

RESOLUTION ATTACHMENT 1

CONDITIONS OF APPROVAL: BELLA VISTA SUBDIVISION

Modified Entitlements per S_2020-0001, DEV_2020-0001 and AP_2022-0035 including: Amended Vesting Tentative Map dated August 29, 2022; Modified Phasing Plan; Modified Design Guidelines; Preliminary Landscape Site Plan & Planting Plan, Reductions in Development Standards per State Density Bonus Law; Administrative Permit; Inclusionary Housing Plan; Inclusionary Housing Agreement; Restated Development Agreement - (the "Modified Project")

A. GENERAL CONDITIONS

1. This approval is subject to all of the applicable terms and conditions of the Restated Development Agreement for the Modified Project as approved by the Board of Supervisors. If any of these conditions of approval is in conflict, or is inconsistent, with any term or condition of the Restated Development Agreement, then any such condition shall be deemed waived or satisfied and the Restated Development Agreement shall control.
2. All mitigation measures from the certified Environmental Impact Report for the Garden's Gate Subdivision ("Garden's Gate EIR") as modified by the Addendum for the Garden's Gate Subdivision ("EIR Addendum"), as described in the Amended Mitigation Monitoring & Reporting Program ("Amended MMRP"), shall be implemented as conditions of approval, and are incorporated herein by reference.
3. This approval is based upon all conditions of approval set forth herein, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. Any deviations from these Conditions of Approval must be reviewed and approved by the Director of Planning and, where specified, the Director of Transportation for conformity with this approval. Deviations may require changes to the project approvals and/or further environmental review. Deviations without the above-described review and approval will constitute a violation of permit approval.
4. Prior to performing any work within the Cleland Mountain Creek floodplain, Applicant shall secure all applicable permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, as well as any other agencies which may have control or authority.
5. Any proposed work within County rights-of-way shall require an encroachment permit from the Mendocino County Department of Transportation.
6. The Applicant shall be responsible for the repair of any damage to the County Maintained Road System in the immediate vicinity of the site that is attributable to hauling of material and equipment in connection with subdivision grading and construction activities. Repairs must be performed to the satisfaction of the Director of Transportation. Evidence of preconstruction condition of the County Maintained Road System shall be established by the County and/or Applicant, through

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photographs, notes and any documentation necessary, prior to issuance of the first grading permit, and prior to issuance of the Subdivision Improvement Agreement for each phase of the Modified Project.

7. The Applicant shall ensure that potential contractors are aware of the site rules, restrictions, Conditions of Approval, and mitigation measures.

B. CONDITIONS RELATING TO SUBSEQUENT FINAL MAPS

8. 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.
9. Prior to recordation of the first Subsequent Final Map, the Applicant shall provide the County with proof that a Homeowners Association representing all property owners of the Project, or other oversight instrument as approved by the County, 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 Homeowners Association or other oversight instrument as approved by the County.
10. 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.
 - 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,

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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.

11. Prior to recordation of the first Subsequent Final Map, the Applicant shall submit for the review and approval of the Director of Planning and 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 Homeowners Association, or other oversight instrument as approved by the County, 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.
12. Prior to recordation of the first Subsequent Final Map, the Applicant shall submit a conceptual plan for the review and approval of the Director of Planning that identifies the locations of the affordable housing parcels throughout the entire Project Site. The identified parcels for affordable housing may only be modified with the written approval of the Director of Planning, which approval shall not be unreasonably withheld.
13. The Subsequent Final Map for the first phase shall establish a front yard setback along Charlie Barra Drive on Lots 10 and 11. Driveway access to Lots 9, 10 and 11 shall not be permitted from Charlie Barra Drive.
14. 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 other areas of the Modified Project. The reconfigured lots shall be subject to compliance with applicable County codes, EIR and EIR Addendum 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 and the County Engineer prior to submittal of the Subsequent Final Map for the first phase of the Modified Project.
15. 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 August 29, 2022.
16. Pursuant to Government Code Section 66492 & 66493, prior to recordation of each Subsequent Final Map, the Applicant must: (1) Obtain a Certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid, and (2) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.

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17. A note shall appear on Subsequent Final Maps that "Development within the flood plain as identified on this map, is subject to those restrictions in the Flood Plain Regulations of the Mendocino County Code."
18. A note shall appear on Subsequent Final Maps and on all grading and construction plans for the Modified Project as follows: "Access Road, driveway and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with Air Quality Management District regulations regarding asbestos content."
19. A note shall appear on Subsequent Final Maps and on all grading and construction plans for the Modified Project as follows: "In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied."
20. Pursuant to provisions in Section 17.43(D)(6) of the County Division of Land Regulations, all areas within the Modified Project subject to inundation in the event of a "100-year" storm event shall be clearly identified on applicable Subsequent Final Map(s). Data shown on the Subsequent Final Map(s) shall be supported and verified by a report prepared by a registered civil engineer and submitted to the Department of Transportation concurrently with final map check prints. The report shall take into account any grading to be utilized to raise the ground elevation above the base flood elevation.
21. In conjunction 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.
22. Each Subsequent Final Map shall include a statement, per Section 17-41(C)(8) of the County Division of Land Regulations that: "The Subdivision improvements, including but not limited to streets, drainage facilities, and utilities to be made or installed can be constructed in accordance with applicable standards without encroaching upon lots or parcels not specifically designated for that purpose."
23. Each Subsequent Final Map shall contain "...approximate curve radii of all proposed streets within the division of land." The standard radius for the knuckles proposed is 43' minimum. Minimum centerline horizontal curve radii for all roads shall be 125 feet. Minimum curb return radii at all intersections shall be 25 feet.
24. 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 Lots 6-11 and 20-23

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prohibiting the establishment of driveway access from the subject parcels on to Charlie Barra Drive.

25. 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 Lots 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).

C. CONDITIONS RELATING TO SUBDIVISION IMPROVEMENTS

26. Prior to approval of the first Subsequent Final Map, the Applicant shall execute with the County an agreement for all subdivision improvements, including parks and trails, and furnish the required bonds or other improvement securities and insurance coverages. Performance, labor and materials bonds (or other financial instruments deemed acceptable by County) shall remain in place until subdivision improvements are completed and accepted by County, at which time Applicant shall enter into a two-year warranty and maintenance agreement.
27. All improvements to be dedicated to County shall be free of any liens or encumbrances.
28. Any additional right of way that may be needed for development of subdivision access improvements along South State Street corridor, including frontage improvements, the two access streets onto the project site, and the Roundabout within the South State Street corridor shall be dedicated to the County in fee simple and with all costs borne by the Applicant and/or subsequent grantees.
29. Subdivision improvements shall include streets, parks and trails, drainage facilities and 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.
30. Construction, landscaping and irrigation plans for Neighborhood Park shall be submitted for the review and approval of the Director of Transportation and the Director of Planning as part of the Subdivision Improvement Plans for Phase 1. Landscaping and irrigation plans for the Neighborhood Park may be handled as a

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"deferred submittal" to be approved and constructed prior to completion of the first final inspection for a residence in the Phase of the Modified Project that is linked to the Neighborhood Park.

31. All subdivision improvements located within each Phase of the Modified Project shall be completed prior to completion of the first final inspection for a residence in that Phase. An exception may be granted by the Director of Planning whereby the landscape, hardscape and furnishings for the Neighborhood Park may be completed with Phase 3 if the Roundabout is constructed concurrently with Phase 1.
32. The Subdivision Improvements Plans shall be generally consistent with the approved Preliminary Landscape Site Plan & Planting Plan. Street and park landscaping, hardscape, lighting and irrigations plans shall be subject to review and approval of the Director of Planning to ensure consistency.
33. The Subdivision Improvement Plans for the Senior Neighborhood shall include a covered pavilion within the Cottage Park that is a minimum of 585 square feet in size and includes an outdoor ceiling fan, electric space heater(s), lighting and a counter with a grill. Moveable partitions shall be provided so that the pavilion can be enclosed in inclement weather.
34. 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.
35. The Roundabout on South State Street at the Project entry shall be completed before the final building inspection for the 100th housing unit in the Modified Project. As an interim measure prior to completion of the Roundabout, Applicant shall install a northbound left-turn lane on State Street at the site entry.
36. Plans for the design of Roundabout (including center landscaping and any monument sign) shall be submitted to the Director of Transportation for review and approval prior to construction of the Roundabout.
37. 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.
38. 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.

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39. 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	50 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

40. 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. The public subdivision roads, as identified on the Amended Vesting Tentative Map dated August 29, 2022, shall be offered for dedication and accepted into the County Maintained Road System. The Homeowners Association or other oversight instrument as approved by the County shall retain responsibility for maintenance, irrigation and replacement of all street landscaping.

41. All private roads, as identified on the Amended Vesting Tentative Map dated August 29, 2022, 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.

42. 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, Applicant, 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.

43. 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

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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.

44. Subdivision improvement plans shall include all storm drainage, detention/retention facilities designed in general conformance with the Stormwater Control Plan dated March 2021 and the conceptual improvements shown on the Amended Vesting Tentative Map, dated August 29, 2022. The drainage facilities shall be installed within appropriate easements or dedicated parcels and shall be sufficient to mitigate the increase in runoff resulting from the 10-year storm event on site. The plans shall be accompanied by calculations prepared by the design engineer to verify this mitigation. Drainage plans shall be subject to the review and approval of the MDOT and Regional Water Quality Control Board. A General Construction Activity Storm Water Permit shall be secured.
45. 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 approved Amended Mitigation Monitoring & Reporting Program, and improvements plans prepared by a Registered Civil Engineer and approved by the Mendocino County Department of Transportation (MDOT).
46. Drainage improvements shall include design features as needed to adequately conduct runoff from completed phases across future phases to a satisfactory point of disposal.
47. 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.

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- 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 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.
48. The Applicant and/or subsequent grantees shall either (1) submit to the Division of Environmental Health a letter from the district(s) or agency(s) stating that water and/or sewer services (and main extensions, where required) have been installed to the satisfaction of the district or agency to serve each lot in said subdivision and connected to the system providing the services(s) and have been accepted by the district or agency for maintenance by said district or agency (Mendocino County Code 17.55 & 17.56); or (2) the Applicant shall submit a letter to the Division of Environmental Health from the district(s) or agency(s) stating that engineered improvement plans for the future installation of services (and main extensions, where required) for each lot and the connection to the system providing the service are acceptable to the district, including maintenance of the system by the district and the Applicant shall submit a letter to Division of Environmental Health from the County Engineer stating that performance bonds or other adequate surety have been secured, to the satisfaction of the county engineer, to cover the cost of the installation of services (and main extensions, where required) for each lot and the connection to the system providing the service per Mendocino County Code Chapter 17 Article VIII.
49. 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. Applicant shall be responsible at Applicant's expense to preserve street centerline, property line and corner markers, except where their destruction is unavoidable, and the Applicant is proceeding in accordance with accepted practice and notice to the County. Lost or disturbed monuments shall be replaced at the Applicant'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).

D. CONDITIONS RELATING TO ISSUANCE OF GRADING AND BUILDING PERMITS

50. Minimum elevations of building pads shall be constructed at or above the 100-year base flood elevation. The finished floor elevation of all residential structures shall be a minimum of one (1) foot above the (100 year) base flood elevation. All residential structures built within the designated (100 year) base flood hazard area shall have their finished floor elevations certified by elevation certificate with FEMA and the

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County of Mendocino. Building pads are defined as the area within the building footprint of the residential structure.

51. All building pads shall be located inside the building setback lines on each lot as shown on each approved Subsequent Final Map.
52. All residential development shall be consistent with the approved Design Guidelines Manual. Consistency shall be determined by the Director of Planning prior to issuance of building permits.