



**PLANNING COMMISSION STAFF REPORT
SUBDIVISION MODIFICATION &
DEVELOPMENT AGREEMENT AMENDMENT
ADMINISTRATIVE PERMIT**

**MARCH 9, 2023
S_2020-0001 &
DEV_2020-0001
AP_2022-0034**

OWNER: RANCHO YOKAYO L.P.

APPLICANT/AGENT: GUILLON INC.
2550 Lakewest Drive, #50
Chico, CA 95928

REQUEST: Modifications to previously approved Garden's Gate Subdivision Vesting Tentative Map (S_3-2005) and its associated Development Agreement. The Subdivision Modification (S_2020-0001) consists of an Amended Vesting Tentative Map to subdivide 48.8± acres into 171 single-family residential parcels with parks, streets and utilities. The renamed "Bella Vista Subdivision" would include a 39-unit age-restricted Senior Neighborhood and a 132-unit Traditional Neighborhood. In accordance with a modified Inclusionary Housing Plan, 10% of the residences in the Traditional Neighborhood would be restricted for sale to qualifying moderate-income households. The Subdivision Modifications include a Phasing Plan, Design Guidelines and a Preliminary Landscape Site Plan. In accordance with State Density Bonus Law, exceptions to the Division of Land Regulations and County Zoning Ordinance are requested for minimum lot sizes, setbacks, double frontage lots, private road easements, and fence standards. An Administrative Permit (AP_2022-0034) is requested to authorize single-family residential uses within the portions of the site that are in the Multiple Family Residential ("R-3") District. The Restated Development Agreement (DEV_2020-0001) would amend the Garden's Gate Development Agreement to reflect the Subdivision Modification, to establish a new 10-year term for the Restated Development Agreement, and to modify the Inclusionary Housing Agreement. The Planning Commission will provide a recommendation to the Board of Supervisors regarding approval of the following items:

- Restated Development Agreement
- Amended Vesting Tentative Map
- Modified Phasing Plan

- Modified Design Guidelines
- Preliminary Landscape Site Plan & Planting Plan
- Density Bonus and Reductions in Development Standards per State Density Bonus Law
- Administrative Permit
- Inclusionary Housing Plan
- Inclusionary Housing Agreement
- Addendum to the Environmental Impact Report for the Garden's Gate Subdivision
- Amended Mitigation Monitoring and Reporting Program

LOCATION:	1± miles south of the City of Ukiah, lying on the west side of South State Street (CR# 104A), immediately south of its intersection with Gobalet Lane (Private) addressed at 3000 South State Street; APNs 184-110-28, 184-110-29, 184-120-21 & 184-120-01.
TOTAL ACREAGE:	48.8± acres
GENERAL PLAN:	Suburban Residential (SR) and Rural Residential (RR5)
ZONING:	Multiple-Family Residential (R3:12K), Suburban Residential (SR), and Rural Residential (RR:5) with Airport Zone combining district
SUPERVISORIAL DISTRICT:	5 (Williams)
ENVIRONMENTAL DETERMINATION:	Garden's Gate Subdivision Final Environmental Impact Report (EIR) was certified by the Board of Supervisors on October 6, 2009 (SCH No. 2007052006). An EIR Addendum has been prepared to address the proposed Modified Project, including an Amended Mitigation Monitoring & Reporting Program.
RECOMMENDATION:	Adopt a Resolution Recommending that the Board of Supervisors Adopt an Addendum to the Garden's Gate Final EIR, Approve an Amended Mitigation Monitoring & Reporting Program, Approve an Amended Vesting Tentative Map with Conditions, Approve Density Bonus and Reductions in Development Standards per State Density Bonus Law, Approve Modified Design

Guidelines and Preliminary Landscape Site Plan & Planting Plan, Approve an Administrative Permit, Approve Inclusionary Housing Plan, and Adopt a Restated Development Agreement for the Bella Vista Subdivision, including a Modified Phasing Plan and an Inclusionary Housing Agreement

STAFF PLANNER:

JULIA KROG, Planning & Building Services; assisted by LINDA RUFFING, North Coast Community Planning

BACKGROUND

RELATED PROJECT APPROVALS:

- Major Subdivision #S 3-2005 is the Garden's Gate Project which is the subject of this request for modifications. Project approvals include a 197-lot Vesting Tentative Subdivision Map, Development Agreement, Phasing Plan, Affordable Housing Agreement, certification of a Final Environmental Impact Report (FEIR) and adoption of a Mitigation Monitoring & Reporting Program. The Development Agreement, as approved by the Board of Supervisors in October 2009 and amended in 2010, vests the project entitlements for the Garden's Gate Project for a period of 15 years (i.e., through August 27, 2025).
- Boundary Line Adjustment #B 36-2006, approved on July 14, 2006, reconfigured parcel boundaries including several parcels subject to this modification and established, in its present configuration, a 4.48-acre parcel along the State Street frontage of the project site as shown on the base map for the Garden's Gate Project.
- Rezone #R 2-2007 was a County-initiated rezone of multiple sites approved by the Board of Supervisors on December 11, 2007, that includes a portion of the project site that was rezoned from SR (Suburban Residential) to R-3 (Multi-Family Residential). The Board of Supervisors corrected a mapping error related to this rezoning through the adoption of Ordinance No. 4504 and Resolution No. 22-085 on April 5, 2022. The action corrected the map to show the R-3 zoning applied only to APN 184-110-28.
- Boundary Line Adjustment #22-2008, approved on June 13, 2008, expired without being recorded.
- Tract 261 (also known as Gardens Gate Subdivision Unit One) - A Final Map for four lots (totaling 1.68 acres) on the north side of Cleland Mountain Creek and a remainder parcel on the south side of the creek and a subdivision improvement agreement were approved on October 20, 2020 and deemed consistent with #S_3-2005 (Resolution No. 20-149 and Agreement No. 20-144).
- ALUC Consistency Determination. On December 16, 2021, the Airport Land Use Commission reviewed #S_2020-0001 and #DEV_2020-0001 for the Modified Project and

determined that they are consistent with the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) subject to a condition requiring dedication of an Avigation Easement for the portions of the project site within Compatibility Zones 2 and 3.

PROJECT DESCRIPTION:

The project site is located on the west side of South State Street, immediately south of the Gobalet Lane intersection (Attachment 1, Site Location Map). In 2009, the Mendocino County Board of Supervisors certified the Garden's Gate Subdivision Final Environmental Impact Report (EIR) and approved a 197-lot Vesting Tentative Subdivision Map for the Garden's Gate Subdivision. The approved Vesting Tentative Subdivision Map for the Garden's Gate Subdivision is shown in Attachment 2. The Draft and Final Environmental Impact Reports for the Garden's Gate Subdivision are presented in Attachment 3. In conjunction with the initial approvals for the Garden's Gate project, the Board approved a Development Agreement which included a Phasing Plan and an Inclusionary Housing Agreement. The Development Agreement was subsequently amended. The First Amended Development Agreement (hereafter referred to as the "Development Agreement") is presented, with its attachments in Attachment 4. The Development Agreement vests all of the approvals for the Garden's Gate Project through August 27, 2025.

Subsequent to the approval of entitlements for the Garden's Gate Project, the project site was acquired by Rancho Yokayo, L.P., and the Development Agreement was assumed by the new owner. Rancho Yokayo, L.P. and the project Applicant (Guillon Inc.) have filed applications with the County requesting a subdivision modification to change the layout of the subdivision, to reduce the number of lots and modify the phasing plan, to amend the Development Agreement and the Affordable Housing Plan and to modify the incentives and concessions that were granted under State Density Bonus Laws. The current project is renamed the "Bella Vista Subdivision" and is referred to as the "Modified Project" in this report.

The Applicant's Project Description for the Modified Project (Attachment 5) provides a narrative description of the project and the Applicant's objectives. It also identifies a number of measures and "good neighbor practices" that are included in the project. The Project Description establishes that the single-family homes in the Traditional Neighborhood will range in size from approximately 1,200 square feet (SF) to 2,200 SF. They will be three-bedroom, two-bath homes with two-car garages. The homes in the Traditional Neighborhood will be one- and two-stories and will not exceed 28 feet in height.

The residences in the Senior Neighborhood will range in size from approximately 900 SF to 1,400 SF and include a mix of two-bedroom and three-bedroom units, with 1.5 to two baths. Each home will have dedicated off-street parking and/or a garage. The homes will be single story with a maximum building height of 22 feet and are designed for accessibility, with zero thresholds, wider hallways, and accessible bathrooms.

Attachment 6 presents the Applicant's request for reductions in development standards under the State Density Bonus Law (SDBL). Similar to the Garden's Gate Project, the Applicant is requesting reductions in development standards to reduce minimum lot sizes, reduce setbacks, allow for double-frontage lots, and modify standards for fences. In addition, the Applicant requests approval of two private street segments that will utilize private easements. One is the loop street in the Senior Neighborhood and the other is the westerly extension of the main entry street (Charlie Barra Drive) that is shown as "Country Lane" on the Amended Vesting Tentative Map.

Staff notes that, while the Applicant did not request a density bonus, the Senior Neighborhood would require a density bonus in order to achieve the requested number of units because, under the State Density Bonus Law, age-restricted housing is not eligible for concessions and incentives (i.e., requested reductions in development standards), but it is eligible for a density bonus. By applying a density bonus to the Senior Neighborhood, the requested reductions in development standards can be achieved.

Key components of the documentation for the Modified Project are attached to the recommended Planning Commission Resolution as follows:

- PC Reso Attachment 1: Recommended Conditions of Approval
- PC Reso Attachment 2: Amended Vesting Tentative Subdivision Map
- PC Reso Attachment 3: Bella Vista Design Guidelines Manual
- PC Reso Attachment 4: Bella Vista Preliminary Landscape Site Plan & Planting Plan
- PC Reso Attachment 5: Bella Vista Affordable Housing Plan
- PC Reso Attachment 6: Addendum to the Garden's Gate EIR
- PC Reso Attachment 7: Amended Mitigation Monitoring & Reporting Program
- PC Reso Attachment 8: Restated Development Agreement

PC Reso Attachment 2 shows the Amended Vesting Tentative Map for the Modified Project (dated August 31, 2022). The existing parcel layout is shown on Sheet 2/10. As shown, Lot 4 of Tract 261 is removed from the Tentative Map because a Final Map has been recorded for that area per the approved Tentative Map for the Garden's Gate Subdivision.

The revised lot layout and Phasing Plan is shown on Sheet 3/10. As shown, seven phases are defined progressing from east to west, with Phase 1 located adjacent to South State Street on the eastern portion of the site and Phases 6 and 7 located along the western boundary.

Sheet 4/10 highlights the 39 lots in a "Senior Unit One" and "Senior Unit Two" which are hereafter referred to as the "Senior Neighborhood." The remaining 132 non-age restricted lots are hereafter referred to as the "Traditional Neighborhood." Sheet 4/10 shows the proposed parcels in the Traditional Neighborhood with dashed lines indicating the building envelopes

within which the houses will be constructed and the proposed setbacks on each parcel. A table on Sheet 4/10 shows the gross and net area for each lot. Sheet 4/10 identifies the locations and dimensions of existing and proposed storm drain and public water easements. Sheet 4/10 identifies six lettered parcels as follows:

- Parcel A - 68,219 SF - immediately north of project entry - no development proposed
- Parcel B - 86,549 SF - immediately south of project entry - Neighborhood Park
- Parcel C - 11,430 SF - southeast corner of project site - no development proposed other than drainage improvements
- Parcel D - 10,648 SF - midblock parcel - Linear Park
- Parcel E - 6,615 SF - midblock parcel - Linear Park
- Parcel F - 7,810 SF - midblock parcel - Linear Park
- Parcel G - 9,763 SF - within Senior Neighborhood - Cottage Park

Parcel A would be retained by the Applicant and Parcels B - G would be owned and maintained by a Homeowners Association ("HOA").

As shown on Sheet 5/10, the parcels in the Senior Neighborhood each have a "net parcel" upon which the residences will be constructed with the remainder of each parcel comprised of restricted use easements, private access easements, and public utility easements. The restricted use easement areas would include landscaping that will be maintained by the HOA. Cottage Park (on Common Parcel G) and the private roads in the Senior Neighborhood will be maintained by the HOA. The Senior Neighborhood will have sidewalks on one side of the private road (the outer side) and automatic gates on the two private street entries.

Sheets 6/10 and 7/10 show grading and drainage plans for the subdivision. As illustrated, stormwater from the northernmost tier of parcels will either drain into a new storm drain to be located in an easement along the north property boundary or will drain directly into the Cleland Mountain Creek drainage. Drainage from the remaining parcels in the Modified Project will be collected in storm drains in the roadways and the Linear Park. As shown on Sheet 7/10, the Neighborhood Park on Parcel B serves a dual function as a privately maintained park that will be open to the public and as a stormwater detention basin. Stormwater from the remainder of the development will be directed into the detention basin prior to discharging into the existing storm drain system in South State Street.

Sheets 8/10 and 9/10 show the location of sanitary sewer and water utilities in the streets. In addition, a joint trench will be established for electric, cable and phone. The project will not include natural gas service as the residences will be all-electric.

PC Reso Attachment 3 presents the proposed Design Guidelines Manual for the Modified Project. The Design Guidelines Manual establishes a common set of design features for

residences, including architectural elements, exterior materials and finishes, color palettes, and standards for lighting, landscaping and fencing. The Design Guidelines Manual indicates that the master building plans for the homes will be modeled after the Craftsman style with front patios or porches, stonework, and low sloped roofs with wide eaves. Houses will be one- and two stories in height in the Traditional Neighborhood and will range in size from approximately 1,200 to 2,200 square feet. Housing in the Senior Neighborhood will be single-story in height and will range in size from 900 to 1,400 square feet.

A natural, earth-toned color palette is proposed with accent colors for doors and trim. Roofs will be clad with dimensional asphalt shingles and homes will be sided with HardiPlank (fiber-cement siding), stucco, and stone. Stone finishes will be utilized in specific areas (typically on columns and the garages). Exterior lighting will be shielded or recessed and "dark sky" compliant. Residential landscaping will be drought-tolerant with water efficient landscaping fixtures. Fencing will be comprised of 6-foot tall cedar "good neighbor" fences and will be erected along the side and rear property lines, including street-side frontages on corner lots.

The Design Guidelines Manual establishes a 5-foot setback from the back of the sidewalk for the fencing in locations adjacent to street frontages in order to establish a landscaping strip and create a more appealing pedestrian environment. The Design Guidelines Manual provides descriptions of the design features for the three parks in the Modified Project (Neighborhood Park, Cottage Park and Linear Park).

PC Reso Attachment 4 presents the Preliminary Landscape Site Plan and the Preliminary Landscape Planting Plan for the streets and the three parks. Sheet L-0.2 of the Preliminary Landscape Site Plan shows the overall planting plan for the streets and parks, with details provided on Sheets L-0.3 and L-0.4. As shown, the street frontages will be planted with Red Maple, Chinese Pistache, and American Hackberry and Chinese Hackberry. The first two blocks of the entry street have a landscaped median that will be planted with Golden Ginkgo and Redbud. These species, along with other ornamental trees and shrubs, will be planted in the parks. The Linear Park will have native groundcover and a mix of native grasses and shrubs with a meandering walkway that is specified as 6-7 feet in width and surfaced with either concrete or crushed rock. Sheet L-0.3 shows the proposed landscaping and walkways in the Cottage Park as well as an example of the "Senior Lot Landscaping" for lots in the Senior Neighborhood that would be maintained by the HOA. Sheet L-0.4 provides details for the Neighborhood Park, including conceptual plans for the location of walkways, seating areas, a tot lot, and entry monument signage. The color-enhanced version of Sheet L-0.2 In the Preliminary Landscape Planting Plan helps to distinguish between the various tree species that are specified in the Preliminary Landscape Site Plan.

PC Reso Attachment 5 presents the Applicant's proposed Inclusionary Housing Plan for the Modified Project. The Inclusionary Housing Plan establishes that the Modified Project will provide 39 residential lots that are designated as accessible "senior citizen housing" in the Senior Neighborhood and that 10 percent (10%) of the balance of the lots in the Traditional

Neighborhood will be restricted to for-sale units for qualifying moderate-income households. As proposed on the Amended Vesting Tentative Map (August 31, 2022), there are 132 lots in the Traditional Neighborhood which would yield a total of 13 inclusionary units for moderate-income households. The Applicant proposes to construct the affordable units in Phases 3, 4, 5, and 6 of the development, as the first two phases will include the entire Senior Neighborhood. The affordable units would be three-bedroom, two-bath units with two-car garages, similar to the market rate units in the Traditional Neighborhood. A minimum of three affordable units would be constructed in each of Phases 3, 4, and 5 with the balance of the affordable units to be constructed in Phase 6.

PC Reso Attachment 6 presents an Addendum to the Garden's Gate Environmental Impact Report ("EIR Addendum") that concludes that there is no substantial evidence that the Modified Project would have a significant effect on the environment beyond that which was evaluated in the certified EIR. The EIR Addendum evaluates the Modified Project in the context of each of the topical areas addressed in the Final EIR. Ten technical reports that were prepared to assist with the environmental determination are included as appendices to the EIR Addendum.

PC Reso Attachment 7 presents an Amended Mitigation Monitoring & Reporting Program ("Amended MMRP") that identifies all of the mitigation measures that apply to the Modified Project including revisions and additions to mitigation measures. Explanations of the changes to mitigation measures are presented in the EIR Addendum.

Attachment 7 presents a redline version of the Garden's Gate First Amended Development Agreement (BOS Agreement No. 10-042A, Document No. 2010-10920 in Mendocino County Records). This amended agreement is hereinafter referred to as the "Restated Development Agreement" or "Restated DA." The redline shows recommended amendments that have been negotiated with and agreed upon by the Applicant to address the Modified Project. A version of the Restated DA with all of the redline changes accepted is attached to the recommended Planning Commission Resolution as PC Reso Attachment 8. A detailed explanation of proposed modifications in the Restated DA is provided in this report. The Planning Commission's primary responsibility in reviewing the Restated DA is to ensure that it is consistent with the Mendocino County General Plan and to provide a written recommendation to the Board of Supervisors.

The requested modifications to the Project Approvals are summarized below in Table 1 "Summary of Project Approvals and Requested Modifications."

Table 1 - Summary of Project Approvals and Requested Modifications

	Project Approvals (Garden's Gate)	Requested Modifications (Bella Vista)
Acreage	46.1 acres, includes: <ul style="list-style-type: none"> ▪ 4.48 acres along South State Street is not included in the project ▪ 13.1-acre remainder parcel 	48.8 acres, includes: <ul style="list-style-type: none"> ▪ 1.68 acres (Lot 4 of Tract 261) is removed from the map. ▪ Area along South State Street is included in the Modified Project, with the exception of 1.59-acre (68,219 SF) "Parcel A" at northeast corner ▪ 12.19-acre remainder parcel
Number of residential lots	197 lots <ul style="list-style-type: none"> ▪ 123 single family lots ▪ 74 townhome lots 	171 lots <ul style="list-style-type: none"> ▪ 132 single family lots ▪ 39 senior lots
Average Lot Size	<ul style="list-style-type: none"> ▪ Single-family: 3,774 SF ▪ Townhomes: 2,125 SF 	<ul style="list-style-type: none"> ▪ Single-family: 6,219 SF ▪ Age-restricted: 4,907 SF
Circulation	Two access points to South State Street: <ul style="list-style-type: none"> ▪ Roundabout at main entry ▪ Connection via Gobalet Lane (200' north of proposed Roundabout) 	Two access points to South State Street: <ul style="list-style-type: none"> ▪ Roundabout at main entry ▪ New south entry street (600' south of roundabout)
Parks	Total Park area: 2.31 acres <ul style="list-style-type: none"> ▪ Park A: 0.9 acres ▪ Park B: 1.4 acres 	Total Park area: 2.81 acres <ul style="list-style-type: none"> ▪ Neighborhood Park: 1.99 acres ▪ Linear Park: 0.58 acres (930 linear feet of multi-use trail) ▪ Cottage Park: 0.24 acre
Phasing Plan	7 phases	7 phases
Housing types	2,500 SF two-story units- 26 lots 760-1,370 SF one-story units (cottage) - 15 lots 1,400-1,900 SF two-story units (garden court) - 72 lots	1,200-2,200 SF one- and two-story units - 132 lots (Traditional Neighborhood) 900-1,400 SF one-story units (cottage) - 39 lots (Senior Neighborhood)

	Project Approvals (Garden's Gate)	Requested Modifications (Bella Vista)
	944-1,300 SF units (duplex/fourplex) - 74 lots	
Inclusionary Housing	36 for-sale units targeted to moderate-income homebuyers	39 senior units (age-restricted) 10% of units in Traditional Neighborhood (13 units) targeted to moderate-income homebuyers
State Density Bonus Law	Reduced minimum lot sizes Reduced setbacks Double frontage lots	Same requested concessions and waivers of development standards, plus: Two private road easements Modification to fence height standards Density bonus for Senior Neighborhood

SITE CHARACTERISTICS:

The project site is located at 3000 South State Street, in the unincorporated area of Mendocino County, California, approximately one mile south of the Ukiah city limits (Attachment 1). The site is currently undeveloped. The eastern portion of the site along the South State Street frontage is primarily grassland that was previously used for agricultural purposes. West of this and extending to the base of the western hills is a fallow area that, until recently, was used as a vineyard. The vineyard was removed in 2021.

The Mendocino County General Plan assigns two land use classifications to the project site. The easternmost two-thirds of the property is classified Suburban Residential (SR) and the western third is classified Rural Residential (RR) (PC Reso Attachment 6, Exhibit 3). The Mendocino County Inland Zoning Code assigns three zoning classifications to the property. A swath adjacent to South State Street is zoned Multiple-Family Residential (R-3), the central portion is zoned Suburban Residential (SR) and the westernmost portion is zoned Rural Residential (RR-5) (PC Reso Attachment 6, Exhibit 3). The easterly portion of the project site is located within the Airport Zone combining district (PC Reso Attachment 6, Exhibit 4). As shown, portions of the project site are located within the following Compatibility Zones as identified in the Ukiah Municipal Airport Land Use Compatibility Plan: Zone 2: Inner Approach Zone; Zone 3: Inner Turning Zone; Zone 6: Traffic Pattern Zone.

PUBLIC SERVICES:

Fire: Ukiah Valley Fire Protection District
 Police: Mendocino County Sheriff's Office

Water: Willow County Water District
 Sewer: Ukiah Valley Sanitation District
 Schools: Ukiah Unified School District

SURROUNDING LAND USES AND ZONING:

The site is bounded by South State Street (CR# 104A) and commercial and industrial uses to the east; Gobalet Lane (private road) and residential uses to the north; undeveloped lands and rural residential uses to the west; and agricultural, residential and institutional uses to the south. The Ukiah Municipal Airport is located to the northeast of the project site. Zoning designations and surrounding land uses are shown on the following table:

	GENERAL PLAN & ZONING	LOT SIZES	USES
NORTH	Suburban Residential (SR) Single-Family Residential (R-1)	> 0.5± Acre	Residential
EAST	General Commercial (C-2) Limited Industrial (I-1)	>1.0± Acre	Commercial, Industrial
SOUTH	Suburban Residential (SR)	>5.0± Acre	Agricultural, Residential, Institutional
WEST	Rural Residential (RR-5)	>2.0± Acre	Undeveloped; Residential

AGENCY COMMENTS:

On November 24, 2020, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Modified Project. Agency comments are included in Attachment 8. Substantive comments are discussed in full in the "Key Issues" section of this staff report and/or in the EIR Addendum (PC Reso Attachment 6).

REFERRAL AGENCIES	COMMENT
Agricultural Commissioner	No Comment
Air Quality Management District	No Response
Airport Land Use Commission	Finding of Consistency with UKIALUCP (12-16-21)
Assessor's Office	No Comment
Building Division-Ukiah	Comment

County Addresser	Comment
Department of Transportation (DOT)	Comment
Environmental Health (EH)	Comment
LAFCO	Comment
Ukiah City Planning Department	No Response
Ukiah Valley Fire District	No Response
Ukiah Valley Sanitation District	Will Serve Letter (03-11-21)
Ukiah Unified School District	No Response
Willow County Water District	Will Serve Letter (9-14-21)
Mendocino Transit Authority (MTA)	No Response
Russian River Flood Control	No Response
County Water Agency	No Response
Office of Emergency Services	No Comment
CalFIRE (Land Use)	Comment
California Dept of Fish & Wildlife	Comment
California Highway Patrol	No Comment
California State Clearinghouse	No Response
CalTrans	Comment
North Coast Regional Water Quality Control Board	No Response
US Department of Fish and Wildlife	No Response
US Army Corps of Engineers	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

KEY ISSUES

The following report analyzes the proposed Modified Project using the approved Garden's Gate project as the "baseline" rather than evaluating the Modified Project against a "no project" or "existing conditions" baseline. The Garden's Gate project is the appropriate baseline as it has received all necessary entitlements and the Applicant has a vested right to develop the Garden's

Gate Project in accordance with the original Project Approvals. This report is organized in four parts as follows:

1. Environmental Determination (EIR Addendum)
2. Inclusionary Housing Plan & Reduction in Development Standards/Density Bonus per State Density Bonus Law
3. Amended Vesting Tentative Map
4. Restated Development Agreement

1. ENVIRONMENTAL DETERMINATION (EIR ADDENDUM)

On October 6, 2009, the Mendocino County Board of Supervisors adopted Resolution No. 09-230 certifying the final Environmental Impact Report for the Garden's Gate Subdivision ("FEIR"), making findings regarding project impacts, and adopting a Statement of Overriding Considerations. The resolution identifies the following significant, unavoidable adverse impacts:

- (a) Constructing the project will emit at least the equivalent of 7,388 tons of carbon dioxide into the atmosphere. Therefore, the project will be an increment of a significant and unavoidable cumulative impact on Global Climate Change. (Impact 3.6-B)
- (b) Future residential use of the project will emit the equivalent of approximately 2,589 tons of carbon dioxide per year. The emissions can be reduced by recommended mitigation measures, but the emissions will remain above the zero net increase significance threshold. Therefore, the project will be an increment of a significant and unavoidable cumulative impact on Global Climate Change. (Impact 3.6-F)
- (c) The project will convert 31 acres of Prime Farmland and 2 acres of Unique Farmland to non-agricultural use. (Impact 3.10-A).

The Statement of Overriding Considerations found that the benefits of the project outweigh the significant, unavoidable adverse impacts due to the following considerations:

- (a) The benefits of the project in providing housing outweigh the impacts associated with the emission of greenhouse gases during project construction and during future residential use of the project site, since there is no way that any new development could feasibly occur in the County or the State if it was required to have no new emissions.
- (b) The benefits of the project in providing housing outweigh the impacts associated with the loss of Prime Farmland and Unique Farmland to non-agricultural use since the project site has been designated and zoned for residential use since 1981 and there is little developable land available for the development of new housing to meet demand that does not involve loss of agricultural land in the Ukiah Valley.

In the case of an application requiring discretionary approval on a project for which an EIR has been certified (as is the case for the requested modifications to the Garden's Gate Project

entitlements), the California Environmental Quality Act (CEQA) requires the lead agency to determine whether a supplemental or subsequent EIR is required. This requirement is codified in Public Resources Code Section 21166 and CEQA Guidelines Section 15162. Section 15162 provides guidance by requiring an examination of whether, since the certification of the EIR and approval of the project, changes in the project or environmental conditions have been made to such an extent that the proposal may result in substantial changes in physical conditions that are considered significant under CEQA. If so, a subsequent EIR or supplement to the EIR would be required.

Based on the passage of time since the FEIR was certified, the County of Mendocino required the Applicant to provide the following updated environmental analyses to assist with the determination as to whether the Modified Project would result in significant effects not discussed in the FEIR or that are more severe than those shown in the FEIR:

- Biological Resource Assessment (including wetlands delineation and tree inventory)
- Water Supply Verification
- Stormwater Control Plan
- Traffic Analysis
- Air Quality and Greenhouse Gas Assessment

Pursuant to PRC Section 21166, and CEQA Guidelines Section 15162, the County of Mendocino Department of Planning & Building Services reviewed the proposed modifications to the project and determined that there is no substantial evidence that the Modified Project would have a significant effect on the environment beyond that which was evaluated in the FEIR. Therefore, a supplemental or subsequent EIR is not required.

Per CEQA Guidelines Section 15164, an Addendum to the FEIR ("EIR Addendum") was prepared that explains the decision not to prepare a subsequent EIR in the context of the requirements of Section 15162 (PC Reso Attachment 6). The EIR Addendum analyzes the Modified Project in the context of the environmental analysis in the FEIR and, where necessary, identifies minor technical changes and additions that are necessary to address the Modified Project, including minor revisions to mitigation measures and new mitigation measures based on recommendations in the updated resource studies and consultations with regulatory agencies. The Applicant has agreed to incorporate the revised and new mitigations into the Modified Project.

Section 5 of the EIR Addendum explains the approach to the CEQA analysis presented in the EIR Addendum and summarizes its conclusions based on each of the standards identified in CEQA Guidelines Section 15162. The conclusions are as follows:

- The proposed modifications to the approved Vesting Tentative Map would not result in substantial changes from what has been previously analyzed and would not involve new significant impacts not identified in the FEIR or result in a substantial increase in the severity of previously identified significant impacts. The proposal, therefore, does not constitute a substantial change in the project.

- No substantial changes have occurred on the site or in the site vicinity. Surrounding land uses have not changed from those evaluated in the FEIR and development in the region has occurred at a slower pace than anticipated in the FEIR. Based on the environmental baseline identified in the FEIR, the physical changes to the project site and vicinity that have occurred are consistent with the analysis of the FEIR and the cumulative projects considered in the FEIR. There have been no substantial changes in the circumstances of the project as considered in the certified FEIR.
- The Modified Project's consistency with the environmental resource analysis in the FEIR is summarized in Section 6 of the EIR Addendum. Several updated technical analyses were prepared to determine whether there are new significant effects not discussed in the FEIR, whether previously identified significant effects are substantially more severe than discussed in the FEIR, or whether mitigation measures or alternatives previously found not to be feasible would now be feasible but project proponents declined to adopt the measures. As discussed, the Modified Project would not result in any significant effects not discussed in the FEIR nor were significant effects identified in the FEIR found to be more severe. The project proponents agreed to include additional mitigation measures identified in the technical analyses as discussed below.

Section 6 of the EIR Addendum presents a methodical evaluation of each topical area addressed in the FEIR. It summarizes the conclusions of the FEIR regarding the impacts of the approved project, identifies adopted mitigation measures to address impacts, and identifies the resulting level of significance of each impact. The EIR Addendum also evaluates the impacts of the Modified Project relative to those of the approved project and identifies the level of impact after mitigation.

The conclusion of the analysis presented in the EIR Addendum is that the Modified Project would not result in any significant effects not discussed in the FEIR and that no previously examined significant effects would be substantially more severe than those shown in the FEIR. Regarding mitigation measures, the EIR Addendum recommends minor revisions to adopted mitigation measures to address changes in the project and presents additional mitigation measures as identified by the project Applicant, by updated studies, and/or through consultations with resource agencies. The updated and new mitigation measures are identified in the EIR Addendum with ~~strike-out~~ text indicating deletions and underlined text indicating additions. The updated mitigation measures are incorporated into an Amended Mitigation Monitoring and Reporting Program ("Amended MMRP") for consideration by the Board of Supervisors in conjunction with the other modified entitlements (PC Reso Attachment 7).

Based on the analysis presented in the EIR Addendum, staff recommends findings that support the following conclusions: (a) the Modified Project's impacts have been considered in the Garden's Gate Subdivision Project FEIR that was reviewed and certified by the County, (b) the FEIR requires only minor changes as identified in the EIR Addendum, (c) the FEIR and EIR Addendum provide a sufficient and adequate analysis of the environmental impacts of the Modified Project; and (d) the Amended MMRP provides updated and new mitigation measures

as identified in the EIR Addendum and the Applicant has agreed to incorporate these measures into the Modified Project.

2. INCLUSIONARY HOUSING PLAN & REDUCTION IN DEVELOPMENT STANDARDS/ DENSITY BONUS PER STATE DENSITY BONUS LAW

Exemption from Inclusionary Housing Requirements

The approved Inclusionary Housing Agreement (Document No. 2010-10982 of Mendocino County Records) for the Garden's Gate Subdivision specifies that 36 of the 197 dwelling units (18%) will be sold at an affordable price to qualifying moderate-income households, as defined by Health and Safety Code Sections 50052.5 and 50093. The proposed affordable units are required to be either detached single-family homes or townhomes as follows: 35% as 1-bedroom homes, 50% as 2-bedroom homes, and 15% as 3-bedroom homes.

The Applicant has submitted an Inclusionary Housing Plan for the Modified Project (PC Reso Attachment 5) that (a) proposes a "senior citizen housing development" comprised of 39 residential lots and associated amenities in the Senior Neighborhood and (b) reserves 10% of the lots in the Traditional Neighborhood for buyers who qualify as moderate-income households.

The inclusion of the senior housing and moderate-income housing components represents voluntary compliance with the State Density Bonus Law ("SDBL"). Therefore, per Mendocino County Code Section 20.238.010(B), the Modified Project would be exempted from the requirements of the County's Inclusionary Housing Ordinance including the requirement that, for a project with 76 or more units, at least 25% of the units must be affordable.

Inclusionary Housing Plan

As proposed in the Inclusionary Housing Plan for the Modified Project (PC Reso Attachment 5) approximately 52 of the 171 units (30%) in the Modified Project would be qualifying units under the SDBL. It should be noted that the total number of units in the Traditional Neighborhood may change depending on the potential future relocation of the four lots in the northwestern corner of the project site (Lots 121, 122, 123 and 124 as shown on the Amended Vesting Tentative Map). In accordance with EIR Mitigation Measure MM 3.2-D.2 and the recommended Conditions of Approval, these four lots must be eliminated or relocated elsewhere within the subdivision.

Counsel and staff has separately analyzed the Inclusionary Housing Plan for the Modified Project and its compliance with the SDBL. Under the SDBL, a development where ten percent (10%) of the total dwelling units are to be sold to persons and families of moderate income is to be granted both a density bonus and at least one incentive or concession from development standards. Separately, a development that contains senior housing (which must have at least 35 units), whether or not income-restricted, is to be granted a density bonus, but is not granted any incentives or concessions from development standards under the SDBL.

The Modified Project has two components separately utilizing the SDBL for a density bonus and/or incentives and concessions:

1. The non-senior portion of the Modified Project includes the moderate-income residences and is entitled to a density bonus as well as at least one incentive or concession. The Applicant is not required to use the density bonus but can opt to solely use the incentives and concessions.
2. The senior portion of the Modified Project is entitled to a density bonus, which is necessary to reach the full 39-unit size of this part of the project. Staff reviewed the acreage of the senior portion of the Modified Project(which is approximately 191,000 square feet) and determined that, under the existing zoning and minimum lot size requirements of 6,000 square feet, this portion of the Modified Project would normally only be able to contain 32 units. As such, the senior portion of the Modified Project is taking a density bonus in order to reach 39 units in size, which also means that the County may not apply development standards that would physically preclude the construction of the development at the densities permitted under the SDBL.

The senior housing units would be restricted through covenants, conditions and restrictions (CC&Rs) to senior citizens and qualifying residents who are 55 years of age or older and/or who otherwise qualify per Civil Code Section 51.3. In addition, the project must comply with Civil Code Section 51.2 which establishes requirements for senior citizen housing developments pertaining to accessibility and encouraging social contact. The Modified Project includes a "Cottage Park" in the Senior Neighborhood that is approximately 0.25 acre in size and would have walkways, benches, a covered pavilion, and other amenities. The Applicant has proposed the covered pavilion as the required common room to encourage socializing. As proposed, the pavilion would contain approximately 300 square feet of area covered by a solid roof with a patio extending out for an additional 250 square feet. This would provide both shaded and unshaded areas for events and gatherings. The space within the pavilion will include an outdoor ceiling fan, an electric space heater, lighting, and a counter with a grill. Moveable partitions will be provided so that the pavilion can be enclosed in inclement weather.

A condition is recommended requiring that the floor area of the pavilion that is under a covered roof be increased to provide a minimum area of 15 square feet per residence in the Senior Neighborhood (i.e., a total of 585 square feet for the 39 residences). The 15-square foot metric is the space per occupant requirement for a structure classified as an A-3 occupancy by the California Building Code.

A list of the amenities that are proposed for Cottage Park and photographic examples are included in the Bella Vista Design Guidelines Manual ([PC Reso Attachment 3](#)). A condition is recommended that requires review and approval of the CC&Rs for the senior housing component to ensure compliance with Civil Code sections 51.2 and 51.3.

Per SDBL, affordable for-sale units must be sold to the initial buyer at an affordable housing cost. For moderate-income units, housing costs may not exceed 35% x 110% of the area median income (AMI) for a household size suitable for the unit. Housing costs include mortgage loan payments, mortgage insurance payments, property taxes and assessments, homeowner association fees, reasonable utilities allowance, insurance premiums, and maintenance costs. In Mendocino County, a household of four persons earning between \$64,250 and \$96,350 per

year qualifies as "moderate income" (California Department of Housing & Community Development; "[State Income Limits for 2022](#)"). As an example, using Fannie Mae's online mortgage calculator and assuming a 5% down payment, an "affordable" sales price for a moderate-income four-person household would be approximately \$320,000 with a monthly payment of \$2,580. That monthly payment is based on a 30-year fixed loan at 6% interest, a 5% down payment, and is inclusive of estimated taxes, assessments and homeowners association dues, but does not include an allowance for utilities or maintenance costs.

Per SDBL, the buyers of an affordable unit must enter into an equity-sharing agreement with the County which requires that, when the unit is sold, the original purchaser will pay a portion of any appreciation in value to the County. The percentage of appreciation due to the County is based on the purchase price discount that was received by the original buyer. The seller is permitted to retain the original down payment, the value of any improvements made to the home, and the remaining share of the appreciation (Gov. Code Section 65915(c)(2)). These provisions are incorporated into the Inclusionary Housing Agreement and will be recorded against the property in the form of a "Buyer's Occupancy and Equity Sharing Agreement" between the County and each purchaser of an affordable unit ([PC Reso Attachment 8, Exhibit D](#)).

The Inclusionary Housing Plan specifies that the moderate-income homes will be built in Phases 3, 4, 5 and 6 of the Modified Project. The Applicant requested the deferral to the later phases due to the fact that the senior residences will be constructed within Phases 1 and 2. The Inclusionary Housing Plan indicates that the design of the moderate-income homes will be the same as those elsewhere within the project, with street appearance, exterior finishes and structure size mirroring those found within the overall project.

An Inclusionary Housing Agreement that establishes the Applicant's obligations to construct the moderate-income housing units is included as [Exhibit D](#) to the Restated Development Agreement ([PC Reso Attachment 8](#)).

Requested Reductions in Development Standards

State Density Bonus Law requires cities and counties to grant a density bonus and other incentives or concessions to certain types of housing projects including:

- A for-sale common interest housing development where at least 10% of the housing units are restricted to moderate-income households.
- A senior citizen housing development (no affordable units are required).

The Modified Project includes both of these components. While the Applicant did not seek a density bonus for either component of the Modified Project, in order to achieve the requested number of units for the Senior Neighborhood, a density bonus is needed. This is the case because, while SDBL allows cities and counties to grant density bonuses for senior citizen housing developments, it does not allow the granting of incentives and concessions for senior citizen housing developments. As explained above, based on the acreage of the senior portion of the Modified Project, (191,000 square feet) and a minimum lot size of 6,000 square feet in the

SR and R-3 zoning districts, the Senior Neighborhood in the Modified Project would normally only be able to contain 32 units. Alternatively, the senior portion of the Modified Project may take a density bonus in order to reach 39 units in size, which also means that the County may not apply development standards that would physically preclude the construction of a development at the densities permitted under the SDBL. For the Traditional Neighborhood in the Modified Project, the Applicant has requested a reduction in site development standards in order for it to be built at the proposed densities (Attachment 6). The requested reductions in development standards are similar to those that were approved for the Garden's Gate project, as follows:

- ⇒ Reduced minimum lot sizes
- ⇒ Reduced setbacks
- ⇒ Double frontage lots and flag lots

In addition, the Applicant requests the following reductions in development standards for the Traditional Neighborhood in the Modified Project:

- ⇒ Access via private road easements
- ⇒ Modified standards for fencing on street frontages

Staff recommends approval of the Inclusionary Housing Plan, a density bonus for the Senior Neighborhood and the requested reductions in development standards per SDBL for the Traditional Neighborhood. A more detailed review of the requested reductions in development standards is provided in the Zoning Code consistency analysis below.

3. AMENDED VESTING TENTATIVE MAP

It is notable that, although the Garden's Gate Project received all necessary entitlements in 2009, nearly 13 years have passed, and the 197-unit project has not been constructed. While there are many possible reasons for this delay, the Applicant has indicated that the original project, as entitled, does not meet its objectives. As such, the Applicant is requesting amendments to support the Modified Project and anticipates that the Modified Project will be marketable and will provide a sufficient return on investment.

The Modified Project is a for-sale, single family residential project, with 39 of the 171 units (23%) designed for and restricted in use as senior housing; and 10% of the non-senior units (i.e., 13 units) restricted as for-sale units for qualifying moderate-income households. The remaining approximately 119 residences would be sold as market-rate housing. All of the proposed units are moderately sized and located on small lots in order to help contain the costs of construction and the sales prices.

As explained in the Applicant's Project Description (Attachment 5), the Applicant requests modifications to the Project Approvals to establish a 171-lot multi-generational subdivision that consists of 132 single family lots ("Traditional Neighborhood") and 39 age-restricted residential

lots ("Senior Neighborhood"). The Amended Vesting Tentative Map, dated August 31, 2022, is shown in PC Reso Attachment 2.

The Traditional Neighborhood lots range from 3,479 SF to 18,088 SF in size with the larger lots located along the western edge of the project at the base of the hills. The single-family homes will range in size from approximately 1,200 SF to 2,200 SF and consist of 3-bedroom, 2-bath homes with 2-car garages. Homes will be one- or two-stories and a maximum building height of 28 feet is proposed.

The lots in the Senior Neighborhood range from 3,186 SF to 6,980 SF in size (gross lot area) and the "cottage homes" range in size from approximately 900 SF to 1,400 SF. The net area of the lots in the Senior Neighborhood ranges from approximately 1,300 SF to 1,680 SF. The cottage homes would be single-story with a maximum height of 22 feet. The net lot area on each parcel would be privately landscaped and maintained by each homeowner and the remaining areas (as shown on PC Reso Attachment 2, Sheet L-0.3) would be landscaped and maintained by the HOA. The Senior Neighborhood would have a gated private roadway and a 0.25-acre shared private park (Cottage Park) with walkways, benches, a covered shade pavilion, garden beds, and other amenities would be located on Parcel G.

The Neighborhood Park (Parcel B) is located at the eastern edge of the project site adjacent to South State Street and would serve as a gateway feature for the development and a recreational facility for residents and the public-at-large. The Neighborhood Park would include an open field for recreation, a looped walking path, seating, and a tot lot with a play structure. It is also designed as a stormwater detention feature. The Neighborhood Park would be subject to an easement that provides for public use and maintenance by the HOA.

The Modified Project also includes a Linear Park that connects the Neighborhood Park and the Senior Neighborhood to the eastern end of the Traditional Neighborhood. The Linear Park is approximately 30 feet in width and 930 feet in length. It would have a 7-foot-wide meandering walkway/bike path and would include landscaping and low-impact development (LID) stormwater features.

Access to the project site will be provided via two new streets that connect to South State Street. The northern entrance is the primary access point and includes a Roundabout on South State Street (as was previously proposed) that is aligned with Plant Road to the east. The secondary access will be from a new street located along the southern border of the project site. This access point replaces the previously-approved site access that entered from Gobalet Lane, a private roadway on the north side of the project site.

The Amended Vesting Tentative Map (PC Reso Attachment 2) includes two parcels, Parcel A and Parcel C, that are not currently slated for development. Parcel A (68,219 SF) is located in the northeast corner of the site. The Project Description (Attachment 5) notes that Parcel A is anticipated to capture some stormwater from the site and is being reserved for an unknown future land use. Parcel C (11,430 SF) is located at the southeast corner of the site and is also designated as a stormwater detention area. Parcel C is not intended for future development and would be retained as a common parcel to be managed by the HOA.

Consistency with Ukiah Valley Area Plan

The original project was approved prior to adoption of the Ukiah Valley Area Plan ("UVAP") in 2011. Nevertheless, both the original project and the Modified Project help to implement a number of the UVAPs policies and programs, including the following:

- ⇒ Policy LU 1.3: Promote suitably located housing and services for a range of ages and incomes within the Ukiah Valley.

The project site is designated for residential development in both the UVAP and the County General Plan. The Modified Project will accommodate a range of ages and incomes.

- ⇒ Program LU 1.3a- Well-Served Communities: Emphasize complete and integrated communities which encompass the facilities and activities essential to the daily life of the residents and promote community atmosphere and interaction.

The Modified Project includes a Neighborhood Park and a Linear Park for use by the residents. The Neighborhood Park will have an easement recorded on it allowing for public use. The Senior Neighborhood has its own park- Cottage Park, that will promote community interaction as well.

- ⇒ Program LU 2.1b- Compatibility Guidelines: Only allow development within each airport zone that conforms to the height, use and intensity specified in the land use compatibility table of the Airport Comprehensive Land Use Plan.

The Modified Project was reviewed by the Airport Land Use Commission and was determined to be consistent with the Ukiah Airport Land Use Compatibility Plan (UKIALUCP).

- ⇒ Policy CT2.1: Integrate pedestrian access into the circulation system of the urbanized areas of the Ukiah Valley.

The Modified Project provides pedestrian access throughout the development including a Linear Park with a paved bicycle/pedestrian trail that traverse the project on an east-west access. The Modified Project also includes pedestrian facilities along the South State Street frontage and enhanced pedestrian crosswalks on South State Street in conjunction with the Roundabout. These pedestrian facilities will enhance access to the existing transit hub on Plant Road just east of the project site.

- ⇒ Policy WM 2.1: Strive for efficient delivery of public water services.

As discussed in the EIR Addendum (PC Reso Attachment 6), a Water Supply Verification Analysis was prepared for the Modified Project and a Will Serve Letter was approved by the Willow County Water District.

- ⇒ Policy WM 4.1: Integrate storm water management practices that utilize and mimic natural hydrology into all aspects of development and community design, including streets, parking, homes and buildings, parks and public landscaping.

The Modified Project includes an updated Stormwater Control Plan that utilizes stormwater detention basins, low impact development stormwater control measures, and Best Management Practices to manage stormwater runoff and reduce impacts to water quality in receiving waters.

A detailed discussion of proposed stormwater management is included in the EIR Addendum (PC Reso Attachment 6).

⇒ Policy HS 1.3: Maintain land use and building regulations that promote fire safety.

The Modified Project is located in a Local Responsibility Area for emergency response to fires. As summarized in the EIR Addendum, egress from South State Street is enhanced by the secondary access that is proposed near the southern edge of the project site. The project was reviewed by the Ukiah Valley Fire District and a condition is recommended to ensure an adequate turn-around for emergency vehicles on the private cul-de-sac.

⇒ OC 2.3e- Oak Preservation and Mitigation. Require the identification, conservation and protection of native true oaks in the design of discretionary project.

The EIR Addendum for the Modified Project (PC Reso Attachment 6) includes a Biological Resources Assessment and a Tree Inventory Report that identify native oaks and measures to minimize impacts. The Addendum concludes that the impacts of the Modified Project are encompassed within the analysis and mitigations included in the certified Final EIR (Attachment 4) and the Amended Mitigation Monitoring and Reporting Program (PC Reso Attachment 7).

⇒ PR 2.2b- Park Land Dedications. Require that new development provide park land for new residents.

The Modified Project includes a greater amount of parkland (2.81 acres) than the original project (2.31 acres). The Neighborhood Park is more accessible than previously as it is now located adjacent to South State Street.

Consistency with Mendocino County Housing Element (2019-2027 Update)

The Modified Project is consistent with and advances a number of Mendocino County General Plan Housing Element policies, including the following:

⇒ Policy 1.1: Promote safe and healthy housing arrangements for residents of all income levels.

The Modified Project would provide 171 units of housing for seniors and families, including 39 units of senior housing and 13 units of for-sale housing that would be restricted to qualifying moderate-income households.

⇒ Policy 3.1: Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.

The Modified Project consists of detached, for sale, single family residences. Roughly 23% of the units would be in the Senior Neighborhood and designed as accessible housing for senior citizens. The remaining housing in the Traditional Neighborhood would be single-story residences (3 bedroom, 2 bath, with 2-car garages).

⇒ Policy 3.5: Encourage and assist in developing affordable housing by reducing constraints and identifying incentives and tools for affordable residential unit development.

The Modified Project is consistent with the SDBL and, as such, is eligible for incentives, concessions and reductions in development standards. As discussed in this report, the Modified Project incorporates the following reductions in development standards: reduced lot sizes; reduced setbacks; double-frontage lots; flag lots; use of private roadway easements; modified standards for fencing on street frontages. In addition, the use of a density bonus under the SDBL makes it possible to achieve the requested density in the Senior Neighborhood.

- ⇒ Policy 4.3: Encourage a range of housing types to address the housing needs of the County's special needs populations, such as seniors, single-parent families, large families, individuals with disabilities, the homeless, Native Americans, and farmworkers.

The Senior Neighborhood in the Modified Project addresses this policy.

Consistency with Mendocino County Zoning Code (Title 20, Division I)

PC Reso Attachment 6, Exhibit 3 shows the zoning designations that are assigned to the project site. Sheet 2/10 of the Amended Vesting Tentative Map (PC Reso Attachment 2) shows the four existing parcels that comprise the site. APN 184-110-28 is adjacent to the South State Street frontage of the site and is assigned the Multiple-Family Residential (R-3) zoning designation. APN 184-110-29 is entirely within the Suburban Residential (SR) zoning district, and APN 184-120-01 is split zoned, with the easterly portion (as shown on Sheet 2/10) located within the SR district and the western portion located within the Rural Residential (RR-5) district. APN 184-120-21 is the linear parcel that encompasses Gobalet Lane.

As shown on Sheet 3/10 in PC Reso Attachment 2, the westernmost portion of the project site, which is zoned RR-5, is not proposed for development and is designated as a "Remainder Parcel" for the subdivision.

The proposed residential uses are primarily within the SR zoned area. Single family residential uses are permitted in the SR District with a minimum lot area of 6,000 SF and a maximum dwelling density of one unit per 6,000 SF. The SR District requires minimum front and rear yards of 20 feet and side yards of 6 feet and establishes a maximum building height of 35 feet.

As shown on Sheets 4/10 and 5/10, the following proposed parcels are located entirely or partially within the R-3 zoned area:

- Lot 11 and Parcel A at the northeast corner of the site;
- Parcel B (the Neighborhood Park parcel);
- Lots 17, 16, 15, 14 in the Senior Neighborhood; and
- Parcel C at the southeast corner of the site.

Single family residential uses are permitted in the R-3 District with a minimum lot area of 6,000 SF and a maximum dwelling density of one unit per 4,000 SF. The R-3 District requires minimum front and rear yards of 20 feet and side yards of 6 feet and establishes a maximum building height of 50 feet.

Single family uses are permitted within the R-3 District subject to an Administrative Permit which may be granted based on a finding that the subject property has development constraints such as size, topography or infrastructural deficiencies. The Applicant has requested an Administrative Permit to authorize the proposed residences on R-3 zoned parcels. Staff recommends that the single-family uses be permitted in the areas that lie within the R-3 District based on the fact that the Modified Project is designed to contain residential uses outside of Airport Zone 2 (Inner Approach Zone) as discussed below.

The Applicant has requested a reduction in site development standards in accordance with SDBL and the County's implementing regulations. The requested modifications can be approved for the Modified Project through the granting of a density bonus for the 39-unit "senior citizen housing development" and as a concession or incentive for the Traditional Neighborhood which is eligible under the SDBL due to the restriction of 10% of the units for sale to moderate-income households. The Modified Project incorporates the reductions in development standards for the SR and R-3 Districts as shown on Table 2.

Table 2 - Requested Modifications to Site Development Regulations

	SR and R-3 Districts	Requested Modification
Minimum Lot Size	6,000 SF <i>Sec. 20.044.030 (SR)</i> <i>Sec. 20.080.025 (R-3)</i>	3,507 SF (traditional lots) 1,298 SF (senior lots; net SF exclusive of restricted use easements)
Minimum Front Yards	20 feet <i>Sec. 20.044.035 (SR)</i> <i>Sec 20.080.035 (R-3)</i>	12 feet Garage setback: 20 feet
Minimum Side Yards	6 feet <i>Sec. 20.044.040 (SR)</i> <i>Sec. 20.080.040 (R-3)</i>	4 feet
Street Side Yard Setback	20 feet <i>Sec 20.152.015(H)</i>	10 feet (traditional lots) 0 feet (senior lots; minimum 8-foot setback between structures, across easements)

Given the scale of the residences in the Traditional Neighborhood (1,200-2,200 SF) and the cottage homes in the Senior Neighborhood (900-1,400 SF), the reduced parcel sizes and setbacks would create a denser built environment, while maintaining the private yards and open spaces that typically characterize a single-family residential neighborhood.

In addition to the reduced yard setbacks, the Applicant has requested an exception to Section 20.152.015(E) of the Zoning Code which requires that view-obstructing fences in rear or side yards having street frontage may not exceed 3-1/2 feet in height. As explained in the Design Guidelines Manual ([PC Reso Attachment 3](#)), in the Traditional Neighborhood 6-foot cedar fences

may be erected in rear and side yards that front on streets (i.e., on corner lots and double-frontage lots), however such fences would be setback a minimum of 5 feet from the back of the sidewalk to allow for plantings of shrubs, trees and other vegetation to help soften the impact of the fence on the pedestrian realm. Fences in front yards would be restricted to 3-1/2 feet in height consistent with Section 20.152.015(E). Staff recommends that the requested exceptions to fence height restrictions be granted as a reduction in site development standards in order to provide privacy and security for yards on the single-family lots in the Traditional Neighborhood.

The Applicant is also requesting an exception to Section 20.152.015(H) of the Zoning Code which requires that corner lots maintain front yard setbacks on any lot lines having street frontage. As shown on the Amended Vesting Tentative Map (PC Reso Attachment 2, Sheet 4/10), front setbacks for corner lots are only proposed for the lot line upon which the driveway access is located. Yard setback reductions are requested along the side yard street frontages, in order to accommodate the requested housing density per the SDBL. A condition is recommended which requires that the Subsequent Final Map for the Phase(s) including Lots 6-11 and Lots 20-23 include a note prohibiting driveway access from Charlie Barra Drive. The residences on these lots shall either front on Charlie Barra Drive or have rear yards and fencing facing Charlie Barra Drive to establish uniform frontage improvements at the gateway to the Modified Project.

Consistency with Ukiah Municipal Airport Land Use Compatibility Plan

As shown on PC Reso Attachment 6, Exhibit 4, portions of the project site are located within the following Compatibility Zones as identified in the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP):

- Zone 2: Inner Approach Zone
- Zone 3: Inner Turning Zone
- Zone 6: Traffic Pattern Zone

The Amended Vesting Tentative Map and the Restated Development Agreement were reviewed by the Airport Land Use Commission (ALUC) on December 16, 2021. The Modified Project, which has fewer units and lower building heights than the original project, is more consistent with the UKIALUCP than the original project. It should be noted that the original project was analyzed for consistency with the Mendocino County Airport Land Use Compatibility Plan which has been superseded by the UKIALUCP as of May 2020. The ALUC determined that the Modified Project is consistent with the UKIALUCP, based on the purpose and intent of Airport Compatibility Zones 2, 3, and 6, as well as the information presented to the ALUC.

The ALUC noted that, in accordance with Policy 3.3.6 of the UKIALUCP, the property owner will be required to dedicate an avigation easement for the portions of the project site that lie within Compatibility Zones 2 and 3 (including lands within the Airspace Critical Protection Zone). A condition is recommended for the Modified Project to address this requirement such that, with recordation of each Subsequent Final Map, an avigation easement, in a form and content acceptable to County Counsel, shall be recorded on all parcels that lie partially or wholly within

Compatibility Zones 2 and 3 as defined in the Ukiah Municipal Airport Land Use Compatibility Plan.

Consistency with Mendocino County Division of Land Regulations (Title 17)

The Applicant has submitted an Amended Vesting Tentative Map for approval instead of proceeding with development under the approved Vesting Tentative Map for the Garden's Gate Subdivision. The consistency of the Amended Vesting Tentative Map with the County's Division of Land Regulations is addressed below.

Lot and Block Design and Configuration. The Amended Vesting Tentative Map is compliant with the requirements of Section 17-52 of the Division of Land Regulations, with the exception of the following requirements:

- ⇒ Section 17-52(B): Where a water supply and distribution system and sanitary sewer system are provided, the lot area shall be not less than 6,000 square feet and the lot width shall be not less than sixty (60) feet in width on the building line or less than eighty (80) feet in depth, provided that corner lots shall be not less than seventy (70) feet in width on the building line.
- ⇒ Section 17-52(J): Lots having double frontage shall not be permitted, except as otherwise provided herein, except when necessitated by topography or other physical condition. In all cases, access on one side shall be restricted by proper dedication or legal instrument.

As discussed above, the Applicant has requested an exception to the 6,000 SF minimum lot size requirements as a concession per the SDBL. Furthermore, the Modified Project includes 10 double-frontage lots on the north side of Charlie Barra Drive (the primary access road) (Lots 6-11 and 20-23). Additionally, 22 of the lots in the Senior Neighborhood have rear frontages on public streets. The Applicant has requested that these lots be authorized as a reduction of development standards per SDBL. As noted above, the Senior Neighborhood is not eligible for the reduction of development standards as an incentive/concession, but the modified development standards can be achieved by granting a density bonus to that portion of the development.

Staff recommends that the following conditions be required to prohibit driveways from Charlie Barra Drive onto Lots 6-11 and 20-23, to establish a sufficient setback for fencing along the street frontage, and to require landscaping between the back of sidewalk and the fencing. These conditions are recommended to help protect the aesthetics of the main entry street into the Modified Project.

- A note shall be added to the Subsequent Final Map(s) upon which Lots 6-11 and 20-23 are recorded and a deed restriction shall be recorded on the Lots 6-11 and 20-23 prohibiting the establishment of driveway access from the subject parcels onto Charlie Barra Drive.
- A note shall be added to the Subsequent Final Map(s) upon which Lots 6-11 and 20-23 are recorded to require that fencing for the yards of Lots 6-11 and 20-23 (i.e., along the

Charlie Barra Drive street frontage) shall either conform to the front yard fencing standards in the County Code or, if 6' fencing is specified, it shall be setback a minimum of 5' from the public right-of-way and shall be screened by shrubs and trees to establish an attractive gateway to the neighborhood. The Master Landscape Plan for the Charlie Barra Drive frontage of these parcels shall be submitted for review and approval by the Director of Planning prior to approval of the Subsequent Final Map(s).

With regard to the Senior Neighborhood, all of the residences on double-frontage lots will front onto the private loop road. As noted in Attachment 5, in the Senior Neighborhood, shared landscaping other than that immediately adjacent to the residences would be installed and maintained by a HOA. Non-view obscuring fencing around the perimeter of the Senior Neighborhood would be installed and maintained in conjunction with such landscaping.

- ⇒ Section 17-52(L): Flag lots or parcels whose access to the abutting street is provided by a strip or segment which is a part of said lot or parcel may be approved by the Planning Commission when necessitated by topography or other special condition, provided however, that the main portion of the lot meets the provisions of this Chapter as to length, depth, area and design. In no case shall the access strip be less than twenty (20) feet in width nor greater than three hundred (300) feet in depth and improvements shall be constructed therein to provide an all-weather driveway.

As shown on PC Reso Attachment 2, the Modified Project would include three flag lots (Lots 15, 33, and 129). Each of these lots meets the stipulations of Section 17-52(L). Lot 33 utilizes a driveway that would be shared with a 15-foot-wide public water easement in favor of Willow County Water District. Lot 33 is 13,079 SF in size and has a sufficient building envelope. Similarly, Lots 15 and 129 are 10,551 SF and 13,945 SF, respectively and have adequate building envelopes. Staff notes that Lots 15 and 16 could be reconfigured to eliminate the flag parcel, however, doing so would result in a narrow street frontage along a curved street. Staff recommends that the three proposed flag lots be approved as proposed as a reduction of development standards per SDBL.

- ⇒ Section 17-52(Q): Each lot or parcel on a turn-around, cul-de-sac or curved street, where the side lines thereof are diverging from the front to the rear of such lot or parcel, shall have a width of not less than sixty (60) feet, or the width required by this Chapter or the Zoning Code, whichever is greater, measured along the building setback line established by the minimum required front yard for the main building and between the side lines of such lot or parcel.
- ⇒ Section 17.52(R): Each lot or parcel on a curved street, when the side lines thereof are converging from the front to the rear of such lot or parcel, shall have an average width of not less than sixty (60) feet or the width required by this Chapter or the Zoning Code, whichever is greater.

The Modified Project would not comply with Sections 17-52(Q) and 17-52(R) as many of the lots are less than 60 feet in width. As discussed above, the Applicant has requested an exception to these minimum lot size requirements as a reduction of development standards per SDBL

and staff recommends that these exceptions be granted in addition to a density bonus for the Senior Neighborhood.

Site Access and Circulation. The Amended Vesting Tentative Map includes site access and subdivisions roads that would be dedicated as public streets and two streets that would be maintained as private roads. The two private roads are the gated and looped street serving the Senior Neighborhood and the westerly extension of Charlie Barra Drive that is shown as "Country Lane" on the Amended Vesting Tentative Map. In addition, the Modified Project includes a Roundabout on South State Street at the project entry that would be aligned with Plant Road on the east side of South State Street. The Restated Development Agreement requires the Roundabout to be installed after completion of the 100th housing unit. In the interim, the Applicant is required to install a standard four-leg intersection with a left-turn lane on the northbound approach to mirror the existing left-turn lane on the southbound approach. This provision is identical to the requirement in the Garden's Gate Development Agreement.

Staff recommends that the previously-approved condition for the design of the Roundabout be revised as follows since the Roundabout will be located within the County's jurisdiction and is not subject to design review approval by the City of Ukiah:

- Plans for the design of the ~~center of the Roundabout, in regard to~~ including landscaping and any monument sign, shall be submitted to the Director of Transportation County ~~as well as the City of Ukiah~~ for design review and approval prior to construction of the Roundabout.

The following new condition is recommended by the Department of Transportation to ensure that the public roads meet County standards:

- Subdivision roads to be accepted into the County Road System shall be designed and constructed in accordance with procedures prescribed in the County Division of Land Regulations, and the following design standards unless an exception is granted by the Director of Transportation:

Minimum Right of Way Width	40 Feet
Minimum Street Width (curb to curb)	36 Feet
Minimum Radius of Curb Return	25 Feet
Minimum Radius of Right of Way at Knuckle	50 Feet
Minimum Street Radius at Knuckle (to face of curb)	43 Feet
Minimum Radius Curb Return at Cul-de-Sac	40 Feet
Maximum Grade	16 Percent
Minimum Grade	0.5 Percent
Minimum Traffic Index	6.5
Minimum Thickness of Asphalt Concrete Surfacing	3 Inches

- Street improvements shall include concrete curb and gutter and minimum 5-foot wide concrete sidewalks on both sides. A minimum 5-foot wide public utility and sidewalk easement shall be provided on both sides of the road. Subdivision roads, with the

exception of the two proposed private streets, shall be offered for dedication and accepted into the County Maintained Road System. The HOA shall retain responsibility for maintenance, irrigation and replacement of all street landscaping.

Section 17-54 of the Division of Land Regulations allows private roads in a subdivision when the Planning Commission determines that a private street system will adequately serve the subdivision, will not be detrimental to adjoining properties, and will not disrupt or prevent the establishment of an orderly street pattern.

The Amended Vesting Tentative Map (PC Reso Attachment 2) includes two private streets: a looped road that provides access to the lots within the Senior Neighborhood and a private cul-de-sac that extends west from the end of Charlie Barra Drive and provides access to Lots 117-131 at the northwestern corner of the subdivision. The road sections for these two private roads are shown on PC Reso Attachment 2, Sheet 10/10. Both roads have 50-foot easements for ingress, egress and public utilities. The private street in the Senior Neighborhood has 9-foot travel lanes with 7-foot parking on either side. The "Country Lane" road section provides 10-foot travel lanes with no on-street parking. The Department of Transportation recommends the following additional conditions be added to the Conditions of Approval to address the two proposed private streets:

- All private roads shall be improved in accordance with County of Mendocino Road and Development Standards drawing A10F Reduced Section unless an exception is granted by the Director of Transportation.
- A 43-foot radius turnaround shall be constructed within a 50-foot radius easement at the terminus of the private access easement near lots 125 and 126 to the satisfaction of the Mendocino County Department of Transportation. Alternatively, subdivider, with approval from the local fire district, may construct a "Hammerhead-T" turnaround in accordance with County of Mendocino Road and Development Standards drawing A15.

To implement the requirements of the Division of Land Regulations, the Department of Transportation recommends that the following conditions be applied to the Amended Vesting Tentative Map:

- All roadway and drainage improvements shall be constructed in conformance with Mendocino County Road and Development Standards, typical road sections as shown on the Amended Vesting Tentative Map dated August 29, 2022 (unless an exception is granted by the Director of Transportation), mitigation measures included in the Amended Mitigation Monitoring & Reporting Program and improvement plans prepared by a Registered Civil engineer and approved by the Mendocino County Department of Transportation.
- All monuments set in connection with the survey for this subdivision shall conform with the provisions of the Land Surveyors Act of the State of California and the provisions of Section 17-72 of the County Division of Land Regulations. Subdivider shall be responsible at Subdivider's expense to preserve street centerline, property line and corner markers,

except where their destruction is unavoidable, and the Subdivider is proceeding in accordance with accepted practice and notice to the County. Lost or disturbed monuments shall be replaced at the Subdivider's expense by a professional licensed in California to practice land surveying. (see "Monuments," Section 8771, Land Surveyors Act, Division 3, Chapter 15 of the Business and Professions Code).

In addition, the following conditions are recommended by the Department of Transportation to facilitate review of the phased subdivision improvement plans for the Modified Project:

- All subdivision improvement plans shall include cross-sections with templates at a maximum interval of 50 feet. Subdivision improvement roadway plans shall include cross-sections at a maximum interval of 50 feet.
- Subdivision improvement plans shall be accompanied by a design soils report prepared by a geotechnical engineer or qualified civil engineer and shall: identify soil conditions and geological hazards to be considered in the road design; make specific recommendations to be incorporated in the design and construction of the road; and make specific recommendations on measures required to minimize erosion during and after construction.

In accordance with Section 17-53(E) of the Division of Land Regulations regarding street names, the County's address coordinator has determined that Charlie Barra Drive and Country Lane, as shown on the Amended Vesting Tentative Map are unique and acceptable street names. The other street names (Roads A, B, C, D, E, F, G and South Road) are not recommended as they are similar to existing street names in the County and may create confusion for emergency responders. The Applicant has submitted the following list of alternative street names based on local history and in line with the Italian name of the subdivision:

1	Charlie Barra Drive	Main entry road shown on tentative map
2	Country Lane	Private road easement shown on tentative map
3	Martha	Local grape grower/community member
4	Sargentini	Local grape grower & past owner of the property
5	Via Carrara	A marble found in Northern Italy
6	Renaissance	A period in European history
7	Trinacria	A Greek word that means "three pointed"
8	Leccino	An Italian olive
9	Tetto	"Roof" in Italian
10	Minerva	Roman goddess of wisdom, art, schools and more
11	Bella Terra	"Beautiful Land" in Italian
12	Frontoia	An Italian varietal of olive
13	Sogni	"Dreams" in Italian
14	La Citta	"The Town" in Italian

15	Vino Di Rosso	Red Wine
16	LaPerla Rosa	Pink Pearl
17	Bellezza	“Beauty” in Italian
18	Vita	“Life” in Italian
19	Strada	“Street” in Italian
20	Vivere	“Live” in Italian

The following condition is recommended to address street names for the Modified Project:

- Prior to recordation of the first Subsequent Final Map, the Applicant shall submit a street naming plan for the entire Modified Project that identifies the name of each street based on the list of street names submitted by the Applicant. The final street naming plan shall be reviewed by the County's address coordinator. Street names shall be indicated on each Subsequent Final Map.

Water Supply and Distribution Systems. The water supply and distribution system for the Modified Project will be operated and maintained by the Willow County Water District. Per Section 17.55 of the Division of Land Regulations, the Applicant will be required to install the water distribution infrastructure, fire hydrants, valve and meter boxes, etc. within the street right of way and dedicated easements subject to the approval of the County Engineer and the Willow County Water District. As discussed in the EIR Addendum, based on a "Water Supply Verification" that was prepared for the Modified Project (PC Reso Attachment 6, EIR Addendum, Appendix I), the Willow County Water District has determined that a sufficient water supply is available for the Modified Project. A "will serve" letter was issued on September 4, 2021 (PC Reso Attachment 6, EIR Addendum, Appendix B).

Sanitary Sewer Systems. In accordance with Section 17.56 of the Division of Land Regulations, the wastewater collection system will be installed by the Applicant and dedicated to the Ukiah Valley Sanitation District (UVSD) who will own, operate and maintain the system. The system will be located within the street right-of-way and dedicated easements and improvements plans are subject to approval by the County Engineer and UVSD staff. PC Reso Attachment 6, EIR Addendum, Appendix J presents a "will serve" letter issued by the UVSD on March 11, 2021.

Utilities and Utility Easements. Pursuant to Section 17-58 of the Division of Land Regulations, the Applicant shall provide underground electricity and communication services (telephone and cable television). Natural gas will not be required as the residences are proposed to be all-electric.

The Department of Transportation recommends the following condition relating to the extension of utilities to serve the subdivision:

- Subdivision improvements shall include the extension of sanitary sewer, water and public utility (electricity, telephone, and cable television) services to each parcel. All utilities installed within the subdivision shall be placed underground with the exception of vaults

and/or meters which shall be placed underground where feasible. If vaults and/or meters are not undergrounded, they shall be sited in unobtrusive locations and/or screened in order to maintain the overall aesthetics of the Modified Project. Street lighting shall also be installed, and all luminaries shall be downward shielded.

Drainage and Water Courses. As presented in the Stormwater Control Plan for the Modified Project (PC Reso Attachment 6, EIR Addendum, Appendix A), a stormwater system has been designed to detain runoff due to post-development conditions for the Modified Project using the design 10-year storm event as required. The proposed detention basin in the Neighborhood Park at the eastern end of the site is designed to detain runoff associated with a 100-year storm event and to minimize potential flood impacts. In addition, Low Impact Development (LID) measures are incorporated throughout the Modified Project and Best Management Practices (BMPs) will be implemented. To ensure satisfactory design and construction of drainage facilities appurtenant to road improvements, the Department of Transportation recommends the following additional conditions be applied to approval of the tentative map:

- Surface drainage facilities appurtenant to the subdivision roads shall be designed and constructed in accordance with the following minimum standards:
 - (a) Culverts, storm drains and detention facilities shall be designed to accommodate a 100-year storm event using all available head at the inlet; Drainage placed in closed conduits may be designed to accommodate a 10- year storm event given that sufficient additional surface routes are available to carry the added flow increment up to the 100-year storm event design discharge without flooding the traveled way and with no inundation of present or future buildings. If such surface routes cannot be made available, waterways shall be designed to carry the 100-year design discharge.
 - (b) Minimum culvert and storm drain size shall be of sufficient width to allow for maintenance and replacement of drainage facilities, shall be RCP or an acceptable alternative material, and shall be subject to the approval of Mendocino County Department of Transportation and shall be shown on the Final Map.
 - (c) Drainage easements for culverts shall have a minimum width of 10 feet;
 - (d) Drainage easements for ditches shall have a minimum width of 20 feet unless an exception is granted by the Mendocino County Director of Transportation;
 - (e) Minimum allowable ditch/curb and gutter grade shall be 0.5 percent;
 - (f) Special erosion control measures will be required where ditch grade exceeds 5 percent.
- Drainage improvements shall include design features as needed to adequately conduct runoff from completed phases across future phases to a satisfactory point of disposal.
- Subdivision improvement plans shall be accompanied by a drainage report prepared by a Civil Engineer. The report shall provide hydrology and hydraulic data necessary to

support the design, location and capacity of all proposed drainage facilities necessary for compliance with Mendocino County Road and Development Standards and Section 17-57(C) of the County Division of Land Regulations. This drainage report shall also include the location, capacity analysis and condition assessment of all existing drainage channels and structures receiving runoff from the subdivision.

In addition to the stormwater management system for the subdivision, the EIR includes mitigation measures requiring that four lots located adjacent to Cleland Mountain Creek in the northwest corner of the project site be removed and that a Riparian Enhancement Area be established along the creek corridor. The following conditions are recommended to address the required modification to the Amended Vesting Tentative Map:

- Pursuant to Mitigation Measure 3.2-D.2, Lots 122, 123, 124 and 125 shall be removed from the Amended Vesting Tentative Map dated August 29, 2022, and a minimum 100-foot setback from Cleland Mountain Creek shall be established. Applicant may incorporate the four lots into the other areas of the Modified Project. The reconfigured lots shall be subject to compliance with applicable County codes, EIR Mitigation Measures, and conditions of approval for the Modified Project. An illustrative plan showing the relocated parcels shall be submitted by Landowner for the review and approval of the Director of Planning & Building and the County Engineer prior to submittal of the Final Map for the first phase of the Modified Project.
- Pursuant to Mitigation Measure 3.3-A.1, a Riparian Enhancement Area shall be established on Lots 122, 123, 124 and 125 and Applicant shall record a Declaration of Environmental and Land Covenants in conjunction with recordation of the Subsequent Final Map(s) for the phase(s) of the subdivision that include the area encompassed by Lots 122, 123, 124 and 125 as shown on the Amended Vesting Tentative Map dated October 20, 2021.

Walkways. The Amended Vesting Tentative Map ([PC Reso Attachment 2](#)) includes 5-foot wide sidewalks along the project frontage on South State Street, on both sides of the public streets within the Traditional Neighborhood, and on one side of the private streets within the Senior Neighborhood. In addition, Sheet 10/10 shows an 8-foot wide "parkway path" cross section in the Linear Park and for the connector walkway from the sidewalk in the Senior Neighborhood to the Neighborhood Park (on the north side of Lot 17). The Landscape Site Plan ([PC Reso Attachment 4](#)) identifies 6- to 7-foot wide concrete or crushed rock pathways in the Linear Park and around the playing field in the Neighborhood Park with connectors to the perimeter sidewalk at the four corners of the park. Staff recommends that a minimum 7-foot width be required and that a crushed rock surface not be permitted due to the challenges of maintaining crushed rock pathways in a weed-free condition and the need to maintain a treated surface over time to comply with ADA accessibility standards. Rather than burdening the HOA with these maintenance challenges, staff recommends the following condition:

- The pathways in the Linear Park and the Neighborhood Park as well as the connectors between the neighborhood park and nearby sidewalks shall be constructed of concrete. A minimum pathway width of 7' is required.

Parks and Open Space

The Modified Project includes three parks - a Neighborhood Park that is 1.99 acres in size; a Linear Park that encompasses 0.58 acres; and a Cottage Park in the Senior Neighborhood that is 0.25 acres in size. The Neighborhood Park would be subject to a public access and maintenance easement that requires it to be open for use by the public and maintained by the HOA(s) per the following special condition:

- Prior to recordation of the first Subsequent Final Map, the Applicant shall submit for the review and approval of County Counsel, a "Publicly Accessible Private Open Space Easement Agreement" that grants to the County a non-exclusive public access and use easement on, over and across the Neighborhood Park. The Agreement shall establish the responsibility of the HOA to maintain the Neighborhood Park parcel and, to repair and replace, at its sole cost and expense, all facilities and improvements on the Neighborhood Park parcel.

In terms of timing, the Neighborhood Park would be established in the first phase of the Modified Project as its stormwater detention basin is an integral part of the stormwater management system. If the Roundabout is also established in the first phase, the improvements associated with the park (walkways, landscaping, tot lot, benches) may be deferred to the third phase. If an Interim Entrance is used, all of the park improvements must be installed in conjunction with the first phase. This requirement is stipulated in the Restated Development Agreement.

The Cottage Park would be developed in conjunction with the Senior Neighborhood and each segment of the Linear Park would be developed in conjunction with the phase of the Traditional Neighborhood in which it is situated.

Homeowners Association

The Modified Project will rely upon a HOA for the maintenance of common spaces and shared private infrastructure and improvements including but not limited to the three parks, landscaping within the rights-of-way of public streets, landscaping within the Senior Neighborhood, storm drainage facilities located outside of the County Maintained Road System, and private roads. Flexibility regarding potentially establishing other means to address common spaces and shared infrastructure for the Traditional Neighborhood has been included in the Conditions of Approval for the project. There are two conditions of approval recommended to address the responsibilities of the HOA:

- Prior to recordation of the first Subsequent Final Map, the Applicant shall provide the County with proof that a HOA representing all property owners of the Project has been formed. Title to the common open space, parks, private roads, common driveways,

streetscape parkways and landscaping, drainage easements, and the Riparian Enhancement Area along Cleland Mountain Creek shall be held by the HOA.

- Prior to recordation of the first Subsequent Final Map, the Applicant shall submit a set of covenants, conditions, and restrictions (CC&Rs) for the review and approval of Director of Planning and County Counsel.
 - a. The CC&Rs shall ensure the on-going maintenance of all storm drainage facilities located outside of the street right of ways accepted into the County Maintained Road System, private roads, common driveways, parks and common open space areas, streetscape parkways and landscaping, and the drainage easement and Riparian Enhancement Area along Cleland Mountain Creek.
 - b. The CC&Rs for the senior housing component shall ensure that the development complies with the requirements of Civil Code Section 51.3 regarding age-restrictions and the requirements of Civil Code Section 51.2 regarding accessibility standards and the provision of common facilities.
 - c. The CC&Rs for the Neighborhood Park shall establish regulations pertaining to the types of public uses of the park, as well as governing hours, nuisances and other operational considerations. Hours of operation shall be generally from dawn until dusk. There shall be no fencing or control gates limiting access.
 - d. The CC&Rs shall include a provision stipulating that the County shall be a third party beneficiary of the CC&Rs, with the right, but not the obligation, to enforce provisions of the CC&Rs. Any modification of the CC&Rs relating to permitted uses, or the design, establishment, maintenance or repair of common areas is subject to the consent of the County, which consent shall not be unreasonably withheld.

4. RESTATED DEVELOPMENT AGREEMENT

On October 20, 2009, the Board of Supervisors adopted Ordinance No. 4229 approving a Development Agreement with Ukiah Land, LLC for the Garden's Gate project ("Garden's Gate DA"). The Garden's Gate DA was subsequently amended by approval of a First Amendment on April 27, 2010. Mendocino County Code Section 21.04.020 memorializes these approvals.

Ultimately, in order for the Modified Project to proceed, the Garden's Gate DA must be amended through the mutual agreement of the parties to the agreement or their successors in interest. (Note: The Garden's Gate DA will remain in effect for the parcels in Tract 261 for which a Final Map has been recorded.) For the Modified Project, the proposed amendment to the Garden's Gate DA (the "Restated Development Agreement") is the result of negotiations and agreements reached between County staff and the Applicant. An effort was made to keep the structure and intent of the Garden's Gate DA intact while addressing changes in the Modified Project and

extending the term of the DA. Adoption or amendment of a DA requires public hearings by both the Planning Commission and the Board of Supervisors. The Planning Commission is tasked with providing a recommendation to the Board of Supervisors, including findings of consistency with the general plan and any applicable specific plans. As approval of the Modified Project is subject to the terms and conditions of the Restated Development Agreement, final approval of all aspects of the Modified Project will be by the Board of Supervisors.

Attachment 7 presents a redline version of the "Restated Development Agreement for the Bella Vista Subdivision" and PC Reso Attachment 8 presents the Restated Development Agreement ("Restated DA") with all of the redline changes accepted. The Restated DA, if adopted, would supersede and replace the Garden's Gate DA, except as the Garden's Gate DA pertains to Tract 261, for which a parcel map has already been recorded. The redline modifies terminology and provisions to address the Modified Project. Much of it is self-explanatory. The following summary is provided to help explain the substantive changes in the Restated DA:

- **Term:** The Restated DA provides for a ten (10) year term that can be extended by five years if the Landowner has constructed all of the Senior Neighborhood and at least 50% of the Moderate-Income homes or the Landowner has commenced construction of at least 50% of all dwelling units in the Modified Project. An additional three (3) year extension may be requested and is subject to Planning Commission approval based on findings that substantial progress towards completion is continuing to occur.
- **Plan Review Fees:** Section 7.1 of the Restated DA provides that, after initial review and approval of the "master residential building plans" for the Modified Project, the County will waive the plan review fee for subsequent use of such plans and, if revisions are proposed, the County will charge its established hourly rate for such review.
- **Parks:** Section 7.2 of the Restated DA references the requirement that an easement be recorded on the Neighborhood Park to establish the public's rights to use the park and the HOAs' obligations to maintain the park.
- **Subdivision Improvement Plans:** Section 8.2 allows for the phased submittal of subdivision improvement plans rather than submittal of a "master" subdivision improvement plan in conjunction with the first Subsequent Final Map.
- **Phasing:** Section 8.3 of the Restated DA continues to require the Director of Planning to review the Master Building Design Plan and Landscape Plan for each phase of the subdivision for consistency with the Project Site Plan and the Design Guidelines. It eliminates the requirement for the Director to report back to the Planning Commission on that review. This reporting requirement is also removed in what is now Section 8.10 (Subsequent Approvals). This section also authorizes the Director of Planning to approve modifications to the Phasing Plan, including a possible amendment to establish the entire Senior Neighborhood as the first phase. It also establishes that the Neighborhood Park improvements may be deferred to the third phase if the Roundabout is constructed in the first phase (rather than in conjunction with the phase including the 100th unit per what is now Section 8.11). References to Tract 261 (Garden's Gate Subdivision, Unit One) are

removed since a Final Map for those lots has been recorded in accordance with the Garden's Gate DA.

- **Construction of Off-Site Improvements.** This section is modified to reflect the conclusion of negotiations between the Department of Transportation and the Landowner regarding the construction of off-site sidewalk improvements. Both parties agreed that providing connectivity to the bus shelter on Plant Road (north side) is a priority. If the County encounters difficulties obtaining right-of-way for the required sidewalk improvements, the County can require that pedestrian improvements be made along South State Street either north or south of the project site equal to the cost of construction for the omitted sidewalk improvements.
- **Insubstantial Amendments.** This provision is stricken from the Restated DA as it establishes an amendment process for the DA that is inconsistent with the procedural requirements of the Government Code.
- **Attachments.** All of the attachments to the Restated DA except for the Form of Assignment are revised. Attachments A, B and C (Project Property Description, Project Site Plan and Project Phasing Plan) are modified to reflect the Amended Vesting Tentative Map. Attachment D (Affordable Housing Agreement) is drafted to be consistent with the Modified Project's Affordable Housing Plan. Attachment E (Mitigation Monitoring & Reporting Program) is modified to be consistent with new and revised mitigation measures presented in the EIR Addendum.

RECOMMENDATION

By resolution, based on the facts and findings, adopt a resolution recommending that the Board of Supervisors adopt an Addendum to the Garden's Gate Final EIR, approve an Amended Mitigation Monitoring & Reporting Program, approve an Amended Vesting Tentative Map with Conditions, approve a Density Bonus for the Senior Neighborhood and Reductions in Development Standards for the Traditional Neighborhood per State Density Bonus Law, approve Modified Design Guidelines and Preliminary Landscape Site Plan & Planting Plan, approve an Administrative Permit, approve the Inclusionary Housing Plan, and Adopt a Restated Development Agreement for the Bella Vista Subdivision, including a Modified Phasing Plan and an Inclusionary Housing Agreement

February 24, 2023

DATE

Julia Krog

JULIA KROG, DIRECTOR

ATTACHMENTS

1. Site Location Map
2. Garden's Gate Vesting Tentative Map (01-30-09)

3. Garden's Gate Draft and Final EIRs (hyperlink to online documents)
4. First Amended Development Agreement for Garden's Gate Subdivision (04-27-10)
5. Bella Vista Applicant's Project Description (06-02-22)
6. Requested State Density Bonus Law Waiver of Development Standards (08-24-22)
7. Restated Development Agreement for Bella Vista Subdivision-redline (02-22-23)
8. Agency Comments

PLANNING COMMISSION RESOLUTION

PC Reso Attachment 1: Conditions of Approval (02-23-23)

PC Reso Attachment 2: Amended Vesting Tentative Subdivision Map (08-31-23)

PC Reso Attachment 3: Bella Vista Design Guidelines Manual (01-16-23)

PC Reso Attachment 4: Bella Vista Preliminary Landscape Site Plan & Planting Plan (11-12-20)

PC Reso Attachment 5: Bella Vista Inclusionary Housing Plan (08-24-22)

PC Reso Attachment 6: Addendum to Gardens Gate Final EIR (02-23-23)

Exhibits

1. Regional Location Map
2. Site Location Map
3. Zoning Designations Map
4. Airport Combining Zone Map
5. Garden's Gate Approved Vesting Tentative Map (placeholder, reference Attachment 2)
6. Bella Vista Amended Vesting Tentative Map (placeholder, reference PC Reso ATT 2)

Appendices

- A. Bella Vista Drainage Report & Stormwater Control Plan
- B. Will Serve Letter for Water
- C. Biological Resources Assessment
- D. Technical Memorandum: Assessment of Biological Issues
- E. Tree Inventory Report
- F. Draft Delineation of Jurisdictional Waters of the US
- G. Traffic Analysis
- H. Air Quality and Greenhouse Gas Assessment
- I. Water Supply Verification
- J. Will Serve Letter for Wastewater

PC Reso Attachment 7: Amended Mitigation Monitoring & Reporting Program (02-23-23)

PC Reso Attachment 8: Restated Development Agreement (no redline)

Exhibits

- A. Legal Description of the Property
- B. Project Site Plan (include placeholder)
- C. Project Phasing Plan (include placeholder)
- D. Inclusionary Housing Agreement (02-22-23)
- E. Amended Mitigation Monitoring & Reporting Program (include placeholder)
- F. Form of Assignment
- G. Conditions of Approval (include placeholder)