: Biological Resource Assessment. The City shall require that new</p>	Developer/Applicant	City Community Development Department	Prior to Project Approval or Construction		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
development proposed in or adjacent to ecologically sensitive areas, to complete a site-specific biological resource assessment prepared by a qualified biologist that establishes the existing resources present.		Qualified Biologist			
BIO-2: Pre-Construction Bird Surveys, Avoidance, and Notification					
<p>For construction activities initiated during the bird nesting season (February 1 – September 15), involving removal of vegetation, abandoned structures, man-made features, or other nesting bird habitat, a pre-construction nesting bird survey shall be conducted no more than 14 days prior to initiation of ground disturbance and vegetation removal. The nesting bird pre-construction survey shall be conducted on foot and shall include a buffer around the construction site at a distance determined by a qualified biologist. The survey shall be conducted by a qualified biologist familiar with the identification of avian species known to occur in the Mendocino Region. If nests are found, an avoidance buffer shall be determined by the biologist dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site. The buffer shall be demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist on the basis that the encroachment will not be detrimental to an active nest. A report summarizing the pre-construction survey(s) shall be prepared by a qualified biologist and shall be</p>	Developer/Applicant	<p>City Community Development Department</p> <p>Qualified Biologist</p>	14 days Prior to Construction Activities Occurring February 1-September 15		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<p>submitted to the City prior to the commencement of construction activities.</p> <p>Project site plans shall include a statement acknowledging compliance with the federal MBTA and California Fish and Game Code that includes avoidance of active bird nests and identification of Best Management Practices to avoid impacts to active nests, including checking for nests prior to construction activities during February 1 to September 15, and what to do if an active nest is found so that the nest is not inadvertently impacted during grading or construction activities.</p>					
BIO-3: Roosting Bat Surveys and Avoidance Prior to Removal					
<p>Prior to tree and structure removal, a qualified biologist shall conduct a focused survey of all trees and structures to be removed or impacted by construction activities to determine whether active roosts of special-status bats are present on site. Tree or structure removal shall be planned for either the spring or the fall, and timed to ensure both suitable conditions for the detection of bats and adequate time for tree and/or structure removal to occur during seasonal periods of bat activity exclusive of the breeding season, as described below. Trees and/or structures containing suitable potential bat roost habitat features shall be clearly marked or identified. If no bat roosts are found, the results of the survey will be documented and submitted to the City within 30 days of the survey, after which no further action will be required.</p> <p>If day roosts are present, the biologist shall prepare a site-specific roosting bat protection plan to be implemented by the contractor following the City's approval. The plan shall incorporate the following guidance as appropriate:</p> <ul style="list-style-type: none"> • When possible, removal of trees/structures identified as suitable roosting habitat shall be 	Developer/Applicant	<p>City Community Development Department</p> <p>Qualified Biologist</p>	Prior to Tree and/or Structure Removal		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<p>conducted during seasonal periods of bat activity, including the following:</p> <ul style="list-style-type: none"> • Between September 1 and about October 15, or before evening temperatures fall below 45 degrees Fahrenheit and/or more than 0.5 inch of rainfall within 24 hours occurs. • Between March 1 and April 15, or after evening temperatures rise above 45 degrees Fahrenheit and/or no more than 0.5 inch of rainfall within 24 hours occurs. • If a tree/structure must be removed during the breeding season and is identified as potentially containing a colonial maternity roost, then a qualified biologist shall conduct acoustic emergence surveys or implement other appropriate methods to further evaluate if the roost is an active maternity roost. Under the biologist's guidance, the contractor shall implement measures similar to or exceeding the following: <ul style="list-style-type: none"> • If it is determined that the roost is not an active maternity roost, then the roost may be removed in accordance with the other requirements of this measure. • If it is found that an active maternity roost of a colonial roosting species is present, the roost shall not be disturbed during the breeding season (April 15 to August 31). • Tree removal procedures shall be implemented using a two-step tree removal process. This method is conducted over two consecutive days and works by creating noise and vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (no excavators or other heavy machinery) on day one. The noise and vibration disturbance, together with the visible alteration of the tree, is very effective in causing 					

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<p>bats that emerge nightly to feed to not return to the roost that night. The remainder of the tree is removed on day two.</p> <ul style="list-style-type: none"> Prior to the demolition of vacant structures within the project site, a qualified biologist shall conduct a focused habitat assessment of all structures to be demolished. The habitat assessment shall be conducted enough in advance to ensure the commencement of building demolition can be scheduled during seasonal periods of bat activity (see above), if required. If no signs of day roosting activity are observed, no further actions will be required. If bats or signs of day roosting by bats are observed, a qualified biologist will prepare specific recommendations such as partial dismantling to cause bats to abandon the roost, or humane eviction, both to be conducted during seasonal periods of bat activity, if required. <p>If the qualified biologist determines a roost is used by a large number of bats (large hibernaculum), bat boxes shall be installed near the project site. The number of bat boxes installed will depend on the size of the hibernaculum and shall be determined through consultation with CDFW. If a maternity colony has become established, all construction activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately.</p>					
BIO-4: Bird Safe Design					
<p>Development shall incorporate bird-friendly building materials and design features, including but not limited to the following:</p> <p>There are no "see through" passageways or corners.</p>	Developer/Applicant	Developer/Applicant City Community Development Department	Prior to Project Approval/Construction		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<ul style="list-style-type: none"> • Outside lighting is appropriately shielded and directed to minimize attraction to night migrating or nocturnal birds. • Interior lighting is turned off at night if not in use and designed to minimize light escaping through windows during night operation. • Landscaping is designed without features known to increase collisions. <p>The City shall review and approve the bird-friendly building materials and design features prior to project approval.</p>					
Cultural Resources					
CUL-1: Historical Resources Study Program					
<p>The City shall require project applicants for discretionary projects to investigate the potential to impact historical resources. For a project involving a property that contains buildings structures, objects, sites, landscape/site plans, or other features that are 50 years of age or older, a historical resources study shall be conducted to determine if the project would demolish or otherwise alter the characteristics that make a historical resource eligible for inclusion in the CRHR. The study shall, at a minimum, be conducted by a qualified professional meeting the Secretary of the Interior's (SOI) Professional Qualifications Standard (PQS) for architectural history (NPS 1983). The study shall include a pedestrian survey of the project site and background research including a records search at the Northwest Information Center (NWIC), building permit research, and/or research with the local historical society(ies). The subject property(ies) and/or structures shall be evaluated for federal (as applicable), and state significance on California Department of Parks and Recreation 523 series forms, included as an appendix to the study.</p>	Developer/Applicant	<p>Qualified Professional</p> <p>City Community Development Department</p>	Prior to Project Approval		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<p>If historical impacts are identified, the study shall include recommendations to avoid or reduce impacts on historical resources and the project sponsor shall implement the recommendations or conduct additional environmental review. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the implementing agency for review.</p> <p>Efforts shall be made to the greatest extent practical to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR Section 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the implementing agency for review and concurrence.</p> <p>If significant historical resources are identified on a development site and compliance with the Standards and/or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures may include documentation of the historical resource in the form of a Historic American Building Survey (HABS) report.</p>					

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<p>The report shall comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall generally follow the HABS Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the PQS and submitted to the implementing agency prior to issuance of any permits for demolition or alteration of the historical resource. Copies of the report shall be provided to a local library and/or other appropriate repositories.</p>					
CUL-2: Archaeological Resources Study Program					
<p>The City shall require project applicants for discretionary projects to investigate the potential to disturb archaeological resources. If preliminary reconnaissance suggests that cultural resources may exist, a Phase I cultural resources study shall be performed by a qualified professional meeting the Secretary of the Interior's (SOI) Professional Qualifications Standard (PQS) for archaeology (NPS 1983). A Phase I cultural resources study shall include a pedestrian survey of the project site and sufficient background research and, as necessary, field sampling to determine whether archaeological resources may be present. Archival research shall include a records search at the Northwest Information Center (NWIC) and a Sacred Lands File (SLF) search with the Native American Heritage Commission (NAHC), and coordination with Native American tribes listed by the NAHC. The Phase I technical report documenting the study shall include recommendations to avoid or reduce impacts on archaeological resources, such as establishing environmentally-sensitive areas excluded from project activities, archaeological and/or Native American monitoring, or redesign of the project to avoid known cultural</p>	Developer/Applicant	Developer/Applicant City Community Development Department	Prior to Project Approval/Construction		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
resources. The project sponsor shall implement the recommendations prior to and during construction.					
Greenhouse Gas Emissions					
GHG-1: Adopt and Implement a CEQA GHG Emissions Threshold					
The City shall include and implement a new 2040 General Plan policy under the Environment and Sustainability Element to prepare, adopt, and implement a CEQA GHG Emissions threshold of significance. The City shall adopt the CEQA GHG Emissions threshold of significance by Fall 2024 for use in future CEQA GHG emissions analyses through 2030. In addition, upon completion of future CAP updates and as necessary, the City shall update the CEQA GHG Emissions threshold of significance and Ukiah CEQA GHG Checklist to be consistent with each CAP update.	City Community Development Department	City Community Development Department City Council	By Fall of 2024		
GHG-2: Update Ukiah CAP to the State's 2030 and 2045 GHG Emissions Goals					
The City shall update the Ukiah CAP by Fall 2024 to outline how Ukiah will meet the State's 2030 goal of 40 percent below 1990 emissions levels and 2045 goal of carbon neutrality. Implementation measures in the updated CAP to achieve the 2030 and 2045 goals may include, but are not limited to, the following: <ul style="list-style-type: none"> • Develop and adopt Zero Net Energy requirements for new and remodeled residential and non-residential development; • Develop and adopt a building electrification ordinance for existing and proposed structures; • Expand charging infrastructure and parking for electric vehicles; • Implement carbon sequestration by expanding the urban forest, participating in soil-based or compost application sequestration initiatives, supporting regional open space protection, and/or incentivizing rooftop gardens; and 	City Community Development Department	City Community Development Department City Council	By Fall of 2024		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<ul style="list-style-type: none"> Implement policies and measures included in the California 2017 Climate Change Scoping Plan, such as mobile source strategies for increasing clean transit options and zero emissions vehicles by providing electric vehicle charging stations. 					
Noise					
NOI-1: Construction Noise Reduction Measures					
<p>The following measures to minimize exposure to construction noise shall be included as standard conditions of approval for applicable projects involving construction:</p> <ul style="list-style-type: none"> Mufflers. During excavation and grading construction phases, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards. Stationary Equipment. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receivers. Equipment Staging Areas. Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receivers. Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction. Signage. For the duration of construction, the applicant or contractor shall post a sign in a 	Developer/Applicant	Developer/Applicant City Community Development Department	Project Approval During Construction		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<p>construction zone that includes contact information for any individual who desires to file a noise complaint.</p> <ul style="list-style-type: none"> • Temporary Noise Barriers. Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the acceptable standards (e.g., 80 dBA Leq at residential receivers during the daytime) and when the anticipated construction duration is greater than is typical (e.g., two years or greater). Temporary noise barriers shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least 1 pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class (STC) 32 or higher. 					
NOI-2: Construction Vibration Control Plan					
<p>Prior to issuance of a building permit for a project requiring pile driving during construction within 135 feet of fragile structures such as historical resources, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or within 75 feet of engineered concrete and masonry (no plaster); or a vibratory roller within 25 feet of any structure, the project applicant shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed FTA architectural damage thresholds (e.g., 0.12 in/sec PPV for fragile or historical resources, 0.2 in/sec PPV for</p>	Developer/Applicant	City Community Development Department	Prior to Issuance of Building Permit		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<p>non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative uses such as drilling piles as opposed to pile driving, and static rollers as opposed to vibratory rollers shall be used. If necessary, construction vibration monitoring shall be conducted to ensure vibration thresholds are not exceeded.</p>					
Tribal Cultural Resources					
TCR-1: Avoidance of Tribal Cultural Resources					
<p>When feasible, development facilitated by the project shall be designed to avoid known tribal cultural resources. Any tribal cultural resource within 60 feet of planned construction activities shall be protected by establishing an Environmentally Sensitive Area (ESA) that would be fenced, or otherwise protected to ensure avoidance. The feasibility of avoidance of tribal cultural resources shall be determined by the City and applicants in consultation with local California Native American tribe(s).</p>	Developer/Applicant	<p>City Community Development Department</p> <p>Local Native American Tribes</p>	Prior to Project Approval/Construction		
TCR-2: Unanticipated Discovery					
<p>If previously unidentified tribal cultural resources are encountered during project implementation, altering the materials and their stratigraphic context shall be avoided and work shall halt immediately. Project personnel shall not collect, move, or disturb cultural resources. A representative from a locally-affiliated Native American Tribe shall be contacted to evaluate the resource and prepare a tribal cultural resources plan identifying methods necessary to protect the resource, in consultation with the City.</p>	Developer/Applicant	<p>City Community Development Department</p> <p>Local Native American Tribes</p>	Prior to Project Approval/Construction		
Wildfire					
WFR-1: Construction Wildfire Risk Reduction					

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<p>The City shall require the following measures during project construction:</p> <ol style="list-style-type: none"> 1. Construction activities with potential to ignite wildfires shall be prohibited during red-flag warnings issued by the National Weather Service for the site. Example activities include welding and grinding outside of enclosed buildings. 2. Fire extinguishers shall be available onsite during project construction. Fire extinguishers shall be maintained to function according to manufacturer specifications. Construction personnel shall receive training on the proper methods of using a fire extinguisher. 3. Construction equipment powered by internal combustion engines shall be equipped with spark arresters. The spark arresters shall be maintained pursuant to manufacturer recommendations to ensure adequate performance. <p>At the City's discretion, additional wildfire risk reduction requirements may be required during construction. The City shall review and approve the project-specific methods to be employed prior to building permit approval.</p>	Developer/Applicant	Developer/Applicant City Community Development Department	During Project Construction		
WFR-2: Project Design Wildfire Risk Reduction					
<p>Prior to finalizing site plans, proposed structure locations shall, to the extent feasible given site constraints, be located outside of known landslide-susceptible areas and located at least 50 feet from sloped hillsides. Project landscape plans shall be encouraged to include fire-resistant vegetation native to Mendocino County and/or the local microclimate of the site and prohibit the use of fire-prone species especially non-native, invasive species. Should the project meet the above criteria, no additional</p>	Developer/Applicant	Developer/Applicant City Community Development Department	Prior to Project Approval/Construction		

Mitigation Measure	Implementation Responsibility	Monitoring & Reporting Responsibility	Timing	Date Implemented	Notes
<p>measures are necessary. Should the location be within a known landslide area or within 50 feet of a sloped hillside, structural engineering features shall be incorporated into the design of the structure to reduce the risk of damage to the structure from post-fire slope instability resulting in landslides or flooding. These features shall be recommended by a qualified engineer and approved by the City prior to the building permit approval.</p>					
Paleontological Resources					
PAL-1: Retention of Qualified Professional Paleontologist					
<p>Prior to initial ground disturbance in areas underlain by high sensitivity geologic units (i.e., Quaternary terrace deposits and Plio-Pleistocene sedimentary rocks), the City shall require the project applicant retain a Qualified Professional Paleontologist, as defined by the Society of Vertebrate Paleontology (SVP) (2010), to determine the project's potential to significantly impact paleontological resources according to SVP (2010) standards. If necessary, the Qualified Professional Paleontologist shall recommend mitigation measures to reduce potential impacts to paleontological resources to a less than significant level.</p>	<p>Developer/Applicant</p>	<p>City Community Development Department</p> <p>Qualified Professional Paleontologist</p>	<p>Prior to initial ground disturbance</p>		