

Resolution Number PC_2023-____

County of Mendocino
Ukiah, California

MARCH 9, 2023

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, PROVIDING A REPORT AND RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT AN ADDENDUM TO THE GARDEN'S GATE FINAL ENVIRONMENTAL IMPACT REPORT, 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 AN INCLUSIONARY HOUSING PLAN, AND ADOPT A RESTATED DEVELOPMENT AGREEMENT FOR THE BELLA VISTA SUBDIVISION, INCLUDING A MODIFIED PHASING PLAN AND AN INCLUSIONARY HOUSING AGREEMENT

WHEREAS, on October 6, 2009, the Mendocino County Board of Supervisors adopted Resolution No. 06-216 certifying the Garden's Gate Subdivision Final Environmental Impact Report (State Clearinghouse No. 2007052006) which analyzed the environmental impacts of a 197-lot residential project located approximately one mile south of the Ukiah City limits ("Garden's Gate Project"), and adopted a Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations; and

WHEREAS, on October 6, 2009, the Board of Supervisors also adopted Resolution No. 09-230, approving a Vesting Tentative Subdivision Map for the Garden's Gate Project (S_3-2005), including a Project Site Plan, Project Phasing Plan and Master Building Plan; and

WHEREAS, on October 20, 2009, the Board of Supervisors adopted Ordinance No. 4229 approving the Garden's Gate Development Agreement including an Inclusionary Housing Agreement, and on July 13, 2010, the Board of Supervisors adopted Ordinance No. 4264 approving the First Amendment to the Garden's Gate Development Agreement; and

WHEREAS, the First Amendment to the Garden's Gate Development Agreement vests the project entitlements for the Garden's Gate Project for a period of 15 years, a term that remains valid until August 27, 2025; and

WHEREAS, subsequent to the approval of entitlements for the Garden's Gate Project, the project site was acquired by Rancho Yokayo, L.P. and the entitlements and Development Agreement were assumed by the new owner; and

WHEREAS, on July 23, 2020, Rancho Yokayo, L.P. ("Owner") and Guillon, Inc. ("Applicant") filed an application with the County requesting a subdivision modification (S_2020-0001) to change the layout of the subdivision (excluding the 1.68-acre portion known as Tract 261 for which a Final Map has been recorded), to reduce the number of lots, to modify the incentives and concessions that were granted under State Density Bonus Laws, to modify the Inclusionary Housing Plan and to modify the Phasing Plan and an application to amend the Development Agreement (DEV_2020-0001), collectively the "Modified Project"; and

WHEREAS, the Modified Project, renamed the "Bella Vista Subdivision", includes modifications to the Vesting Tentative Subdivision Map (PC Reso Attachment 2) in order to subdivide 48.8± acres (identified as Assessor's Parcel numbers 184-110-28; 184-110-29; 184-120-21 and 184-120-01) into 171 single-family residential parcels, including a 39-lot age-restricted Senior Neighborhood and a 132-lot Traditional Neighborhood, with parks, streets and utilities; and

WHEREAS, in accordance with State Density Bonus Law (Government Code Section 65915 *et seq.*), the Applicant proposes a modified Inclusionary Housing Plan (PC Reso Attachment 5) whereby 10% of the residences in the Traditional Neighborhood would be restricted for sale to qualifying moderate-income households and the 39 residences in the Senior Neighborhood would be restricted to age-qualifying residents; and

WHEREAS, in accordance with State Density Bonus Law, the Applicant has requested exceptions to the development standards in the Mendocino County Division of Land Regulations and the Mendocino County Zoning Ordinance for minimum lot sizes, yard setbacks, flag lots, double frontage lots, and private road easements; and

WHEREAS, the Applicant is seeking approval of the Bella Vista Design Guidelines Manual (PC Reso Attachment 3) and a Preliminary Landscape Site Plan & Planting Plan (PC Reso Attachment 4); and

WHEREAS, the Applicant is seeking approval of an Administrative Permit (AP_2022-0034) to allow for development of single-family residences in the portion of the project site that lies within the Multiple-Family Residential (R-3) zoning district (identified as Assessor's Parcel number 184-110-28); and

WHEREAS, an Addendum to the Environmental Impact Report for the Garden's Gate Project (PC Reso Attachment 6) has been prepared to evaluate whether the Modified Project would have a significant effect on the environment beyond that which was evaluated in the certified EIR; and

WHEREAS, an Amended Mitigation Monitoring and Reporting Program (PC Reso Attachment 7) has been prepared that incorporates modifications to the mitigation measures that address the Modified Project as discussed in the Addendum to the Environmental Impact Report; and

WHEREAS, the Applicant and County staff have negotiated a Restated Development Agreement (PC Reso Attachment 8) that would amend the Garden's Gate Development Agreement to reflect the proposed subdivision modifications including a new Project Site Plan, Project Phasing Plan and Inclusionary Housing Agreement, and would establish a new 10-year term for the Restated Development Agreement; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on March 9, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Modified Project and all interested persons were given an opportunity to hear and be heard regarding the Modified Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the entitlements sought by the Applicant for the Modified Project.

NOW, THEREFORE BE IT RESOLVED that the Mendocino County Planning Commission, based upon evidence in the record and oral and written testimony presented at public hearings, and all information contained in the record of proceedings and/or the County's files related to the Garden's Gate Project and the proposed Modified Project, makes the following findings relating to the entitlements sought by the Applicant:

1. The above recitals are true and correct, and incorporated herein by this reference.
2. The proposed subdivision, as shown on the Amended Vesting Tentative Subdivision Map (PC Reso Attachment 2) is consistent with the Mendocino County General Plan, the Ukiah Valley Area Plan, and the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) as detailed in the Planning Commission staff report. The Modified Project would provide a total of 171 units of housing, including 39 units that are age-restricted for senior citizens, and 132 units that are not age-restricted. A total of 13 units in the non-age-restricted portion of the project would be restricted for sale to qualifying moderate-income households, thereby addressing Mendocino County General Plan Housing Element policies and Ukiah Valley Area Plan policies encouraging a range of housing types and densities to meet the diverse needs of County residents. On December 16, 2021, the Airport Land Use Commission determined that the Modified Project is consistent with the UKIALUCP.
3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities. The Design Guidelines Manual for the Modified Project (PC Reso Attachment 3) provides for the residences to have wide eaves, front patios and porches to assist with passive cooling. Additionally, homes will be constructed to applicable California Energy Standards, including solar photovoltaic systems.
4. The project site is physically suitable for the type and density of development. It consists of gently sloping terrain that was formerly in agricultural use and is designated for residential development in both the Mendocino County General Plan and the Ukiah Valley Area Plan.
5. The design of the subdivision and the proposed improvements are consistent with the County's standards for Land Divisions except for the density bonus for the Senior Neighborhood and the reductions in development standards, requested per State Density Bonus Laws. The staff report for the Planning Commission's March 9, 2023 public hearing provides a detailed analysis of consistency with the County's land division regulations.
6. The requested Administrative Permit to authorize the five proposed residences that are located partially or wholly on parcels that lie within the Multiple-Family Residential (R-3) zone may be granted based on the development constraint imposed by the Inner Approach Zone (Airport Zone 2) as established in the UKIALUCP. The Modified Project was designed to locate residential uses entirely outside of the Airport Zone 2 and the irregular western boundary of the R-3 zoned parcel (APN 184-110-28) results in relatively small, fragmented areas that lie outside of Airport Zone 2, and that are not well-suited for multiple family uses.
7. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. As explained in the Addendum to the Garden's Gate EIR prepared for the Modified Project (PC Reso Attachment 6), 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 Garden's Gate EIR. The EIR and the EIR Addendum concluded that, with implementation of mitigations, the subdivision would not result in significant adverse impacts to fish or wildlife or their habitat.

8. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems. As explained in the Addendum to the Garden's Gate EIR (PC Reso Attachment 6), there is no substantial evidence that the Modified Project would have a significant effect on public health and safety beyond that which was evaluated in the certified Garden's Gate EIR. The project will be served by public water and wastewater systems and the design of the subdivision access and circulation allows for adequate access by emergency service providers.
9. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. Neither the Preliminary Title Report nor the Amended Vesting Tentative Map for the project site identify any such easements through the proposed subdivision.
10. The discharge of waste from the proposed subdivision into the community sewer system would not result in violation of existing requirements prescribed by the North Coast Regional Water Quality Control Board. The Applicant has received a "will serve" letter from the Ukiah Valley Sanitation District indicating that the Sanitation District has the capacity to serve the Modified Project.
11. The Planning Commission has determined that the two private streets in the Modified Project (i.e., the loop road serving the Senior Neighborhood and the cul-de-sac serving parcels 116-132 in the northeastern portion of the project as shown on PC Reso Attachment 2) will adequately serve the proposed subdivision, will not be a substantial detriment to the adjoining properties, and will not disrupt or prevent the establishment of an orderly street pattern within the area of the subdivision. Satisfactory provisions have been made for a Homeowner's Association to assume responsibility for maintenance of the private streets and associated improvements.
12. The Inclusionary Housing Plan (PC Reso Attachment 5) proposes that 13 of the 171 dwelling units in the Modified Project be sold to moderate-income households and that 39 dwelling units be restricted as a senior citizen housing development. As such, the Inclusionary Housing Plan voluntarily complies with State Density Bonus Law as it includes a senior housing component and 10% of the non-age restricted units would be affordable. Therefore, per Mendocino County Code Section 20.238.010(B), the Modified Project would be exempt from the requirements of the County's Inclusionary Housing Ordinance (Mendocino County Code Chapter 20.238).
13. The senior housing component of the Modified Project is eligible for a 20% density bonus per State Density Bonus Law. In order to achieve the proposed density of 39 units on approximately 191,000 square feet in the Senior Neighborhood, a density bonus is required. Through covenants, conditions and restrictions (CC&Rs), the project will ensure compliance with Civil Code section 51.3 relating to qualifying residents and Civil Code section 51.2 pertaining to accessibility and features to encourage social contact in senior housing projects, thus assuring compliance with State Density Bonus Law.
14. The Applicant has requested a reduction of development standards under State Density Bonus Law for the Traditional Neighborhood for the following standards: reduced minimum lot sizes, reduced setbacks, double frontage lots and flag lots, access via private road easements, and modified standards for fencing on street frontages. The requested reductions in development standards would not result in a public health or safety problem or result in adverse environmental effects.
15. The Addendum to the Garden's Gate EIR, attached hereto as PC Reso Attachment 6, reflects the County's independent judgement. It provides analysis and cites substantial evidence that supports the conclusions that:

- a. The proposed modifications to the approved Vesting Tentative Map would not result in any substantial changes from what was previously analyzed in the Garden's Gate Final EIR (FEIR) and would not involve new significant impacts 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.
 - b. No substantial changes have occurred 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.
 - c. The Modified Project's consistency with the environmental resource analysis in the FEIR is summarized in Section 6 of the EIR Addendum. As discussed, the Modified Project would not result in any new significant effects not discussed in the FEIR.
 - d. Based on the analysis presented in the Addendum to the Garden's Gate EIR, no supplemental environmental review is required for the Project in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164.
16. To the extent that new or modified mitigations are identified in the Addendum to the Garden's Gate EIR and the technical studies prepared in support of the Addendum, the Applicants have agreed to incorporate the mitigations into the Modified Project and the modifications are incorporated into an Amended Mitigation Monitoring and Reporting Program (PC Reso Attachment 7).
17. The Restated Development Agreement, attached hereto as PC Reso Attachment 8, is consistent with the Mendocino County General Plan.

BE IT FURTHER RESOLVED, that the Mendocino County Planning Commission hereby recommends that, based on the facts and findings contained herein, the Mendocino County Board of Supervisors:

1. Adopt an Addendum to the Garden's Gate Final EIR (PC Reso Attachment 6),
2. Approve an Amended Mitigation Monitoring & Reporting Program (PC Reso Attachment 7),
3. Approve an Amended Vesting Tentative Map (PC Reso Attachment 2) (S_2020-0001), subject to the attached Conditions of Approval (PC Reso Attachment 1) and Amended Mitigation Monitoring and Reporting Program (PC Reso Attachment 7),
4. Approve a density bonus and requested reductions in development standards per State Density Bonus Law,
5. Approve Modified Design Guidelines (PC Reso Attachment 3) and a Preliminary Landscape Site Plan & Planting Plan (PC Reso Attachment 4),
6. Approve a modified Inclusionary Housing Plan (PC Reso Attachment 5),
7. Approve an Administrative Permit (AP_2022-0034), and

8. Adopt a Restated Development Agreement for the Bella Vista Subdivision (DEV_2020-0001) including a Modified Phasing Plan and an Inclusionary Housing Agreement (PC Reso Attachment 8).

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other materials which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Department of Planning and Building Services, 860 N. Bush Street, Ukiah, CA 95482.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JIM FEENAN
 Commission Services Supervisor

By: _____

BY: JULIA KROG
Director

DIANA WIEDEMANN, Chair
Mendocino County Planning Commission
