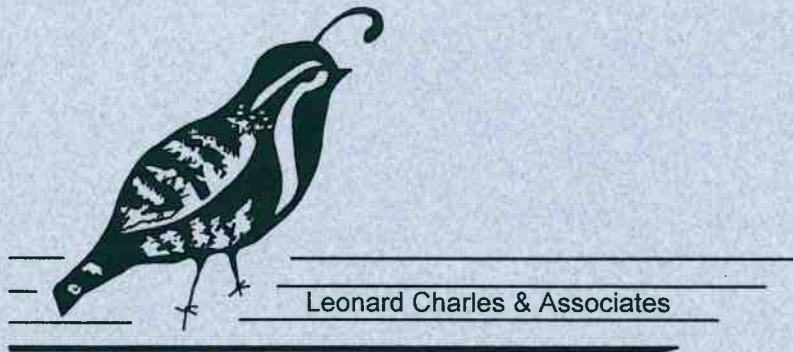


GARDEN'S GATE SUBDIVISION



FINAL
ENVIRONMENTAL IMPACT REPORT
SCH# 2007052006

GARDEN'S GATE SUBDIVISION

FINAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO. 2007052006

February 2009

Prepared for: Mendocino County Department of Planning
and Building Services
501 Low Gap Road, Room 1440
Ukiah, California 95482

Prepared by: Leonard Charles and Associates
7 Roble Court
San Anselmo, California 94960
415.454.4575

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CHAPTER 1 - INTRODUCTION

A. PROJECT DESCRIPTION

The Draft Environmental Impact Report (EIR) for the Garden's Gate Subdivision ("the project") addressed the potential impacts of developing a master-planned subdivision that would include 197 housing units on about 46 acres of land. The project is designed to be an owner-occupied residential community with park amenities and other public improvements that would be owned and managed by a Homeowner's Association. The site of the proposed Garden's Gate Subdivision is located at 3000 South State Street, which lies in an unincorporated portion of Mendocino County, just south of the City of Ukiah. The site includes approximately 46.1 acres of land. The site is bounded by a residential area to the north, commercial and industrial uses to the east, agricultural, residential and institutional uses to the south, and open space and large lot rural residential uses to the west.

B. EIR PROCESS AND RESPONSE TO COMMENTS FORMAT

The County of Mendocino prepared a Draft Environmental Impact Report (DEIR) for the *Gardens' Gate Subdivision* (hereafter called the project) and circulated it for public review in September 2008. The public review period began on September 26, 2008, and ended on November 12, 2008. The Final EIR consists of the Draft EIR and this Response to Comments Report, which includes all comments on the Draft EIR, responses to those comments, and revisions to the Draft EIR. This Final EIR will be reviewed by the Mendocino County Board of Supervisors (the "Board") for its adequacy under CEQA. Once the Board determines that the EIR is adequate, it will certify the Final EIR. After EIR certification, the Board will consider the merits of the proposed project.

This Response to Comments report provides a thorough analysis of the DEIR comments and responds to the comments consistent with the requirements of CEQA. Where comments were received that expressed disagreement with the conclusions of the DEIR, the responses clearly address the issue by modifying the DEIR, providing additional mitigation, or justifying the conclusions that the analysis in the DEIR is correct. This approach will allow the Mendocino County Board of Supervisors to make an informed decision on the project.

Chapter 2 of this report contains additional information about the project that has been provided by the applicant or the County.

Chapter 3 of this report contains the comment letters received and responses to the comments contained in those letters. Those comments and responses are followed by a summary of comments delivered at the public hearing that was held on the adequacy of the Draft EIR. This public hearing was held on November 6, 2008 before the Mendocino County Planning Commission.

Chapter 4 of this report describes the text changes to the Draft EIR needed to complete the Final EIR. These changes were deemed necessary or desirable given certain comments received.

CHAPTER 2

ADDITIONAL INFORMATION ON THE PROJECT

The only additional information provided on the project by the applicant is that subsequent to the publication of the DEIR, the applicant has requested that the County approve a vesting tentative map as opposed to just a tentative map. This change does not affect the environmental analysis nor its recommendations or conclusions.

The County has revised the review process for the EIR and project. The process for certifying the EIR and considering the project described on page 5 of the DEIR has been changed to the following:

- 1) The FEIR, Vesting Tentative Subdivision Map, and the development agreement (the latter at least in conceptual form) will all go the Planning Commission for a recommendation.
- 2) The FEIR would be certified by the Board of Supervisors, who would then take final action on the Vesting Tentative Subdivision Map and the development agreement.

CHAPTER 3

WRITTEN COMMENTS ON THE DEIR AND RESPONSES

The County received 51 comment letters (plus one cover letter from the State Clearinghouse) on the Draft EIR during the public review period. Five (5) of these letters were from public agencies and 46 were from individuals. The following section of this report contains the letters received and responses to those letters. This section begins with a list of the commentors and where their letter can be found as well as the EIR preparers' response to the comments. Each letter is followed by a response page(s). Each comment requiring a response is numbered to correspond to the numbered responses.:

List of Commentors on the Draft EIR

Commenter	Date	Comment Page	Response Page
<u>Public Agencies</u>			
1. State Office of Planning and Research	11/14/08	5	7
2. California Native American Heritage Commission	10/3/08	8	9
3. California Department of Transportation, Division of Aeronautics	10/31/08	10	12
4. California Department of Transportation	11/12/08	13	16
5. California Department of Toxic Substances Control	11/12/08	18	20
6. County of Mendocino Department of Transportation	11/14/08	23	24
7. Mendocino Transit Authority	n.d.	25	26
<u>Interested Parties</u>			
8. Chris Stone, Ukiah Land, LLC	11/11/08	27	37
9. Kevin Aiello and Karen Mangan	11/10/08	41	43
10. T., Kriss, Lee, ands Mona Bader	11/10/08	44	45
11. James R. Barrett, J.R. Barrett Planning Development & Real Estate Consultant	11/12/08	46	47
12. Wendy and Greg Beaver	11/9/08	48	49
13. David L. Breece and Maureen S. Breece	11/10/08	50	51
14. Robert and Bonnie Bruce	11/11/08	52	53
15. Allen Cherry and Lorie Pacini	11/10/08	54	55
16. George and Holly Conormon	11/7/08	56	57
17. Andy Coren, M.D., F.A.A.F.P.	n.d.	58	59
18. Douglass W. Davis	n.d.	60	61
19. Richard L. Drury, M.D. and Myra H. Drury	n.d.	62	63
20. Ken and Susie Franklin	11/11/08	64	66
21. Thomas Gang	11/10/08	67	68
22. Gail Gilbert	11/11/08	69	70
23. Richard Gilmore	11/7/08	71	72
24. Pete and Gloria Halstad	11/9/08	73	76
25. Glenn Hinoki	11/10/08	77	78
26. Mary Pat Hinoki	11/11/08	79	81
27. Dan and Sharon Hunt	11/6/08	82	86
28. Stuart Kremsky	11/8/08	87	88
29. Joanne Lanz	11/6/08	89	91
30. Donald LeBon and Brenda LeBon	11/9/08	92	93
31. Walter and Shirley Madison	11/7/08	94	95
32. Michael and Holly Maynard	11/8/08	96	97
33. Patsy Morgan	11/12/08	98	99

34. Frank H. Noyes and Barbara J. Noyes	11/10/08	100	101
35. Kevin and Elizabeth Orr	11/12/08	102	104
36. Dennis and Sandra Parks	n.d.	105	106
37. Kent Porter and Cyndi Smith-Porter	11/11/08	107	108
38. Elaine Richard	11/2/08	109	111
39. George Roberts	n.d.	112	114
40. Berry Robinson	11/12/08	115	116
41. Edris Robinson	10/10/08	117	118
42. Janet Rosen	11/08/08	119	120
43. Floyd and Patricia Ross	10/11/08	121	122
44. SiroLee (Penny) Seaman	11/9/08	123	124
45. Gary and Sharon Smith	11/9/08	125	126
46. Tina Smith	11/12/08	127	129
47. Al and Harriet Snarsk	11/11/08	130	131
48. Charles and Darlene Thomson	n.d.	132	133
49. Billye Turk	11/10/08	134	135
50. Kirk Van Pattern	11/11/08	136	137
51. Kirk Van Patten	11/12/08	138	139
52. Vivian R. Wren	11/9/08	140	142
53. Petitions	n.d.	143	151

Oral Comments

Mendocino County Planning Commission Public Hearing	11/6/08	152	158
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Responses were prepared by the EIR consulting team, including:

Leonard Charles and Associates

Leonard Charles, Ph.D.	Project Manager
Lynn Milliman	Environmental Analyst

Crane Transportation Group

Mark Crane, P.E.	Traffic Engineer
------------------	------------------

Clearwater Hydrology

Bill Vandivere, P.E.	Hydrologic Engineer
----------------------	---------------------

Questa Engineers

Will Hopkins, C.E.G.	Engineering Geologist
----------------------	-----------------------

Bill Popenuck

Consulting Air Quality Analyst

Charles Patterson

Consulting Ecologist

Jon Winter

Consulting Wildlife Biologist

The report was prepared under the direction of the Mendocino County Department of Planning and Building Services. Rob Jones is the contract planner for the project, and Frank Lynch is the Chief Planner.



STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



RNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

November 14, 2008

Frank Lynch
Mendocino County Department of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Subject: Garden's Gate Subdivision
SCH#: 2007052006

Dear Frank Lynch:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 12, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

1-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2007052006
Project Title Garden's Gate Subdivision
Lead Agency Mendocino County

Type EIR Draft EIR

Description This project would create 200 lots for 123 detached single-family dwellings and 74 attached townhouse dwellings. 2 lots for 2.3 acres of park, and 1 remainder lot. Exceptions to the Mendocino County Division of Land Regulations and Zoning Ordinance are requested as provided under the State density bonus law for minimum lot size, building setbacks, and access easement widths.

Lead Agency Contact

Name Frank Lynch
Agency Mendocino County Department of Planning and Building Services
Phone (707) 463-4281 **Fax**
email
Address 501 Low Gap Road, Room 1440
City Ukiah **State** CA **Zip** 95482

Project Location

County Mendocino
City Ukiah
Region
Lat / Long 39° 8' 41.5" N / 123° 12' 0.57" W
Cross Streets S. State Street and Plant Road
Parcel No. 184-110-019 & 184-120-012

Township	Range	Section	Base
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Proximity to:

Highways 101
Airports Ukiah
Railways North Coast
Waterways Russian River, Cleland Mountain Creek
Schools Grace Hudson Elementary
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Wildlife; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 1E; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 1; Department of Housing and Community Development; Regional Water Quality Control Board, Region 1; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 09/26/2008 **Start of Review** 09/26/2008 **End of Review** 11/12/2008

Response to Letter from State Clearinghouse

- 1-1. The State Clearinghouse submitted a cover letter describing how the Draft EIR was circulated for review to selected state agencies and that the County has complied with State Clearinghouse and CEQA requirements for draft environmental reports. No response is required to this cover letter.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



October 3, 2008

Frank Lynch
Mendocino County Dept of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482



Clear
11.12.08
e

RE: SCH#2007052006 Garden's Gate Subdivision; Mendocino County.

Dear Mr. Lynch:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. 2-1
The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Program Analyst

CC: State Clearinghouse

Response to Letter from Katy Sanchez, Native American Heritage Commission

- 2-1. As requested by the commenter, an archaeological survey and analysis was performed and mitigation measures were required. See pages 109 through 112 of the DEIR.

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS - M.S.#40

1120 N STREET

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TTY 711



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October 31, 2008

Mr. Frank Lynch
Mendocino County Department of Planning & Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Dear Mr. Lynch:

Mendocino County's Draft Environmental Impact Report for the Garden's Gate Subdivision;
SCH# 2007052006

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. We offer the following comments for your consideration.

The proposal is for the approval of a "Major Subdivision Tentative Map" to subdivide a 46-acre property and to "eventually develop" 197 single-family dwellings and two parks. The project site is located approximately 2,800 feet southwest of the approach end to Runway 33 at the Ukiah Municipal Airport, just west of the extended runway centerline. Ukiah Municipal Airport has approximately 83 based aircraft and over 43,000 annual operations. The project site may be subject to aircraft overflights and subsequent aircraft-related noise and safety impacts.

The proposal should also be coordinated with Ukiah Municipal Airport staff to ensure that the proposal 3-1 will be compatible with future as well as existing airport operations.

According to the Draft Environmental Impact Report, the proposal is "consistent with the regulations of the Mendocino County Airport Comprehensive Land Use Plan (CLUP)", indicating that there would be less than significant hazards involving aircraft activity. From the information provided, it appears that the project site is located within Compatibility Zones B2 and C of the CLUP. The CLUP recommends one dwelling unit per two acres within Zone B2. We advise submitting the proposal to the Mendocino County Airport Land Use Commission (ALUC) for a consistency determination.

Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents, some form of restrictions on land use are essential. The two principal methods for reducing the risk of injury and property damage on the ground are to limit the number of persons in an area and to limit the area covered by occupied structures.

The California Airport Land Use Planning Handbook (Handbook) identifies six airport safety zones based on risk levels. The project site appears to be within Safety Zones 2 and 6. Safety Zone 2 is

situated along the extended runway centerline with approaching aircraft usually at less than traffic pattern altitude. CEQA, Public Resources Code Section 21096, requires the Handbook be used as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/documents/ALUPHComplete-7-02rev.pdf>. The Handbook generally recommends residential density levels of one dwelling unit per 10 to 20 acres within Zone 2.

Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353 address buyer notification requirements for lands around airports and are available on-line at <http://www.leginfo.ca.gov/calaw.html>. Any person who intends to offer subdivided lands, common interest developments and residential properties for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

California Public Utilities Code Section 21659 prohibits structural hazards near airports. Depending on structural height and in accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace" a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). Form 7460-1 is available on-line at <http://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically to the FAA.

The protection of airports from incompatible land use encroachment is vital to California's economic future. Ukiah Municipal Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Division with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our Caltrans District 1 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314.

Sincerely,



SANDY HESNARD
Aviation Environmental Specialist

c: State Clearinghouse, Ukiah Municipal Airport, Mendocino County ALUC

**Response to Letter from Sandy Hesnard, California Department of Transportation,
Division of Aeronautics**

- 3-1. The project site is within Compatibility Zone C and not Zone B2. The ALUC was requested to review the DEIR and submitted no comments. The project is consistent with the CLUP as stated in the DEIR.

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700

EKA, CA 95502-3700

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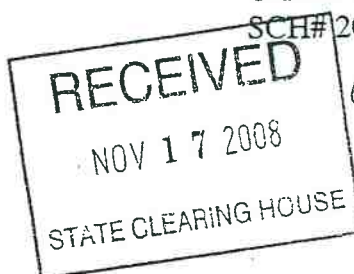
November 12, 2008

1-MEN-101-21.75

Garden's Gate Subdivision

SCH# 2007052006

Frank Lynch
Planning & Building Services
County of Mendocino
501 Low Gap Road, Room 1440
Ukiah, CA 95482



Clear
11-12-08
C

Dear Mr. Lynch,

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Garden's Gate Subdivision, which proposes to construct 123 detached single-family residences and 74 attached townhouse dwellings on 45.9 acres. The project is located on the west side of State Route 101 with the access, opposite Plant Road, located approximately 800 feet from the northbound Route 101 ramp intersection at South State Street. We have the following comments:

- The Caltrans District 1 Office of Community Planning submitted comments on the Notice of Preparation (NOP) for the proposed project on May 17, 2007. These comments were not included in the Appendix with the other comment letters and the responses to comments. A copy of the District 1 response to the Garden's Gate Subdivision NOP is enclosed. 4-1
- In our comments to the NOP, we requested the opportunity to review and comment on both the traffic study submitted by the applicant for the proposed development (as referenced on page 32 of the project's Initial Study) and the County's peer review of the traffic study once it is completed. We have no record of receiving either document and neither study is included as an appendix in the environmental document. 4-2
- Page 113 of the DEIR describes the Roadway System and states that U.S. 101 would offer the quickest travel route for project residents to the majority of shopping areas. Page 129 of the DEIR, Tables 20 & 21, indicate that the majority of trips generated by the development (AM and PM peak hours, inbound and outbound trips) will use Route 101 to travel north both to and from the South State Street Interchange. Without additional information regarding projected destinations, we anticipate that the majority of these northbound trips will remain in the Ukiah Valley and use Route 101 primarily for local trips. 4-3
- The environmental document does not assess Level of Service or discuss impacts to Route 101 ramps or merges at South State Street or other interchanges in the Ukiah Valley. We do 4-4

not consider the analysis of the State facilities that are presented in the DEIR to be an adequate assessment of the project's impacts to State Routes.

- Both page 130 of the DEIR, Impact 3.5-B, and page 135, Impact 3.5-J, state that the new traffic on Highway 101 generated by the project, plus other new development, would not degrade Level of Service on Route 101 below acceptable levels and does not require mitigation. These statements should be clarified by stating that *mainline* Route 101 will continue operate at acceptable levels with project-generated trips plus cumulative conditions. Ramp intersections at interchanges (other than South State Street/Route 253) were not studied and are more likely to be impacted with increased traffic volumes. 4-5
- Based on our review of the DEIR for the project and the limited data that was excerpted from the Traffic Impact Study, we have concerns with the adequacy of the Traffic Impact Study and the potential for cumulative impacts. Specifically, the scope of the study may not have adequately assessed locations identified in the Mendocino Council of Government's AB 1600 Study for cumulative impacts. We recommend that the County assess the potential for project generated traffic to impact locations identified in the AB 1600 Study, including Airport Park Boulevard, South State Street, Talmage Road and the U.S. 101 interchanges and collect a fair share for the cost of the improvements. 4-6
- Page 122 of the DEIR describes deficiencies in pedestrian and bicycle access in the project vicinity, including a half-mile gap in sidewalks on South State Street north of the project's main access. We consider the gap in sidewalks between the project and City services a significant impediment and potential risk to non-motorized travel and we recommend that the County require the applicant to contribute a pro rata share of the cost to install sidewalks on South State Street. 4-7

Please contact me at the number above with any questions you may have or for further assistance.

Sincerely,



Jesse Robertson
Associate Transportation Planner
District 1 Regional & Community Planning

Enclosed: Letter to Frank Lynch, dated May 17, 2007

c: Scott Morgan, State Clearinghouse
Phil Dow, Mendocino Council of Governments

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P.O. BOX 3700

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May 17, 2007

1-MEN-101-21.75

Garden's Gate Subdivision

APN: 184-120-001, et al

Frank Lynch, Chief Planner
Dept. of Planning and Building Services
County of Mendocino
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Dear Mr. Lynch:

Thank you for giving us the opportunity to comment on the Notice of Preparation for the Garden's Gate Subdivision draft Environmental Impact Report (EIR). The project proposes to subdivide an approximately 46-acre property and to eventually develop 199 residential units (125 single-family housing lots, 74 townhouse lots). The project is located south of Ukiah on the west side of State Highway 101 and will be accessed via a western extension of Plant Road. We have the following comments:

- The Notice of Preparation states that the traffic study submitted by the applicant will undergo a peer review to confirm the findings of the independent study. We request the opportunity to review and comment on both the traffic study submitted by the applicant for this development (as referenced on page 32 of the project's Initial Study), and the peer review of the traffic study once it is completed.
- The traffic impact study should include an analysis of the State highway facilities that have the potential to be impacted by the proposed project.

If you have questions or need further assistance, please contact me at the number above.

Sincerely,

ORIGINAL SIGNED BY

Jesse Robertson
Associate Transportation Planner
District 1 Community Planning

Response to Letter from Jesse Robertson, California Department of Transportation

- 4-1. The NOP comments are enclosed in this comment letter.
- 4-2. These technical reports are available for review at the offices of the County Department of Planning and Building Services. The County will send copies of the two reports to Caltrans for their review.
- 4-3. The vast majority of shopping and employment destinations for Garden's Gate residents are to the north of the project site in the City of Ukiah and within the Ukiah Valley. They will, for the most part, be accessed most easily via the U.S. 101 freeway.
- 4-4. Staff of the County and the City of Ukiah determined what intersections and roadway segments would be potentially affected by the project, and this did not include the U.S. 101 interchanges. Nevertheless, based upon qualitative review of traffic volumes projected for the ramps at the South State Street interchange and the U.S. 101 freeway mainline (in the vicinity of the South State Street interchange), all ramps would be operating well below capacity levels, and on-ramp merge operation with the freeway mainline should be operating at acceptable levels of service.

While much project traffic is projected to have destinations within the Ukiah area north of the project site and would travel via the U.S. 101 freeway, there are four major interchanges which would be used to access Ukiah locations (in addition to other interchanges just north of the Ukiah city limits). After project traffic distribution to these numerous interchanges, there should not be a significant project traffic impact at any one interchange.

- 4-5. It is accurate that statements in the DEIR regarding operating conditions on the U.S. 101 freeway are specifically referencing mainline operation. In regards to evaluating interchanges other than South State Street/Route 253, as stated in Response 4-4, by the time project traffic is distributed to the other four interchanges serving Ukiah, its impact will be diluted and less than significant at any one interchange.
- 4-6. It is agreed that a mitigation measure should be included in the DEIR requiring that the proposed project provide its fair share (or required) contribution to any AB 1600 local area traffic improvement fee that will be developed by the time of project completion. This new mitigation measure will be added as a mitigation for Impact 3.5-I. The text for that impact will be revised to reflect the fact that the project could have cumulative significant impacts to other intersections in the area and should be required to pay AB 1600 fees as will other new development in the area once the fees are finally adopted.

- 4-7. The comment is noted regarding the applicant being responsible for providing a fair share contribution towards a sidewalk along South State Street. The DEIR requires this mitigation for the project alternatives that excludes regular use of the road connection to Oak Knoll Road. See page 245 of the DEIR.



Linda S. Adams
Secretary for
Environmental Protection

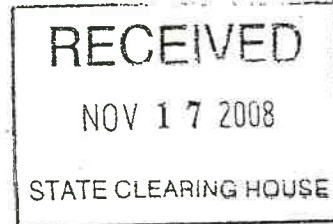


Department of Toxic Substances Control

Maureen F. Gorsen, Director
700 Heinz Avenue
Berkeley, California 94710



Arnold Schwarzenegger
Governor



November 12, 2008

2007052006

Mr. Frank Lynch
Mendocino County Department of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, California 95482

Dear Mr. Lynch:

The Department of Toxic Substances Control (DTSC) has reviewed the draft Environmental Impact Report (EIR) dated September 2008 for the proposed Garden's Gate Subdivision. As you may be aware, DTSC oversees the cleanup of hazardous substance release sites pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the California Environmental Quality Act (CEQA) documentation prepared for this project adequately addresses any remediation of hazardous substance releases that might be required as part of the project.

5-1

The proposed project would consist of the construction of approximately 197 single family dwellings, with community components including accompanying streets, parks, and open space. In a letter dated June 4, 2007, DTSC provided recommendations on the content of the EIR, some of which include a discussion of the current and historical land use of the project site and whether there have been any industrial or agricultural operations which may have caused a release of hazardous substances, and discussing results of site investigations which have already been performed.

In Section 3.9-R of the draft EIR, titled Toxic Materials and Wastes, a Phase I Environmental Site Assessment (ESA) is referenced which identifies potential hazards that exist at the site, such as an underground storage tank that had been removed. DTSC recommends that the findings of the Phase I ESA be discussed in more detail within this Toxic Materials section (more specifically, the historical and current use of the site) in order to determine if any other hazards exist at the site. It is mentioned in this section that past agriculture activities occurred at the site; therefore, soil sampling for pesticides would be necessary to determine if levels remain in soil that could pose a potential significant risk to human health, especially in the residential setting. By including a more expansive discussion of the findings of the Phase I ESA, it would help

Mr. Frank Lynch
November 12, 2008
Page 2

to explain the subsequent actions that are identified in Section 3.9-R and help in determining whether they will be adequate for assessing potential hazards to human health that exist on the site.

It is also mentioned in Section 3.9-R that volatile organic compounds which are constituents of gasoline, including benzene, toluene, ethylbenzene, and xylenes (BTEX), may be detected at the site in the area where the underground storage tank was formerly located. Firstly, proper sampling procedures should be followed when testing for volatile chemicals in order to properly evaluate the presence of such chemicals in soil media. Secondly, if these volatile chemicals are found in soil or groundwater, the potential human health risk associated with the vapor intrusion pathway into future homes should be assessed.

Please contact me at (510) 540-3876 if you have any questions. Thank you in advance for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jovanne Villamater', with a stylized flourish extending to the right.

Jovanne Villamater, Project Manager
Brownfields and Environmental Restoration Program – Berkeley Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Response to Letter from Jovanne Villamater, California Department of Toxic Substances Control

- 5-1. The site was used for commercial agriculture and contained a former residence with a detached barn that have been removed. A workshop remains on the site. One underground storage tank was removed from the site. The Phase 1 report concludes – "The environmental condition of the project site appears to be good." The mitigation measures listed on page 218 of the DEIR are the recommendations of the Phase 1 report. There is no evidence that substantial amounts or unusual pesticides were used on the site – grapes grown in this area generally do not require substantive use of particularly toxic pesticides. However, based on the recommendation from this agency, the mitigation measure on page 218 will be amended to require a human health risk assessment in the case

The following is from the Conclusions section of the report:

"Based on information presented in the previous sections, the following conclusions can be made regarding the project site:

- The environmental condition of the project site appears to be good.
- The project site had a 550-gallon UST that was used for the storage of gasoline and recently removed by the property owner. It is unknown if impacts to soil or groundwater from the former UST have occurred at the project site.
- The project site contains a small aboveground fuel storage tank that is used for the storage of diesel fuel. There was no double containment on the tank to contain the contents in the event of a spill
- There is evidence that limited amounts of hazardous material (i.e. pesticides and bulk fuel) and waste (i.e. waste oil) were generated and stored at the project site. There is no indication that any of the identified materials ere disposed of at the site.
- Several septic systems are in use associated with the existing houses.
- There is a historic prune dryer on the western portion of the project site that is currently in a state of disrepair. It is unknown how an oven in the dryer was fueled.
- There are records that limited amounts of agricultural chemicals including pesticides and herbicides have been used in the vineyards at the project site. There were no indications of violations related to the use of agricultural chemicals at the project site.

- There is a debris pile located on the westernmost portion of the project site. Debris piles are an aesthetic issue, however, they may be an environmental issue dependent upon the contents of the debris.
- There are two non-operating domestic water wells present at the project site. A third well may be located under the dwelling located adjacent to the house on South State Street.
- It is possible that due to the age of the existing structures that asbestos containing materials and/or lead based paint is present.
- There are several sites located within a one-mile radius of the project site that are currently undergoing environmental investigations. It appears all of the identified sites are located downgradient of the project site with respect to groundwater flow and are at a distance great enough to pose a minimal risk to the project site. Any impacts to the project site from these sites would be the liability of the respective responsible parties."

The following is from the Recommendations section of that report.

"Based on conclusions from the environmental records search, historical data review, and the site reconnaissance, EBA recommends the following:

- Consideration should be given to abandon any inoperable water supply wells at the project site.
- Soil samples should be collected in the area of the former UST. The soil samples should be tested for Total Petroleum Hydrocarbons as gasoline, the constituents benzene, toluene, ethylbenzene and xylenes as well as fuel oxygenates, lead scavengers and total lead. Results should be brought to the attention of the County of Mendocino Environmental Health Department
- Provide a double containment structure for the above ground fuel storage tank.
- Dispose of any waste oil, lubricants, paints or other liquids in accordance with applicable regulatory requirements.
- Further investigation of the fuel source for the historic prune dryer appears warranted.
- Remove and dispose of the contents of the debris pile in accordance with applicable regulatory requirements.

- In the event that the structures are to be remodeled or demolished, an assessment for lead based paint and asbestos-containing materials should be performed by a qualified professional."



**COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION**

340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
(707) 463-4363 FAX (707) 463-5474

14 November 2008

FUNCTIONS

Administration & Business Services
Airports
County Surveyor
Engineering
Land Improvement
Roads and Bridges
Solid Waste

TO: Frank Lynch, Chief Planner
Department of Planning and Building Services

FROM: Tom Peters, Deputy Director *TCP*
Department of Transportation

SUBJECT: S 3-05 GARDEN'S GATE SUBDIVISION (UKIAH LAND LLC)
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT COORDINATOR – FRANK LYNCH

We attended the Planning Commission meeting of 6 November 2008, and offer the following comments after listening to the public comments on the Draft EIR:

1. Most of the comments from the public focused on the connection of Plant Road to Oak Knoll Road (CR 252). The majority of the people who spoke were residents who lived on Oak Knoll Road or Oak Court Road and they were adamantly opposed to the connection unless it was restricted to emergency vehicles only. 6-1
2. The Department of Transportation (DOT) strongly recommended since first discussions on the project that there should be a through connection from South State Street (CR 104A) to Oak Knoll Road and South Dora Street (CR 209). DOT believes that it is critical to build this connection now so that eventually when the land south of the subject property is built out to Stipp Lane (CR 124B), there will be a parallel connector to South State Street.
3. DOT would be agreeable to limiting the connection to Oak Knoll Road to emergency vehicles only until Phase 4 is constructed, provided that the roadway and bridge be constructed to the ultimate two lane dimensions with Phase 1. The section between the bridge and Oak Knoll Road can be restricted to one lane traffic with bollards and barricades until Phase 4 is ready for occupancy.
4. DOT believes this is a reasonable accommodation to the Oak Knoll neighborhoods that will not sacrifice future traffic circulation.

If you have any questions regarding this, please contact me at your convenience.

cc: Rob Jones, Earthcraft Planning Services
S 3-05 Gardens Gate Subdivision

Response to Letter from Tom Peters, County of Mendocino Department of Transportation

- 6-1. The recommendation about the road connection is noted for the record. The DEIR assesses the impacts of the connection being open to the public and open only as an EVA with bicycle and pedestrian access. This recommendation would delay the impacts of the road being open to public use, but over the long term, the impacts would be the same as described in the DEIR.

The County Department of Transportation reviewed the administrative draft of this Final EIR. They expressed concerns about the drainage through the 18-inch culvert beneath South State Street. The Department stated: "DOT is concerned about the condition of this drainage pipe, the availability of cleanout locations and the remaining service life of the pipe itself. If this pipe were to plug, then there could be local flooding at various locations including the proposed subdivision, the freeway and South State Street. DOT has searched its records and has found no plans for the pipe. It is likely that the pipe was originally a culvert under South State Street, formerly U.S. Highway 101 and later was extended when the Redwood Health Club and the freeway were built. It is DOT policy to require applicants to demonstrate that existing drainage facilities will adequately convey runoff from development projects to a satisfactory point of disposal. DOT recommends that this 18 inch storm drain facility be located, inspected by video camera or other method and a report submitted to DOT at the time of final design of the subdivision storm drainage system, substantiating the adequacy of the existing facility to accommodate the design runoff or recommending improvements necessary to the facility to adequately accommodate project runoff."

The DEIR already sets a performance standard that the project shall not cause flooding downstream of the site. The mitigation will be revised to reflect the DOT concern.

Mr. Frank Lynch,
Project Planner
Department of Planning & Building
County of Mendocino

Mr. Lynch,

On behalf of the Mendocino Transit Authority, I am submitting the following two comments on the draft EIR for the proposed Garden's Gate Subdivision.

1. Impact 3.5-F Mass Transit Access. It is unacceptable that, in these days of tremendous 7-1 efforts to reduce greenhouse gases, dependence on foreign oil and traffic congestion, the applicant has so cavalierly ignored provision of safe mass transit access for 197 dwelling units.

At the scoping sessions several months ago, I pointed out that the bus stop had been shown on the wrong side of the street. As mentioned in the DEIR, this forces passengers to board the bus from the middle of the street. That is an insanely and unnecessarily unsafe requirement. The proposed mitigation, "the ... bus stop...shall be relocated in order that all patrons will enter/exit...via a sidewalk..." is insufficient. Two solutions are simple. Either stop on the outside of the circle, or cut a bus only road across the northwest or southwest corner of the park, and install a protected bus stop shelter between the bus and the street. Such a solution must be specified before this comment can be laid to rest.

2. Impact 3.5-C Roundabout may not be able to accommodate truck and bus traffic. 7-2
South State Street is one of the primary entrances to Ukiah and it is well utilized by large trucks. Plant Road is a major industrial area with large volumes of truck traffic, especially during the pear harvest. The Plant Road neighborhood is also the headquarters of the MTA. Approximately 70 bus trips use the State/Plant intersection every weekday, with 30 buses on Saturdays and further growth probable. Failure to design this intersection appropriately is unacceptable. At the scoping sessions, I expressed my concern that the roundabout be designed to accommodate the large vehicles which have utilized that intersection for decades.

The mitigation is equally unacceptable. To say "The Project applicant shall design the...roundabout to accommodate...buses and large trucks" is easy. That should have been done in the first place. What if sufficient space is not available for either a roundabout or a regular 4-way intersection with traffic control? The applicant needs to have the roundabout designed properly to accommodate existing vehicles sizes before the project moves forward.

Thank you for the opportunity to comment. Please advise me if you need any further information.

Bruce Richard, General Manager
Mendocino Transit Authority

Response to Letter from Bruce Richard, Mendocino Transit Authority

- 7-1. The cited mitigation measure requires that the bus stop be located so that the door opens onto a sidewalk, consistent with the commenter's recommendation. However, the mitigation has been revised to reflect the comment.
- 7-2. The discussion of the roundabout on pages 130 through 131 of the DEIR notes that final design plans have not been prepared yet. The DEIR requires that the roundabout be designed to accommodate both existing and new traffic. As the commenter states, the project would not move ahead until an adequately designed roundabout is approved by the County Department of Transportation.

Ukiah Land, LLC
3080 South State Street
Ukiah, CA 95482

November 11, 2008

Frank Lynch
Interim Planning Director
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

RECEIVED
NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah CA 95482

Dear Mr. Lynch;

Subject: DEIR Comments - Garden's Gate Major Subdivision Project, Permit No. S 3-05

I am writing on behalf of Ukiah Land LLC to comment on the Garden's Gate Draft Environmental Impact Report. The attachment to this letter includes corrections, clarifications and comments for your consideration. In addition, we would like to make the following proposal in response to comments received by the Planning Commission at the November 6, 2008 hearing.

TRAFFIC: Based on community input regarding the project's potential impact on the Oak Knoll neighborhood, we suggest that the Plant Road connection to Oak Knoll Road be restricted to emergency vehicle use and for pedestrian/bicycle use. This modification would improve area wide emergency evacuation, emergency vehicle access, and pedestrian and bicycle connectivity. The road would be constructed according to the County's local street standards with bicycle lanes and a single sidewalk on the eastside. The construction of this EVA will constitute the project's fair share of improvements needed to accommodate future development in the area. Consequently, this modification eliminates the need for the traffic safety and roadway finance mitigation measures suggested in this EIR. 8-1

BIOTIC AND WATER RESOURCES: While we believe the development of these lots will not have a significant adverse impact on the creek, this area can be retained as a natural setting if the County determines this type of use will mitigate a significant environmental impact. We would propose that this area be developed as a neighborhood park instead, with low impact landscape improvements and playground equipment, if desired, and that the originally proposed neighborhood park be subdivided into four single family dwelling lots. This modification is consistent with the incentives and concessions granted by the Board of Supervisors in accordance with State Density Bonus Law. 8-2

Please let me know if there is anything else I can do to help bring this project to the Board of Supervisor's December 16th hearing. Our project has been in process longer than any other major project possibly coming before the Board by the end of this year. Our project has been granted expedited processing by the Board of Supervisors and our project serves a public purpose not found in the other project being proposed for hearing on that date. We feel that the Board will welcome this project because it will positively advance community housing needs and land use goals.

Thank you for your consideration.

Sincerely,



Chris Stone
Ukiah Land LLC

GARDENS GATE DRAFT ENVIRONMENTAL IMPACT REPORT
UKIAH LAND LLC COMMENTS

Minor Corrections

The Lot 20, which adjoins Cleland Mountain Creek, is incorrectly referred to as Lot 22 in various places in the document. 8-3

Impact Analysis Section

Page 80, 1st Paragraph. The correct Sandine Associates drainage report date is June 20, 2006. 8-4

Page 80, 1st Paragraph, Last Sentence. The report incorrectly states that Cleland Mountain Creek continues along the northern border of the project. It departs from the project once it leaves Lot 197, in the northwest corner of the project site. 8-5

P 85, 2nd paragraph. The EIR incorrectly states the majority of the site runoff will continue to drain into the open ditch on the southern property line. The former owners of Garden's Gate and the adjacent southern property owner put this ditch into place. All of the runoff within Gardens Gate will be captured by the proposed storm drain system and will no longer enter this ditch. Therefore, this ditch is not part of the project. The third sentence of that paragraph should be replaced with the following sentence. 8-6

The project's detention facility will release accumulated storm water at pre project levels into the 18-inch CMP at the southeast corner of the property.

Also, the last sentence of the same paragraph should be revised to say. 8-7

In addition, stormwater generated by impervious surfaces within the northwestern corner of the site, including all or portions of Lots 20, 21, and 194-197 will be routed to the street and the storm drain inlet on Plant Road. The remaining stormwater will approximately maintain the existing drainage paths and continue to drain to Cleland Mountain Creek.

Page 96, 2nd paragraph, 1st sentence. The predominate tree type on the hillside is pine, not Doulgas-fir as stated. 8-8

Page 96, 3rd paragraph. What is the definition of "heritage tree"? 8-9

Page 106, Table 10. The table needs to be accompanied by a figure showing the location of the trees in relation to the project lot boundaries. 8-10

Major Comments and Clarifications

FLOODING AND WATER QUALITY

3. New runoff could aggravate downstream flooding or cause flooding of new onsite residences. Soil eroded from the site along with chemical residues from motor vehicles, landscaping chemicals, and other urban uses would reduce the water quality of Cleland Mountain Creek and the Russian River. Mitigation measures described in Section 3.2 would reduce impacts resulting from these conditions and hazards to a less than significant level.

8-11

First, the project site is not subject to flooding from Cleland Mountain Creek nor from the Russian River. Cleland Mountain Creek overtops the south bank and flows over South State Street during a 100-year storm event (Sandine Associates, Drainage Study, June 20, 2006). The hydraulic model shows the creek segment within the project site (Lots 20, 21, and 197) contains the runoff from a 100-year rainstorm. With regard to potential flooding from the Russian River, the 100-year flood plain on the tentative map is based on the FEMA map (Panel 0601830794B), which is a generalized map not based on local topographic mapping. The FEMA Zone A designation is an advisory statement indicating the site may be located in an area subject to 100-year floods but the base elevation for these flood events has not been determined. However, the adjoining FEMA map (Panel 0601860002D) establishes the 100-year flood elevation at the Ukiah Waste Water Treatment Plant at 574 feet. The submitted topographic survey shows the entire project site (between 610 and 650 feet) lies substantially above Russian River 100-year flood stage and the new residential lots will not be subject to flood hazards. However, because of FEMA's designation the project developer will be required to either submit a flood elevation certificate or obtain a Letter of Map Change (LOMC) a prior to development.

The project will not aggravate downstream flooding nor cause flooding of new onsite residences. A significant portion of the runoff that normally enters the creek from this catchment (including Lots 20-24; 194-197 and a portion of Plant Street) be routed from impervious surfaces (e.g., roadways, driveways and roofs) to the project's storm drain system. The inlets on Plant Road will convey the runoff from this area, approximately 2 acres, to underground percolation chambers located in the neighborhood park or the detention pond located in the community park. This system will hold the runoff to allow it to percolate into the soil and to delay its release to keep project runoff at or below pre-project runoff volume. These storm water pollution prevention benefits should be fully explained in the soil erosion and sedimentation impact analysis (Impact Analysis, Page 90). The runoff from the remaining pervious areas within the Cleland Mtn Creek will enter the channel as overland flow after passing through a landscaped drainage easement. Therefore, runoff from the project will be reduced and would not aggravate the existing downstream flooding condition.

8-12

With regard to water quality impacts, the project will reduce the existing impacts of residential development along Cleland Mountain Creek by eliminating an uncontrolled

8-13

in-channel crossing, establishing riparian vegetation along the creek bank, placing a drainage easement over the creek that will be maintained by the HOA. The riparian vegetation will filter sediments and other pollutants out of overland runoff from Lots 20, 21, and 197. In addition to the storm drain system described above, the HOA will maintain the shared driveways, the green courts, parks, and streetscape, which total 5.3 acres, using street sweeping and landscape maintenance practices that effectively reduce storm water sediment and pesticide/herbicide transport.

Consequently, the volume and quality of storm water runoff from the Project should not be considered a significant flood hazard or water quality impact. 8-14

4, The aforementioned effects on water quality as well as construction near Cleland Mountain Creek would adversely affect species of salmonids in Cleland Mountain Creek and the Russian River. Project construction would eliminate a stand of Oregon white oaks. Site development would disrupt wildlife travel and nesting sites. Mitigation measures described in Section 3.3 would reduce impacts resulting from these conditions and hazards to a less than significant level. 8-15

The project will not have significant impact on biotic resources including salmonids, oak woodlands, and wildlife movement and nesting. The construction of the project, including grading, will be subject to a Storm Water Pollution Prevention Plan, which will include a host of construction site controls to avoid disturbance to the creek and to prevent sediment transport by storm water runoff. These measures will help to ensure Project's potential impacts to water quality and biotic resources, including salmonids, are less than significant.

With regard to the project's potential oak woodland impacts, the location of the building envelopes on Lots 20, 21, 196, and 197, and construction site controls, including tree protection, will allow most of the trees to remain. In addition, hundreds of trees will be planted in the commons, including the area where these lots are located. These measures are consistent with the intent of State legislation (Senate Bill 1334, *Oak Woodlands Conservation: Environmental Quality*) to protect against, and mitigate for, the loss of oak woodlands. 8-16

With regard to disruption to wildlife travel and nesting sites, the Project will not hinder nor would it degrade existing wildlife access up and down Cleland Mountain Creek. Forty years of urban development has already impacted the creek habitat. As noted above, the creek channel within the project site is already impacted by an uncontrolled in-channel crossing, vegetation clearing, and fencing. These impacts also occur upstream and downstream. About 2/3rds of the creek's length is downstream or east of the project site. It runs through residential and industrial lots and crosses under major roadways before it enters the Russian River. The creek flows under and through fences that enclose many of the residential lots. It flows through culverts under South State Street, US Highway 101, a lumber yard circulation road, the NWP railroad tracks, and Plant Road. The creek is carried around the City of Ukiah Wastewater Treatment Plant by a drainage ditch before it discharges into the Russian River. The passage of fish and other 8-17

wildlife is already significantly obstructed by these existing physical barriers. Upstream or west of the project, the creek flows out of Spanish Canyon, through larger hillside residential lots, for a distance of about 1/3rd of a mile from its source near a 1.7-acre pond and Cleland Mountain. Wildlife travel along this upstream segment is also obstructed by fences and bridges.

The project impacts on wildlife movement along and across the creek is very limited. The project occupies only 280-feet or 2 percent of the 2.5-mile long creek. The proposed bridge will reduce sediment within the channel by eliminating the in stream crossing. The location of the building envelopes and the drainage easement will establish riparian cover where none currently exists. The diversion of storm water runoff from impervious surfaces into the storm drain system will help improve water quality within the creek. Residential exterior lighting will be shielded to prevent fugitive light from shining into the creek corridor and disrupting animals at night. Finally, the HOA's ongoing maintenance of the drainage easement and landscape will help to ensure the project's ongoing enhancement of the creek habitat. These measures will improve existing creek habitat and effectively mitigate the project's impacts as suggested by the EIR.

The EIR suggests the project's potential biotic resource impacts calls for a Riparian Enhancement Area over Lots 20, 21 and 197. It is inconsistent with the State Density Bonus Law, upon which this project is based. According to this law, the County can require development standards (i.e., setbacks) and mitigation measures only when they are needed to avoid a public safety and health risk, or when there are needed to mitigate a significant environmental impact. The Riparian Enhancement Area is not needed to eliminate a public health and safety risk nor to mitigate a potential environmental impact. The Fish and Game a 100-foot buffer and the Water Agency 50-foot setback are not regulations but recommended by these agencies as mitigations to reduce potentially significant impacts. However, as previously stated, the project already includes lot design features and storm drain improvements, which will fully mitigate any potential biotic impacts and avoid public health and safety risks. The proposed riparian enhancement and drainage easement will substantially improve the existing habitat and water within and along the creek. Finally, the location of the building envelopes, tree protection during construction, and the extensive tree planting within the project would reduce the project's potentially significant oak woodland impact to a less than significant level.

8-18

While we believe the development of these lots will not have a significant adverse impact on the creek, this area can be retained as a natural setting if the County determines this type of use will mitigate a significant environmental impact. We would propose that this area be developed as a neighborhood park instead, with low impact landscape improvements and playground equipment, if desired, and that the originally proposed neighborhood park be subdivided into four single family dwelling lots. This is modification is consistent with the incentives and concessions granted by the Board of Supervisors in accordance with State Density Bonus Law.

8-19

TRAFFIC

5. *Project-generated traffic would cause traffic safety impacts on Oak Knoll Road and South Dora Street. Widening Oak Knoll Road to accommodate project and cumulative traffic would result in loss of vegetation and front yards (though the area that would be lost is within the County's right-of-way). Mitigation measures described in Section 3.5 would reduce impacts resulting from these conditions and hazards to a less than significant level.*

8-20

Based on community input regarding the project's potential impact on the Oak Knoll neighborhood, we suggest that the Plant Road connection to Oak Knoll Road be restricted to emergency vehicle use and for pedestrian/bicycle use. This modification would continue to improve area wide emergency evacuation, emergency vehicle access, and pedestrian and bicycle connectivity. The road would be constructed according to the County's local street standard with bicycle lanes and a single sidewalk on the eastside. The construction this EVA will constitute the project's fair share of improvements needed to accommodate future development in the area. Consequently, this modification eliminated the need for the traffic safety and roadway finance mitigation measures suggested in this EIR.

GREEN HOUSE GAS

6. *The project would increase the use of energy and corresponding greenhouse gas emissions. These emissions would be an increment in adversely changing the climate of the world. The project's increment of this cumulative impact cannot be reduced to zero, and therefore would constitute a significant and unavoidable cumulative impact.*

8-21

Global Climate Change and Green House Gas (GHG) emissions are new CEQA impact issue. The Office of Planning and Research (OPR) has not yet developed guidelines to assess and evaluate the significance of these impacts. Until then, the County must assess and mitigate the GHG impacts of new development based on best fits its goals. The County Planning Team has decided the best approach is to inventory of GHG emissions (CO₂) generated by the Project and has adopted the "zero-threshold" impact criteria in the belief that any GHG emission will have a significant impact on global climate change. Consequently, the EIR concludes the project's 4.5% share to the total increase in CO₂ emissions generated by new development in Ukiah Valley by 2020 is a significant impact.

While the inventory method may be a practical way to determine the volume of GHG emissions, the zero-threshold criteria is problematic since there way to avoid or mitigate a potentially significant cumulative impact.

The EIR recommends six different methods (Mitigation Measure 3.6-F.1) to reduce the Project's GHG emissions. Of these, four are based on existing state and federal programs, which will be implemented by the project over time. The two other measures are very specific and require solar water heaters and photovoltaic electric systems.

Although they may make sense today, they may limit the use of better water heating and photovoltaic technology in the future. Furthermore, the management of a photovoltaic electric system by HOA is currently not allowed by energy regulations. These methods or measures should be modified or replaced by programmatic measures, which will allow future residents to use the best available technology.

PRIME AG LAND

10. The project would result in the conversion of about 33 acres of Prime and Unique Farmland to nonagricultural use. There is no mitigation available for this impact, and it remains a significant and unavoidable impact. 8-22

The conversion of prime agricultural land is not considered a significant impact of this project. This impact was considered and resolved at the time the County adopted the 1991 General Plan and established the SR (Suburban Residential) land use designation and zoning over the property. Furthermore, the County's Housing Element recognized the residential designation of the property in 2004 when it was identified as one of the sites in the Ukiah Valley where the existing General Plan and zoning will allow multi-family housing.

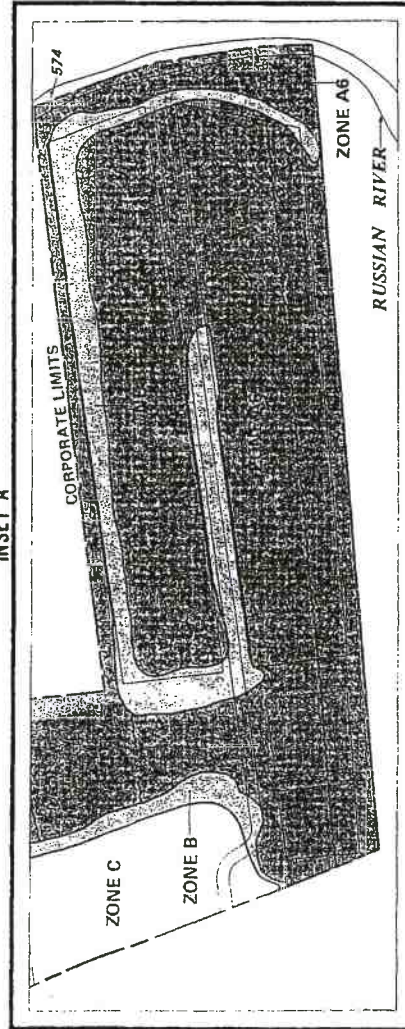


APPROXIMATE SCALE
400 0 400 FEET

ELEVATION REFERENCE MARKS

REFERENCE MARK	ELEVATION (FT. NGVD)	DESCRIPTION OF LOCATION
RM8	611.26	East bolt of the fire hydrant at the northeast corner of the intersection of Talmage Road and Cunningham Street. Established by City of Ukiah.
RM9	621.49	Top of the fire hydrant at the southeast corner of the intersection of Talmage Road and State Street. Established by City of Ukiah.
RM10	641.93	Top of the fire hydrant at the southwest corner of the intersection of Dora Street and Washington Avenue. Established by City of Ukiah.
RM11	657.98	Top of the fire hydrant at the northwest corner of the intersection of Wabash Avenue and Yokayo Court. Established by City of Ukiah.

INSET A



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
UKIAH, CALIFORNIA
MENDOCINO COUNTY

PANEL 2 OF 2
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
060186 0002 D

EFFECTIVE DATE:
JULY 19, 1982

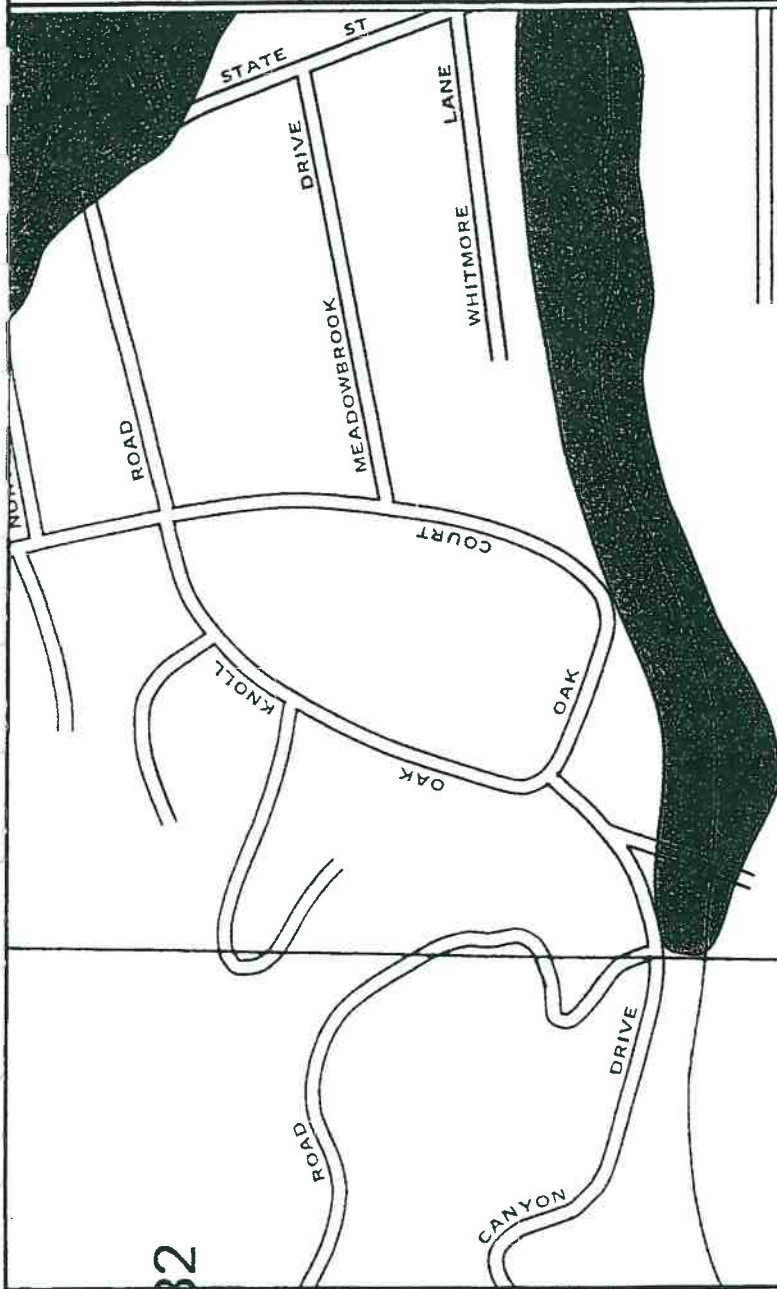


Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-AMT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the map. For the most current information, please contact the National Flood Insurance Program. Flood map users check the FEMA Flood Map Store at www.fema.gov.



APPROXIMATE SCALE



32

T. 15 N.
T. 14 N.

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

MENDOCINO COUNTY,
CALIFORNIA
(UNINCORPORATED AREAS)

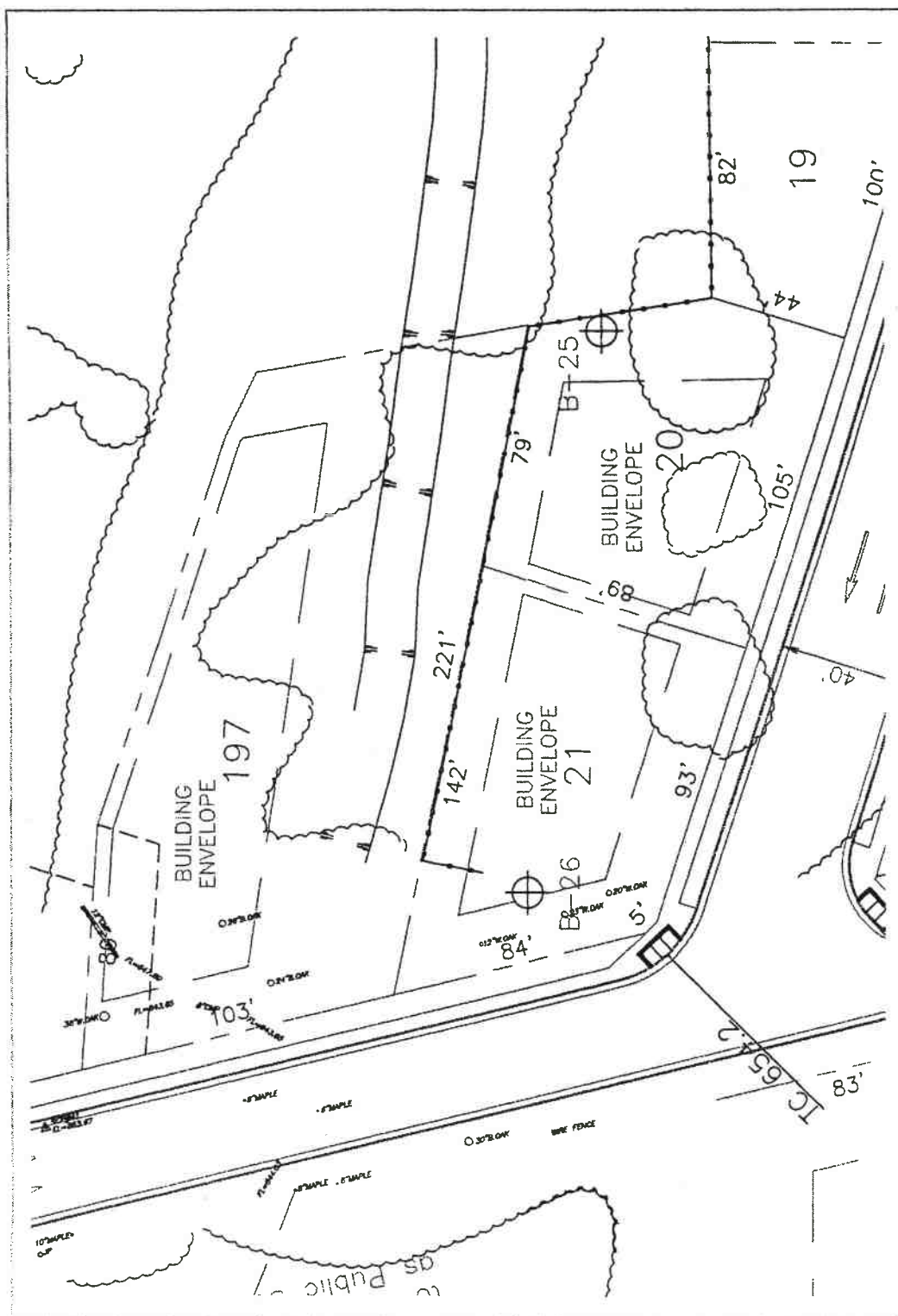
PANEL 794 OF 1100
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
060183 0794 B
EFFECTIVE DATE:
JUNE 1, 1983



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



Response to Letter from Chris Stone, Ukiah Land LLC

- 8-1 The applicant suggests that the project be changed to eliminate non-emergency vehicle use of the new road connection to Oak Knoll Road. This is consistent with Alternative 5 in the DEIR. If the County approves this project change, then Mitigation Measures 3.5-K.1, 3.5-K.2, 3.5-L. 1 and 3.5-L.2 would no longer be required.
- 8-2. This proposed change is similar to Alternative 5, except that the applicant is proposing to eliminate the neighborhood park near the center of the site and subdivide it into four lots. This new proposal would have the following effects besides preserving the area along the creek:
- There would be one additional residential unit that would result in a small increase in traffic and demand for public services.
 - There would be a loss of open space in the center of the site.
 - The centrally located park facility would be relocated to the northwest corner of the site, which would not be as accessible to residents.
 - Installation of hardscape and/or playground equipment near the creek would adversely affect water quality as stated in Impact 3.3-A.
 - The wildlife use of the creek corridor would be decreased by installing playground equipment near the creek.

In addition, the additional residential lot would exceed the allowable density for the site. For these reasons, Alternative 5 will not be revised. The DEIR recommends retaining the proposed neighborhood park and adding the area near the creek as open space. The three displaced lots can be replaced as described on page 243 of the DEIR.

- 8-3. This is an erratum. The references to Lot 22 on pages 83, 87, 89, 105, and 106 will be changed to replace Lot 20 for Lot 22.
- 8-4. This errata is noted for the record and the changes will be made.
- 8-5. The comment is correct, and the change will be made. However, correction of this error does not change the conclusions or recommendations of the DEIR.
- 8-6. This drainage was not clearly shown on the drainage map or in the report submitted by the applicant. Nevertheless, the correction is hereby made.
- 8-7. It is inaccurate that flows from lots on the north side of Cleland Mountain Creek would drain to the proposed drainage system. The discussion will be revised to

note that runoff from portions of Lots 20 and 21 may flow to the project drain system.

- 8-8. It is accurate that pines are common on the hillside.
- 8-9. The word "heritage" was used qualitatively to describe the large Oregon white oaks discussed in the cited paragraph.
- 8-10. The County did not request preparation of such a map. Typically, the trees would show up on the Tentative Subdivision Map. However, the map provided by the applicant has a very muted tree layer, so it is difficult to make out the location of the trees.
- 8-11. As the commentor states, the site is mapped as being within a floodplain, which was corroborated by the verbal comments made by several project neighbors at the EIR scoping meeting. The applicant must obtain federal approval of changing the floodplain map.
- 8-12. The commentor is likely correct that the project would not increase downstream flooding. The DEIR simply requires that the final drainage design confirm this preliminary conclusion and ensure that no flooding will occur. It also requires Mitigation Measure 3.2-A.2 to ensure that water quality protections are monitored and maintained.
- 8-13. The measures cited by the commenter will reduce impacts to water quality, but they will not reduce existing impacts caused by existing development in the area. The one factor that would be reduced would be travel through the streambed on the project site. However, this crossing appears to be rarely used. The other cited measures would reduce project-generated impacts. These improvements are all discussed in the DEIR. The project would not have a beneficial impact on these resources.
- 8-14. The comment is incorrect. The project would potentially cause flooding and adversely affect water quality. The mitigation measures recommended in the DEIR would reduce the impacts to a less than significant level. These mitigation measures will be retained as part of this Final EIR.
- 8-15. The comment is incorrect. Simply abiding by the required SWPPP will not reduce impacts to water quality and salmonids to a less than significant level (see the letter from the California Department of Fish and Game in Appendix A of the DEIR). The mitigation measures recommended on page 105 of the DEIR are required to reduce the impact to a less than significant level, and these mitigations will be retained in this Final EIR.
- 8-16. As described on pages 105 through 106 of the DEIR, the project would remove up to 25 large oak trees. As described on page 103 of the DEIR, State Public

Resources Code 21083.4 does provide a variety of methods of mitigating for the loss of oaks. However, the preferred mitigation for impacts to any biological resources is always to avoid the impact (i.e., conserve the trees). This is the mitigation recommended by the EIR. Not developing the area with these oaks also addresses water quality and flooding impacts. The County could require alternate mitigations (replanting, which can count for up to 50% of the mitigation, and contributions to a State fund), but these would not mitigate for the loss of these large oaks nor address the water quality and flooding impacts. The recommended mitigation will be retained as part of this Final EIR.

- 8-17. The DEIR concludes that development on Lots 20, 21, and 197 would adversely affect nesting habitat and wildlife travel along Cleland Mountain Creek between South State Street and the hills to the west. While there may be some fences already traversing this travel corridor, it remains a viable travel corridor. The mitigation to conserve this area and not develop it addresses water quality, flooding, and oak woodland impacts (as discussed above) as well as the potential impact to nesting habitat and wildlife travel. The commenter has again iterated the various measures that are part of the proposed project that address all these biological impacts. While these proposed actions have merit, the DEIR concluded that even with inclusion of these actions, there would be potentially significant impacts to biological resources, including wildlife travel and nesting habitat. The commenter disagrees with these conclusions, and that disagreement is noted for the record. However, the commenter has not provided any new information or professional biological analysis indicating that the DEIR analysis was incorrect. The mitigations recommended in the DEIR relative to biological impacts are retained as part of this Final EIR.
- 8-18. As noted in the previous response, the measures proposed as part of the project do not reduce potential water quality and biological impacts to a less than significant level. The commenter disagrees, and this disagreement is noted for the record. See the previous responses to the specific issues raised in this comment as to why the recommended Riparian Enhancement Area is needed to reduce these several impacts to a less than significant level. The mitigations recommended in the DEIR relative to biological impacts are retained as part of this Final EIR. However, it is recognized that the section of stream on the project site does not contain significant riparian habitat. The only important biological resources are the oaks and the wildlife travel corridor. It is possible that the County could alter Mitigation Measure 3.3-A.1 to require a 50-foot setback from the streambanks and preservation of the oak trees (including no disturbance within their driplines). However, such a setback and tree protection would essentially make the three lots unbuildable.
- 8-19. See Response 8-2 regarding this proposal.
- 8-20. The proposal is noted for the record. However, it is possible that at some subsequent date due to additional development to the south, increased

congestion on South State Street, or for other reasons, the County will require this EVA be open to public use. The project plus this other development would then have the impacts discussed under Impact 3.5-K. The County should retain the recommended mitigation measures for Impacts 3.5-K and 3.5-L unless the County is willing to condition the project that there would never be public access via the Oak Knoll Road connection.

- 8-21. The commenter questions the recommendation of the requirement for solar water heaters and for a photovoltaic (PV) system used to offset electrical use for Homeowners Association facilities. Solar water heaters are a relatively effective and simple way of reducing GHG emissions; see Appendix D of the DEIR. The use of solar water heaters with an electrical water heater backup would reduce energy use for water heating by 61%. The commenter states that requiring installation of this system at the time the project is constructed would limit installation of other, more efficient systems in the future. This is incorrect. There is no prohibition about future property owners replacing the initially installed systems. The aim is to ensure energy savings when the project is built, not in some undefined future by voluntary installations of water heaters or other facilities by future owners. The aim is to reduce GHG emissions resulting from the immediate construction of nearly 200 new homes.

Regarding the PV system, the EIR preparers are unaware of any law that says that an HOA cannot install a PV system on facilities owned and operated by the HOA to provide its electrical demand. This mitigation does not say that the HOA will manage a system that provides electricity to private properties on the project – the system would be used solely for HOA-owned properties and facilities.

There is no reason why these mitigations should be modified. In addition, the commenter does not provide an alternate approach to comment on. The mitigations recommended in the DEIR relative to GHG impacts are retained as part of this Final EIR.

- 8-22. Consistency of a project with an adopted land use plan does not mean that a project will not have significant impacts on the physical environment. The DEIR clearly describes how the site was designated SR by past County actions and how the County Agricultural Commissioner recognizes that the area has long been targeted for development. However, this does not eliminate the fact that prime soils currently planted with commercial grapes will be converted, and this is a significant impact under the CEQA Guidelines Environmental Checklist (the Checklist does not state that this conversion is not significant if the area is designated for non-agricultural use). If the County were to approve development of the site, it would need to adopt a Statement of Overriding Considerations to explain why it was approving the project despite the remaining significant impacts. The existing land use designation and past County actions to allow residential development of the site could be among the reasons for overriding this impact

257 Valley View Rd
Ukiah, CA. 95482

November, 10, 2008

Mr. Frank Lynch, Acting Director
County of Mendocino Planning Dept.
501 Low Gap Rd
Ukiah, CA. 95482

RECEIVED
NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Dear Mr. Lynch,

This letter is in response to the Draft Environmental Impact Report (DEIR) that was presented to the Planning Commission on November 6, 2008 regarding the proposed Garden Gate Subdivision to be located at the ~~north~~ ^{South} end of Ukiah and the proposed connector road from said subdivision to Oak Knoll Road. 9-1

According to the DEIR the connector road as originally proposed to the Planning Commission says,

"Project generated traffic would cause traffic safety impacts on Oak Knoll Road and South Dora St.....cumulative traffic using the new connector would increase noise along this street....(and)....the cumulative impact of traffic generated by the project would significantly affect noise levels in this residential neighborhood. This would be a significant and unavoidable cumulative impact" (emphasis added).

We also understand that traffic along Oak Knoll Road would increase around 300%. Even though this is a fairly quiet area, people still race up and down Oak Knoll as it is. Adding even more traffic could cause some serious problems.

The DEIR includes five 'alternatives' for the Planning Commission to consider. We would like for you to seriously consider alternative 5 which states in part, 9-2

"Eliminate new traffic (including cumulative traffic) from accessing Oak Knoll Road and the southern end of South Dora St. This eliminates traffic safety impacts and obviates the need for roadway improvements along Oak Knoll Road. This alternative would not generate additional noise, thereby eliminating the cumulative noise impact. However, eliminating this

connector *is counter to the County's desire for an alternate north-south connector in this area.* (emphasis added).

The DEIR concludes,

"However, *this connector is not required* to maintain adequate levels of service along roadway sections or at intersections affected by the project traffic. The connector would be advantageous but not required from a traffic congestion perspective. It would be advantageous from an emergency response perspective. The alternate meets all project objectives. *This alternative is environmentally superior to the proposed project.* (emphasis added).

Even the developer, Mr. Chris Stone, has considered the objections of the neighborhood and has proposed his own alternative of making the connector a single lane, emergency use only road that will also be suitable for bicyclists and pedestrians. He states,

"In this way, the road will enhance public safety in the area and provide residents, walking or riding their bikes, a calmer, safer route. This amendment, I believe will best address the major concern voiced by the neighbors about the project."

While our first choice would be 'alternate 5' as proposed in the DEIR and alluded to above, we find Mr. Stone's alternative to be a fair compromise as well.

We ask again, that you consider seriously these alternatives as if they were taking place in your own neighborhood.

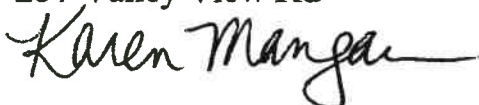
Thank you.

Sincerely,

Kevin Aiello
257 Valley View Rd



Karen Mangan
257 Valley View Rd



Response to Letter from Kevin and Karen Aiello

- 9-1. The comment about traffic safety is noted for the record. Since no questions are asked regarding the EIR, no additional response is warranted.
- 9-2. The commentators express their preference for Alternative 5, and this is noted for the record. Please see Comment Letter 8 where the applicant has proposed to maintain the new connection as an EVA.

The Bader Family
2651 Oak Court Road
Ukiah, CA 95482

RECEIVED
NOV 12 2008

November 10, 2008

BY
PLANNING & BUILDING SERVICES
Ukiah CA 95482

Attention: Frank Lynch
Planning & Building Department
County of Mendocino

Re: Garden's Gate Subdivision S3-2005

We are writing this letter to object to the proposed exit onto Oak Knoll Road from the Garden's Gate Subdivision. 10-1

Our neighborhood has been a stable and established area for many years. Our home is now seeing a third generation being raised in it. My family bought it new in the early years of 1960. Many of our neighbors have also been in their homes for decades. One of the benefits to living where we do is that we are *removed* from being in a high traffic area. It is very common to see people walking with strollers, dogs, children and friends. They go past our home on foot, bicycles, and skate boards. We have seen kids learning to ride a bicycle, playing catch and numerous games in our streets and yards. Living in a low traffic area has offered some protection for many family activities through the years. We believe it has been an important consideration for moving into our neighborhood. It has always been relatively quiet and safe. The environment has had a unique, desirable quality because of it. We want to preserve it!

It is *not necessary* to put an exit that would empty onto Oak Knoll Road. Why should homeowners be forced to give up property in order to widen the road for more traffic, gutters, and sidewalk? This proposed exit is not going to be a benefit; on the contrary, *it will increase traffic, noise, and activity.*

There must be many other options available for an exit besides our backyard! An eastern or southern exit would be the most logical. It would be close to both north and south freeway ramps and South State Street.

We strongly protest the plan for an exit onto Oak Knoll Road. The streets have already become increasingly busy as houses have been built over the years. Many people already drive too fast for a neighborhood. The families that have lived in this area for over 30 years deserve a safe neighborhood more than the developers deserve to make more money! No thank you.

T.M. Bader T. Bader

K.L. Bader Kris Bader

L.M. Bader Lee Bader

M.S. Bader Mona Bader

Response to Letter from T., Kriss, Lee, and Mona Bader

- 10-1. The opinion that the commentors are against the public road connection to Oak Knoll Road is noted for the record. While other second access options are possible, the County prefers the Oak Knoll Road access because it would provide an alternate north-south route on the west side of Highway 101.

J. R. BARRETT
PLANNING, DEVELOPMENT & REAL ESTATE CONSULTANT
480 OAK KNOLL ROAD
UKIAH, CA 95482
(707) 462-7313

County of Mendocino
Planning and Building Services Dept.
Mr. Frank Lynch

RE: Garden's Gate DEIR
SCH No. 2007052006

November 12, 2008

Dear Mr. Lynch:

I have reviewed the facts relating to the proposed use of Oak Knoll Road as a local collector in connection with the Garden's Gate Subdivision. I believe the discussion provided in the DEIR should be clarified to reflect my observations.

11-1

I have reviewed the current Mendocino County General Plan adopted (revised) by the Board of Supervisors on December 14, 2004. I also reviewed the Mendocino County General Plan "Ukiah Valley Area Plan" tentatively adopted by the Board of Supervisors on June 10, 2003, as well as the Draft UVAP-Draft EIR prepared by Leonard Charles & Associates dated July 2005.

None of these documents identify the need for any extension of Dora Street and/or Oak Knoll Rd. into land south of Cleland Mountain Creek. All of these plans including transportation and proposal studies were subject to intense public participation and concurrence. The question is "WHAT HAS CHANGED?"

A review of these documents will show that Dora Street to Oak Court Rd. (the intersection of Dora, Oak Court, Oak Knoll) is a local collector. Oak Knoll Road from that intersection to S. State Street is the extension of the collector (one block only). Oak Knoll westerly to the proposed intersection with Spanish Canyon is not a collector. That intersection of Oak Knoll Rd, Spanish Canyon Rd. and proposed Plant Rd. lacks a complete analysis without a more complete design proposal. I could not determine if Plant Rd. will require a substantial fill to accomplish county standards for a road approach.

11-1

I have limited my comments to the consistency of the proposal to the adopted General Plan and other plans which were proposed. I oppose any connection with the proposed Garden Gate Subdivision. It has its own identity as a neighborhood as does Oak Knoll. Thank you for your consideration.
James R. Barrett

Response to Letter from J. R. Barrett

- 11-1. The commentor is correct that this connector was not included in the cited documents. What changed was the County Department of Transportation reviewed the Draft Ukiah Valley Area Plan and recommended this connection to provide an alternate north-south route on the west side of Highway 101. The intention was for this connector to be explicitly cited in the Draft UVAP. It was not due to an oversight on the part of the preparers of that draft plan.
- 11-2. It is not expected that the road would require substantial fill. However, the connection to Oak Knoll Road would need to meet County road standards.

Frank Lynch
Planning and Building Services Dept.
501 Low Gap Road, Room 1440
Ukiah, CA. 95482

RE: Garden's Gate Subdivision

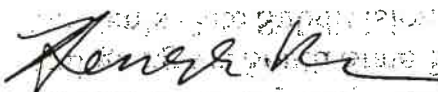
Please consider the alternative of **no** new traffic connection to Oak Knoll Road:

1. The road itself is in deplorable condition – Oak Knoll continues into a single lane road 12-1
(Spanish Canyon Drive) of equal if not worst condition. Spanish Canyon Drive is a no
thru street.
2. The proposed road from the subdivision enters into Oak Knoll on a curve thus 12-2
producing a blind intersection. Pedestrian and cyclists which frequent these streets would
be placed in danger.
3. The proposed road would transverse Spanish Fly Creek. The county does not need 12-3
the added responsibility to maintain a bridge over a known mud slide area. A house
directly above the site was lost when a major mud slide come down Spanish Fly Creek.
4. On completion of said project more development will follow – the back entrance of 12-4
Garden Gate may very well become its main entrance. Logic states a loop road coming
and going via South State Street is the better+ way to address traffic into and out of the
Garden's Gate Subdivision.

I am very concerned about the project's effect on **Air Quality**. About two years ago, they 12-5
burned 'green' brush to clear the land for development – the huge output of smoke was
hazardous to one's health. Spanish Canyon had nearly zero visibility. The project
would have a great impact on Air Quality – they do not care to follow the rules.

Also, the proposed project does not seem to be consistent with the ideal growth allowed by
the existing General Plan. The South end of Ukiah is rural – such a subdivision destroys 12-6
the rural atmosphere which we so much enjoy. Please consider an alternative plan with
reduced Density.

Thank You,



Wendy & Greg Beaver
630 Spanish Canyon Drive
Ukiah, Ca. 95482

9 November, 2008

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NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Response to Letter from Wendy and Greg Beaver

- 12-1. The opinion that the commentors are against the public road connection to Oak Knoll Road is noted for the record.
- 12-2. As described on page 133 of the DEIR, the new intersection would have adequate lines of sight.
- 12-3. The proposed bridge would be constructed above the 100-year flood level and should not be subject to flooding or mudslides.
- 12-4. The project does include two access routes to South State Street. The DEIR addresses the cumulative impacts of other development to the south of the project using the new access connection to Oak Knoll Road.
- 12-5. The project would not require any burning of brush or other materials. The impacts on air quality from project-generated trips is assessed in the DEIR.
- 12-6. The General Plan actually designates the site for suburban residential development.

Monday November 10, 2008

Frank Lynch, Acting Director
County of Mendocino Planning Dept
501 Low Gap Road
Ukiah, CA 95482

Garden's Gate DEIR
County of Mendocino Planning Dept

NO on the proposed direct road connection from the proposed Garden's Gate Subdivision to Oak Knoll 13-1 Rd.

As a long time property owner in the Oak Knoll Subdivision we do not want to turn our safe, quiet neighborhood into a thoroughfare.

A county petition with some 130 signatures was presented in May 2007 at a "scoping meeting" and it stated opposition to the Oak Knoll connection at that time and our opinion has not changed.

This letter is being given to Frank Lynch, Acting Director for County of Mendocino Planning Dept to oppose the proposed direct road connection from the proposed subdivision to Oak Knoll Road.

David L Breece & Maureen S Breece
297 Valley View Rd
Ukiah, CA 95482

Response to Letter from David L. Breece and Maureen S. Breece

- 13-1. The opinion that the commentors are against the public road connection to Oak Knoll Road is noted for the record.

November 11, 2008

Frank Lynch, Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah, CA 95482

RECEIVED
NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Dear Mr. Lynch:

We strongly oppose the planned road connection from the proposed Garden Gate Subdivision to 14-1 Oak Knoll Road.

As residents of Oak Knoll Road, we are aware of the existing danger at the point where the new road would join Oak Knoll, at a semi-blind curve just north of Oak Court. This curve is already dangerous, with very little traffic, but with an increase of 200 homes, and without sidewalks, there is a potential for frequent traffic accidents, including vehicle vs. pedestrian incidents.

The developer, Chris Stone, agreed with area residents that such a road and intersection was problematic to the neighborhood, and he agreed with neighbors' proposal to substitute the proposed road with a connection suitable for pedestrians, bicyclists and emergency vehicles only.

For some reason, county planners rejected this proposal, saying this road was essential for county project approval.

We are baffled as to why the county would oppose a solution favored not only by the residents of the neighborhood, but also by the developer. We understand there are already two exits from the development onto State Street, in an unincorporated area that is already a high-speed nightmare. Does the county expect development parents put their children onto this speedway?

If another exit is necessary, the design could incorporate an entrance/exit onto Highway 253, thereby preventing the congestion and danger inherent in an Oak Knoll Road connector.

There are many other objections to the Oak Knoll Road connector; these have been addressed in other communications to you by residents of Oak Knoll, Dora Street, Oak Court, Spanish Canyon, etc. We assume you will address all these concerns in your deliberations and at your next hearing.

Thank you for your concern for our safety and that of our children.

Yours truly,



Robert & Bonnie Bruce

Response to Letter from Robert and Bonnie Bruce

- 14-1. The opinion that the commentors are against the public road connection to Oak Knoll Road is noted for the record. As explained previously, the County Department of Transportation believes that a second north-south route west of Highway 101 is needed to relieve future congestion on South State Street and to provide an alternate route in case State Street is blocked during an emergency. As the DEIR concludes, this connection is not needed from a traffic congestion perspective.

Allen Cherry & Lorie Pacini
295 Fairview Court
Ukiah Ca., 95482

November 10, 2008
Attn: Mr. Frank Lynch - Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah Ca., 95482

RECEIVED
NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah CA 95482

Dear Mr. Lynch,

Imagine our shock when we found that a public meeting to review the Draft Environment Report (DEIR) for the "Gardens Gate" project was held on November 6, 2008, with virtually no notice to the neighborhood, (four neighbors were in attendance - only one that we know of having received notification.) We were shocked you personally were in attendance at a May 2007 "Scope Session" where neighborhoods opposition to the Oak Knoll connection was made manifest, and you assured all in attendance that we would be notified of future activities in regards to this project. We are aware that the applicant has proposed an alternate solution to this proposed extension which definitely meets the "Common Sense" criteria of providing "a connection suitable for pedestrians, bicyclist, and emergency vehicles only," and that your department has threatened to withdraw support from the project if he altered the proposed connection. We use the term "Common Sense" because anyone who looks at this very narrow road can tell that it Makes No Sense to try and make a thoroughfare out of this road. The amount of load necessary to adequately widen this road will obviously go far beyond "County's right of way." More importantly this neighborhood is totally residential, pretty quiet, and safe for the many children who live here - that would change radically if Oak Knoll were made a thoroughfare.

15-1

It is further telling, that neither the petition signed by 130 residents of the May 2007 Scoping Meeting, the developers response, or your department's response to him included in the DEIR, making it clear that the Planning Department's attitude towards neighborhood concerns, and developers willingness to work to address our legitimate concerns is that the neighborhoods needs are of no importance to you or your department. What should be of great concern to you and county government in general is that one of the goals on the Draft Ukiah Area plan is THE PRESERVATION OF THE INTEGRITY OF EXISTING NEIGHBORHOODS.

The extension of Oak Knoll Road as a thoroughfare clearly violates this precept. We wish to assure you, Mr. Lynch, that our concerns here are real, and that there appears to be mutually acceptable alternatives regarding the existing neighborhood and are potential new neighbors - it's your department that is out of sync here. We will not go away quietly.

Sincerely,
Allen Cherry & Lorie Pacini
295 Fairview Court
Ukiah Ca., 95482
(707) 462-4346

Response to Letter from Allen Cherry and Lorie Pacini

- 15-1. The opinion that the commentors are against the public road connection to Oak Knoll Road is noted for the record.

George & Holly Conormon
303 Oak Knoll Rd.
Ukiah, CA 95482
November 7, 2008

Frank Lynch
Planning and Building Services Dept.
501 Low Gap Road, Room 1440
Ukiah CA 95482

RE: Garden's Gate Subdivision

I've had a few new thoughts on the Garden's Gate Subdivision, since my last letter of objection, written May 29, 2007.

Chris Stone, who is he, and can he, pull off a project of this size? In just the last few years, he stirred up talk of a local slaughterhouse. He withdrew his intentions, in our local newspaper. He went into negotiations to buy a resort in Lake County, and withdrew. He, also, went after a small trailer park, in Lake County, again, no closure. I have serious doubts, that Mr. Stone has the financial backing and the "know how", to pursue his projects. I have visions of the lovely vineyards being ripped out, only to sit dormant for years. 16-1

This brings me to a second point. Our current economy, being one of housing foreclosures and the obvious halt of housing starts, why are we even discussing this? Ukiah is full of empty business rentals, empty properties, and vacant lots. This is not a good time for growth. 16-2

Again, I will reiterate, those of us who live in this lovely country style neighborhood, strongly oppose the access road connection from Garden's Gate, from what is an unnecessary and cheap low class housing development, spawned of greed and avarice. Again, we are asking you to leave our neighborhood BE!!!! 16-3

George & Holly Conormon

George & Holly Conormon

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BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Response to Letter from George and Holly Conormon

- 16-1. The comment about the applicant is noted for the record. As no questions are asked about the DEIR, no additional response is required.
- 16-2. Whether the proposed project is needed or not is not a CEQA issue. The applicant has proposed a project, and the DEIR identifies what impacts that project would have if it were approved and developed.
- 16-3. The commentor's opinion of the project is noted for the record.

Andy Coren, M.D., F.A.A.F.P.
Family Medicine and Maternity Care
242-B Hospital Drive
Ukiah, CA 95482

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NOV 12 2008

Frank Lynch, Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah, CA 95482

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

RE: Garden Gate Subdivision

Dear Mr. Lynch, et al,

My family and I live on Oak Knoll Road. In May, 2007, a petition signed by a total of 65 of my neighbors requesting reconsideration of the Garden Gate Subdivision project plans to build a connecting road though the west end of Oak Knoll Road was submitted to your committee. We have never received any response. I have been informed by neighbors that at a recent meeting this petition, was not made part of the public record. It seems to me that this shows a disrespect of the citizens of this county and undermines the planning department.

17-1

I have concerns about building a connecting road from the northwest end of the proposed 200 home subdivision to the southwest end of Oak Knoll Road. I understand that according to the Draft Environmental Impact Report, this connection will increase traffic on Oak Knoll Road, a narrow twisting road, by over 300%. This would substantially increase noise and traffic danger to children, and pedestrians who have no sidewalk.

The planners have considered widening the road to accommodate the traffic. Unfortunately, for those of us who live in this neighborhood, that would do nothing to protect our community.

Other solutions do exist. I understand that the developer responded to community concerns, by attempting to amend the original proposal to make the connection accessible only to pedestrians, cyclists and emergency vehicles. This would address safety concerns for the new development as well as the environmental and safety concerns of our existing neighborhood. The County, however, would not allow that amendment. Why? What or whose other interests are being served by this response?

17-2

In summary, we object to continued planning of this new subdivision as long as it disrupts the existing neighborhood, since a viable and safe alternative exists. Finally, we are appalled at the rebuff of community input in this process and hope that you will make necessary departmental adjustments in the future to correct this.

Respectfully,

Andy Coren, M.D.

Yvonne Coren

Voice mail: 707 463-3663 Fax: 707 463-2557 eMail: andycoren@sbcglobal.net

Response to Letter from Andy Coren, M.D. and Yvonne Coren

- 17-1. The opinion that the commentors are against the public road connection to Oak Knoll Road is noted for the record.
- 17-2. See Comment 8-1. It is accurate that this change would eliminate safety hazards on Oak Knoll Road.

Dear Frank Lynch,

I'm writing to let you know I oppose the
New connector to Oak Knoll Road from the Gardens 18-1
Gate Subdivision (which I'm also opposed to). I bought in
this neighborhood because it is very quite here and
there are no problems. There are a lot of older
people living here that walk up and down the road,
also young children. I do not need all the noise
keeping me awake. I work long hours and need
my rest. I can not attend the meetings because
of my work schedule. I want this to remain the
quite friendly safe neighborhood it was when I moved
in here in 1994. Thank you.

Very Truly yours

Douglass W. Davis

RECEIVED
NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482



Mr. Douglass Davis
2451 Oak Court Rd.
Ukiah, CA 95482

Response to Letter from Douglas W. Davis

- 18-1. The opinion that the commentors are against the public road connection to Oak Knoll Road is noted for the record.

Mendocino Co. Planning Dept
501 Low Map Road
Ukiah, Ca 95482

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19-1

BY
PLANNING & BUILDING SERVICES
Ukiah CA 95482

Dr Mr Lynch,

We are longtime residents of the Oak Knoll area. Obviously we use Oak Knoll Road for our transportation needs.

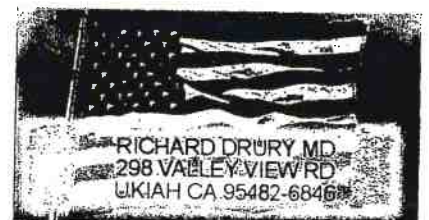
We are highly opposed to the conversion of Oak Knoll Road to a thoroughfare for the convenience of the 200+ home developments known as Garden Gate subdivision.

We consider this plan to be a misuse of taxpayer funds. We also believe it will negatively impact the neighborhood quality of life due to traffic noise, congestion and lack of safety. It will also adversely affect the beauty of the area.

We have yet to speak to a single resident of the area who is in favor of the project. Do the citizens and taxpayers have any voice in this decision? We strongly urge a vote of NO on this ill conceived proposal!!!

Richard L. Drury MD.

Myra H. Drury



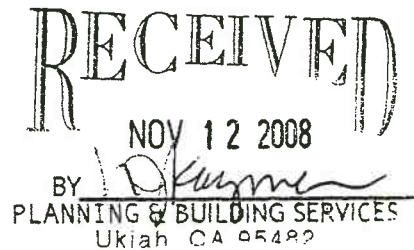
Mrs. Myra Drury
298 Valley View Rd.
Ukiah, CA 95482-6846

Response to Letter from Richard L. Drury, M.D. and Myra H. Drury

- 19-1. The opinion that the commentors are against the public road connection to Oak Knoll Road is noted for the record.

November 11, 2008

Frank Lynch, Acting Director
County of Mendocino Planning Dept.
501 Low Gap Road
Ukiah, CA 95482



Dear Sir,

We would like to include our comments for consideration in the DEIR of the Garden's Gate subdivision project.

Water Supply Impact

The greatest environmental impact of the project relates to the water supply available to the Ukiah Valley. There presently isn't enough water to supply the long term needs of existing residents, let alone a major subdivision. 20-1

In the last two years we have been asked by the Willow Water District and other agencies to voluntarily cut back on water use. Lake Mendocino water storage has been significantly lower and the Sonoma County Water Agency continues to extract 95.8 million gallons a day.

Lake levels have gone down since the decision to divert less Eel River water into the Russian River Watershed. The Garden's Gate project got their "will serve" letter from Willow Water in June of 2005, before this decrease in resources occurred. The state study claiming that there was sufficient water for the project was created before the Eel River diversion was reduced.

In an appendix to the Garden's Gate DEIR the Department of Fish and Game comes to the same conclusion:

"DFG is aware of potential concerns regarding Willow Water District's ability to comply with required terms of its existing water right."

"DFG is obligated to work with water districts and other water diverters to help insure that their projects do not adversely impact salmon, steelhead and other aquatic resources in the Russian River watershed. As such, DFG recommends that the Mendocino County Department of Planning and Building Services confirm with the project proponent that sufficient appropriated water will be available to provide for the long term needs of the proposed development."

It would be irresponsible to approve the Garden's Gate project until long term water availability is assured for present residents and businesses.

Neighborhood Impact

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BY *W. Keyman*
PLANNING & BUILDING SERVICES
UKIAH, CA 95482

The Oak Knoll connector to the Garden's Gate project would adversely affect the character of the Oak Knoll neighborhood and present a greater danger to residents.

20-2

According to the present draft Ukiah Valley Area Plan the Goal CT-11 is to "Preserve and enhance the small town character and residential integrity of all residential neighborhoods and streets." A wider street and increased traffic would most definitely change the quiet character of the neighborhood for many residents.

The increased traffic would also increase accident risk. Presently some residents of Oak Knoll back out of their driveways and garages to enter the road. Increased traffic would make this more dangerous. There are blind curves and an intersection which already make this a potentially dangerous situation. More traffic would only make this worse.

Many children from Garden's Gate would be driven to Grace Hudson, Nokomis, Pomolita and Ukiah High School through this newly created connector. I think the impact of this is underestimated.

In its conclusion about the Oak Knoll connector the DEIR admits that: "The connector would be advantageous but not required from a traffic congestion perspective." The DEIR alternative of a single lane bridge that emergency services could access would be a minimally acceptable compromise. Any bridge with two lanes would only be changed in the future.

In a wildfire emergency, like the ones we had this last summer, a Garden's Gate connector could put extra traffic in the path of evacuating residents from Oak Knoll and Spanish Canyon. I think this potential impact has been overlooked.

Eliminating the connector is the safest alternative for present area residents and it would help preserve the integrity of the Oak Knoll neighborhood.

In conclusion, future development should not be created to the detriment of existing development.

Sincerely,

Ken Franklin
Susie Franklin

Ken and Susie Franklin
2790 Oak Court Rd

Response to Letter from Ken and Susie Franklin

- 20-1. As discussed on pages 201 through 203 of the DEIR, Willow CWD does have adequate supplies to serve the project. This is also the conclusion of the State Department Health Services.
- 20-2. The opinion regarding the connection to Oak Knoll Road is noted for the record. The commentor is correct that the roadway connection could be seen as contradicting this draft goal.

10 November, 2008

Frank Lynch, Acting Director
County of Mendocino Planning Dept.
501 Low Gap Road
Ukiah, Ca. 95482

Dear Mr. Lynch:

It has come to my attention that the County Planning Department is ignoring its citizens and pushing to create a connector to the Garden Gate's property using Oak Knoll Road as a connector.

Please do not misunderstand this letter. Unlike many in Ukiah, I am in favor of growth. I know first hand that growth in a community, if done right, has many positive benefits. The key is, "if done right". You cannot have positive growth in a community if you are causing destruction and impacting the safety of its members.

21-1

The DEIR report informs you that traffic safety would be impacted if you create this connection. I have six children and purchased my home specifically because of the safety and quiet nature of the street. Your office is deliberately causing destruction of this by ignoring the report given to you and not considering the options. I could mention many other reasons why you should consider other options, but in my opinion, the safety of your community members should be paramount.

I implore you to consider "Alternate 5" in the DEIR report. There are significant options available to make this project work without destroying the safety that we have now on Oak Knoll Road. Thank you for your time.

Sincerely,



Thomas Gang
333 Oak Knoll Road
Ukiah, Ca. 95482

cc: Halstad
Gilbert
Hunt

Response to Letter from Thomas Gang

- 21-1. The opinions that the commentors are against the public road connection to Oak Knoll Road and in favor of Alternative 5 are noted for the record.

11/11/2008

Gail Gilbert
2600 Oak Court Road
Ukiah, CA 95482

RECEIVED
NOV 12 2008
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Frank Lynch, Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah, CA 95482

Re: Garden's Gate Draft Environmental Impact Report

Dear Mr. Lynch:

As a resident of the Oak Knoll subdivision, I am alarmed at the prospect of having the character of our quiet neighborhood sacrificed to satisfy the County Planning Department's and the Transportation Department's definition of "good planning". Oak Knoll was a planned subdivision, and the existence of the neighborhood makes it impossible to retrofit the roads and introduce more traffic without degrading our neighborhood. And you must consider that the DEIR only addresses the traffic and noise impact if the Garden's Gate Subdivision were connected to the Oak Knoll neighborhood but does not acknowledge the much greater impact that will occur when property to the South of Garden's Gate is eventually developed, as is foreseen in the UVAP. It should also be noted that the proposed connection of Oak Knoll and Plant Road will negatively affect residents all along Dora Street who will experience increased noise and traffic on this residential road.

22-1

The Oak Knoll subdivision is a working class neighborhood. The south end of Ukiah is seen by many as being a less-desirable neighborhood to live in due to its proximity to the majority of Ukiah's low-income housing and the notoriety of its neighbors on Laws Avenue. Yet the Oak Knoll area is still a safe and quiet area. I urge all members of the planning commission to protect our neighborhood and adopt Alternative 5 included in the DEIR, thus eliminating both the traffic safety and the noise impacts.

Sincerely,

Gail Gilbert

Gail Gilbert

Response to Letter from Gail Gilbert

- 22-1. The opinion that the commentor is against the public road connection to Oak Knoll Road is noted for the record.

11-07-08

Dear Planning Department,

I'm a 15 year resident of 2380 South Dora. I've seen a lot of changes from Ward's to Bi Lo Market, to Grace Hudson School. Now we have nice sidewalks. I don't think we need a skate park. The skaters love the downhill slope. It's just a matter of time before someone gets hurt. The traffic over the years has gone from little to high traffic. It's also nice we have the dumps down at Plant Road now. We get a lot of untarped garbage along our street. I feel I am back in school doing paper pick up. Back to my subject, a new connector to Oak Knoll would be a very bad idea. South Dora Street is very narrow now with sidewalks and insufficient parking for residents. Two-way traffic would be even more of a problem than it is now at 7:30-9:30 a.m. and 4:30-6:30 p.m. This is a bad alternate route for Gardens Gate Property. We have enough noise and traffic now. I don't think this is very well planned. 23-1

Sincerley,



Richard Gilmore

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NOV 13 2008

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95432

Response to Letter from Richard Gilmore

- 23-1. The opinion that the commentors are against the public road connection to Oak Knoll Road is noted for the record.

November 9, 2008

Frank Lynch, Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah, CA 95482

RECEIVED
NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah CA 95482

Subject: Draft EIR for Garden's Gate Subdivision Project

Dear Frank,

As you know, at the scoping meeting in May, 2007, for the above-named project, we, along with some sixty or so of our Oak Knoll neighbors, expressed our strong opposition to the proposed direct vehicular connection between Oak Knoll Road and the proposed Garden's Gate subdivision, citing the negative impact it would have on the safety, noise levels and overall quality of our neighborhood. At the meeting, we presented you with a petition, signed by approximately 130 neighbors opposing the new roadway.

24-1

In his letter dated May 29, 2007, Chris Stone, representing the developers, acknowledged the neighborhood's widespread and determined opposition and stated that in response he was changing the plan to make the road connection accessible only to pedestrians, bicyclists and emergency vehicles. Later, we discovered that the County's response to Mr. Stone was that if he were to make such a design change the County would withdraw its support of his project.

Since then, the Draft EIR has been completed, and on November 6 it was the subject of an open session discussion by the Planning Commission. To our and our neighbor's dismay, none of us - not even those who would lose a portion of their property through widening of Oak Knoll Road - were made aware of this meeting, despite our obvious concern in the matter. It is incredible to us that this could have been allowed to occur. It is equally incredible to us that the Draft EIR makes no mention of the petition we handed you and Leonard Charles at the May, 2007 scoping session. To our knowledge, the Planning Commission was unaware of the petition until we presented it to them on November 6.

Nevertheless, here are our comments on the Draft EIR:

- "Traffic congestion, traffic safety, and noise impacts associated with providing a new road connection to Oak Knoll Road" are appropriately listed as an "Area of Controversy" in the DEIR (page 32). Presumably this is in reference to the comments at the scoping session and, one hopes, the petition.
- Under "Summary of Major Conclusions" are listed "traffic safety impacts", "loss of vegetation and front yards", and an "increase (of) noise along Oak Knoll Road and South Dora Street". The DEIR points out that "The cumulative impact of traffic generated by the project plus other new traffic would significantly affect noise levels

24-2

24-3

in this residential neighborhood. This would be a **significant and unavoidable cumulative impact.**" (page 33) We would add that, replacing vegetation with concrete and asphalt will result in a loss of rain-water absorption capacity, and will contribute to the already poor drainage in the Oak Knoll neighborhood. This fact should be considered when weighing both the traffic safety and storm-water runoff impacts of the proposed connection.

- The DEIR states that "the project would increase the demand for public services and infrastructure" (page 33). One wonders, when the County is unable to adequately maintain the roads and bridges it has now, with over \$70 million in deferred maintenance to its existing road infrastructure, why it would insist on adding a new roadway connection, with a new bridge, sidewalks and gutters when, as the DEIR correctly points out, the connection (a) is unnecessary (page 249) (b) negatively impacts the existing neighborhood (pages 33 and 35) (c) is strongly opposed by Oak Knoll residents and property owners (page 32 and appendices) and, (d) when the project is "environmentally superior" (page 250) without the connection. 24-4
- Under "Alternative 5 - Conclusions" in the DEIR, which alternative "eliminates new traffic (including cumulative traffic) from accessing Oak Knoll Road and the southern end of South Dora Street", the DEIR correctly states that this alternative "eliminates traffic safety impacts and obviates the need for roadway improvements along Oak Knoll Road", and further, the alternative "eliminates the significant cumulative noise impact" (page 249). We support this alternative relative to the road connection. 24-5
- The DEIR points out that, with eventual development of all the property currently zoned residential between Oak Knoll and Stipp Lane, there would be a *321% increase* in the traffic volume at Oak Knoll and Oak Court Road! 24-6
- *Most importantly*, under "Alternate 5 – Conclusions" the DEIR states that **"this connection is not required to maintain adequate levels of service along roadway sections or at intersections affected by project traffic or cumulative traffic coming from south of the project site."** (page 249) 24-7

At the November 6 Planning Commission meeting, after hearing from several Oak Knoll residents, Chairman Little asked Transportation and Planning staff why they felt the connection was important. Your and Tom Peters' responses were simply that it is "good planning". (Although Tom Peters explained that it was "unfortunate" that the Oak Knoll neighborhood was developed, some 50-60 years ago, without consideration for future development to the south, and that the neighborhood, therefore, with its narrow, winding, sometimes steep streets, blind curves, lack of sidewalks, and with homes and other improvements allowed to be developed close to the existing roadway, is an "obstacle" to the proposed connection.) 24-8

Following these comments Chairman Little pointed out (as, in fact, the petition does) that the connection, and the related thoroughfare through the proposed subdivision, will also have a negative impact on the new neighborhood. Another commissioner expressed his view that narrow, winding streets are more conducive to a pleasant residential neighborhood than is a broad thoroughfare. My neighbors and I couldn't agree more. That's why we chose to live here!

Finally, I would point out that the County's Draft Ukiah Valley Area Plan includes as a goal to "preserve and enhance the small town character and residential integrity of all residential neighborhoods and streets". Implementation Measure CT-11.1.1 of the DUVAP, therefore, is to "Require that development projects mitigate the impacts of traffic on neighborhood character and integrity (and) Consider the use of traffic calming measures (and) alternative project designs."

24-9

To summarize, the proposed connection: would have a permanent and un-mitigatable impact on traffic safety and noise in our neighborhood; will result in the loss of well-established landscaping and other improvements on several existing properties; is contrary to the County's goals for the protection of existing neighborhoods, and for the minimization of storm-water runoff to the Russian River; would place an additional and unwarranted burden on the County's road and bridge maintenance responsibility; and, per the DEIR, *the project is environmentally superior without it*. As was also revealed at the Planning Commission meeting, with eventual build-out to Stipp Lane, there will be several additional egress and ingress routes to Garden's Gate. The proposed connection will create additional traffic safety and noise issues in the to-be-built neighborhoods. As the traffic study reveals, IT ISN'T NECESSARY.

24-10

In conclusion, we respectfully request that the Transportation and Planning Departments heed the Garden's Gate project DEIR, the Draft Ukiah Valley Area Plan and the urging of the Oak Knoll residents and property owners by *neither insisting on nor allowing* the construction of a direct vehicular connection between the new subdivision and Oak Knoll.

Thank you for the opportunity to comment.

Yours truly,

Peter and Gloria Halstad
2550 Oak Court Road
Ukiah, CA 95482
e-mail: p-ghalstad@comcast.net

cc: Chairperson and Honorable Board Members, Board of Supervisors
Mendocino County Planning Commission

Response to Letter from Peter and Gloria Halstad

- 24-1. The opinion that the commentors are against the public road connection to Oak Knoll Road is noted for the record. The public noticing of the EIR hearing is not an EIR issue. The commentor is correct that the summary of the EIR scoping meeting (Appendix B of the DEIR) did not mention that a petition was submitted at that meeting. The petitions submitted at the EIR scoping meeting were not included or mentioned in the DEIR as they relate to residents' opinions about the merits of the project and not the environmental analysis. The petitions have now been submitted to the Planning Commission as part of its consideration of the merits of the project.
- 24-2. The commentor is correct that the DEIR identified concerns with the proposed road connection as a community concern.
- 24-3. The commentor is correct that there would be an increase in peak runoff from improving Oak Knoll Road. However, the increase would be relatively small and would not be expected to result in any measurable increase in runoff or downstream flooding.
- 24-4. The proposed new roadway connection and bridge would be built to current County standards and would likely not require substantial maintenance for many years. The commentor accurately describes the EIR conclusions that the connection is not required for traffic congestion relief and that Alternative 5 is environmentally superior.
- 24-5. The commentors' endorsement of Alternative 5 is noted for the record.
- 24-6. This is an accurate description of the EIR analysis.
- 24-7. This is an accurate description of the EIR analysis.
- 24-8. The commentor's opinions are noted for the record.
- 24-9. The commentor is correct that the roadway connection could be seen as contradicting these draft goal and implementation measure.
- 24-10. The commentor's summary and conclusions are noted for the record. See the previous responses to the issues summarized in this comment.

Glenn Hinoki
383 Oak Knoll Road
Ukiah, CA 95482
10 November 2008

Mr. Frank Lynch, Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah, CA 95482

RECEIVED
NOV 12 2008

Mr. Lynch,

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

I am writing as a concerned homeowner on Oak Knoll Road. I would have attended the hearing on November 6, 2008, but it was held in the morning rather than in the evening. Had the meeting been held in the evening, I am sure a much larger number of concerned homeowners would have been in attendance. Also, please be aware that the notification letter did not publish the time for this November 6 meeting.

The Oak Knoll Road connection will severely impact the health and the welfare of my neighborhood and my home. My wife and I were drawn to this neighborhood because of its rural setting. This proposed connection would certainly destroy the character of this neighborhood. Because of our neighborhood's secluded yet accessibility, many use our neighborhood for quiet walks. These walkers often encounter deer and quails (or even a jackrabbit) that use our neighborhood as a crossing or a home.

25-1

With increased traffic, simply entering and exiting our driveways will be a safety concern, especially those driveways on the other side of the peak (or the curve) on our road. Just north of my home, there is a deer crossing. As to bicycle lanes I understand is proposed... I cannot imagine that the casual bicyclist will be likely ride up from South Dora to the proposed Plant Road on our street. Certainly going downhill will be unsafe.

25-2

Our neighborhood will suffer severe financial impacts, especially during this financially difficult time. The increased noise level and the increased auto and foot traffic, as reported in the EIR, will not only alter the character of our neighborhood, but will remove a major feature that gives our homes value. Our yards will be taken, stripped of mature trees and plants, to accommodate increased traffic. Some households on our street will have difficulty parking their cars on their shortened driveways. The Garden's Gate project will negatively impact our valley's capacity for sewerage and water. The costs of moving, replacing the utilities will be exorbitant.

25-3

Is your department promoting, so resolutely, the Oak Knoll Road connection in order to provide the additional north-south access through Ukiah sought by the county plan? Please do not destroy -- URBANIZE-- my neighborhood for the sake of this access. There would be no need for Oak Knoll Road connection had there been no Garden's Gate project. Hence, Oak Knoll Road would not be part of this north-south access.

25-4

Lastly, were the residents on Dora Avenue informed of this and other consequences of the Garden's Gate project? The Oak Knoll Road connection and the Garden's Gate project will certainly have a serious impact on their neighborhood as well.

25-5

If the county is concerned for new housing, this Oak Knoll Road connection is doing so at the expense of its existing, taxpaying homeowners.


Glenn Hinoki

Response to Letter from Glenn Hinoki

- 25-1. The commenter's concern about the Oak Knoll Road connection is noted for the record.
- 25-2. The commenter's opinion about the likely use of bikelanes is noted for the record.
- 25-3. The DEIR describes the potential road widening on the commenter's neighborhood. It is accurate that this widening would remove vegetation and reduce the length of driveways.
- 25-4. The DEIR assesses impacts of the project on water and sewer facilities and concludes that there is adequate capacity to serve the proposed project.
- 25-5. The commenter's request not to provide public access via Oak Knoll Road is noted for the record.
- 25-6. The County followed its standard public noticing process in notifying the public of the availability of the Draft EIR.

Mary Pat Hinoki
383 Oak Knoll Road
Ukiah, CA 95482
November 10, 2008

RECEIVED
NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Mr. Frank Lynch, Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah, CA 95482

Mr. Lynch,

I am writing to express the overwhelming negative impact of using Oak Knoll Road for the proposed Garden's Gate Subdivision. Therefore I am listing our viewpoint on the importance of preserving our neighborhood.

This area is one of the last remaining rural sections of Ukiah. Oak Knoll Road is an important part of maintaining our environment and saving our neighborhood. On a personal note, I am sickened at the thought of changing our beautiful neighborhood. Visitors often have commented on the untouched rural surroundings and privacy. 26-1

This neighborhood serves as a Wild Life Habitat for deer, quail, rabbits, possums and serves as a bird sanctuary for a wide variety of bird life. After living in the Ukiah City limits, I have come to appreciate the value they add to my life. 26-2

Deer use this area for protection and feed on the wide selection of vegetation. They are regularly seen in our yards and darting across the road (see attachment). Quail in season cross our roads with their young behind them, oblivious to traffic. Due to residents' awareness and low traffic this area remains a safe habitat, where all can thrive.

Losing a portion of our yards is troublesome as our property is small and would further decrease the value in these hard economic times. We would lose length on our driveway, which is important because we only have a one-car carport.

Environmentally there will be a huge loss of a wide variety of natural and transplanted vegetation, bushes and wonderful diverse trees. We cannot afford to lose the beauty and function they supply. 26-3

It is truly perplexing why this connector road would be proposed. Why turn a rural county area into what will be likened to a "City" thoroughfare? I send this with great sadness and concern.

Thank you for your time and consideration.

Sincerely,

Mary Pat Hinoki

Mary Pat Hinoki



Response to Letter from Mary Pat Hinoki

- 26-1. The comment about the character of the neighborhood is noted for the record.
- 26-2. Increased use of Oak Knoll Road could affect wildlife use of the area. However, public use of an existing public street would not be considered a significant impact to wildlife habitat or wildlife.
- 26-3. The DEIR describes the impacts of potential road widening on the commenter's neighborhood. It is accurate that this widening would remove vegetation and reduce the length of driveways.

November 6, 2008

Department of Planning & Building Services
501 Low Gap Road, Room 1440
Ukiah, California 95482

RECEIVED
NOV 10 2008

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Attn: Frank Lynch, lynchf@co.mendocino.ca.us

Re: Garden's Gate Subdivision (#S 3-2005)

We are writing in opposition to the proposed Garden's Gate Subdivision, specifically the secondary access to Oak Knoll Road.

Prior to attending the project scoping meeting in early May 2007, 130 residents signed a petitions opposing the oak road extension through Oak Knoll neighborhood. We then attended the meeting in early May 2007 at the Grace Hudson Community Center and expressed our concern along with at least another 70 residents. Our concern was not specifically with the subdivision but the proposal to divert traffic on to Oak Knoll Road. In order to accomplish the secondary access road, residences including ours will have our front yard taken away with a roadway and sidewalk.

27-1

The DEIR says this Oak Knoll access is not necessary, and Mr. Stone said in a letter dated May 29, 2007 to Mr. Frank Lynch (see attachment I) that he could easily remedy the problem without significantly impacting the project scope and calendar. He would make it an Emergency Vehicle Access only (EVA) and we would request that it be a single lane only, that simple change and reasonable request would solve all of the problems and everyone wins. But the county's response was that the Dept of Transportation would not support his project unless there was the Oak Knoll access road. This attitude towards a specific project is very unprecedented and is of grave concern given the positions county staff has taken with past projects of this stature. You and Mr. Dashiell have commented that this road extension through our neighborhood will help the community, but you and Mr. Dashiell forget "We are the Community", and you have displayed "No Concern" for the impact it will have to our home values and the possible decay or blight to our neighborhood if the County or City of Ukiah do not add additional staff to the Sheriff's Office or Police Department according to the DEIR report.

27-2

According to Mr. Dashiell his job is to move cars, if that is truly his main concern then I hope his main focus and priority will be to address and take care of the 43 critical road segments in the current U.V.A.P that have been on the radar screen for many years with "NO Mention" of an extension through Oak Knoll Rd. We cannot understand why would the County Dept of Transportation supervisor Mr. Howard Dashiell insist on superseding the DEIR, the developer request and willingness to work with the surrounding neighborhood, the Urban Development Plan, and the will of the neighborhood?

Lastly, we want to remind you that per the County draft Ukiah Valley Area Plan (On the Planning & Building Dept website), (Goal CT-11: Preserve and enhance the small town character and residential integrity of all residential neighborhoods and streets. 27-3
Implementation Measure CT-11.1.1: Require that development projects mitigate the impacts of traffic on neighborhood character and integrity. Consider the use of traffic calming measures, alternative project designs.)

Please do not ruin our neighborhood just to accommodate "out of the area developers" whose only reason for doing projects is to make money, not help a community. There are alternative roads available as described in a letter from Mr. Stone to the Planning Department.

Sincerely



Dan & Sharon Hunt
393 Oak Knoll Road
Ukiah, CA 95482

Cc: Jim Wattenburger, Supervisor

ATTENTION OAK KNOLL AND SPANISH CANYON RESIDENTS AND PROPERTY OWNERS!

The deadline for submitting written comments to the County of Mendocino Planning Department regarding the proposed new 200+ home Garden's Gate Subdivision is this Wednesday, November 12. The Draft Environmental Impact Report (DEIR) for the project was presented to the Planning Commission yesterday, November 6. Only four of your neighbors were at that meeting to present their (our) concerns regarding the project – specifically, the proposed direct road connection from the proposed subdivision to Oak Knoll Road.

By way of background, in May, 2007, at a "scoping meeting" for the project at the Community Center next to Grace Hudson School, some 65 of us made clear to the County Planning Department and its consultant, Leonard Charles, our unhappiness with the proposal to turn our safe, quiet neighborhood into a thoroughfare. At the meeting we presented the County a petition, with some 130 signatures, stating our opposition to the Oak Knoll connection.

Within a week after the meeting, the developer, Chris Stone, sent a letter to Frank Lynch of the Planning Department stating that, in light of the neighborhood's obviously strong opposition, he was amending the project to make the Oak Knoll connection suitable for pedestrians, bicyclists and emergency vehicles only. "In this way", the letter states, "the road will enhance public safety in the area and provide residents, walking or riding their bikes, with a calmer and safer route..." He concludes that "This amendment will, I believe, best address the major concern voiced by neighbors about the project." Unfortunately, as we have since learned, the County's response was that if he altered the road connection, the County would withdraw its support of his project. (In other words, the County's response was: "To H--- with the neighbors, the road must go through.")

While, curiously, neither our petition nor Stone's letter - nor the County's response - is included in the DEIR, that document does list: "Traffic congestion, traffic safety, and noise impacts associated with providing a new connection to Oak Knoll Road" as a "main area of controversy" for the project. Further, the Summary and Conclusions portion of the DEIR states that:

"Project-generated traffic would cause traffic safety impacts on Oak Knoll Road and South Dora Street. Widening Oak Knoll Road to accommodate project and cumulative traffic would result in loss of vegetation and front yards (though the area that would be lost is within the County's right-of-way)" (italics added).

and, further, that:

"Cumulative traffic using the new connector to Oak Knoll Road would increase noise along this street, the northernmost block of Oak Court Road, and the south end of South Dora Street...(and)...the cumulative impact of traffic generated by the project plus other projected new traffic would significantly affect noise levels in this residential neighborhood. This would be a significant and unavoidable cumulative impact" (italics added).

The DEIR includes five so-called "alternatives" for the Planning Commission to consider. "Alternative 5" includes:

"Eliminate new traffic (including cumulative traffic) from accessing Oak Knoll Road and the southern end of South Dora Street. This eliminates traffic safety impacts and obviates the

May 29, 2007

Frank Lynch
Planning Department
County of Mendocino
501 Low Gap Road, Room 1440
Ukiah, CA 95482

RECEIVED
MAY 30 2007

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Mr. Lynch

Subject: Garden's Gate Traffic Impacts

After the public scoping session last Wednesday, I considered the comments voiced by many of the neighbors how traffic from the project may potentially impact their neighborhood. It was the main issue raised at the session that I can easily remedy without significantly impacting the project scope and calendar.

Consequently, I am amending the project to close a portion of Plant Road, between Hillside Road and Oak Knoll Road, to public vehicle access by making it an emergency vehicle access (EVA) serving the Garden's Gate Subdivision. This section of road would be closed by removable bollards to allow emergency vehicles to pass and to provide an evacuation route through or out of the neighborhood. The design of the roadway would remain as proposed and it will continue to be available to pedestrians and bicyclists. In this way the road will enhance public safety in the area and provide residents, walking or riding their bikes, with a calmer and safer route who might otherwise have to use South State Street. This amendment will, I believe, best address the major concern voiced by neighbors about the project.

In addition, this amendment should substantially reduce the scope of the traffic analysis proposed by Crane and Associates. With the EVA in place, it should no longer be necessary to expand the traffic analysis to include the extension of Hillside Road to Stipp Lane. It is my expectation that the cost and time to prepare the proposed traffic study will be substantially reduced as a result of the amendment.

Please give me a call if you have any questions.

Thank you,


Chris Stone
Applicant

ATTACHMENT T

Letter from Dan and Sharon Hunt

record.

comment about public access via Oak Knoll Road is noted for the record.

commendation

comment regarding the Department of Transportation's position on the
to Oak Knoll Road is noted for the record. The comment does not ask
questions regarding the DEIR, so no additional response is possible. The
contain a full analysis of the possible impacts of creating this roadway

has not been adopted by the County. However, if the cited goal and
connection measure were adopted, the connection would be inconsistent.
The project may be consistent with other Draft UVAP goals or policies
providing alternate north-south routes through the valley.

Joanne Lanz
170 Gobalet Lane
Ukiah, CA 95482
November 6, 2008

Frank Lynch, Project Planner
Mendocino County Department of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Re: GARDEN'S GATE SUBDIVISION - Draft EIR

Dear Mr. Lynch,

I would like to express some thoughts relative to the above mentioned document.

First, a bit of history. This particular property has been profitably sustained in agriculture for more than 75 years. In 2001 "outside money" entered the scene aiming to change our landscape and enrich their pockets. They have the audacity to tell us what we need to do to "improve" our county. The shortsightedness of two individual residents enabled the "outside money" to develop this disastrous plan for our county. 29-1

In reviewing the DEIR I was pleased to read there are six project alternatives listed on pages 23 - 29. Alternative #1 **NO PROJECT** is my overwhelming choice. It is the only environmentally superior alternative and as we know, the physical and aesthetic preservation of our environment must be our first and foremost consideration. 29-2

I also have specific concerns about the following:

a. **The roundabout.** This is an accident waiting to happen. From Crescent City to SF, I know of no freeway exit from scenic 101 where one exits and comes upon a roundabout in less than 700 feet. This impacts Waste Management trucks, lumber trucks, and other huge hauling-type trucks that could back up traffic onto the exit. Also, how does this effect the access to and from Gobalet Lane? I do not believe this is adequately addressed. 29-3

b. **Obstruction of present view.** Building two and three-story structures on the north side of the project will create a very significant impact. This scenic and peaceful approach to Ukiah has historically been open or agricultural space, not an immediate view of suburban sprawl. One's first impression of Ukiah will now be a pristine landscape spoiled by an ill-placed, poorly conceived housing project. I also object to the fact that Mendocino County accepted this change when rezoning the parcel, even though none of the Gobalet Lane residents where notified or consulted. 29-4

c. **Increased traffic flow in the area.** Approximately 300 -400 additional vehicles will be housed in this project. This creates not only additional pollution, but also increased congestion in the area as these people go to work, school, and shopping. 29-5

d. **Lack of near shopping facilities.** At one time we were told the State Street area of the property would be designated for a natural food store and other small shops. Now this 5 A. parcel has been eliminated from the project and is presently for sale. This is the same 5 A parcel shown on your View 1, "Looking from South State Street and Gobalet Lane proposed with landscaping". Please correct this obvious error. 29-6

e. **Viewpoint key map, facing p. 185.** The length of Gobalet Lane shown within the project boundary is wrong. Please adjust. 29-7

Thank you for considering my comments on the DEIR.

Sincerely,

A handwritten signature in cursive script that reads "Joanne Lanz". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Joanne Lanz
170 Gobalet Lane
Ukiah, CA 95482
462-9188

Response to Letter from Joanne Lanz

- 29-1. The introductory comment is noted for the record.
- 29-2. The commenter's recommendation is noted for the record.
- 29-3. The DEIR assesses the roundabout on pages 130 through 131. Residents living along Gobalet Lane would be unable to turn left onto South State Street on left from South State Street to Gobalet Lane. However, residents wishing to travel north on South State Street have two options: use Sorrel Street within the internal street system of the project to access Plant Road and access South State Street at the roundabout, or turn south (right) on South State Street and proceed around the turnabout to head north. Southbound drivers on South State Street wishing to access Gobalet Lane can turn into the project and then access Gobalet Lane at Sorrel Street on the project site. This would pose an inconvenience for residents along Gobalet Lane, but the inconvenience is not significant. In addition, accessing South State Street from the Plant Road intersection would be safer than from Gobalet Lane. Finally, the portion of Gobalet Lane accessing South State Street is part of the project site.
- 29-4. The DEIR discusses effects on views from Gobalet Lane on pages 186 through 187. The commenter is correct that the project will substantially change views from this area. The area was zoned for suburban development decades ago. It is designated Suburban Residential in the existing County General Plan.
- 29-5. The DEIR assesses traffic congestion on pages 134 through 137. It is accurate that the project will increase traffic on local streets.
- 29-6. The commenter is correct that View 1 does look across this five-acre parcel to the developed part of the site. The "Proposed" photo-simulation accurately shows project buildings to the west of this five-acre parcel. The next view that includes landscaping shows the landscaping scheme proposed by the applicant (who also owns the five-acre parcel). That landscaping scheme does include the simulated plantings along the south side of Gobalet Lane.
- 29-7. The cited map is intended solely to show where photos were taken from. The accurate depiction of how much of Gobalet Lane is part of the project site is shown on Figures 2 through 4 in the DEIR.

FRANK LYNCH PLANNING DEPT. COUNTY OF MENDOCINO
I VE OWN THESE PARICIAL SINCE 1969 & 1986
PROPERTY AT 2725 OAK CT RD
AND 177 MEADOWBROOK DR. IN UKIAH CA. 95482
Donald LeBoa Brenda LeBoa.

Would like PROJECT to go out 30-1
Gobahet To South STATE STREET
main ROAD VIEW #ONE, OR BOONVILLE ROAD 253

Not OAK KNOLL ROAD AND OAK CT RD.

would be way too much TRAFFIC FOR
THE LITTLE WINDING ROAD GOING OVER TO PROTE.

510 6328287

RECEIVED
NOV 12 2008
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Response to Letter from Donald and Brenda LeBon

- 30-1. The recommendation about what access should be approved for the project is noted for the record.

Walter & Shirley Madison
293 Oak Knoll Rd.
Ukiah, CA 95482
November 7, 2008

Frank Lynch
Planning and Building Services Dept.
501 Low Gap Road, Room 1440
Ukiah CA 95482

RE: Garden's Gate Subdivision

My husband and I are concerned about the Garden's Gate Subdivision and the possibility of a direct road connection from Oak Knoll Road to that subdivision.

31-1

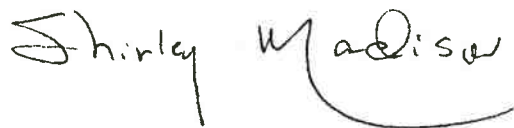
Through the years, our traffic has increased dramatically, as a result of new home construction (Spanish Canyon). Few drivers observe the 25 mph speed limit. Safety is a factor!

As is stands, the south portion of Oak Knoll Rd. needs work, much work. Additional traffic would create further havoc on a road, already in need of repair (sealing etc.)

Most driveways, on Oak Knoll, force us to back out. Our view is extremely limited. We certainly do not need additional traffic, compounding an existing problem.

We strongly urge you to reconsider the possibility of a direct road connection from Oak Knoll Road to that subdivision.

Walter & Shirley Madison



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BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Response to Letter from Walter and Shirley Madison

- 31-1. The concern about public access via Oak Knoll Road is noted for the record. The recommendation about what access should be approved for the project is noted for the record.

Michael and Holly Maynard

(707) 463-8367 • mjmaynard@sbcglobal.net • 153 Oak Knoll Rd, Ukiah CA 95482

November 8, 2008

Frank Lynch, Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah CA 95482

Mr. Lynch,

I have to take this opportunity to express my concern regarding the proposed Garden's Gate Subdivision. I am concerned that this project will adversely affect the traffic on Oak Knoll primarily on my block, between State Street and South Dora.

There already exists a traffic issue on this section of Oak Knoll. Over the past few years, beginning when Grace Hudson School opened, traffic has significantly increased on the narrow residential road. Traffic uses Oak Knoll to access State Street from the neighborhood north of the Oak Knoll community. Vehicles ignore the stop sign at the intersection of Oak Knoll Road and South Dora. Vehicles are traveling at forty-five to fifty miles an hour through our neighborhood.

32-1

As a result to changes to the traffic in my neighborhood, it had made my front yard off limits for my children and pets due to the speeding vehicles. I am concerned for the numerous residents, especially the children that walk the streets of our neighborhood. There are no sidewalks or adequate space to ride bikes, walk with my family or walk my dogs. It is only a matter of time until there will be an accident involving a pedestrian.

With that said, using Oak Knoll Road for a new connector to the Garden's Gate Subdivision will make the traffic and speeding even worse in front of my house. It will negatively impact the traffic safety for all residents. The cumulative effect of existing traffic and the significant additional traffic attributed to the Garden's Gate Subdivision would be unbearable. There are a variety of alternatives that do not affect an existing community.

32-1

Mr. Lynch, please do on approve this project and risk the residents and increase the traffic congestion.



Michael Maynard

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BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Response to Letter from Michael and Holly Maynard

- 32-1. The commenters' observations about existing traffic safety along Oak Knoll Road is noted for the record. The project would increase traffic along this road. However, the project would include a new sidewalk connection through the neighborhood, which would partly address existing safety problems.
- 32-2. The concern about public access via Oak Knoll Road is noted for the record. The recommendation about what access should be approved for the project is noted for the record.

November 12, 2008

Frank Lynch, Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah, CA 95482

Dear Mr. Lynch,

My husband, Glenn, and I strongly oppose the planned road connection from the proposed Garden Gate Subdivision to Oak Knoll Road.

33-1

Chris Stone has already agreed with area residents that such a road and intersection would be problematic for the neighborhood.

Many area residents jog and walk, with and without their pets and children, along Oak Knoll and by my home on Spanish Canyon. We are very concerned about their safety at this proposed intersection at a curve on a narrow section of Oak Knoll.

We agree with Robert Bruce that an entrance/exit onto Hwy 253 would be a much safer alternative and a more direct and less congested route in case of fire or other emergency.

We are depending on you for a sensible solution.

Yours truly,



Patty Morgan

Response to Letter from Patty Morgan

- 33-1. The concern about public access via Oak Knoll Road is noted for the record. The recommendation about what access should be approved for the project is noted for the record.

Frank Lynch Acting Director
County of Mendocino Planning Dept
501 Low Gap Road
Ukiah CA 95482

34-1

We are writing to strongly oppose the 200+ "Gardens Gate Subdivision"; - Specifically the proposed direct road connection, from the proposed subdivision to Oak Knoll Road.

We have lived on Oak Court Road for thirty-seven years, and ^{have} seen the gradual deterioration of the conditions of Santa Rosa & Oak Court Road surface due to increased traffic. More traffic in this area can only increase the problem, which obviously the County doesn't have resources to repair.

The "direct road connection" would seriously impact our quiet, safe, neighborhood, definitely adding noise and traffic endangering our children & many pedestrians. I hope the Planning Dept. will please take our concerns seriously.

Frank H Noye

~~Frank H Noye~~

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NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Barbara S Noyes

Barbara Noyes
2400 Oak Court Rd
Ukiah CA

Response to Letter from Frank H. Noyes and Barbara J. Noyes

- 34-1. The concerns about public access via Oak Knoll Road and noise are noted for the record.

Kevin & Elizabeth Orr
461 Oak Knoll Road
Ukiah, CA 95482

November 12, 2008

Frank Lynch, Acting Director
County of Mendocino Planning Dept.
501 Low Gap Road
Ukiah, CA 95482

Dear Mr. Lynch,

It has been my opinion that the proposed use of South Dora Street and Oak Knoll Road to provide access to the Garden Gate subdivision is flawed. 35-1

I first voiced my concern to the applicant, Chris Stone in 2005 when he spoke to me about the project. I mentioned all the reasons including traffic congestion and safety issues as well as the impact of noise, exhaust, and lights from vehicles.

He told me that it was the "County's problem" to address those issues particularly the lack of sidewalks on an existing narrow road.

The residents in our neighborhood will tell you that one of the most significant reasons they live here is because we are isolated from the noise and traffic of Ukiah Valley and thus enjoy a tranquil setting. The residents here have had reasonable expectations that would not change nor would the County require access to a major subdivision right at our doorstep.

Furthermore, Mr. Stone has told me that a road and elevated bridge will be built on my eastside property line. My house sits approximately 300 feet below where Oak Knoll Road and Spanish Canyon Road intersect. Because of my location and distance from the street, vehicular noise and lights are not a great issue. I enjoy a great sense of privacy that is unique to this property. If the new road and bridge are built, this will change dramatically. 35-2

Vehicular noise and exhaust will now be within 100 feet of my bedroom. Not to mention the lights from the cars that will "rake" my house as they turn down the new thoroughfare.

So now I face the prospect of seeing an elevated roadway obstructing my view to the east. My privacy will be greatly reduced and all the key features of my property as a "tranquil country setting" will be negatively impacted. This would obviously diminish my property values.

Mr. Stone told me the new road and bridge would mostly serve pedestrians and bicyclists. This statement was disingenuous at best.

At the "scoping meeting" for the project in May 2007, Howard Dashiell, head of Mendocino County Transportation Department, told me that "if this road doesn't go through I will have to recommend against this project." Apparently the County reached its position even before the D.E.I.R. 35-3

I strongly oppose the use of South Dora and Oak Knoll Roads and the building of a bridge to the Garden Gate subdivision. I believe it is the applicant's and the County's responsibility to find another solution and should not be the burden of the residents and taxpayers of our tiny neighborhood.

Sincerely,

A handwritten signature in black ink that reads "Kevin & Elizabeth Orr". The signature is written in a cursive, flowing style.

Kevin & Elizabeth Orr

Response to Letter from Kevin and Elizabeth Orr

- 35-1. The concerns about public access via Oak Knoll Road and noise are noted for the record.
- 35-2. The commenters are correct that the project will affect views from their home and that there will be increased noise. The visual impact on their home is explicitly mentioned on page 187 of the DEIR. While these changes will be evident to the commenters, the impacts, after implementation of recommended mitigation measures, do not rise to the level where they would be considered significant.
- 35-3. The concern about public access via Oak Knoll Road is noted for the record.

To: The County of Mendocino Planning Department
Frank Lynch, Acting Director
501 Low Gap Road
Ukiah, Ca. 95482

RECEIVED
NOV 12 2008

From:
Dennis and Sandra Parks
203 Oak Knoll Road
Ukiah, Ca. 95482

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Re: Garden's Gate Subdivision

It has come to our attention that you are still wanting to turn Oak Knoll Road into a road to 36-1
connect to the new subdivision, Garden Gate. Oak Knoll Road is already a very busy road.
It has many walkers, runners and people riding bikes. This would turn this quiet kid friendly
neighborhood into a major headache for all the people that call this neighborhood home.

I always thought that new developments would have their own entrance and exit provided for
the people that would call this their home. Why do we need to make another road for them?

Oak Knoll Road should only be used as an emergency for this new housing area. We live on
the corner of Oak Knoll Road and Oak Court Roads. The noise would be awful and it would
make it much harder to get out of our driveways. There are many children playing in the
streets here and this would create an unsafe condition. Please reconsider this decision.

Please **Do Not make Oak Knoll Road** an extension of the new Garden Gates Subdivision!

Thank You for your help in getting this done for our neighborhood.

Dennis Parks
Sandra Parks

Dennis & Sandra Parks
203 Oak Knoll Road
Ukiah, Ca 95482

462-6323

Response to Letter from Dennis and Sandra Parks

36-1. The concern about public access via Oak Knoll Road is noted for the record.

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NOV 12 2008

November 11, 2008

BY
PLANNING & BUILDING SERVICES
Kent Porter and Cyndi Smith-Porter
1341 Oak Knoll Road
Ukiah, CA 95482
707-462-8548

Frank Lynch, Acting Director, County of Mendocino Planning Department
501 Low Gap Road
Ukiah, CA 95482

Dear Mr. Lynch,

We write you regarding Mendocino County's proposal to connect Oak Knoll Road with the planned Garden's Gate subdivision. 37-1

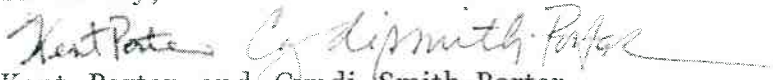
We have lived on the upper portion of Oak Knoll Road for over thirty years. When we first moved up on the hill, there was no stop sign at the base of Oak Knoll where it merges with Spanish Canyon Rd. Because of the danger of that blind intersection, the county decided to put stop signs on both roads about twenty years ago.

Now, the county proposes to add fuel to the fire by adding another blind intersection just a few feet away. We think that that is extremely dangerous public policy. Not only are we very concerned about the increased danger that this new intersection might pose to the public, but as taxpayers, we question the county's logic. Why are you openly advocating that the new road be required in order for the planned development to proceed? Surely, such a position will expose our county to a lawsuit when the inevitable accident occurs on that blind curve.

We are also confused why the county seems to want to arbitrarily alter the atmosphere of an already established neighborhood in order to "grease the skids" for a new development. Why not require the developer to come up with another exit for his project? In fact, we have been told that the developer himself has agreed with the residents' proposal that any new connection be limited to pedestrians, bicyclists and emergency vehicles only. Why is the county insisting, then, that a regular road be built, a road through which hundreds of cars would flood the lower Oak Knoll, Oak Court and South Dora Street areas on a daily basis? If the goal is to improve the flow of traffic and take cars off of already overburdened streets, then you should redirect that traffic to the freeway. 37-2

We hope that better sense will prevail.

Sincerely,


Kent Porter and Cyndi Smith-Porter

cc Mendocino County Supervisors

Response to Letter from Kent Porter and Cyndi Smith-Porter

- 37-1. The DEIR assesses the traffic safety impact of the new intersection on pages 131 through 134. The new intersection would meet roadway design guidelines. The County will consider whether to approve public use of this new street.
- 37-2. The commenters' opinion about road access is noted for the record. It is our understanding that the County Department of Transportation seeks an alternate north-south route through the valley on the west side of Highway 101. The County will determine whether the access via Oak Knoll Road will be open to public use.

Elaine Richard
100 Gobalet Lane
Ukiah, CA 95482

November 2, 2008

Frank Lynch, Project Planner
Mendocino County Department of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Re: **Garden's Gate Subdivision** (#S 3-2005); comments on draft EIR

Dear Mr. Lynch,

The following are my comments and concerns relative to the above Project:

1. **Loss of Farmlands**; conversion of Prime Farmland and Unique Farmland to non-agricultural uses. 38-1
 - a. Despite previous County action to re-zone this farmland to RR, I object to the conversion of this farmland to other uses. Our valley needs to retain farmland.
2. **Views from the North** (p. 186)
 - a. The change in views is considered **POTENTIALLY SIGNIFICANT IMPACT** because it is going to create a "WALL" (this is the DEIR wording) of a three-story building and several two-story buildings. The structures will block all views to the South, and much of the sky. It is inappropriate to have this style of residence along what has been a country lane lined with ranch-style, single-story homes. 38-2
 - b. I object to the wording that "the County has accepted this change in views when designating the site...for residential development" in that same section of the DEIR. It is highly unlikely that the County was visualizing two and three-story structures when the property was rezoned in 1984. 38-3
3. **Density waiver for low-income housing**
 - a. I object to the low-income housing proposed density waiver. The adjacent property along State Street is zoned for low-income housing already. The higher density permitted with the waiver the developer is requesting will create urban-like density in a part of the valley that is extremely low density. It will be like building a little city on the south end of the valley. We need to in-fill our urban core- not build another dense development. 38-4

- b. In addition to the above reason, I object to adding low-income housing to the development because there is already a large amount of low-income housing on the South end of the valley. Overloading this part of the community with low-income housing will adversely affect all neighbors and businesses in the area. 38-5
- 4. **View 1 Looking from S. State Street and Gobalet Lane** – proposed with landscaping (between pp 185 and 186) 38-6
 - a. This view is deceptive. The property in this view – showing a park of trees – is not in the plan area. It (the park of trees) is zoned for low-income housing and is not included in the proposed subdivision.

Thank you for including my comments for consideration as the DEIR process goes forward.

Sincerely,

Elaine Richard

Cc: County Planning Commission

Response to Letter from Elaine Richard

- 38-1. The opinion about loss of farmland is noted for the record.
- 38-2. The opinion about the project's visual impacts is noted for the record.
- 38-3. On page 186, the DEIR states that the County accepted changes in views when designating the site for residential development. The DEIR proceeds to state that nevertheless the DEIR considers this a potentially significant impact because of the "wall"-like nature of the buildings. The DEIR provides mitigation to require design review and allow the County to require changes to the project. If the County believes that two-story and one three-story buildings are inappropriate along Gobalet Lane, then the County can require changes to the project during design review.
- 38-4. The commenter's objection and opinions about the density of the project are noted for the record.
- 38-5. The commenter's opinion about the effects of low income housing are noted for the record. The applicant actually proposes to construct 36 moderate income units. Moderate income is defined as between 80% and 120% of the County's median income for a family.
- 38-6. See Response 29-6 regarding this same comment.

FRANK LYNCH
ACTING DIRECTOR
MENDO. CO. PLANNING DEPT.

RECEIVED
NOV 10 2008
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

DEAR SIR -

39-1

I HAVE GREAT CONCERN OVER THE
PROPOSED DIRECT ROAD CONNECTION FROM
A NEW SUBDIVISION TO OAK KNOLL ROAD.

MANY OF THE HOME OWNERS ON OAK
KNOLL ROAD PURCHASED THEIR HOMES WITH
KNOWLEDGE THAT WE WOULD HAVE A
QUIET NEIGHBORHOOD WITH NO THROUGH
TRAFFIC AND NO SPEEDING CARS.

THERE IS VERY LITTLE POLICE PRESENCE
IN THE OAK KNOLL AREA NOW AND THERE
IS SOME SPEEDING AND ONLY ABOUT ONE
HALF OF THE TRAFFIC STOPS AT THE FOUR
WAY STOP AT SOUTH DORA AND OAK KNOLL.

IF POLICE PRESENCE DID NOT IMPROVE,
AND I DON'T THINK IT WILL, THEN THINK
WHAT WILL HAPPEN IF WE HAVE AN ENTIRE
SUBDIVISION USING THIS STREET AS

THEIR MAIN ACCESS.

PLEASE CONSIDER THE WISHES OF
THE HOMEOWNERS OF THE OAK KNOLL AREA
AND DIRECT THAT THE NEW SUBDIVISION
BE CONNECTED TO SOUTH STATE STREET
WHICH IS NOW A MAIN THROUGH STREET.

THANK YOU,

GEORGE ROBERTS

212 OAK KNOLL RD.

UKIAH, CA

Response to Letter from George Roberts

- 39-1. The observations of existing traffic violations and police presence are noted for the record. The project would increase traffic. It cannot be predicted whether people from the project or points south will obey stop sign laws. The commenter's opinion about the proposed roadway connection is noted for the record.

Frank Lynch, Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah, CA 95482

November 12, 2008

Re: Garden's Gate DEIR

Dear Mr. Lynch:

My name is Berry Robinson and I reside at 2717 Oak Court Road, Ukiah, CA 95482. My 40-1 wife, Olivia, and I are strongly opposed to the planned Garden's Gate Subdivision as described in the DEIR. Specifically, our objections have to do with the proposed direct road connection from the proposed subdivision to Oak Knoll Road.

Our Street, Oak Court Road is an extension of South Dora and would be considered one of the smaller "feeder" streets between Oak Knoll and South State. Our street is not equipped to handle the increased vehicular or pedestrian traffic flow this subdivision presents. There are no curbs or sidewalks for pedestrians and the road is narrow two-lane road that has a ninety degree turn one-half block to the south of our home. The only way to safely negotiate this turn is to slow to ten (10) MPH and use the large mirror located at the curve. Any increase in traffic will make the street even more unsafe. In addition, the pavement is uneven (at least in front of our house) and in need of repair. Without improvements and a redesign of the road, our street simply cannot support the increased traffic.

If the County insists on a second access road in and out of the subdivision, then I suggest a second entrance on South State or to the south rather than thru the Oak Knoll area.

Thank You.

Sincerely,



Berry Robinson

Response to Letter from Berry Robinson

- 40-1. The concern about public access via Oak Court Road is noted for the record. The recommendation about what access should be approved for the project is noted for the record.

RECEIVED
NOV 12 2008



10-10-08

BY ~~PLANNING & BUILDING SERVICES~~
UKIAH, CA 95482
Frank Lynch, Acting Director
Co. of Mendocino Planning Dept.
501 Low Gap Rd
Ukiah, Ca. 95482

Re: Garden Gate Subdivision
Proposed direct road from the proposed
subdivision to Oak Knoll Road

This proposal will have a negative impact on traffic trying to access South State Street going both North and South. At the present time it is often hazardous to leave Oak Knoll to get on to State as traffic heading for the two ^{freeway} ramps is fast and often heavy. Also we have a sample of what more traffic coming down Oak Knoll would be — right here at the corner of Fairview Court and Oak Court. Cars come down the hill on Oak Court to Oak Knoll and do not slow down or give right-of-way to residences coming from Fairview ^{across street} Ct.

None of the alternative suggestions are satisfactory. Do not ruin this residential area. We are only 1/2 mile from school.

Edris Robinson
275 Fairview Pt

Response to Letter from Edris Robinson

- 41-1. The observations of existing traffic problems are noted for the record. The concern about public access via Oak Knoll Road is noted for the record.
- 41-2. The opinions are noted for the record.

2370 S Dora St
Ukiah CA 95482
November 8, 2008

County of Mendocino Planning Department
501 Low Gap Road
Ukiah CA 95482

Dear Frank Lynch:

As a resident of the Oak Knoll Area, I am writing regarding the Garden's Gate Subdivision to 42-1
urge the Planning Department to accede to the wishes of the community, the developer, and the
draft EIR to NOT have a direct road connection from the development to Oak Knoll Road.

As a Nurse Case Manager for a local non-profit, much of my workday is spent visiting clients in
their homes in and around Ukiah. It is always striking how different traffic patterns are in those
neighborhoods where there is limited access to main roads: not only is there less car traffic, but it
tends to be moving at a slower pace. This is in marked contrast to streets like Dora closer in to
town, Oak, Pine, etc that, even though they parallel State, seem to be used as alternate cross-town
routes with a lot of traffic going too fast.

It is a rare phenomenon to achieve consensus among the community, the developers, and most 42-2
branches of the government. But the overwhelming message seems to be : Alternative 5 of the
draft EIR is a safe alternative that keeps costs down and preserves the residential character of our
neighborhood and per the draft "is environmentally superior to the proposed project."

I've been talking with my neighbors and I know the reality is most of them won't take the time to
write a letter. But folks really are concerned.

Again, I urge you to heed the voices from all sides that agree: a direct road connection from
Garden's Gate to Oak Knoll Road is NOT a wise choice.

Thank you for your attention in this matter. Please include me in any notices of meetings or other
actions on this issue or others pertaining to the Garden's Gate Subdivision.

Sincerely yours,


Janet Rosen

Response to Letter from Janet Rosen

- 42-1. The new connection would be a heavily used alternate north-south route. The impacts of the increased traffic on local neighborhoods are assessed in the DEIR. Also, the commenter should note previous comments from local residents about existing traffic safety problems in the area.
- 42-2. The opinion about the preferred alternative is noted for the record.

Ukiah
Planning dept.

Oct. 11, '08

We are stating our abjection & unhappiness 43-1
at trying to ruin our quiet neighborhood
with an "extension" of Dora to a subdivision
of unknown numbers of people. houses. Cars -
bicycles etc - etc - etc -

Why don't you ever listen to the people
affected by your "plans". You didn't
listen to the people on Oak Knoll Rd when
you approved the monstrosity they put up -
a Two story something that has ruined
peoples view as well as having to look at
whatever its supposed to be. (Looks like a Hay Loft)

This has been a good neighborhood & we would
like to keep it this way - No more Traffic -
They can use "State Street" much easier to the
"new subdivision" -

I object to your attitude "to hell with the neighbors"
the road must go thru !

Mary & Patricia Ross
Oak Knoll

Response to Letter from Floyd and Patricia Ross

- 43-1. The concern about public access via Oak Court Road is noted for the record. The opinion about another home recently constructed in the area is noted for the record. The recommendation about what access should be approved for the project is noted for the record.

November 9, 2008

Mendocino Planning Dept.
501 Low Gap Road
Ukiah CA 95482

To The Planning Department,

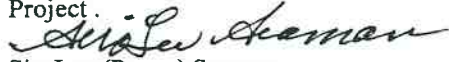
I understand you had another meeting on the Garden's Gate Subdivision and did not notify any of the neighbors in the Oak Knoll Area about the meeting. To most of us it was not in the paper or on the radio. I have lived here on Oak Knoll Road for 50 years and this has always been a "Family" neighborhood with kids being able to play in the street- not any more. Cars now, race down the street killing many animals and almost killing a child. AND you want to route 200 plus home owners cars down this street? That means there will be at least three times more cars traveling this street. The pollution of noise, traffic congestion and traffic safety would be terribly unsafe for all. And the smell of the fumes added to the horrible pot smell we now put up with would be unbearable!!

44-1

The Oak knoll Area was not on the lists describing seven separate conceptual road extensions and other improvements that the county was seeking in 1981, so why is it now ?

44-2

I for one, am against this new proposal of making Oak Knoll Road the main road for this Garden's Gate Project.


SiroLee (Penny) Seaman
92 Oak Knoll Road
Ukiah, Ca

RECEIVED
NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Response to Letter from SiroLee (Penny) Seaman

- 44-1. The concern about public access via Oak Court Road is noted for the record.
- 44-2. The County Department of Transportation believes that an alternate north-south route west of Highway 101 would be desirable to relieve congestion and to provide an alternative emergency response and evacuation route.

11-9-08

Mr Lynch

We want to let you know that 45-1
we are very opposed to the direct
road connection through Oak Knoll
for the new subdivision.

We love our quiet neighborhood
and don't want it to become a throughfare.
Please don't let this happen.

We have lived in Ukiah forever and
we don't want to see some big developer
come in ruin our neighborhood then
leave.

Mary - Sharon Smith
2751 Oak Court Road
Ukiah, Calif 95482

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NOV 10 2008

BY
PLANNING & RESEARCH SERVICE

Response to Letter from Gary and Sharon Smith

45-1. The concern about public access via Oak Court Road is noted for the record.

Tina Smith
422 Oak Knoll Road
Ukiah, CA 95482
(707) 621-0641

November 12, 2008

Frank Lynch
Interim Director of Planning and Building
501 Low Gap Road, Rm. 1440
Ukiah, CA 95482

Re: Garden's Gate Proposed Site

This letter serves has just a small portion of my concerns over the proposed Garden's Gate Housing Project. The proposed site has a direct impact on my neighborhood, but more importantly my house and property. 46-1

I have a brand new home and 40 foot built in swimming pool that with any cutting of the hill slope will have a direct impact on the infrastructure of my house and swimming pool, which is supported by the hill slope. This compromises my home without an adequate supported retaining wall which would cost anywhere from \$70,000 or more.

The fact that the EIR was submitted without the biological information is of great concern, as this would have a great bearing on the location and any habitats that maybe disturbed. 46-2

I also have concerns regarding the Caltrans Airport Land Use and the fact the proposed site is in Safety Zones 2 & 6. The Mitigating Measures on pages 76 and 77 of the EIR report discuss the "Unstable Slopes and Soils" all which are located on my hill slope. 46-3

There is also the concern of any pesticide use that may have been used in the vineyards (proposed housing site) and any potential risk to human health. 46-4

Then we get to the cutting of the roadway to install sidewalks and increase the size of the road to accommodate the added traffic. This is just absurd. The cutting of the hill, the construction of the roadways, the taking of individual's yards, is just opening up legal issues. 46-5

We the individuals in the Oak Knoll Road area are not against the housing site, just against the disturbing of our peaceful, tranquil neighborhood.

This is probably the most important question of all – Who exactly is paying for the construction of the roadway, the sidewalks, the removal of soil and the bringing in of fill soil? Who will bare this cost? The residents of Oak Knoll Road? The County? The City? Who? 46-6

There are too many unknowns at this time for this project to be approved. I stand with my neighborhood in stating that we are not opposed to the project, **just opposed to the fact that over 20 homes will be impacted due to one developer and his backers.** My question to you is simple, what gives this developer more rights to my property then me? 46-7

Thank you for taking the time to read my letter and hopefully understand our concerns.

Sincerely,

Tina and Don Smith

Response to Letter from Tina and Don Smith

- 46-1. The project would not result in damage to improvements on adjacent lots. If that were to occur, the applicant would be liable for damages created by development of the project.
- 46-2. The DEIR contains an assessment of biological resources and impacts to those resources.
- 46-3. See Response 3-1 regarding airport zoning. See Response 46-1 about slopes and impacts to the commenter's property.
- 46-4. See Response 5-1 about potential toxic pollution of the site.
- 46-5. The opinion about the project is noted for the record.
- 46-6. The applicant would pay for the sidewalk and the roadway on his property. The applicant and other future developers would pay for roadway widening on Oak Knoll Road.
- 46-7. The opinion about the project is noted for the record. Any roadway widening would be within the County's existing right-of-way on property that actually does not legally belong to the property owners who are occupying that right-of-way.

Frank Lynch
Acting Director
County of Mendocino
Planning Dept.

11/11, 2008

Any direct road connection from the
proposed Garden's Gate subdivision to Oak
Knoll Road, my wife and I would be
opposed too.

We would also oppose any road connection
or alteration to Oak Court Road and South
Dora street.

The Draft Environmental Impact Report was
presented to the Planning commission on Nov. 6th,
2008. Few people were able to attend which
doesn't reflect the concerns of the neighborhood.

The unhappiness with the unsafe proposal to
turn our safe neighborhood into a thoroughfare -
in addition to the property loss, is opposed
by the majority of our neighbors.

Sincerely,
Al & Harriet Snarst
Al & Harriet Snarst
real m... ..

Response to Letter from Al and Harriet Snarsk

47-1. The opinion about the road connection is noted for the record.

Frank,

48-1

My wife & I are objecting to the development of this subdivision. There seems to be quite a few options to the plan that you seem to be forcing upon us as a community. The option of not dumping the through traffic onto Oak Knoll Rd. is among the foremost. The density of the development is another. Too many variances have been given with no explanation.

If the connection to Oak Knoll Rd. can not be changed, then we feel the county should withdraw their support of the development.

Thank You,

Charles & Darlene Thomson

Response to Charles and Darlene Thomson

48-1. The opinions about the road, density, and variances are noted for the record.

November 10, 2008

RECEIVED
NOV 12 2008

**Frank Lynch, Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah, CA 95482**

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Re: Garden's Gate Subdivision

Dear Mr. Lynch,

Regarding the above referenced project I feel very strongly that this development would be very detrimental to this neighborhood.

49-1

The proposed road connection from the subdivision to Oak Knoll Road is certainly not in our best interest. Since the county is not open to changes proposed by the developer, I feel that the entire projected development should be scrapped.

Currently Oak Knoll Road is fairly heavily trafficked. This is a neighborhood of families with children, many of whom walk to the Grace Hudson School on South State Street. This could create another problem with the increased traffic.

Sincerely,

Ms. Billye Turk
Ms. Billye Turk

**74 Fairview Court
Ukiah, CA 95482**

707 462-3546

Response to Letter from Billye Turk

49-1. The opinions about the road and the project are noted for the record.

Kirk Van Patten
2600 Oak Court Road
Ukiah, CA 95482

RECEIVED
NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

November 11, 2008

Mr. Frank Lynch, Acting Director
County of Mendocino Planning Dept.
501 Low Gap Road
Ukiah, CA 95482

Dear Mr. Lynch:

For many years the county has indicated a desire to extend South Dora Street creating a second main artery similar to State Street. For the residential neighborhoods affected, this would be devastating and unacceptable. Our quiet, safe streets would become especially dangerous for pedestrians and bicyclists at a time when we should be encouraging more pedestrian and bicycle use. 50-1

With the recent proposal to build close to 300 new homes, the Gardens Gate development has now given the county the opportunity to extend Dora Street. Seeing considerable opposition to the impact of traffic to the Oak Knoll neighborhood Chris Stone, the agent for Gardens Gate proposed to county staff that the connection of Plant Road to Oak Knoll be eliminated. County planning staff's response to Mr. Stone's letter was that if his plan did not include the road connection to Dora Street, Gardens Gate would not be approved. The county needs to be very clear with the citizens and residents of south Ukiah concerning the future traffic safety of this area. Extending South Dora Street will affect not only thousands of county residents, but city residents as well.

The EIR and traffic studies do not support the extension of Dora Street. The residential neighborhoods along Dora and especially the Oak Knoll neighborhood were designed 40 to 50 plus years ago and were not engineered to handle the traffic which will eventually impact the area. The negative affects of increased traffic along Dora Street will be felt as far north as west Ukiah.

The county planning and transportation departments should consider the negative safety implications of their desire to extend Dora Street. Highway 253 and 101 are designed to handle increased traffic, Dora Street is not. County planning and transportation staff need to be more transparent with the public concerning the long-term proposals for traffic engineering.

Sincerely,



Kirk Van Patten

Response to Letter from Kirk Van Patten

- 50-1. The concern about public access via Oak Court Road is noted for the record. The recommendation about what access should be approved for the project is noted for the record.

Kirk Van Patten
2600 Oak Court Road
Ukiah, CA 95482

RECEIVED
NOV 12 2008

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Frank Lynch, Acting Director
County of Mendocino Planning Department
501 Low Gap Road
Ukiah, CA 95482

November 12, 2008

Dear Mr. Lynch

It has come to my attention that Mr. Stone the agent for the Gardens Gate development is proposing to the county Transportation Department that the road connection between Gardens Gate and Oak Knoll be an Emergency Vehicle Access (EVA). In Mr. Stone's request to the Transportation Department the EVA will be a complete build out of a standard width street with curb gutter and sidewalks. 51-1

This appears to an attempt by Mr. Stone to show the Planning Commission and Board of Supervisors that he is making reasonable compromises to the concerns of hundreds of neighbors who will be adversely affected by Gardens Gate. The only way to insure that the EVA does not become a busy thoroughfare is to limit construction to one lane. This will preserve the Oak Knoll neighborhood traffic safety as well as promoting pedestrian and bicycle traffic.

Sincerely,



Kirk P. Van Patten

Response to Second Letter from Kirk Van Patten

- 51-1. The opinion about the roadway width is noted for the record. The EVA would be closed to public access with bollards or some other barrier preventing public vehicular access.

2772 Oak Court Road
 Ukiah, California
 November 9, 2008

to Frank Lynch, Acting Director
 County of Mendocino Planning Department
 501 Low Gap Road
 Ukiah, California
 95482

Mr. Lynch:

52-1

As the owner and resident of both Oak Knoll
 Road and Oak Court Road I continue to
 strongly object to Mendocino County Planning
 Department's apparent support of gardens
 Gate Subdivision.

I attended the PER in May of 2007 and
 left that meeting feeling the 65-70
 neighbors in attendance had success full
 conveyed our concerns and displeasure.

the impact of a ghetto like subdivision
on our mostly bucolic neighborhood would
lead to congestion, noise, safety issues,
which I consider offensive. The traffic
impact would be unavoidable.

I thought we had impressed Mr.
Charles. Apparently not.

Please, don't alter our roads. No
sidewalks; no new exits or entries, and
no subdivision.

Thank you,

Vivian R. Wren

Response to Letter from Vivian R. Wren

52-1. The opinions about the road and the project are noted for the record.

We insist that the Board of Supervisors accept its responsibility to ensure that no new development be allowed to occur at the expense of the security and quality of life of an existing neighborhood.

DON'T RUIN OUR NEIGHBORHOOD!

[illegible]

We insist that the Board of Supervisors accept its responsibility to ensure that no new development be allowed to occur at the expense of the security and quality of life of an existing neighborhood.

[illegible]

We, the undersigned residents of Ukiah Valley's Oak Knoll area, hereby petition the County of Mendocino Board of Supervisors to ensure the continuing safe and quiet quality of our pleasant, child- and pedestrian-friendly neighborhood by not allowing the construction of a direct access road between Oak Knoll and the proposed new subdivision to the south of us. The value of our homes, the safety and security of our streets, the quality of our collective lives, must not be sacrificed on the altar of new development. We urge that access to the new subdivision be designed in a manner to not diminish or destroy our safety and tranquility, or the safety and tranquility of the new subdivision. (For example, children walking back and forth from home to Grace Hudson Elementary School or the adjacent recreation facility will certainly not be safer in doing so by the introduction of considerably more vehicular traffic to the narrow, winding streets of Oak Knoll.) Furthermore, we note that the subdivision plan, as currently proposed, retains sufficient undeveloped property to allow a secondary vehicular access to an existing thoroughfare, South State Street.

We insist that the Board of Supervisors accept its responsibility to ensure that no new development be allowed to occur at the expense of the security and quality of life of an existing neighborhood.

DON'T RUIN OUR NEIGHBORHOOD!

PRINT NAME	SIGNATURE	ADDRESS
Peter W. Halstad	P. Halstad	2550 Oak Court Rd.
Gloria Halstad	Gloria Halstad	2550 Oak Court Rd.
~~Robert Ross~~	~~Robert Ross~~	~~2550 Oak Court Rd.~~
Robert Ross	Robert Ross	255 FAIRVIEW CT
PATRICIA ROSS	Pat Ross	254 Fairview Ct.
Kay Massengill	Kay Massengill	294 Fairview Ct.
Edris Robinson	Edris M. Robinson	275 Fairview Ct.
Adell Abercrombie	Adell Abercrombie	43 Oak Knoll Rd.
Barbara Noyes	Barbara Noyes	2400 Oak Court Rd.
Frank Noyes	Frank Noyes	2400 Oak Court Rd.
John R. Finn	John R. Finn	272 Oak Knoll Rd.
Steve R. Buons	Steve R. Buons	236 Valley View Rd.
Richard Drury	Richard Drury	298 Valley View Rd.
RICHARD DRURY	Richard Drury	298 Valley View Rd.
MYRA H. DRURY	Myra H. Drury	298 Valley View Rd.
Lillian Downey	Lillian Downey	312 Oak Knoll Rd.
Ben Collins	Ben Collins	323 OAK KNOLL RD.
Graham MacMillan	Graham MacMillan	183 Oak Knoll Rd.
Kelly MacMillan	Kelly MacMillan	183 Oak Knoll Rd.
BOB L. PINNELL	Bob L. Pinnell	162 OAK KNOLL RD.
Lonna Young	Lonna Young	123 Oak Knoll Rd.
SIOLEE SEAMAN	Siolee Seaman	92 OAK KNOLL RD.
ALDO CAMACHO	Aldo Camacho	83 OAK KNOLL RD.
Maura A. Camacho	Maura A. Camacho	78 OAK KNOLL RD.
ROBERT D. JOHNSON	Robert D. Johnson	72 OAK KNOLL RD.

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DON'T RUIN OUR NEIGHBORHOOD!

PRINT NAME	SIGNATURE	ADDRESS
DENNIS H PARKS	Dennis H Parks	203 OAK KNOLL
SANDRA J PARKS	Sandra J Parks	203 Oak Knoll
Walter Madison	Walter Madison	293 Oak Knoll Rd
Shirley J. Madison	Shirley J. Madison	293 Oak Knoll Rd
Holly Connerman	Holly Connerman	303 Oak Knoll Rd
GEORGE CONNORMAN	George Connerman	303 OAK KNOLL RD
Thomas Gash	Thomas Gash	333 OAK KNOLL RD.
STEPHANIE GASH	Stephanie Gash	333 OAK KNOLL RD.
Candice Becket	Candice Becket	392 Oak Knoll Rd
Jacob Becket	Jacob Becket	392 Oak Knoll Rd
Tina Smith	Tina Smith	422 Oak Knoll Rd
Dou Smith	Dou Smith	422 OAK KNOLL RD
DANIEL HUNT	Daniel Hunt	393 OAK KNOLL RD.
Sharon Hunt	Sharon Hunt	393 Oak Knoll Rd
Pat & Mike Elliott	Pat & Mike Elliott	374 Oak Knoll Rd
Corey DeFazio	Corey DeFazio	352 Oak Knoll Rd
Anna Jeavons	Anna Jeavons	352 Oak Knoll Rd
Joyce Pearson	Joyce Pearson	278 Town Rd.
Glennia Hamson	Glennia Hamson	276 Oak Knoll
Mike Crudo	Mike Crudo	234 Valley View Rd
Teresa Crudo	Teresa Crudo	234 Valley View Rd
Karen Mangum	Karen Mangum	257 Valley View Rd
Kevin Arneson	Kevin Arneson	" " " "
Maureen T. Breece	Maureen T. Breece	297 VALLEY VIEW RD
David L. Breece	David L. Breece	297 Valley View Rd

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DON'T RUIN OUR NEIGHBORHOOD!

PRINT NAME	SIGNATURE	ADDRESS
Gertrude B Hicks	Gertrude B. Hicks	2650 OAK COURT RD
Clara Lehman	Clara Lehman	2720 Oak Court Rd
BILL HEATH JR	Bill Heath Jr	2740 Oak Ct. Rd.
Theresa Johnson	Theresa Johnson	2730 Oak Ct Rd.
Janet Carlson	Janet Carlson	220 Bowler Lane
~~Wayne Thompson~~	~~Wayne Thompson~~	~~2740 Oak Ct. Rd.~~
Harriet Snarski	Harriet Snarski	2801 Oak Ct Rd.
Harriet Snarski	Harriet Snarski	2801 Oak Court Rd
Alan R. Snarski	Alan R. Snarski	2751 Oak Ct Rd
Sharon K Smith	Sharon K Smith	2751 Oak Ct. Rd
GAY E Smith	GAY E Smith	2790 Oak Ct Rd
Susan Franklin	Susan Franklin	2790 Oak Ct Rd.
Kenneth G. Franklin	Kenneth G. Franklin	2772 Oak Ct. Rd
Vivian R. Wren	Vivian R. Wren	2601 OAK CT. RD.
Maynard Morris	MAYNARD MORRIS	" " "
LYLDEGRAD C. MORRIS	Lildegard C. Morris	" " "
KENNETH BOLSTAD	Kenneth Bolstad	176 MEADOWBROOK DR
Marie Linda Bolstad	Marie Linda Bolstad	176 Meadowbrook Dr
Francis R. Nelson	Francis R. Nelson	187 Meadowbrook Dr.
Keenan Nelson	Keenan Nelson	187 Meadowbrook Dr.
David T. Brown	David T. Brown	187 Meadowbrook Dr.
Kend Baldwin	Kend Baldwin	156 Meadowbrook Dr
Katherine J Houston	Katherine J Houston	156 Meadowbrook Dr.
Guy Parry	Guy Parry	157 Meadowbrook Dr
April Parry	April Parry	157 Meadowbrook Dr

We insist that the Board of Supervisors accept its responsibility to ensure that no new development be allowed to occur at the expense of the security and quality of life of an existing neighborhood.

[illegible]

We insist that the Board of Supervisors accept its responsibility to ensure that no new development be allowed to occur at the expense of the security and quality of life of an existing neighborhood.

[illegible]

We, the undersigned residents of Ukiah Valley's Oak Knoll area, hereby petition the County of Mendocino Board of Supervisors to ensure the continuing safe and quiet quality of our pleasant, child- and pedestrian-friendly neighborhood by not allowing the construction of a direct access road between Oak Knoll and the proposed new subdivision to the south of us. The value of our homes, the safety and security of our streets, the quality of our collective lives, must not be sacrificed on the altar of new development. We urge that access to the new subdivision be designed in a manner to not diminish or destroy our safety and tranquility, or the safety and tranquility of the new subdivision. (For example, children walking back and forth from home to Grace Hudson Elementary School or the adjacent recreation facility will certainly not be safer in doing so by the introduction of considerably more vehicular traffic to the narrow, winding streets of Oak Knoll.) Furthermore, we note that the subdivision plan, as currently proposed, retains sufficient undeveloped property to allow a secondary vehicular access to an existing thoroughfare, South State Street.

We insist that the Board of Supervisors accept its responsibility to ensure that no new development be allowed to occur at the expense of the security and quality of life of an existing neighborhood.

DON'T RUIN OUR NEIGHBORHOOD!

PRINT NAME	SIGNATURE	ADDRESS
Russ Higbee	Russ Higbee	1810 Dona
Chris Gibson	Chris Gibson	2851 Oak Ct Dr
Cassandra Elberg-Gibson	Cassie Gibson	2851 Oak Ct Dr
Samuel Elberg	SAMUEL ELBERG	2853 Oak Ct
Dayna Bass	Dayna Bass	2825 Oak Ct Rd
Jacob Bass	Jacob Bass	2825 Oak Ct Rd
ERIN KOEHN	Erin Koehn	2875 Oak Court Rd
Chet Koehn	Chet Koehn	2875 Oak Court Rd

Response to Petitions

53-1. The opinions about the proposed road system presented in the submitted petitions are noted for the record.

CHAPTER 4

VERBAL COMMENTS SUBMITTED AT THE

PUBLIC HEARING

The Mendocino County Planning Commission held a Public Hearing on the Draft EIR on November 6, 2008. The minutes from that meeting are presented below.

decision for one applicant. She felt it would be appropriate to consider the unit cap increase as a whole, but for one application, she would support staff's recommendation for denial.

Commissioner Moser noted the Town Plan update was taking a long time and the applicant was following the only path available to them and asked at what point could an application be processed on its own merit.

Commissioner Hall agreed with Commissioner Warner that it was an issue of fairness and it was not the time to grant piecemeal rooms. He noted it was embarrassing that the Town Plan had not been updated, but it was not reasonable to process the current application.

Commissioner Calvert stated she had consistently supported the application and process, but because of the County's failure to update the Town Plan, she felt it was impossible to continue her support of the application. She commented that she would be supporting staff's recommendation until such a time as the Town Plan could be updated.

Upon motion by Commissioner Warner, seconded by Commissioner Hall and carried by the following roll call vote, IT IS ORDERED that the Planning Commission recommends to the Board of Supervisors denial of #GP 1-2008/#OA 3-2008 finding the request inconsistent with Mendocino Town Plan Policy 4.13-1 relative to the maintenance of a residential, commercial, visitor serving unit "balance" given the inconclusive status of an ongoing review of MTP Visitor Serving Facilities tables within the plan area. While preliminary review findings have shown that revisions to the tables adopted in 1992 are warranted, staff cannot support a request to amend the MTP prior to knowing the results of the review and whether or not a formal "update" will follow.

AYES: Calvert, Hall and Warner

NOES: Little, Moser

ABSENT: Nelson

[Lunch 12:10- 1:15 pm] Commissioner Moser arrived at 1:33 pm.

5e. **CASE#: S 3-2005**

DATE FILED: 12/19/2005

OWNER: UKIAH LAND LLC- HUGH MORAN

APPLICANT: CHRIS STONE

AGENT: CHRIS STONE

REQUEST: Ukiah LLC proposes to create a major subdivision with 200 lots on a 46.1-acre site that would include 123 lots for detached single-family dwellings and 74 attached townhouse dwellings, 2 lots for 2.3 acres of parks, and 1 remainder lot. Exceptions to the Division of Land Regulations and Zoning Ordinance for minimum lot size, building setbacks and access easement widths are requested as provided under the State density bonus law for providing affordable housing (specifically, 36 dwellings would be reserved for moderate-income households). The project site is located on the west side of South State Street and west of this street's intersection with Plant Road. Improvements would be made to South State Street at the subdivision entrance to include a roundabout at the intersection with Plant Road, and a new access road would be developed to connect with Oak Knoll Road at the other end of the proposed subdivision.

LOCATION: Approximately 2 miles south of Ukiah, lying on the west side of South State Street (CR# 104A), immediately south of its intersection with Gobalet Lane (Private), and extending westerly to Oak Knoll Road, located at 3000 South State Street; AP#'s 184-110-28, -29 and 184-120-12.

PROJECT COORDINATOR: FRANK LYNCH

Chairman Little noted public comment would be taken for the Draft EIR for the Garden's Gate project, but no action would be taken by the Commission.

Mr. Lynch noted the consultant that had prepared the draft EIR, Leonard Charles, was not able to attend the meeting and introduced Rob Jones, Contract Planner coordinating the Garden's Gate subdivision.

Mr. Jones noted the purpose of the hearing was to provide the Commissioners and the public with an opportunity to comment on the draft EIR for the Garden's Gate Subdivision. He discussed the location of the project and proposal to create 200 lots. He also discussed the State density bonus

and noted the project would create thirty-six moderate income housing units, which allowed for reduced development standards. He commented that during the scoping meeting in May 2007, the main public concern was the proposed street connection and access to Oak Knoll Road and the potential for traffic impacts to the neighborhood. He stated the public comment period would end on November 12, 2008 at 5:00 PM. He noted the final EIR would come back to the Planning Commission for certification and a decision whether to approve the project, approve a modified project or alternative project or deny the project. He noted the purpose of the hearing was not to discuss the project or merits of the project, but to consider the adequacy of the EIR.

The public hearing was declared open.

Pete Halstad, resident in the Oak Knoll neighborhood, noted it was a peaceful, quiet neighborhood and the EIR has stated that the direct access road will "alter the character of the neighborhood". He submitted a petition signed by 130 residents against the construction of a direct access road between Oak Knoll and the Garden's Gate subdivision. He felt the residents did not object to the project itself but were concerned with the affect the project might have on the neighborhood. He discussed the areas of controversy from the draft EIR, including traffic congestion, safety and noise impacts associated with a connection to Oak Knoll Road and discussed the alternatives available, including approving the project without a direct connection. He commented that page 33 of the draft EIR acknowledges noise and safety concerns of a new connection and that residents would be affected by the loss of a portion of their front yards and landscaping. He asked that the direct access road to Oak Knoll be removed and use the proposed road for EVA only. 54-1

Kirk Van Patten, resident in the Oak Knoll neighborhood, echoed the previous speakers concerns with traffic in a densely populated area and a narrow street. He discussed his experience as a thirty two year veteran of CalFire and further discussed the need for EMS access, but stated the road should never be opened as a main thoroughfare. He also noted he was not opposed to the project, but felt the road access would ruin the neighborhood. 54-2

Dan Hunt, resident of Oak Knoll Road, echoed the previous concerns regarding the neighborhood. He discussed the location of the proposed entrance and exit to the subdivision in relation to his driveway and noted he was concerned with the safety of the road. He also believed that the proposed project included a roundabout onto State Street and felt that would increase traffic through Oak Knoll Road and by his residence. 54-3

Chris Gibson, resident of Oak Knoll Road, was concerned with traffic congestion and safety along Oak Knoll Road and Oak Court Road. He was also concerned with how the water seeped from the hillside down to the roads and noted he has experienced clay movement on his property. He noted during the last heavy rains, he witness a slide on the proposed development site and a temporary creek running through the property. His main concern was the increased traffic on Oak Court Road and stated Oak Court Road was already used as a short cut to State Street. He asked the Commission to deny the Oak Knoll Road extension. 54-4

Kirk Van Patten added that he was not against the project, but felt there were other ways to provide secondary access to Garden's Gate. He suggested a connection to Hwy 253 as a secondary access route or evacuation route. 54-5

The public hearing was declared closed.

Andy Gustafson, consultant assisting Mr. Stone with the project, commented on several technical issues relating to the draft EIR and the major conclusions contained in the document. He discussed the need for a riparian buffer and enhanced riparian area on page 32 of the draft EIR and that the project could aggravate downstream flooding. He noted a hydrology report indicated that houses along the creek would not be subject to flooding, however the project would contribute a small amount to potential 100 year flooding downstream. He noted it was the applicant's view that if the project contributed to flooding, it would be small and insignificant and stated a flood analysis would be completed to certify that the site was above the 100 year flood plain. He further discussed the site 54-6

planning that had been completed to ensure building envelopes would not impact trees and would be outside of the setback to the creek. Mr. Gustafson further discussed the protection of the creek as a wildlife corridor, stated the project would not obstruct wildlife movement and commented that the Department of Fish and Game had recommended a 100 foot setback. He commented that traffic improvements, if necessary, would be completed within the public right of way, but the applicant did not feel that would rise to the level of significant impact. He discussed the greenhouse gas emissions and noted it was a new discussion under area CEQA and should be considered on a case by case basis. He felt it was a valid discussion but noted any increment of increase within the County would impact greenhouse gas emissions and finding appropriate mitigation was a challenge due to the evolving technology. He felt mitigation # 3.6-F1 regarding a specific type of water heater and the request for a solar photo voltaic system were too stringent for the project. His final comment was regarding the statement that the project would convert prime ag lands or unique farm lands to a residential use. He stated the project would replace an existing vineyard, however the zoning was changed twenty five years ago and it was part of the General Plan land use element thus the impact had been evaluated and it was decided that there was a greater benefit to develop the property into an urban setting.

Commissioner Warner asked if it was feasible to achieve access to Highway 253.

54-7

Chris Stone, agent, noted the proposed Garden's Gate project had five access points heading towards Stipp Lane and Highway 253, however access was currently a problem due to intervening ownerships.

Commissioner Warner asked if there was still a large amount of land to be developed between the proposed project and Highway 253.

Mr. Stone stated there was between fifteen to twenty acres remaining between the proposed development area and Highway 253. He discussed why the Oak Knoll access had been removed from the project and then put back into the plan, after a meeting with the Department of Transportation and Planning and Building, that the goal was to have access that would continue Dora Street to Stipp Lane. He discussed the acquisition of parcels to make the connection road acceptable to Mendocino County standards, that he has designed the project around the road and that it is a logical and reasonable extension of the road. He noted after the public scoping meeting, in which the main concern was over the Oak Knoll extension, he decided to convert the access to an EVA for pedestrians and Emergency Services. He stated the County would not support the project without the secondary access, thus he had added the road back into the proposal. He commented that he understood the neighborhood concerns, but noted the property had been zoned suburban residential for many years and was the only point available for expansion. He also noted the only thru street in the community was State Street and he felt the Department of Transportation was seeking connectivity. He further discussed the County right of way and stated that only twenty eight feet of a forty foot right of way had been paved, thus any neighborhood encroachment would not be a significant impact since it was the County's road to improve. He stated there should be more than one way in and out of a community and the next logical extension for Ukiah was to extend the Dora Street corridor. He discussed further improvements to the site including a five foot wide sidewalk to Dora Street and Grace Hudson School, the buffer and enhanced riparian areas, and concerns with FEMA flood plain issues. He felt it was important to note that the land within the flood plain was not previously ag land, but had been residential front or backyards and was not a significant impact. He stated the reports from the project engineers indicate that the creek would not flood or jump its channel. He responded to comments regarding the corridor of the creek and stated the EIR was incorrect in stating the creek was the northerly boundary of the project. He also stated there was no habitat value to the creek thus it was consistent with the County plan to have a twenty foot buffer along the sides. Regarding the emission of greenhouse gases, Mr. Stone stated trees would be planted within the project site to offset changes to carbon emissions from the project.

Commissioner Warner was confused by the remainder parcel designation of "hillside open space" on page 10 of the draft EIR and asked if the remainder parcel was adequately addressed or if it was an issue for the proposed project.

Rob Jones noted the remainder parcel could be subdivided in the future and noted the parcel was not open space, but was zoned RR5 and could become two parcels upon further division.

Commissioner Warner suggested the EIR be amended to remove the reference to hillside "open space" in the first sentence of page 10, Number 3.

Commissioner Hall asked for further explanation of "connectivity" regarding the roads in Mendocino County. 54-8

Tom Peters, Department of Transportation, noted it was desirable to have connectivity so that areas within the County were not isolated. He stated it was sound planning to have alternate routes and circulation between developments and noted the problem stemmed from the original Oak Knoll subdivision, which was not designed with expansion in mind, was not designed with wide enough right of ways or setbacks for future development.

Commissioner Hall clarified that the problem was when the Oak Knoll subdivision was constructed, it was the "end" of line, but future development should have a planned connection to through roads.

Mr. Peters discussed other connection issues within the County, specifically North State Street, and the discussion to create a parallel route. He noted the obstacle now was a connection across Cleland Creek and stated nothing looked feasible topographically.

Mr. Lynch noted the properties to the south of the proposed subdivision were also zoned SR and could be developed in the future, so aside for the tangible traffic engineering standpoint, there was the social engineering standpoint for connectivity to ensure that an "us vs. them" mentality did not proliferate.

Commissioner Warner commented that a better road map should be included to demonstrate the street grid and how Dora Street ends.

Chairman Little had a different interpretation of the traffic impact of the proposed project and felt the residents of the subdivision could be impacted by individuals driving through their streets as a shortcut to State Street or Highway 101, not people exiting the subdivision through Oak Knoll Road.

Commissioner Moser commented that sometimes it was good to have inadequate road as a traffic calming measure and asked for clarification on how the County would approach greenhouse gas emissions, since the it was a rapidly expanding field with more options available every year. 54-9

Mr. Jones thought the best way to approach greenhouse gas emission was through a plan such as the General Plan or UVAP, but stated there was no clear, defined way to approach the process until comments have been received from the State Office of Planning and Research. He discussed the two sources of greenhouse gas emission; the mobile source from cars, and the secondary source from residential use such as heating, cooling, appliances, etc. and various methods of mitigation such as solar heating and cooling.

Chairman Little was concerned with the methodology of the analysis because newer homes were more efficient than older homes, however the people would need to live somewhere and would drive from one location to another. He thought an argument could be made that the net greenhouse gases would be reduced by a new development.

Mr. Lynch felt the consultant was being conservative by necessity within the analysis due to the lack of clarity regarding the relative significance of the issue.

Chairman Little felt the problem was with the assumption that greenhouse gases would be added without looking for the "why". He thought an argument could be made that some must prove the

project would increase gas emissions because he could see no proof that there would be an increase of greenhouse gases.

Commissioner Moser thought it would be more logical to identify the goal and let the developer mitigate the impacts as part of the project, rather than listing a specific mitigation measure.

Commissioner Hall agreed with the sentiment Chairman Little had expressed that it was difficult to quantify a net increase to greenhouse gas emissions. He felt the discussion in the draft EIR was productive, but was not sure of the numbers.

Chairman Little thought it would be better to add a statement to promote the reduction of greenhouse gases and state that the project does not necessarily add to greenhouse gas emissions, but it is our policy to reduce impacts. He also discussed fire protection from the EIR and thought it should be noted that the Board of Supervisors has approved a development fee for the Ukiah Valley Fire District. 54-10

Commissioner Calvert had general comments and found typographical errors on the draft EIR. She 54-11 felt page 22, #D- Traffic and Circulation needs further elaboration to strengthen the statement to "improve emergency access in the area and have no adverse impact on emergency access..." She 54-12 noted the section regarding the roundabout on page 46 and felt more alternatives should be explored. She was concerned that a roundabout could have greater impact than a standard stoplight, especially for delivery trucks, etc and could also create issues with business across the street from a roundabout. On page 53- Lighting, #5, she was confused by "...automatic timing devices with off 54-13 hours between 11:00 pm- 6:00 am, with an exception that outdoor lights may remain on...", and felt the sentences were contradictory. Page 56 and page 219 mentioned possible ag chemicals on site, 54-14 but it was not included under mitigation on page 56 and she felt it should be noted, no matter the outcome of the possible chemicals. She noted a typo on page 82 in the third paragraph 4th line from 54-15 the bottom that starts, "he armored bed" should read "The", and a typo on page 5 of the appendix on the second to last bullet, "in pacts" should be "impacts". Her final question was on page 5 of the 54-16 second appendix under potential mitigation measure to reduce emissions, # M1, she stated she could not understand the meaning of last line and felt something was missing from the interpretation.

Mr. Lynch noted the comment period for the draft EIR would end on November 12, 2008 and all comments would be forwarded to the consultant.

- 5f. Introduction and Discussion of an Ordinance to Amend Section 20.008.040 Definitions (L) of the Zoning Code to add "Live/Work Space", and Section 20.028.010 (A) C1, Section 20.092.010 (A) C2, and Section 20.180 Off-Street Parking of Title 20 of the Zoning Code in order to partially comply with Action Item 1.2 of the Housing Element.
PROJECT COORDINATOR: PLANNING TEAM

Mr. Lynch noted some confusion with Ordinance, whether the Commission would be making a recommendation to the Board of Supervisors and if the item had been properly notice. He stated that since the Ordinance was presented for discussion only, with no action to be taken by the Commission, the item could be heard at this time.

Diana Hershey, Planning Team, discussed what was needed by the Commission to update the Housing Element and amend section 1.2 of the zoning ordinance to permit mixed use, limited commercial, general commercial and to permit multifamily use in commercial districts. She stated the goal was to broaden the number of sites available for mixed use and affordable housing and noted a mixed use category had been added to the draft General Plan. She discussed the GIS search of all the parcels in the County and what environmental impacts could be anticipated. She noted other concerns that had been taken into consideration was to look at the impact of commercial/industrial zoning next to agricultural land or next to residential and should there be a buffer between incompatible uses. She noted a four unit cap would keep the environmental impacts to a less than significant level and would still allow 1187 units to be developed.

Response to Verbal Comments

- 54-1. The comments made by the commenter summarize previous written comments from the commenter and other residents of the Oak Knoll Road area. The opinions about the road connection and the project alternatives were responded to in responding to written comments. These opinions are noted for the record. The petitions submitted at the EIR scoping meeting were not included or mentioned in the DEIR. See Response 24-1 regarding this issue.
- 54-2. The comments are similar to those the commenter submitted in writing. The opinions and recommendations are noted for the record.
- 54-3. The traffic impacts of increased congestion and the suitability of the roundabout were addressed in the Traffic section of the DEIR. The opinions about the connection to Oak Knoll Road are noted for the record.
- 54-4. The opinion about the connection to Oak Knoll Road is noted for the record. Any slope instabilities on the site would be stabilized during site grading and construction.
- 54-5. The recommendation is noted for the record.
- 54-6. These comments summarize written comments submitted by the applicant. See the responses to Comment Letter 8.
- 54-7. The information in the dialogue between the applicant and Commissioner Warner is noted for the record. The reference to hillside open space will be removed as requested by the Planning Commissioner.
- 54-8. The information contained in the dialogue between County staff and the Planning Commissioners is noted for the record. No questions are asked about the EIR, and the information does not change the analyses or conclusions of the DEIR.
- 54-9. Regarding the dialogue about greenhouse gas emissions, the project would result in new greenhouse gas emissions. There would be new homes, an increased population, increased use of energy, increased vehicle trips, etc. added to the area. These new homes and residents would not be replacing existing homes and residents. This would result in more greenhouse gases being emitted into the atmosphere than is currently the case. The State is required to reduce greenhouse gas emissions (GHG) to 1990 levels by no later than 2020. Any project that adds additional emissions makes it more difficult for the State to reach the target. Commissioner Little is correct in stating that these emissions would occur somewhere, whether or not this project was constructed. However, the State has set a target of GHG emissions. By 2020, these emissions must be reduced to 1990 levels. Building new homes and adding additional residents makes it difficult to meet that target.

Therefore, the DEIR computes this increase. It is not a comparison of whether the homes are more energy efficient than existing homes. It is also not an analysis of whether these homes might be built elsewhere if the project were not approved. It is strictly an analysis of whether there would be an increase in GHG emissions and how these can be reduced to assist the State in meeting its target emissions level. This 2020 target must be met regardless of the fact that there will be considerably more people (and cars) in the State in 2020 than there were in 1990. The target remains the 1990 GHG emission level.

The DEIR's analysis of GHG emissions is based on the work that has been done by the County's Planning Team while preparing the Draft UVAP analysis. Their work has been done using State recommendations for GHG analysis, and they have been working with the State Attorney General's Office WHILE preparing this approach. We continue to believe that this approach and the EIR analysis complies with current State requirements for a global climate change analysis. We do not disagree with Commissioner Moser's comment that the County could establish a GHG reduction goal and allow the applicant to propose other measures to meet that target goal.

- 54-10. The commenter is correct that the Board of Supervisors has approved a development fee for the fire protection district subsequent to publication of the DEIR. This fee allows the Ukiah Valley Fire District to collect \$0.38 per square foot of new development plus administrative charges which increase the fee to \$0.43 per square foot. This information will be added to the end of the first incomplete paragraph on page 200 of the DEIR.
- 54-11. The cited section is a summary section. It is not intended to include a full discussion of the impacts. The impacts to air transportation and emergency access are discussed in detail in Section 3.5 of the DEIR. However, to clarify, the project would not have a significant impact on emergency access because it would enhance emergency access by providing a new north-south connector between South State Street and Dora Street.
- 54-12. The roundabout will be constructed to facilitate large trucks on South State Street and Plant Road. This is discussed on pages 130 through 131 of the DEIR. The access to Redwood Marketplace is discussed page 133 of the DEIR. There is no evidence that those analyses are inaccurate. A stoplight-controlled intersection could be constructed rather than a roundabout. It would take less space to construct. However from a traffic flow perspective, a roundabout is the preferable approach as it allows a more continual flow of traffic rather than the restricted flows allowed at a stoplight-controlled intersection. Roundabouts are common in much of the world and are increasingly being installed in the U.S. It is noted that neither the County Department of Transportation nor Caltrans have expressed concerns about the proposed roundabout.

- 54-13. Outdoor lights will be turned off between 11:00 p.m. and 6:00 a.m. unless there is an allowed outdoor use that extends into those hours for security lighting, or to safely illuminate roadways, and parking areas. The intent is to turn off all exterior lights except those need for allowed uses and safety or security purposes.
- 54-14. See Response 5-1 for additional language covering agricultural chemicals. The cited page is part of the summary table, which lists the impact heading and the mitigations. It does not include a discussion of the impacts. The commenter is correct that the discussion occurs on page 219 of the DEIR.
- 54-15. The typo stating "He" instead of "The" will be corrected. In Appendix B, second to the last bullet on page 5, the words pacts should be impacts. The change will be made.
- 54-16. The cited sentence means that in calculating the reduction in emissions from using electrical appliances rather than natural gas appliances, the reduction does not account for using more efficient electric appliances. The calculation was based on using standard electric appliances. If more efficient appliances were used in the calculation, the reduction in GHG emissions would be greater than described in this appendix.

CHAPTER 5

REVISIONS TO THE DRAFT EIR

Where text changes to the DEIR are recommended, additions are denoted by underlining and deletions in strike-through format.

Text Changes

1. The process for certifying the EIR and considering the project described on page 5 of the DEIR has been changed to the following:

"The Final EIR, as well as the project itself (the Vesting Tentative Subdivision Map and the development agreement), will be considered by the Planning Commission. When the Planning Commission considers the EIR to be complete and accurate, it will make a recommendation regarding certification of the document and on the project itself to the Board of Supervisors. The Final EIR must be certified before any final action on the project can occur. After the Board of Supervisors ~~Planning Commission~~ has certified the EIR and, if it approves the project, it will file a Notice of Determination with the State Office of Planning and Research and the Mendocino County Clerk.

In certifying a Final EIR, the Board of Supervisors ~~Planning Commission~~ would be affirming that the Final EIR is adequate and complete pursuant to CEQA and the County Environmental Review Guidelines. In conjunction with a decision on the project, the Board of Supervisors ~~Planning Commission~~ would also find that it reviewed and considered the information contained in the Final EIR before taking action on the project (State CEQA Guidelines Section 15090). No action can be taken to approve the project until the Final EIR has been certified. However, County acceptance of the Final EIR upon certification does not require nor ensure approval of the project studied in the Final EIR.

After certifying the Final EIR but before approving the project, the Board of Supervisors ~~Planning Commission~~ would be required (in accordance with CEQA Guidelines Section 15091) to make one of the following findings for each significant impact of the project: (1) that changes in the project decrease the impact to a level that is less than significant, (2) that such changes are within the jurisdiction of a public agency other than the County, or (3) that mitigation measures and alternatives are infeasible. For impacts that the Board of Supervisors ~~Planning Commission~~ determines cannot be mitigated to a less-than-significant level, the Board of Supervisors ~~Planning Commission~~ would need to issue a Statement of Overriding Considerations (in accordance with CEQA Guidelines Section 15093) that describes how benefits of the project outweigh those impacts."

2. The applicant is currently seeking County approval of a Vesting Tentative Subdivision Map as opposed to a Tentative Subdivision Map as described on page 7 of the DEIR (and in subsequent descriptions of the proposed project. The text is hereby changed to state that the project consists of the request for the County to approve a Vesting Tentative Subdivision Map. The difference refers to certain rights the applicant has once the Tentative Map is approved. This change does not affect the environmental analysis nor its recommendations or conclusions. The following change is made:

"The applicant is requesting approval of a Major Vesting Subdivision Tentative Map (see Figures 3 and 4 to subdivide the 46-acre property (Assessor's Parcel Nos. 184-120-001; 184-110-19; and portions of 184-033-011, 184-033-012, and 184-110-020) and eventually develop 197 single-family dwellings, of which 36 dwellings would be affordable to moderate income households."

3. The text on page 10 will be changed as shown below:

"The project includes a variety of open spaces including ~~a hillside open space area (the Remainder Parcel) and two~~ public parks where informal outdoor activities or events can be held, "Garden Courts" shared by surrounding residents and a streetscape of wide planting strips and sidewalks to allow walking and bicycle riding. Landscape improvements in these areas would be maintained by the Homeowner's Association as common areas."

4. On page 80, the reference to the Sandine Associates report will be revised to state the date of June 20, 2006.

5. The text on page 82 shall be revised as shown below:

"The armored bed is flat and stable, with a substrate consisting of gravel and cobble."

6. The references to Lot 22 on pages 83, 87, 89, 105, and 106 will be changed to replace Lot 20 for Lot 22.

7. The text on page 85 will be changed as shown below:

"According to the proposed plans, there will be a network of aboveground swales connected to underground detention vaults to meet the increased need for stormwater detention. All the runoff except for portions of Lots 20, 21, and 194-197 will drain to the proposed internal drain system ~~A retention pond will accommodate the remainder of the runoff. The majority of the site runoff will continue to drain into the open drainage ditch along the property's southern border,~~ exiting the site at the 18-inch CMP at the southeast corner of the property. Stormwater stored in the detention facilities will be released ~~into the drainage ditch~~ through an outlet that controls flows to pre-determined levels. In

addition, stormwater generated within the northwestern corner of the site, including all or portions of Lots 20, 21, and 194-197 will approximately maintain the existing drainage paths and continue to drain to Cleland Mountain Creek. Portions of the developed part of Lots 20 and 212 will drain to the on-site drain system."

8. The text on page 87 shall be changed as shown below to reflect the additional information the applicant has provided on the storm drain system:

"Construction of 197 residential lots and accompanying streets and driveways will increase the amount of stormwater runoff into the existing drainage system. Most of the stormwater runoff flows into an open drainage ditch along the southern border of the property and through an 18-inch CMP underneath South State Street. The proposed project will ~~not alter the drainage ditch, but will include 1.8 acre-feet of storage in underground detention vaults as well as a 1.7-acre-foot detention pond to mitigate for the increase in stormwater runoff. Stored stormwater will be discharged from the on-site storm drain system to the 18-inch CMP at the southeast corner of the site. Stored stormwater will be released into the eastern end of the southern drainage ditch through an outlet that restricts flows to pre-set levels.~~

The stormwater runoff generated by Lots 194-197 and portions of Lots 20-21 is not routed into the internal site drainage system or the drainage ditch along the southern border of the property, but rather will drain directly into Cleland Mountain Creek, increasing the pre-development volume of runoff generated during rainstorms. Since the watershed upstream comprises steep undeveloped terrain, and the combined impervious surface area for the four lots will total less than 0.5 acres or about 0.08% of the watershed (in addition, the developed portions of Lots 21 and 22 will not flow to Cleland Mountain Creek), the project will not perceptibly affect watershed peak flow rates. Therefore, the project impact on peak flow rates and potential flooding along Cleland Mountain Creek both within and downstream of the project will be less than significant.

~~Project impacts on peak flows and downstream flooding along the southern drainage ditch would be potentially significant. The underground storage vaults and the detention pond will store enough water to keep the post-project 100-year peak flow (21.91 cfs) slightly below the pre-project peak flow (22.28 cfs). However, the drainage ditch will still be required to handle the increased volume of stormwater once the stored stormwater is released. The underground vaults allow for the settlement of sediment entrained in site runoff, which can reduce the storage capacity if improperly or infrequently maintained. Significant reductions in storage capacity over time could have similarly significant impacts on surface stormwater runoff volumes and peak flows, since most excess site runoff would be diverted directly to the on-site drainage ditch. 18-inch CMP. Unless stormwater retention/detention facilities are properly designed, constructed and maintained,~~

the project could cause flooding, and this would be a ***potentially significant impact***.

Mitigation Measures

3.2-A.1 The project shall not cause flooding downstream of the project site, and post-development peak flows discharged ~~from the southern ditch to the~~ 18-inch CMP shall not exceed pre-development peak flows. At final project design, the applicant shall calculate the amount of runoff that will be generated by the developed, southern portions of Lots 20 and 21, and factor that increase into the analysis performed by Sandine and Associates to determine whether peak flow rates will remain below pre-development levels and the risk of flooding in the project site and off-site downstream will not be increased. If the post-project peak flow rates exceed the pre-development levels, the applicant shall increase the volume of the vault system storage and/or detention basin capacity to achieve the target peak flow discharge. The 18-inch storm drain facility beneath South State Street shall be located, inspected by video camera or other method, and a report submitted to the County Department of Transportation at the time of final design of the subdivision storm drainage system, substantiating the adequacy of the existing facility to accommodate the design runoff or recommending improvements necessary to the facility to adequately accommodate project runoff. Those recommendations shall be constructed."

9. The text on pages 89 and 90 shall be changed as shown below to reflect the additional information the applicant has provided on the storm drain system:

"Impact 3.2-C Project development would result in the clearing of land for the proposed site improvements. During and after project construction exposed slopes will be at increased risk of erosion. Site erosion could prematurely decrease the storage capacity of the vault detention system. ~~In addition, the diversion of stormwater runoff to the on site detention system would still result in an increase in the volume of runoff conveyed by the southern drainage ditch and concentrate site stormwater discharge, both of which could increase the risk of ditch erosion and downstream sedimentation.~~ The construction of the proposed bridge crossing over Cleland Mountain Creek would also create conditions for the discharge of fill into Waters of the United States.

Project development would require that much of the site be cleared and graded. This would include the mildly sloping portion that is currently a vineyard, and exclude the steeply sloped hillside. Although the steeper portion of the hillside would not be exposed, the mildly sloping, exposed area would still be subject to erosion, especially in the event that construction takes place during the rainy season, or the detention basin is temporarily inoperative. The increase in sediment yield relative to the existing vineyard use depends in part on the sediment yields from the furrowed vineyard lands. However, cultivated land of this sort typically facilitates local infiltration of rainfall and groundwater recharge,

whereas developed residential use restricts these functions due to the expansion of impervious areas. As a result, the volume of stormwater runoff would increase three-fold following development, and site sediment yield could increase without the installation of proper erosion controls. The current Tentative Map plans do not include an erosion control plan or a stormwater pollution prevention plan (SWPPP). Thus, no site Best Management Practices (BMPs) have been compiled to address grading and other forms of construction disturbance.

~~The redistribution of runoff from sheet flow to storm drain outlets where concentrated, relatively clarified stormwater would enter the southern ditch would result in an increased risk of localized channel erosion. In addition, the construction of the proposed Plant Road bridge crossing on Cleland Mountain Creek would require significant excavation of abutments in the immediate vicinity of the crossing. Such excavation could discharge substantial quantities of fine sediment into Cleland Mountain Creek, which could adversely affect downstream salmonid species. The combined effects of site and stream corridor grading, disturbance of existing riparian vegetation, and more concentrated stormwater discharges on site erosion, as well as the increased risk of channel erosion and instability in Cleland Mountain Creek and the southern drainage ditch, would constitute a significant impact on site erosion and downstream sedimentation. These erosion impacts are **potentially significant impacts**.~~

Mitigation Measures

~~3.2-C.2 Riprap sections of the drainage ditch's bank at both the detention pond and the underground storage vault outlets to dissipate the erosive energy of the discharges. Stabilize the southern drainage ditch by grading its banks to slopes of 3:1 and establish riparian vegetative cover using biotechnical techniques and native erosion control mix and native tree and shrub plantings.~~

~~Stabilization of the southern ditch would require that the applicant acquire a 1603 Streambed Alteration Agreement from the California Department of Fish and Game, a Section 401 Waiver of Water Quality Certification from the NCRWQCB, and a Section 404 Nationwide Permit (Fill Permit) from the US Army Corps of Engineers, Regulatory Branch. Additional conditions could be applied to the stabilization construction by CDFG and the NCRWQCB to minimize local and downstream ecological impacts and to minimize the potential for the introduction of non-native plant species."~~

10. The text on page 93 shall be changed as shown below to reflect the additional information the applicant has provided on the storm drain system:

~~"Install oil-grease separators at locations where street runoff enters the southern swale; or replace all or a portion of the detention pond outlet storm drain with a grass swale (i.e. bioswale) to enhance stormwater filtration of contaminants and~~

~~increase local infiltration. The alignment of the drain swale configuration could be adjusted to parallel the Plant Road entrance and then South State Street. The swale design should follow guidelines set forth by the North Coast RWQCB, or equivalent agencies (e.g. CA. Storm Water Best Management Practice Handbooks, Construction Activity, Camp Dresser & McKee et al. 1993). In particular, swale slopes and the swale base course material should be selected to allow adequate subsurface storage for the site soil characteristics."~~

11. Revise Mitigation Measure 3.5-F.1 on page 133 of the DEIR to state:

"3.5-F.1 The proposed bus stop internal to the project site shall be relocated to the outside of the Plant Road curve in order that all patrons will enter/exit by the bus via a sidewalk, and not the middle of the street. The bus stop shall be covered and protected from the wind."

12. The following changes to the text on pages 134 through 135 shall be made:

"All analyzed intersections along South Dora Street or Oak Knoll Road would be operating at LOS A or B, with the exception of South Dora Street at Washington Avenue, which would be operating at a still acceptable LOS C during both the AM and PM peak hours. This would be a **less than significant impact**, and no mitigation is required. However, the project would add an increment of traffic to other intersections in the Ukiah Valley area, many of which have been projected to operate at unacceptable levels of service in the traffic modeling done for the Mendocino Council of Governments (*Ukiah Valley Area Transportation Impact Fee Nexus Study – Draft Report, Economic & Planning Systems, Inc. and Fehr & Peers, August 2008*). Caltrans has recommended that the project be conditioned to finance its fair share of recommended intersection improvements."

Mitigation Measures

3.5-I.1 The applicant and/or future site developers shall pay the adopted Ukiah Valley Area Transportation Impact Fee at the time that building permits are issued.

Impact Significance After Mitigation

Payment of the mitigation fee will ensure that the applicant and/or future developers pay their fair share of areawide intersection improvements. The impact would be reduced to a less than significant level."

13. Revise the text on page 199 to state:

"The UVFD anticipates that it would need new facilities and equipment to serve this level of development. The UVFD states that it is currently understaffed and

does not have financial resources to purchase new equipment or facilities.¹ ~~Currently, there are no development fees or other standard measures in place to assist the district in developing these new facilities and capital equipment. The County has recently approved an ordinance allowing the UVFD to collect a fee for new development in the District.² Without an this additional funding mechanism, the UVFD has stated it would be unable to provide adequate fire and emergency medical response. However, the recently adopted County Ordinance 4175 provides the UVFD with the means to adopt a fire mitigation fee that the UVFD can use to mitigate this impact."~~

14. Add the following discussion to page 218:

"A Phase I Environmental Site Assessment was prepared for the project to determine whether there were any toxic substances or wastes on the site that could affect workers or future residents.³ This report describes how an underground 550 gallon underground storage tank (UST) used for storing gasoline had been removed from the site, but that soil testing at the location had not been performed. The report described several other potential hazards, including an inadequately contained aboveground fuel storage tank, debris piles (which appear to have been removed since the report was prepared), possible lead paint and asbestos in a residence (which has already been removed from the site), old septic systems, and unused water wells. The Phase 1 report concludes – "The environmental condition of the project site appears to be good." The mitigation measures listed on page 218 of the DEIR are the recommendations of the Phase 1 report. There is no evidence that substantial amounts or unusual pesticides were used on the site – grapes grown in this area generally do not require substantive use of particularly toxic pesticides. However, based on the recommendation from this agency, the mitigation measure on page 218 will be amended to require a human health risk assessment in the case that volatile organic compounds are discovered in the required soil sampling. The report contains recommendations to address these potential toxic wastes. Unless these recommendations are implemented, there would be a **potentially significant impact**.

¹ Ibid, 5/19/05.

² Grebil, 1/10/05.

³ Phase I Environmental Site Assessment – Sargentini Property – Ukiah, California, EBA Engineering, February 2004.

Mitigation Measures

3.9-R.1 All potential toxic wastes and materials shall be removed and/or remediated prior to site grading. The applicant shall do the following, as recommended in the Phase I Environmental Site Assessment:

- Abandon any inoperable water supply wells on the site following all the requirements of the Mendocino County Division of Environmental Health.
- Collect soil samples in the area of the former underground storage tank and the aboveground fuel storage tank. The soil samples shall be tested for Total Petroleum Hydrocarbons (as gasoline) and the constituents benzene, toluene, ethylbenzene, xylenes, fuel oxygenates, lead scavengers, and total lead. Results of the testing shall be provided to the Mendocino County Division of Environmental Health. If the Division determines that additional testing or remediation is required, the applicant shall fulfill all County requirements.
- If volatile organic compounds are discovered on the site, a human health risk assessment will be performed per requirements of the County Division of Environmental Health. That assessment will identify measures needed to ensure that workers and future residents are not exposed to County- and State-defined harmful levels of these compounds.
- Dispose of any waste oil, lubricants, paints, or other liquids in accordance with all applicable regulatory requirements.
- Investigate the fuel source for the prune dryer that formerly was located on the west side of the site to determine its fuel source. If it was gasoline, then conduct soil tests at that site as described above.
- Assess whether the workshop/storage building has the potential for lead paint or asbestos. If so, then demolition shall follow all requirements established by the Mendocino County Division of Environmental Health."

CHAPTER 6

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

AUTHORITY AND PURPOSE

Pursuant to the California Public Resources Code, Section 21081.6 (Assembly Bill 3180), Mendocino County is required to implement a mitigation monitoring and reporting program for the Garden's Gate Subdivision Project. The County's monitoring program is established in the conditions of the use permit, septic permit, and operating permit approval and as further set forth in the mitigation conditions and verification measures listed here.

The purpose of this mitigation monitoring and reporting program is to ensure compliance with and effectiveness of the mitigation measures identified in the certified EIR for the Garden's Gate Subdivision Project. PRC Section 21081.6 requires monitoring of mitigation measures for those impacts identified in the EIR to be significant.

COUNTY MONITORING PROGRAM FEATURES

The County's mitigation monitoring and report program for the Garden's Gate Subdivision Project consists of two major elements:

- A list of mitigation conditions and verifications required of the project sponsor at each stage of project approval and development.
- A checklist to document and verify mitigation condition compliance.

GARDEN'S GATE SUBDIVISION PROJECT
EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM

TOPIC	MITIGATION	IMPLEMENTED BY	WHEN IMPLEMENTED	MONITORED BY	VERIFIED BY AND DATE
Geology and Soils					
3.1-A: Improvements built on the site would be subject to seismic ground shaking, which could cause the failure of those improvements and risk to human health.	3.1-A.1: A final geotechnical report shall be prepared that incorporates the recommendations set forth in the 2005 RGH Report as modified by mitigation measures recommended in this EIR. The project applicant shall design project structures and foundations to withstand expected seismic forces in accordance with the California Building Code as adopted by the County of Mendocino. Since the project site is located within Seismic Zone 4 it is considered potentially seismically active. The County shall not issue building permits until seismic design criteria are reviewed and approved. During construction adherence to design criteria shall be monitored, and a final report issued documenting conformance prior to occupancy.	Project Engineer Project Geotechnical Consultant	Issuance of Building, Grading or Other Permits	Mendocino County Dept. of Planning & Building Services (Planning Dept.)	Planning Dept. Approval of Final Map
3.1-B: Seismically induced ground failure, including liquefaction and densification, would cause improvements to fail and risk to human health.	3.1-B.1: Potentially unstable surface soils shall be remediated by strengthening the soils during site grading. The strengthening will be achieved by excavating the weak soils and replacing them as properly compacted engineered fill. All site grading and foundation construction shall follow the recommendations of the Geotechnical Engineer of record for the project. The process will include excavation of surface soils and placement of all fill soils at a minimum of 90 percent compaction relative to the maximum dry density near the optimum moisture content as determined in accordance with ASTM D 1557. Site soils will be tested during construction by the Geotechnical Engineer-of-Record or by a Special Inspector to confirm that minimum standards are met. A final report documenting results of fill testing will be submitted to the County of Mendocino Department of Planning and Building Services and will be subject to the review of that department.	Project Engineer	Issuance of Building, Grading or Other Permits	Planning Dept.	Planning Dept. Prior to building construction
3.1-C: Potentially unstable slopes or underlying soils could cause the failure of improvements and risk to human health.	3.1-C.1: Cut and fill slopes should be designed and constructed as slope gradients of 2h:1v or flatter, unless otherwise approved by the Geotechnical Engineer-of-record in specified areas. The interior slopes of the retention basin should be inclined no steeper than 3h:1v. If steeper slopes are required, retaining walls shall be used. Fill slopes steeper than 2h:1v will require the use of a Geogrid reinforcing material to increase stability. Fill slopes shall be	Project Engineer Project Geotechnical Consultant	Issuance of Building, Grading or Other Permits	Planning Dept.	Planning Dept. Prior to building construction

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TOPIC	MITIGATION	IMPLEMENTED BY	WHEN IMPLEMENTED	MONITORED BY	VERIFIED BY AND DATE
	constructed by over-filling and cutting the slope to final grade. Graded slopes shall be planted with fast-growing, deep-rooted groundcover to reduce sloughing and erosion. Fills placed on terrain sloping at 5h:1v or steeper shall be continually keyed and benched into firm, undisturbed bedrock or firm soil. The benches shall allow space for the placement of select fill of even thickness under settlement sensitive structural elements supported directly on the fill.				
	3.1-C.2: Retaining walls shall be designed to retain planned cut slopes for the 10 hillside lots that exceed 2h:1v in slope steepness and for the sidewalk between the project access and Oak Court Road. These cuts are planned to be as great as 13 feet in height. The Geotechnical Engineer-of-record shall provide revised recommendations for retaining walls if needed to meet current building code requirements. All retaining walls shall be designed by a State of California Registered Civil Engineer in accordance with requirements of the 2007 California Building Code including seismic design considerations. Retaining wall design shall be reviewed by the County of Mendocino Department of Planning and Building Services to ensure conformance with state and local building code requirements.	Project Engineer Project Geotechnical Consultant	Issuance of Building, Grading or Other Permits	Planning Dept.	Planning Dept. Prior to building construction
	3.1-C.3: Plan Review will be performed by the County of Mendocino Department of Planning and Building Services to ensure conformance with grading and drainage requirements. The Geotechnical Engineer-of-Record shall prepare a geotechnical review letter documenting that plans meet with the intent of geotechnical recommendations.	Project Geotechnical Consultant	During construction	Planning Dept.	Planning Dept. Prior to building construction
	3.1-C.4: The Geotechnical Engineer-of-Record and/or Special Inspector shall perform construction observation and testing to ensure conformance with design requirements and geotechnical recommendations. Testing and monitoring shall include: • Verification of compaction	Project Geotechnical Consultant	During construction	Planning Dept.	Planning Dept. Completion of building construction

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TOPIC	MITIGATION	IMPLEMENTED BY	WHEN IMPLEMENTED	MONITORED BY	VERIFIED BY AND DATE
	requirements for engineered fill and subgrade soils. Unless otherwise stated all engineered fill shall be compacted to at least 90 percent of the maximum dry density at moisture contents above the optimum in accordance with ASTM D 1557 test method. Subgrade beneath foundations and pavement sections shall be additionally compacted to at least 95 percent of the maximum dry density at moisture contents near the optimum. • Verification of the installation of subsurface drainage in accordance with project plans and specifications. • Verification that footings are excavated into stable material and footing excavations are of sufficient depth and breadth to adequately support structures with minimal or no settlement. • Materials Testing and Special Inspection of concrete, steel, asphalt, wood members and other structural elements to establish conformance with the design standards. • Verification of correct installation of erosion control measures and adherence to the requirements of the approved Stormwater Pollution Plan (SWPPP) for the project.				
3.1-D: Expansive soils on the site could cause the failure of improvements and risk to human health.	3.1-D.1: Where spread footings are chosen for foundation support, weak, porous, compressible and locally expansive surface soil shall be excavated to within 6 inches of their entire depth. Excavation of weak, compressible, and locally expansive soils shall extend a minimum of 12 inches below exterior concrete slabs and/or asphalt concrete pavement subgrade. These soils shall be replaced with select fill	Project Engineer Project Geotechnical Consultant	Issuance of Building, Grading or Other Permits	Planning Dept.	Planning Dept. Completion of building construction

**GARDEN'S GATE SUBDIVISION PROJECT
EXHIBIT 1: MITIGATION MONITORING AND REPORTING PROGRAM**

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	material. Additionally, excavation of weak, porous, compressible, expansive, creep-prone surface materials shall extend at least 5 feet beyond the outside edge of exterior footings of the proposed buildings and 3 feet beyond the edge of exterior slabs and or pavements. These soils shall also be replaced with select fill material as described below. Select fill material shall be free of organic matter, have a low expansion potential, and conform in general to the following requirements: 100% passing 6" sieve; 90-100% passing the 4" sieve; 10-60% passing the No. 200 sieve (all percentages by dry weight); LL – 40 max; PI – 15 max; R-value – 20 min. The Geotechnical Engineer-of-Record shall approve imported material prior to use as compacted fill.				
Hydrology and Water Quality					
3.2-A: Development of the project would create new impervious surfaces, increasing the rate and amount of stormwater runoff. This runoff could contribute to flooding in the vicinity of the project site.	3.2-A.1: The project shall not cause flooding downstream of the project site, and post-development peak flows discharged to the 18-inch CMP shall not exceed pre-development peak flows. At final project design, the applicant shall calculate the amount of runoff that will be generated by the developed, southern portions of Lots 20 and 21, and factor that increase into the analysis performed by Sandine and Associates to determine whether peak flow rates will remain below pre-development levels and the risk of flooding in the project site and off-site downstream will not be increased. If the post-project peak flow rates exceed the pre-development levels, the applicant shall increase the volume of the vault system storage and/or detention basin capacity to achieve the target peak flow discharge. The 18-inch storm drain facility beneath South State Street shall be located, inspected by video camera or other method, and a report submitted to the County Department of Transportation at the time of final design of the subdivision storm drainage system, substantiating the adequacy of the existing facility to accommodate the design runoff or recommending improvements necessary to the facility to adequately accommodate project runoff. Those recommendations shall be constructed. 3.2-A.2: As part of the Development Agreement, establish a Homeowners Association (HOA) maintenance agreement that details the provisions for regular monitoring of the status of the vault and detention pond storage capacities, as well as	Project Engineer	Final Map approval	Mendocino Water Agency (Water Agency) Mendocino County Department of Transportation	Mendocino Water Agency and Planning Dept. Mendocino County Department of Transportation Final Map approval
		Project Engineer	Approval of Development Agreement	Planning Dept.	Planning Dept. Prior to construction

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TOPIC	MITIGATION	IMPLEMENTED BY	WHEN IMPLEMENTED	MONITORED BY	VERIFIED BY AND DATE
3.2-B: Project development would result in the construction of four residential lots in the FEMA-designated 100-year floodplain of Cleland Mountain Creek.	requirements for vault and detention pond cleanouts, when necessary, to maintain design stormwater storage levels. Establish a monitoring protocol that is acceptable to the County that monitors implementation of this maintenance, including a bond or other funding agreement that reimburses the County if the County is required to conduct required maintenance due to the HOA not implementing required maintenance. 3.2-B.1: The project shall not result in flooding of residences on the project site. To minimize the risk of flooding during the FEMA-designated 100-year base flood, the applicant shall implement one of the following alternatives: A) Re-design the grading plan for Lots 20-21 and 196-197 in the vicinity of Cleland Mountain Creek so that building finished floor elevations are a minimum of one foot above the land surface elevations inferred by the FIRM Zone A SFHA mapping, or B) Prepare a Letter of Map Revision (LOMR), accompanied by the appropriate technical documentation, and submit it to FEMA (or its sponsored contractor), to petition for a change in the FEMA SFHA designation for the project site. Required technical documentation would include an updated flood backwater profile modeling of Cleland Creek, including the proposed Plant Road bridge crossing, which was excluded from the original HEC-RAS analysis conducted for the project by Sandine Associates. If the modeling results verify that the published FEMA mapping is inaccurate and that Lots 20-21 and 196-197 are outside of the redefined SFHA, then the lots could be developed as proposed, subject to possible regulatory restrictions or conditions imposed by the California Department of Fish and Game (CDFG) and the Mendocino County Water Agency (MCWA) for disturbance of the riparian corridor. If the modeling results verify that the published FEMA flood mapping was accurate, then Alternative A would be required for development of the lots. The same potential regulatory restriction or conditions imposed by CDFG or the MCWA would	Project Engineer	Final Map approval	Planning Dept. Water Agency	Planning Dept. Prior to Final Map

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3.2-C: Project development would result in the clearing of land for the proposed site improvements. During and after project construction exposed slopes will be at increased risk of erosion. Site erosion could prematurely decrease the storage capacity of the vault detention system. The construction of the proposed bridge crossing over Cleland Mountain Creek would also create conditions for the discharge of fill into Waters of the United States.	apply. 3.2-C.1: The project shall not cause significant erosion. The applicant shall submit a detailed Erosion Control Plan as part of the Stormwater Pollution Prevention Plan (SWPPP) to the Mendocino County Water Agency (MCWA) and to the State Water Resources Control Board (SWRCB), in conjunction with the filing of a Notice of Intent (NOI) with the SWRCB. The County shall not issue a Grading Permit until the County Water Agency agrees that the plan contains adequate Best Management Practices for controlling erosion. At a minimum, the Erosion Control Plan shall include the following restrictions, guidelines, and measures: (1) grading and earthwork shall be prohibited during the wet season (typically October 15 through April 15) and such work shall be stopped before pending storm events during the spring-fall construction season; (2) erosion control/soil stabilization techniques such as straw or wood mulching, erosion control matting, and hydroseeding, or their functional equivalents shall be utilized in accordance with applicable manufacturers specifications and erosion control Best Management Practices (BMPs) published in the <i>California Stormwater BMP Handbook - Construction</i> (California Stormwater Quality Association 2005) and/or similar prescriptions outlined in the <i>Erosion and Sediment Control Field Manual</i> (SF Bay RWQCB 2002); (3) bales of hay or accepted equivalent methods shall be installed in the flow path of graded areas receiving concentrated flows, as well as around storm drain inlets; (4) installation of silt fencing and other measures to segregate the active flow zone of Cleland Mountain Creek from the near overbank disturbance associated with bridge abutment construction; and (5) post-construction stormwater treatment measures. These and other erosion control BMPs shall be monitored for effectiveness and shall be subject to inspection by the County. The applicant shall be responsible for implementing any remedial actions recommended by the County. After construction is completed, all drainage facilities shall be inspected for accumulated sediment, and these drainage structures shall be cleared of debris and sediment. Silt fence	Project Engineer	Issuance of Building, Grading or Other Permits	Water Agency SWRCB	Water Agency SWRCB Plan verified at approval of Grading Permit Implementation verified at completion of construction

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3.2-D :Project implementation would increase the area devoted to both paved (roadway and driveway) surfaces and maintained landscaping. Episodic discharge of stormwater contaminated with heavy metals could detrimentally affect downstream water quality. Residential lot development would be accompanied by increased application of fertilizers and chemicals (such as herbicides and pesticides).	shall be left in place until the hydroseed has become established. 3.2-D.1: The project shall not cause substantial pollution of Cleland Mountain Creek or the Russian River. The applicant shall prepare an NOI and SWPPP for the project, and incorporate the following additional site-appropriate BMPs or their equivalents for short- and long-term implementation by the Homeowners Association (HOA) and/or individual lot owners, in order to comply with the requirements of the NPDES General Permit and provisions of the Mendocino County Storm Water Management Program. The BMPs will result in stormwater leaving the site at least meeting the NCRWQCB water quality objectives for the Russian River. The SWPPP shall be approved by the Mendocino County Water Agency and the State prior to project construction. Impervious surfaces shall be minimized by using such techniques as driveway strips with bordering pervious pavement material (rather than a full paved driveway); using pervious materials for parking areas; directing runoff from rooftops and streets to landscaping buffers and/or recharge trenches. These and other BMPs shall be monitored for effectiveness and shall be subject to inspection by the County. The Homeowners Association shall be responsible for implementing any remedial actions recommended by the County. The applicant shall establish a monitoring protocol that is acceptable to the County that monitors implementation of these measures, including a bond or other funding agreement that reimburses the County if the County needs to conduct required maintenance due to the HOA not implementing required maintenance. The County can require that monitoring be done by a third party acceptable to the County; costs of all monitoring and any maintenance will be borne by the Homeowners Association.	Project Engineer	Issuance of Building, Grading or Other Permits	Water Agency Planning Dept. SWRCB	Water Agency SWRCB Plan verified at approval of Grading Permit Implementation verified at completion of construction

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	Since the objective of erosion control and water quality treatment measures would be to reduce contaminant loading to the maximum extent practicable with implementation of the best available technologies, the recommended BMPs are not fixed. Other measures can be applied as long as the applicant can demonstrate to the satisfaction of MCWA that those measures can provide equivalent levels of reduction in contaminant loading. The applicant shall prepare a plan that describes the roles and responsibilities of the HOA, lot owners, and/or the County for implementing the BMPs and monitoring the results. If the County will be responsible for monitoring or implementing any actions, then a funding mechanism will be established. The County will review and approve this plan prior to the onset of construction. 3.2-D.2: Per the recommendations of the CDFG, Lots 20, 21 and 197 shall be removed from the project in order to provide the minimum creekside buffer required to filter contaminants, including sediment, from stormwater runoff 3.2-E: The project plus other cumulative development could adversely affect the water quality of the Russian River.				
	3.2-D.2: Per the recommendations of the CDFG, Lots 20, 21 and 197 shall be removed from the project in order to provide the minimum creekside buffer required to filter contaminants, including sediment, from stormwater runoff Mitigation Measures for Impacts 3.2-C and 3.2-D also apply to this impact.	Project Applicant	Final Subdivision Map	Planning Dept.	Planning Dept. Approval of Final Subdivision Map
		See the cited measures.			
Biological Resources					
3.3-A: Project development could adversely affect water quality thereby indirectly affecting listed salmonid species.	1. 3.3-A.1: The applicant shall preserve water quality in Cleland Mountain Creek. A Riparian Enhancement Area that includes Lots 20, 21, and 197 shall be established. The applicant shall replant the Riparian Enhancement Area. The replanting shall include riparian species along the creek and oaks, bay, and buckeye further from the creek. The plan shall include the planting of at least three replacement trees (of the same species as the tree removed) for each oak, bay, buckeye, and Oregon ash that is removed. The planting and maintenance of	Project Applicant	Final Subdivision Map	Planning Dept.	Planning Dept. Approval of Final Subdivision Map

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	the plantings shall be conducted per a final Restoration Plan prepared by a qualified biologist. The plan shall identify the entity responsible for maintenance. The County shall have the option of maintaining the area if the plan is not being followed; the HOA will be charged for the County's maintenance work. The plan shall be reviewed and approved by the California Department of Fish and Game.				
3.3-B: Project construction would remove up to 25 oaks.	Mitigation Measure 3.3-A.1 also applies to this impact.	See the cited measure.			
3.3-D: Project construction would restrict wildlife movement and displace nesting sites.	Mitigation Measure 3.3-A.1 also applies to this impact.	See the cited measure.			
3.3-E: The project plus other proposed new development in the area could have a cumulative impact on Russian River water quality and oak woodlands.	Mitigation Measures 3.2-C.1, 3.2-C.2, 3.2-D.1, 3.2-D.2, and 3.3-A.1 also apply to this impact.	See the cited measure.			
Cultural Resources					
3.4-A: Cultural resources could be damaged or destroyed by project construction.	3.4-A.1: If cultural resources are discovered on the site during construction activities, all earthmoving activity in the area of impact shall be halted until the applicant retains the services of a qualified archaeological consultant. These archaeological sites will be documented (by a professional meeting the Secretary of the Interior qualification standards) on DPR forms and evaluated for their eligibility for the California Register. The archaeological consultant shall identify specific measures to mitigate impacts to the resource if it is deemed eligible for the California Register. Mitigation shall include data recovery operations, protection in situ of deposits, and/or archival research, if appropriate. The applicant shall abide by the recommended proposals.	Project Applicant Project Construction Manager during construction	Development Agreement or Issuance of Building, Grading or Other Permits	Planning Dept.	Planning Dept. Completion of construction for implementation

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	3.4-A.2 In the event that human skeletal remains are discovered, work shall be discontinued in the area of the discovery and the County Coroner shall be contacted. If skeletal remains are found to be prehistoric Native American remains, the Coroner shall call the Native American Heritage Commission within 24 hours. The Commission will identify the person(s) it believes to be the "Most Likely Descendant" of the deceased Native American. The Most Likely Descendant would be responsible for recommending the disposition and treatment of the remains. The Most Likely Descendant may make recommendations to the landowner or the person responsible for the excavation/grading work for means of treating or disposing of the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.	Project Applicant Project Construction Manager during construction	Development Agreement or Issuance of Building, Grading or Other Permits	Planning Dept.	Planning Dept. County Coroner Completion of construction for implementation
3.4-B: Paleontological resources could be damaged or destroyed by project construction.	3.4-B.1: During project grading operations, should any undiscovered evidence of paleontological resources be encountered, work at the place of discovery shall be halted, and a qualified paleontologist shall be consulted to assess the significance of the finds. Prompt evaluations can then be made regarding the finds, and a management plan consistent with CEQA cultural resources management requirements shall be adopted.	Project Applicant Project Construction Manager during construction	Development Agreement or Issuance of Building, Grading or Other Permits	Planning Dept.	Planning Dept. Completion of construction for implementation
Traffic and Circulation					
3.5-C: The proposed roundabout may not be able to accommodate truck and bus traffic.	3.5-C.1: The project applicant shall design the proposed South State Street/Plant Road roundabout to accommodate all existing and anticipated buses and large trucks. Turning template diagrams shall be provided to the County Department of Transportation for the largest bus and trucks anticipated to be using the roundabout.	Project Applicant	Final Subdivision Map or Issuance of Building, Grading or Other Permits	Mendocino County Department of Transportation (DOT)	DOT Approval of Final Subdivision Map
3.5-F: The project design does not adequately provide for mass transit access.	3.5-F.1: The proposed bus stop internal to the project site shall be relocated to the outside of the Plant Road curve in order that all patrons will enter/exit by the bus via a sidewalk, and not the middle of the street. The bus stop shall be covered and protected from the	Project Applicant	Final Subdivision Map or Issuance of Building, Grading or Other Permits	Mendocino County Department of Transportation (DOT)	DOT Approval of Final Subdivision Map

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	wind.				
3.5-I: The project plus other new development would generate new traffic that would add congestion to study area intersections.	3.5-I.1: The applicant and/or future site developers shall pay the adopted Ukiah Valley Area Transportation Impact Fee at the time that building permits are issued.	Project Applicant	Building Permits	Planning Dept. Mendocino Council of Governments	Planning Dept. Issuance of Building Permits
3.5-K: The project plus other new development would generate new traffic that would add congestion to Oak Knoll Road and South Dora Street.	3.5-K.1: The project applicant and other cumulative projects generating traffic to the new connector shall provide at least 11-foot-wide travel lanes and four-foot-wide shoulders along Oak Knoll Road to its northernmost intersection with Oak Court Road and along the one-block section of Oak Court Road from this intersection to North Court Road. (See the discussion below about the secondary impacts of implementing this recommendation.) The fair share of the cost shall be based on the percentage of trips generated by the new developments. The Development Agreement will establish a financing process to ensure that the applicant pays its fair share of this improvement.	Project Applicant	Development Agreement	Planning Dept. DOT	Planning Dept. Issuance of Building Permits
	3.5-K.2: All future projects proposed between the Garden's Gate site and Highway 253 shall be assessed by a traffic engineer to determine whether that project plus other already constructed or approved projects would generate sufficient cumulative traffic to trigger a significant safety impact between the Garden's Gate access to Oak Knoll Road and South Dora Street. The improvements would be constructed prior to final construction of the project triggering the need for the improvement.	Future Applicants	Building Permits	Planning Dept. DOT	Planning Dept. Issuance of Building Permits
3.5-L: Implementation of Mitigation Measure 3.5-K.1 would result in loss of yards for residences along Oak Knoll Road.	3.5-L.1: Widening of Oak Knoll Road shall not cause slope failure or substantial soil erosion. The County shall have a final geotechnical design prepared by a licensed geotechnical expert that describes final retaining wall design and how any cuts and fills will be conducted. The final plan shall also include an erosion control plan. The road shall be widened per the recommendations of this final design.	Project Applicant will fund DOT Planning Dept.	Development Agreement	DOT Planning Dept.	DOT Planning Dept. Issuance of Building Permits
	3.5-L.2: The County shall replace each oak tree removed during widening by replanting and maintaining (for at least 5 years) 3 oaks for each oak	Project Applicant will fund	Development Agreement	DOT Planning Dept.	DOT Planning Dept.

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	removed. The oaks can be planted on the Garden's Gate site or another suitable site.	DOT Planning Dept.			Issuance of Building Permits
Air Quality					
3.6-A: Construction activities associated with development of the project would generate short-term emissions of criteria pollutants, including fine and respirable particulate matter and equipment exhaust emissions.	3.6-A.1: The project applicant and construction contractor shall for all construction project phases prepare and implement a dust control program to limit construction emissions of PM₁₀. The program shall include at least the following provisions from MCAQMD Rule 1-430 Fugitive Dust. Because the site is over one acre in size, a Grading Permit must be approved by MCAQMD, and MCAQMD may require additional mitigations. a. Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust. b. The use of water or chemicals for control of dust in the demolition of existing buildings or structures. c. All visibly dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions. d. All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour. e. Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed. f. Asphalt, oil, water or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to dust emissions. g. All earthmoving activities shall cease when sustained winds exceed 15 miles per hour. h. The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site	Project Construction Manager	Issuance of Building, Grading or Other Permits	Planning Dept.	Planning Dept. During and at Completion of construction

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3.6-F: The project will use more energy and thereby generate greenhouse gas emissions that would adversely affect the global climate.	i. during non-work hours. The operator shall keep a daily log of activities to control fugitive dust. 3.6-F.1: The project shall minimize the emission of greenhouse gases by including at least the following: • Install solar hot water heaters with a back-up electric water heater. • The project shall be constructed to incorporate the 2010 Title 24 building standards (or whatever standards have been adopted at the time that building permits are issued). • The project shall include a photovoltaic (PV) solar electricity system that will be owned and operated by the Homeowner's Association for the benefit of the future residents. The system will be sized sufficiently so that it totally offsets electrical use from project parks, recreational facilities, and other facilities owned or managed by the Homeowners Association. • Project residential units shall be oriented for maximum solar access. Roofs shall be constructed to allow easy and efficient retrofitting with rooftop solar panels. • The project applicant shall ensure that the CC&Rs of the Homeowner's Association do not preclude the use of energy- or water-saving technologies or practices for aesthetic reasons. • The project applicant shall ensure the Homeowner's Association develops and maintains energy- and water-efficient practices for the common areas of the subdivision and follows a	Project Applicant	Development Agreement, Issuance of Building, Grading or Other Permits	Planning Dept.	Planning Dept. Completion of construction

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	landscaping plan that does not impair the efficient operation of the solar collection facilities.				
Noise					
3.7-A: Construction of project improvements would generate construction noise.	3.7-A.1 Project-specific acoustical analyses shall be required to confirm that outdoor activity areas are provided with Ldn values at or below 60 dBA, and interior Ldn values will not exceed 45 dBA. Sound insulation measures, including any mechanical ventilation systems needed to permit closed windows, should be designed by an experienced acoustical consultant and incorporated into construction documents submitted for permits.	Project Applicant	Development Agreement	Planning Dept.	Planning Dept. Issuance of Building Permits
3.7-C: Construction of project improvements would generate construction noise over a period exceeding one year.	Project construction shall not cause excessive noise. To accomplish this standard, the following measures are required: - Noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way should be restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No construction activities should occur on weekends or holidays. - Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. - Unnecessary idling of internal combustion engines should be strictly prohibited. - Locate stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating	Project Applicant	Development Agreement	Planning Dept.	Planning Dept. Completion of construction

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	equipment when located near adjoining sensitive land uses. - Utilize "quiet" air compressors and other stationary noise sources where technology exists. - Control noise from construction workers' radios, CD players, etc. to a point that they are not audible at existing residences bordering the project site. - Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. - Notify existing residents when especially noisy operations are scheduled near their property, allowing the residents to plan activities accordingly. Examples of especially noisy sources: heavy earth moving equipment, jack hammers, pile drivers.				
Aesthetics					
3.8-A: The project would replace views from South State Street and other vantage points east of the	3.8-A.1: The Development Agreement between the County and the applicant shall include a condition that the applicant agrees that final project design and landscape plan shall undergo design review by the	Project Applicant	Development Agreement	Planning Dept. Mendocino County Water Agency	Planning Dept. Mendocino County Water Agency

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site of open space with views of residential development.	County Department of Planning and Building Services and/or the County Planning Commission to ensure consistency with the County General Plan, the Ukiah Valley Area Plan (if adopted at the time the final design is submitted), the County design review guidelines (if adopted at the time the final design is submitted), and the County Code. The final project shall be revised, if requested, to comply with the County's review recommendations.				Prior to issuance of building permits
	3.8-A.2: Landscaping will be mature within 15 years of initial project construction (Phase 1). Mature means that perimeter trees shall be at least 20 feet tall. The final landscape plan shall include tree landscaping along the north and east sides of the site using species that fully screen views from the east and screens at least half of the buildings on the north side. The plan shall include specifications for planting, irrigating, fertilizing, and replacing dead trees so that the landscaping will be mature within 15 years.	Project Applicant	Development Agreement	Planning Dept. Mendocino County Water Agency	Planning Dept. Mendocino County Water Agency 15 years after project completion
3.8-C: The project would replace views from Gobalet Lane, residences north of Gobalet Lane, and residences south of Oak Knoll Road of open space with views of residential development.	Mitigation Measures 3.8-A.1 and 3.8-A.2 apply to this impact.	See the cited mitigation measures			
3.8-F: New lighting on the project site will change nighttime views in the area.	The final design shall include a lighting plan that minimizes light escape from the site. The final plan shall become part of the CC&Rs for the Homeowners Association. This plan shall include the following: 1. <i>Light shielding is required.</i> Except as otherwise exempt, all outdoor lighting fixtures shall be constructed with full shielding. Shielding shall prevent the light source from being visible to adjacent residential properties. 2. <i>Minimum/Maximum Level of Illumination.</i> The minimum and	Project Applicant	Development Agreement	Planning Dept.	Planning Dept. Issuance of Building Permits

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	maximum levels of illumination permitted are listed below. A photometric study listing the number, type, height, and level of illumination of all outdoor lighting fixtures shall be required prior to issuance of a building permit or site improvement plans to ensure compliance with these provisions. a. Minimum security lighting for sidewalks, walkways, parking areas, and similar areas shall be 1.0 foot-candles, measured at ground level, not to exceed 3.0 foot-candles on average. b. In order to minimize light trespass on abutting property, illumination measured on the property line of a subject parcel shall not exceed 0.5 foot-candles, measured on a vertical plane along the property line. c. Building-mounted decorative or security lights shall not exceed 5.0 foot-candles, measured a distance of five feet from the light source. All building lighting shall be reviewed and authorized by Mendocino County prior to the initiation of lighting installation. 3. <i>Maximum Height of Outdoor Light Fixtures.</i> The maximum height of freestanding outdoor light fixtures for multi-family residential development and non-residential				

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	development abutting a single-family residential zoning district or use shall be 20 feet. Otherwise, the maximum height for freestanding outdoor light fixtures shall be 25 feet. 4. <i>Type of illumination.</i> All outdoor lighting fixtures shall be energy efficient. Energy efficient lights include all high-intensity discharge lamps (mercury vapor, high-pressure sodium, low-pressure sodium, and metal halide). The concentrated and/or exclusive use of either low-pressure sodium or metal halide lighting is prohibited. 5. <i>Hours of illumination.</i> Automatic timing devices shall be required for all outdoor light fixtures on multi-family residential and non-residential development (e.g., parks) with off hours (exterior lights turned off) between 11:00 p.m. and 6:00 a.m. Exceptions are that outdoor lights may remain on in conjunction with the hours of operation of the corresponding use, for security purposes, or to illuminate walkways, roadways, equipment yards, and parking lots. 6. <i>Prohibited Lighting.</i> The following outdoor light fixtures shall be prohibited as specified below. a. Lighting of parks for active nighttime recreation. b. Uplighting/back-lit canopies or awnings. c. The concentrated and/or exclusive use of either low-pressure sodium or				

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	d. metal halide lighting Neon tubing or band lighting along building structures e. Searchlights. f. Flashing lights. g. Illumination of entire Building shall be limited to security lighting and lighting of architectural features authorized by the designated Approving Authority in conjunction with the required development permit(s). h. Roof mounted lights except for security purposes with motion detection and full shielding so that the glare of the light source is not visible from any public right-of-way.				
Public Services and Infrastructure					
3.9-C: Development of the project would increase the demand for police response by the Mendocino County Sheriff's Office and by the Ukiah Police Department and would increase demand on other portions of the criminal justice system.	3.9-C.1: The final project design shall be reviewed by the Sheriff's Office to determine if it provides adequate access, security lighting, and other factors affecting police response. The final map shall incorporate security measures required by the Sheriff's Office.	Project Applicant	Final Subdivision Map	Mendocino County Sheriff's Office	Sheriff's Office Planning Dept. Issuance of Building Permits
3.9-F: New development resulting from the project and other new development in the area would increase the demands on the Ukiah	3.9-F.1: If the County has not adopted additional funding for the EMS system at the time of approval of the Development Agreement, then the applicant shall agree within the Development Agreement to pay any fees that the County adopts for EMS funding prior to and/or within five years of approval of the	Project Applicant	Development Agreement	Planning Dept.	Planning Dept. Issuance of Building Permits

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Valley Fire District and the emergency medical response system possibly require the construction of new facilities.	Development Agreement.				
3.9-H: The project would contribute to the need for a new water storage facility.	3.9-H.1: The applicant shall enter into an agreement with the Willow County Water District to pay a capital improvement fee (estimated at \$400,000) to fund the project's share of the replacement and expansion of the Fircrest Drive water storage tank.	Project Applicant	Development Agreement	Planning Dept. Willow CWD	Planning Dept. Willow CWD Issuance of Building Permits
3.9-M: The project would increase the plan area population, thereby increasing the demand for parks and recreational facilities. This increased demand could result in significant deterioration of existing facilities and the need for new or expanded facilities.	3.9-M.1: Construct and maintain a "tot lot" with playground equipment on one of the two project parks. The tot lot will be maintained by the Homeowner's Association.	Project Applicant	Development Agreement	Planning Dept.	Planning Dept. Issuance of Building Permits
	3.9-M.2: Construct a soccer field or ballfields on the larger proposed park. The soccer field/ballfields will be available for public use.	Project Applicant	Development Agreement	Planning Dept.	Planning Dept. Issuance of Building Permits
	OR The project applicant will agree to pay the County's park in-lieu fee when the County adopts the fee program. If the County has not adopted such a fee by 2012, then the applicant will be required to construct the soccer field or ballfields. The applicant shall notify in writing all future homebuyers on the project that the park may be developed with an active playfield at some point in the future.				
3.9-O: Future development could be placed in locations where people and structures would be exposed to potential wildland fires.	3.9-O.1: The project shall be designed and constructed to minimize risk of wildfire destroying residences. The Ukiah Valley Fire District shall review project plans and determine in writing that adequate access, emergency response, and fireflow are available, and that the project complies with the most current State requirements for development in the wildland/urban interface. Final project design shall	Project Applicant	Development Agreement	Ukiah Valley Fire District Planning Dept.	Ukiah Valley Fire District Planning Dept. Issuance of Building Permits

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3.9.R: Toxic materials and wastes on the site could pose a risk to human health.	conform with any changes that the District requires. 3.9.R.1: All potential toxic wastes and materials shall be removed and/or remediated prior to site grading. The applicant shall do the following, as recommended in the Phase I Environmental Site Assessment: - Abandon any inoperable water supply wells on the site following all the requirements of the Mendocino County Division of Environmental Health. - Collect soil samples in the area of the former underground storage tank and the aboveground fuel storage tank. The soil samples shall be tested for Total Petroleum Hydrocarbons as gasoline and the constituents benzene, toluene, ethylbenzene, xylenes, fuel oxygenates, lead scavengers, and total lead. Results of the testing shall be provided to the Mendocino County Division of Environmental Health. If the Division determines that additional testing or remediation is required, the applicant shall fulfill all County requirements. - If volatile organic compounds are discovered on the site, a human health risk assessment will be performed per requirements of the County Division of Environmental Health. That assessment will identify measures needed to ensure that workers and future residents are not exposed to County- and State-defined harmful levels of these compounds. - Dispose of any waste oil, lubricants, paints, or other liquids in accordance with all applicable regulatory requirements.	Project Applicant	Development Agreement	Mendocino County Division of Environmental Health	Mendocino County Division of Environmental Health Planning Dept. Prior to issuance of Grading Permit

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	- Investigate the fuel source for the prune dryer that formerly was located on the west side of the site to determine its fuel source. If it was gasoline, then conduct soil tests at that site as described above. - Assess whether the workshop/storage building has the potential for lead paint or asbestos. If so, then demolition shall follow all requirements established by the Mendocino County Division of Environmental Health.				