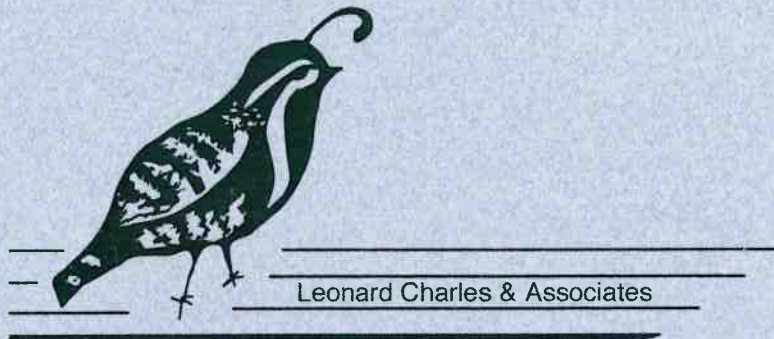


GARDEN'S GATE SUBDIVISION



DRAFT
ENVIRONMENTAL IMPACT REPORT
SCH# 2007052006

1.0 INTRODUCTION

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1.1 PURPOSE OF THE EIR

This Draft Environmental Impact Report (EIR) addresses the potential impacts of the proposed subdivision of 46.1± acres in the unincorporated part of Mendocino County south of the City of Ukiah into 197 single-family home lots, 2 open space/park lots, and a Remainder Parcel.

This EIR has been prepared in conformance with the provisions of the *California Environmental Quality Act (CEQA) Guidelines* as amended to date. CEQA requires that public agencies prepare and certify an EIR before carrying out projects that may have significant effects on the environment (Public Resources Code Section 21080). Preparation of an EIR is the responsibility of the "lead agency," the public agency that has the principal responsibility for carrying out or approving the project (Public Resources Code, Section 21067). Because the County of Mendocino is the agency that would approve the proposed project, it is the lead agency for the project.

The EIR has been prepared under contract to the County of Mendocino ("the County"). This EIR is an informational document that is intended to inform the County (the Lead Agency), other public agency decisionmakers, and the public of the significant environmental effects of the proposed project and alternatives to the proposed project. The County will consider the information in this EIR along with other information presented during the decision-making process when determining whether to approve the proposed project, a modified project, or an alternative. The information contained in this EIR does not control the County's ultimate decision on the project. However, if the County decides to approve the project, then the County must respond to each significant effect identified in the EIR by making findings under Section 15091 of the *CEQA Guidelines* and, if necessary, making a Statement of Overriding Consideration under Section 15093.

1.2 CONTENTS OF THE EIR

This section of the EIR includes a description of aspects of the CEQA process. While this information is not required in an EIR, the authors believe it aids the public in understanding what an EIR is meant to be and what information it must contain. In the past, EIRs varied considerably in scope and substance. A growing body of legal decisions has clarified what impacts are to be examined and how these impacts are to be judged. The discussion here outlines certain basic CEQA concepts.

This EIR addresses all the areas of potentially significant impact as well as other potential impact areas that CEQA requires an EIR to investigate. The environmental effects of the project are analyzed for each topic. The *CEQA Guidelines* define the effects of a project as changes from the environmental setting (i.e., existing conditions) that are attributable to the project.

Section 15151 of the *CEQA Guidelines* specifies that "an EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts."

The *CEQA Guidelines* emphasize the fact that the purpose of the EIR is "to compel governments to make decisions with environmental consequences in mind." Technical perfection is not necessary, but "adequacy, completeness, and a good-faith effort at full disclosure" are required. "CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement," (*CEQA Guidelines*, Section 15003, as amended).

A. Significant Effect

In accordance with Section 15143 of the *CEQA Guidelines*, this EIR focuses on the significant effects on the environment. Discussion of each major topic includes criteria used to evaluate whether an environmental impact is significant or insignificant.

As explained in Section 15002(g) of the *CEQA Guidelines*, a significant effect on the environment is defined as a substantial adverse change in the physical conditions that exist in the area affected by the proposed project. *CEQA* (Public Resources Code Section 21068) defines a significant impact as "a substantial, or potentially substantial, adverse change in any of the environment."

Levels of significance can vary by project, based on the change in the existing physical condition and the substantial body of opinion that considers or will consider the effect to be adverse. The *CEQA Guidelines* provide a list of consequences that would normally be regarded as having a significant effect on the environment. This EIR uses the *CEQA* definition of significant impacts together with the local environmental standards established by Mendocino County. This EIR lists the thresholds of significance for each area of impact and assesses whether the project's impacts exceed these thresholds. If the impact does not exceed the threshold or if the recommended mitigation measures reduce the impact below the threshold, then the impact is considered to be less than significant.

If the impact cannot be reduced to a less-than-significant level, it is identified as a significant and unavoidable impact of the project.

B. Decision on Whether to Approve the Project

The *CEQA Guidelines* provide that public agencies should not approve projects as proposed until all feasible means available (i.e., mitigation measures or alternatives to the project) have been employed to substantially decrease the significant effects of such projects. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, legal,

social, and technological factors (CEQA Guidelines Section 15364). A public agency can approve a project with unmitigated significant impacts only if it finds that specific economic, legal, social, and/or technological factors make infeasible the mitigation measures or project alternatives identified in the Final EIR for the project (CEQA Guidelines Section 15091).

If there are one or more significant unavoidable impacts that cannot be substantially and feasibly mitigated and the Lead Agency decision-makers (the Mendocino County Board of Supervisors) decide to approve the project, the Lead Agency decision-makers, under CEQA, must prepare a Statement of Overriding Considerations (in accordance with CEQA Guidelines Section 15093) setting forth in writing the reasons for approving the project despite the environmental impacts that may result from project construction. This process requires the decision-makers to balance the benefits of a proposed project against its potential significant environmental impacts in determining whether to approve a project. The Statement is prepared after the Final EIR has been completed and certified as complete and adequate, and it is preserved in the record of the project approval (if the project is approved).

1.3 PUBLIC REVIEW AND CEQA PROCESS

CEQA provides three opportunities for public participation during the environmental review process. These points are during the Notice of Preparation (NOP), when the public is informed that an EIR is to be prepared and is requested to comment on the scope and contents of the proposed EIR; upon circulation of the Draft EIR when the public and agencies can comment on the adequacy of the environmental document; and finally, after circulation of the Final EIR, when the public and agencies can evaluate the lead agency's responses to comments submitted on the Draft EIR.

A. Initial Study and Notice of Preparation

The County filed a Notice of Preparation of an EIR with the Office of Planning and Research (OPR) on May 1, 2007. This NOP was circulated to the public, local and state agencies, and other interested parties to solicit comments on the proposed project. Environmental issues and alternatives raised by comments received on the NOP during the subsequent 30-day public review period were considered for inclusion in the EIR (the response letters are on file for review at the Mendocino County Department of Planning and Building Services (see Appendix A). The issues raised in these response letters are summarized in Section 2.5 of this EIR.

The County received responses to the NOP from six (6) public agencies, and three (3) individuals, including:

- California Regional Water Quality Control Board, North Coast Region
- California Department of Transportation
- California Department of Fish and Game
- California Department of Toxic Substances Control
- Mendocino County Water Agency
- City of Ukiah Department of Planning & Community Development

- Wendy Beaver
- Linda de Gadea and V. H. Martin Gadea
- George and Holly Conormon

These letters are all on file for public review at the Mendocino County Department of Planning and Building Services. Pursuant to the CEQA Guidelines, the focus of this Draft EIR includes the specific issues identified in the NOP, as well as concerns identified in the responses to the NOP.

B. EIR Scoping Meeting

The County held two EIR scoping meetings for the proposed project on May 23, 2007. The first scoping meeting was attended by agency representatives and the second was open to the public. The aims of the scoping meetings were to describe to agency staff and the public the project, the environmental review process, and the areas of impact being assessed in the EIR. Attendees were encouraged to describe additional issues or areas of impact that should be addressed. The scoping meetings were attended by about 65 people. A summary of the concerns and recommendations included in the written NOP response made at the scoping meeting is presented in Appendix B of this EIR.

C. Distribution of the Draft EIR

A public review period of 45 days is provided for this Draft EIR. This review period begins on the publication date of the Notice of Completion of the Draft EIR. Mendocino County will circulate the Draft EIR to the public for review by public agencies, interested parties, and organizations during this 45-day period, in accordance with CEQA Guidelines Section 15087.

Public agencies and interested individuals may submit comments on the Draft EIR in writing. Written comments will be accepted at the Mendocino County Department of Planning and Building Services until the closing day of the review period. Written comments should be submitted to Frank Lynch, Mendocino County Department of Planning and Building Services, 501 Low Gap Road, Room 1440, Ukiah, CA 95482.

Oral and written comments will be accepted at a hearing on the Draft EIR held by the Planning Commission before the close of the review period.

D. Certification of the Final EIR

Once the public review period is closed, a Final EIR will be prepared. The Final EIR will incorporate this Draft EIR by reference. It will contain all comments on this Draft EIR, responses to those comments, and any revisions to the text of this Draft EIR. The comments and responses will be published for public review prior to the action of the Mendocino County Planning Commission on certification of the EIR. The Draft EIR, the comments and responses, including any revisions of the Draft EIR contained therein, together with a Mitigation Monitoring and Reporting Plan (MMRP) as described below, will constitute the Final EIR that the County will evaluate for certification, based on review and consideration of the EIR and other evidence presented in the public record.

The Final EIR, as well as the project itself, will be considered by the Planning Commission. When the Planning Commission considers the EIR to be complete and accurate, it will certify the document. The Final EIR must be certified before any final action on the project can occur. After the Planning Commission has certified the EIR and, if it approves the project, it will file a Notice of Determination with the State Office of Planning and Research and the Mendocino County Clerk.

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

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

CEQA requires that when a public agency makes findings based on an EIR, the public agency must adopt a Mitigation Monitoring Report Program (MMRP) based on those measures that the agency has adopted or made a condition of the project approval in order to mitigate or avoid significant effects on the environment (PRC §21081.6). The reporting or monitoring plan must be designed to ensure compliance with the adopted measures during project implementation (PRC §21081.6). The MMRP for this project will be prepared and circulated as part of the Final EIR.

1.4 PROJECT LOCATION AND SETTING

As shown on Figures 1 and 2, the site of the proposed Garden's Gate Subdivision is located at 3000 South State Street, which lies in an unincorporated portion of Mendocino County, just south of the City of Ukiah. The site includes approximately 46.1 acres of land. The site is bounded by a residential area to the north, commercial and industrial uses to the east, agricultural, residential and institutional uses to the south, and open space and large lot rural residential uses to the west.

The east end of the site is vegetated with grassland that was previously used for agricultural purposes. West of this area is a 28-acre vineyard that stretches to the base of the western hills. The west end of the site also includes the lower portion of a mainly

wooded hillside. Cleland Mountain Creek, an intermittent stream, discharges out of Spanish Canyon to the west and runs for 280 feet through the northwest corner of the project site on its way to the Russian River. The property contains one metal agricultural accessory building.

The site is designated as Suburban Residential (SR) in the County's General Plan and is zoned Suburban Residential and Rural Residential. Surrounding land uses include:

- To the east is vacant grassland between the site and South State Street. This area is designated as SR and zoned R-3 (high density residential). East of South State Street are commercial and light industrial uses, including the Redwood Health Club to the south of the project site, and further east is Highway 101. This land is designated Industrial opposite the site and Commercial further south (where the health club is located).
- To the west is undeveloped mountain land that has scattered rural residential development on large lots. This land is designated for Rural Residential development with minimum 5-acre lots. (RR5)
- To the south is a vineyard with residential development and a private school (Ukiah Junior Academy) further south. The vineyard is designated SR (with a minimum 40,000-square foot lot size) while the residential area is designated RR5 or SR.
- To the north across Gobalet Lane is existing single-family residential development (approximately nine homes). At the east end of Gobalet Lane is a former motel now used for short-term residential use. West of the residential development along Gobalet Lane is a vineyard (the Larkin Younce Tract). All of this area is designated SR. At the extreme west end of the site, the area to the north is designated RR5.

The entire project site is located within the Airport Zone (AZ) overlay zoning district. This district includes three sub-areas or designations that restrict land use development under runway approach zones that aircraft use when they land or take off from Ukiah Municipal Airport. Proposed land uses are intended to be consistent with this overlay zoning. A portion of the northwest corner of the project site (proposed lots 20, 21, 196, and 197) is within the FP (Floodplain Zone) overlay zoning district.

1.5 PROPOSED PROJECT DESCRIPTION

Ukiah Land LLC (the applicant) proposes to develop a master-planned subdivision that would include 197 housing units on about 46 acres of land. The project is designed to be an owner-occupied residential community with park amenities and other public improvements that would be managed by a Homeowner's Association. Details of the proposed project, which have been provided by the applicant, are provided below.

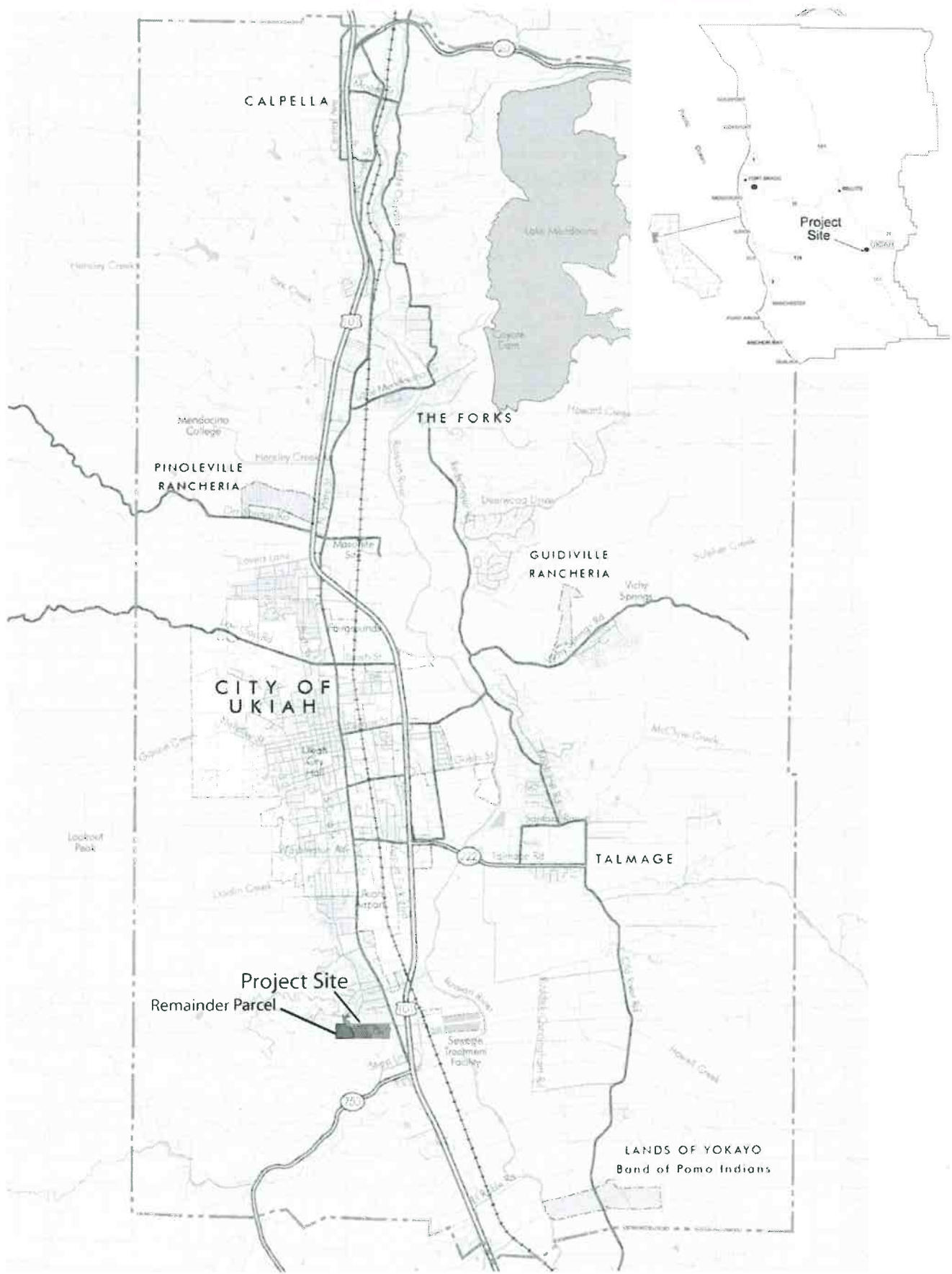
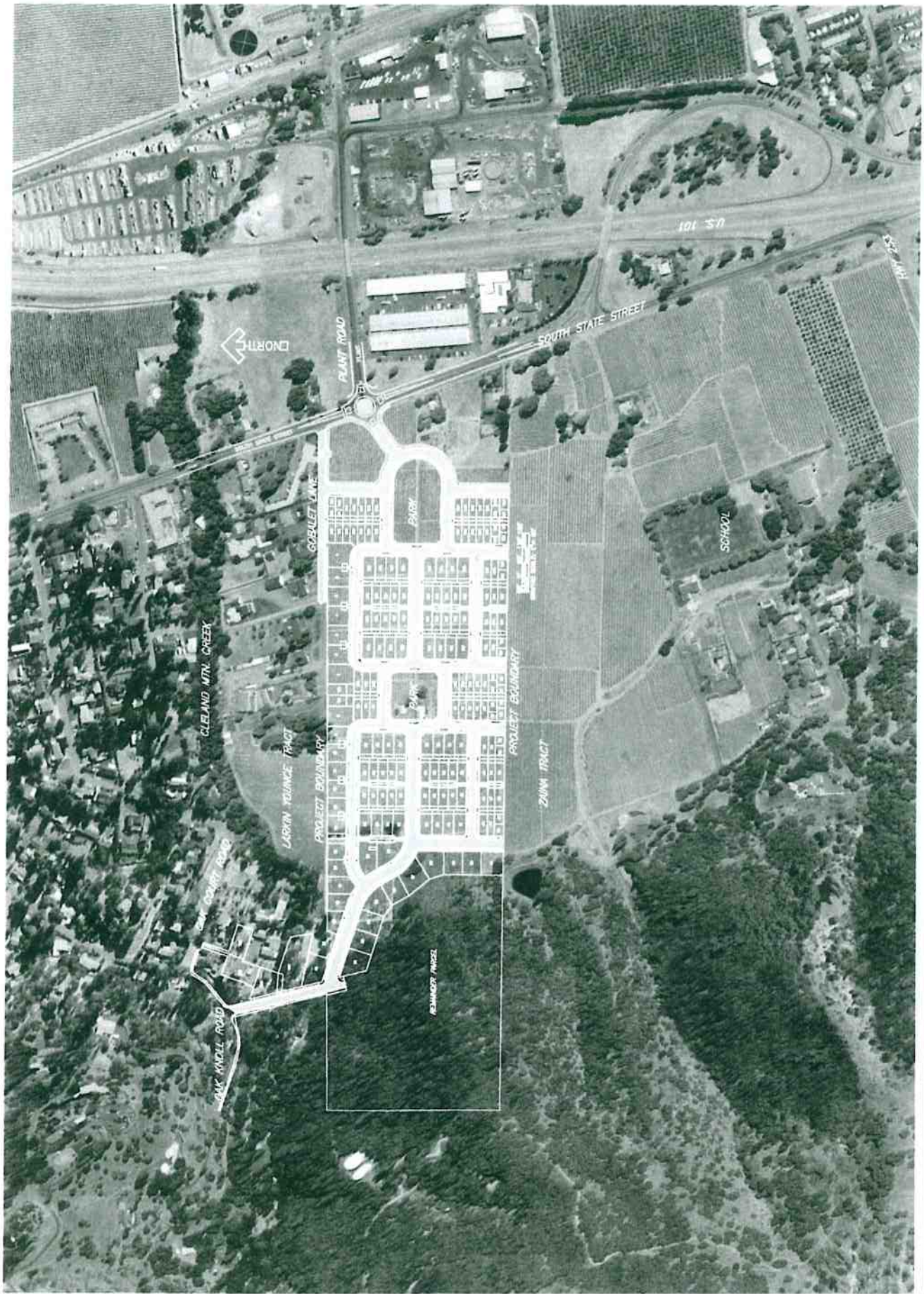


Figure 1 REGIONAL LOCATION



1. Requested Approvals

The applicant is requesting approval of a Major Subdivision Tentative Map (see Figures 3 and 4 to subdivide the 46-acre property (Assessor's Parcel Nos. 184-120-001; 184-110-19; and portions of 184-033-011, 184-033-012, and 184-110-020) and eventually develop 197 single-family dwellings, of which 36 dwellings would be affordable to moderate income households. The subdivision would also result in a 13.13-acre Remainder Parcel at the west end of the site; this Remainder Parcel encompasses the portion of the site that is zoned Rural Residential (RR5). No development is currently proposed for that parcel, and it is not part of the proposed subdivision with the RR5 zoning. It would remain private property, and public access to this parcel would not be allowed.

The project includes 2 parks (totaling 2.3 acres). Eighteen percent or 36 dwelling units within the Garden's Gate project would be developed as affordable dwellings and would be sold to qualifying moderate income families, as defined by Section 50093 of the State Health and Safety Code. The State Density Bonus Law (Section 65915) and the County's zoning ordinance allow density bonuses and regulatory concessions when affordable housing is provided as proposed.

The applicant proposes to construct 36 moderate income housing units, which would be 21 percent of the total number of units that could be constructed on that portion of the site zoned SR under base density allowed under the General Plan, calculated to be 171 units. State law allows the project a 16 percent density bonus above base density and two concessions and/or incentives for providing 21 percent affordable moderate income housing units. For this project, the concession that the applicant selected was to waive zoning standards which require a minimum 6,000 square foot size lot for single-family dwellings and also allow a reduction or elimination of minimum building setbacks. The incentive was to require expedited processing by the County. In addition, the applicant requested that the County waive its subdivision lot standards in order to make the project feasible (namely, the requirements regarding Double Lot frontage, Land Division Chapter Section 17-52(J); Flag Lot Access Strip, Section 17-52(L); and Access Easement Width, Section 17-53(B).

On November 14, 2006, in Resolution No. 06-216 the Mendocino County Board of Supervisors agreed that the project qualifies for the State's density bonus, including the lot size concession and processing incentive. The Board agreed that the project application would be processed without the need for a general plan amendment or zoning text amendment. The Board also found that the requested waivers are necessary to construct the project and that by granting these waivers, the construction of the project would not create an adverse impact upon health and safety of the public nor the physical environment. This Resolution does not commit the County to approving this subdivision and development project but acknowledges the requested density bonus provisions as part of the proposed project.

The County must approve a Development Agreement between the County and the applicant that is required by the State Density Bonus Law. This agreement would set forth the terms and conditions under which the County would grant the concessions and incentives to the project and how the developer would provide the affordable housing

and complete the project, including off-site improvements proposed by the applicant or required as mitigation as part of this EIR

2. Residential Lots and Design

The proposed subdivision includes six different types of residential lots: Hillside, Vineyard, Garden Court, Cottage, 2-Unit Townhouse, and 4-Unit Townhouse. Although all of the lots would be developed with single-family dwellings on separate or fee lots, they differ because some of the dwellings would be traditional detached single-family dwellings (Hillside, Vineyard, and Cottage lots) while others would be attached dwellings (2-Unit Townhouse, and 4-Unit Townhouse lots). The Garden Court lots would be developed detached dwellings that have garages which share a property line wall with the adjoining garage. Table 1 lists lot size and residential land use of each lot within the subdivision. The Illustrative Lot Plan (Figure 4) shows the typical configuration of each lot type. The following table shows the range of lot sizes by each type of residential land use.

**Table 1
Residential Lot Size**

Residential Land Use/Lot Type	# Lots	Lot Size Range (net square feet)	
		Min	Max
Single-family (Detached Dwellings)	123	2,549	10,067
Hillside Lot	10	6,786	10,067
Vineyard Lot	26	4,967	20,104
Garden Court Lot	72	2,754	4,931
Cottage Lot	15	2,549	5,201
Townhouse Lots (Attached Dwellings)	74	775	3,049
2-Unit Townhouse Lot	54	1,560	3,049
4-Unit Townhouse Lot	20	775	1,836
Entire Project Site	197	775	20,104

The "Hillside" and "Vineyard" lots are located along the west and north sides of the subdivision. These lots would be developed with larger detached single-family dwellings at a density of 6 dwelling units per net acre or less. They would be two-story buildings with 2,500 square feet of floor area (not including a 483-square foot two-car garage). The Vineyard lots, most of which range between 5,000 and 10,000 square feet, are generally consistent with the existing zoning lot standards and are located to serve as a transition between the project and the existing residential lots to the north.

The center of the subdivision would be developed with smaller "Garden Court" and "Cottage" lots at a residential density ranging between 10-12 dwelling units per net acre. The "Cottage" lots that would be developed with small one-story detached single-family homes, ranging between 760 and 1,370 square feet. The Garden Court lots would be developed with larger two-story dwellings, ranging between 1,400 and 1,900 square feet.

The houses on the interior lots would face garden court areas which run through the block in an easement (15-30 feet wide). The garden courts would be shared by the adjoining residents and maintained by the Homeowner's Association as semi-private open space areas, with landscaping and walkways. The houses on the exterior lots would face the street. All of the lots would share 20-foot wide driveways that are located within 30-foot access easements, which provide vehicle access to two-car garages facing the rear property line. The location and orientation of the garage towards the rear lot line would provide convenient vehicle access to the house while the front of the house would allow pedestrian access to the front door via the street or the garden court. Although about 20 percent of the lot area and depth is given over to the shared driveway and garden court, which is more than a typical subdivision with 6,000 square foot single-family dwelling lots, Figure 4 shows that that these lots would provide adequate area to build functional two-story Garden Court homes and one-story Cottage homes and provide residents with private outdoor areas.

**Table 2
Total Area by Land Use**

Land Use	Lots	SF	AC	%
Residential	197	743,541	17.07	37%
Single Family Detached	123	586,244	13.46	29%
Hillside Lots	10	83,413	1.91	
Vineyard Lots	26	200,578	4.60	
Garden Court Lots	72	257,112	5.90	
Small Lot	15	45,141	1.04	
Townhouse Units	74	157,297	3.61	8%
2-Unit Lots	54	129,021	2.96	
4-Unit Lots	20	28,276	0.65	
Open Space	2	100,831	2.31	5%
Neighborhood Park	1	37,925	0.87	
Community Park	1	62,906	1.44	
Streets, Sidewalks, Shared Driveways, Green Courts and Easements		592,395	13.60	29%
Designated Remainder	1	571,764	13.13	28%
Total	200	2,008,531	46.11	100%

The majority of the lots along the east and south side of the subdivision would be developed with 2- and 4-unit townhouse structures. Although each townhouse dwelling is part of a larger 2- or 4-unit structure and shares a common wall with the adjoining unit(s), they are all located on separate lots. With the exception of one 775 square foot lot (Lot 191), these lots range between 1,200 and 3,000 square feet. The size of the townhouse dwelling would range between 944 and 1,303 square feet. Many of these dwellings face 20-foot wide shared driveways, which would also serve as an informal outdoor activity area, or they face a public street. In some cases, the townhouse

dwellings face a green court as well as have a garage facing the rear yard, accessed by a shared driveway.

Architectural Style

The applicant has proposed a range of styles for the various types of proposed units (renderings of these styles are on file with the County Department of Planning and Building Services). The suggested building styles, including roof details, architectural details, colors, and materials, are displayed as examples of the final designs for the buildings. The plans submitted to date would, if approved by the County, identify the basic building footprints, setbacks, and elevations. However, County approval would not include approval of specific building styles or architecture, unless such restrictions are identified as mitigation measures in the EIR or are otherwise required by the County as conditions of approval for the project.

Lighting

The proposed lighting would provide safety on the site while avoiding light glare off the site. The applicant has submitted a *Light Impact Assessment* (Design with Light, November 2005) that describes the types of lighting that would be typically used. See the subsequent analysis of aesthetic impacts for additional discussion of lighting.

3. Parks and Open Space

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

The larger park (1.4 acres) is located at the main entrance to the site and would be open to the public. This park would include open areas and landscaping for informal recreational activities. It is not designed as a sport facility (i.e. available for organized sporting activities) nor is it intended for large public gatherings. However, the final park design could be modified to include active recreation equipment. Homeowner's Association fees and fees generated by future development of the vacant lot between the project site and South State Street would be used to maintain public access to the park.¹ This park includes a 5-foot deep detention basin at its east end. During periods of high runoff, this pond area would not be available for recreational use.

The smaller park (0.9 acres) is located at the center of the project site and is surrounded by residential lots. It is a neighborhood park designed with a variety of open spaces and

¹ An approved lot line adjustment resulted in Assessor's Parcel No. 184-110-020, which lies between the project site and South State Street. This parcel is owned by the project applicant, but there is no current proposal to develop this parcel. This is shown as Lot 1 on the Tentative Map. The applicant has agreed to allow 1.37 acres of this parcel to be rezoned to R3 so the County can meet the requirements of its Housing Element (to rezone acreage to allow for affordable housing).

seating areas where residents can socialize and observe children at play. It would be maintained by the Homeowner's Association.

There are seven Green Courts, totaling approximately one acre, that are semi-private, common areas located at the center of the subdivision. They would be shared by the residents of the adjoining houses and maintained by the Homeowner's Association.

About 3.7 acres of streetscape within the subdivision feature wide landscape swales and sidewalks that would encourage residents to walk. To do this, a variety of street trees and plants would be planted to provide shade during the summer. This area would also be designed to allow rainwater to infiltrate into the soil before entering the storm drain system.

Several varieties of trees and other vegetation are proposed for landscaping the various components of the project.

4. Access and Circulation

The project proposes a residential street network that would connect the subdivision with South State Street and Oak Knoll Road. The street improvements are designed to allow pedestrian access while providing safe and efficient traffic circulation and on-street parking throughout the subdivision. To accomplish this goal, all of the interior streets include 6-8 foot wide landscape strips and 5-foot wide sidewalks. All of the streets would be dedicated to the County prior to recordation of the final map. The project also includes alleys (i.e., shared driveways) that would provide vehicle access to covered parking on the Garden Court and Townhouse lots.

The project would extend Plant Road west across South State Street as a residential collector street. It would be the main road into and through the subdivision. The first part of the road, between South State Street and the Community Park, would serve as the main entry road to the project. This segment would include two 14-foot lanes, separated by a median strip, to accommodate future development on the adjoining vacant parcel. Once the street enters the subdivision, Plant Road would continue as an undivided, two-way street, except where it circles the two parks and splits into two one-way streets. The street width would vary between 32 and 40 feet.

Plant Road would be intersected by five interior streets that provide access to the lots on the north and south sides of the subdivision. These two-way streets would also provide connections to future development to the south. The one-way streets would be 26-foot wide and lie within a 52-foot right-of-way. These interior streets are designed to slow or calm traffic and to promote walking and pedestrian safety by devoting as much of the right-of-way as possible to landscape strips and sidewalks.

The alleys that cross through the blocks are shared driveways that would provide vehicle access to the Garden Court and Townhouse lots. All of the alleys are 20-foot wide (curb-to-curb). They would also be designated as fire lanes where parking would be prohibited to ensure emergency vehicle access throughout the project. This prohibition would also help maintain garage access. Fees collected from the Garden's Gate Homeowner's Association (HOA) would maintain the alleys. The CC&Rs would be

structured to allow the HOA to uniformly maintain these alleys and to enforce parking restrictions. Vehicle access to the Garden Court lots would be provided by alleys, which are lined by two-car garages located in the rear yard. The Garden Court house entries are located on the opposite side and provide direct access to a street or a common green. The Townhouse lots cluster around short alleys that provide vehicle and pedestrian access. They would become semi-private courtyards defined by the adjoining townhouse units.

The project includes a secondary access to Oak Knoll Road. It would span Cleland Mountain Creek via a new 50-foot long bridge. The new road would be constructed as a local collector street and would be offered for dedication to the County as a public street. There is another secondary entrance that connects to Gobalet Lane. Finally, a driveway will be extended from Oak Court to provide access to Lots 194 and 195 and two existing residences.

At the EIR Scoping Meeting, many residents of the Oak Knoll Road neighborhood objected to this road connection that would generate new traffic through their neighborhood. Subsequent to that meeting, the applicant proposed to make this connection a closed emergency vehicle access (EVA). However, the County is considering a public road connection via Oak Knoll Road as part of the Ukiah Valley Area Plan and requested that the connection be retained as part of the project. The applicant concurred with this request with the understanding that the EVA alternative would be examined as a project alternative (see the subsequent section on Project Alternatives)

With regard to maintaining and/or providing access to adjoining lots, the Larkin Younce Tract and other properties along the north side of the subdivision have deeded access on Gobalet Lane to South State Street. The tentative map shows that an EVA would be provided to the Larkin Younce Tract and that five future roadway extensions would be provided to the Zaina Tract to the south. These additional access roads would ensure future development of adjoining lands can be developed with an orderly network of streets and blocks. The tentative map also includes a stub-out at the west end of Plant Road to provide access to the Remainder Parcel.

Off-Site Street Improvements

In addition to the extension of Plant Road, the project would construct a roundabout at the intersection of South State Street and Plant Road.

The proposed 84-foot diameter roundabout would identify the location of Garden's Gate Subdivision, and the applicant contends that it would identify the southern gateway of the City. The interior of the roundabout would be landscaped with native plants, including an oak tree, and it would include a monument sign signifying the gateway to the city. Pedestrian crossings would be striped outside the roundabout travel lanes and raised median strips along each approach road would serve as refuge islands for crossing pedestrians.



The project would also pay for the construction of a sidewalk on the east side of Oak Knoll Road to North Oak Court Road, a distance of approximately 0.3 mile. The County would include this sidewalk segment in its project to close the existing sidewalk gap to the north along South Dora Avenue to Grace Hudson Elementary School and the community recreation facility.² Once the sidewalk and the subdivision are constructed, there would be a continuous sidewalk from the Redwood Health Club on South State Street, through Garden's Gate and the residential area to the north, to the school and community center on South Dora Avenue and beyond to downtown Ukiah.

5. Public Infrastructure and Services

Willow County Water District would provide water for the project and the Ukiah Valley Sanitation District (UVSD) would treat and dispose of wastewater. Both agencies have allocated up to 210 water and sewer connections, respectively, for the project.

The public infrastructure within the adjoining streets would be extended to serve the site. The existing sewer, water and stormwater lines are located within the South State Street and Plant Road right-of-way and would be extended to the site within a new public utility easement through the adjoining property to the east. As part of this project, a new water main would be placed between the existing 8-inch line in South State Street and a 12-inch line in Oak Knoll Road. The new water line would provide a more reliable looped

² The applicant reports that the County Department of Transportation has received a Safe Routes to School grant to construct a sidewalk from Grace Hudson School at Fircrest Drive along the east side of the S. Dora Street to North Court Road. However, the County states that they have no plans to construct a sidewalk in this area – see the discussion under Impact

water system for the surrounding area as well as the project site. The project would also contribute funds to the Willow County Water District for its project to replace and expand an existing water storage tank located on Fircrest Drive. The landscaping within the parks, streetscape, and green courts would be irrigated with advanced treated wastewater when it is available from UVSD. In addition, treated wastewater would be used to periodically flush the storm drain system where it would enter underground cisterns and landscape swales and percolate into the soil. The storm drain system is designed to retain additional stormwater runoff from the subdivision so as to not cause local flooding. In addition, the landscaped areas (including the parks) within the project are designed to recycle advanced treated wastewater from the Ukiah Valley Waste Water Treatment Plant. All electrical, telephone and cable lines within the site would be placed underground. All of the infrastructure would be installed or bonded before the final map is recorded.

Public education would be provided by the Ukiah Unified School District. The applicant would pay the applicable school impact fees to the district. Police protection would be provided by the Mendocino County Sheriff's Department. Fire and emergency medical response would be provided by the Ukiah Valley Fire District (UVFD).

The proposed street and circulation system and utility plan are designed to extend streets and utilities to serve future residential development on the adjoining Larkin Younce Tract and Zaina property as allowed by the current zoning.

6. Drainage and Flood Control Measures

The proposed subdivision would construct storm drain improvements consisting of landscape swales, drain inlets, underground detention structures and a detention basin. The storm drain system would be completed prior to acceptance of the subdivision improvements by Mendocino County. The drainage system would be maintained by fees collected by the Garden's Gate Homeowner's Association.

Because the existing 18-inch storm drain culvert at South State Street cannot accommodate additional stormwater runoff from subdivision (approximately 155,000 cubic feet during a 100-year storm), the proposed storm drain system is designed to minimize surface water runoff and retain additional stormwater on-site. The submitted conceptual drainage analysis and plan (Green Valley Consulting Engineers, Garden's Gate Conceptual Storm Water Detention Sizing, February 9, 2006) describes how landscape areas, including streetscape landscape strips, parks, and subterranean detention structures, would allow runoff to percolate into the soil and thus minimize surface water runoff. The proposed one-way streets and shared driveways, serving moderately high residential density houses on small lots, would reduce the amount of paved area and runoff normally associated with low-density residential subdivisions based on 6,000 square foot lots and standard street widths. In addition, the underground detention structures placed under the alleys would have porous bottoms to allow collected runoff to infiltrate into the ground. The proposed storm drain system is designed to not increase the existing peak flow at the culvert during a 100-year storm event.

The drainage analysis and plan prepared for the project also evaluated the runoff and

flooding potential along Cleland Mountain Creek. The area along this creek is designated Flood Plain (FP) combining district where new development must be located and/or constructed to avoid flood hazards. The hydrologic flow analysis included with the drainage analysis shows that the existing creek channel accommodates runoff from a 100-year rainstorm event and that no flooding outside the existing banks would occur on the adjoining land. The building envelopes on the adjoining lots are situated 20-feet from the top of the existing bank. A drainage easement would be established over this area to prevent development within and along the creek. The proposed bridge is designed and located to span 50-feet across the creek, and the bridge abutments would be built outside and above the creek's ordinary high water line, which is 646.5 feet during a 100-year rainstorm event.

7. Grading

The applicant has submitted a preliminary grading estimate. It is estimated that there would be about 53,631 cubic yards of material that would be cut to create the project improvements. The excavated material would be used on other parts of the site. The maximum predicted cuts would be on the hillside lots, where an average of about 350 cubic yards would be excavated for each of the ten hillside lots. Excavated material would be used as fill to create building pads throughout the site. The cut and fill would balance for the site, so that material would not need to be imported to or exported from the site.

8. Homeowner's Association

Public and shared private facilities within the subdivision would be maintained by a Homeowner's Association (HOA) and funded by parcel assessments (or equivalent funding mechanism). The public facilities that benefit all parcels within the project (i.e., roads, lighting, sidewalks, parks, drainage, public landscaping) would be funded by an annual parcel assessment or fee collected by the Homeowner's Association. The shared private improvements (private access driveways, garden courts) would be maintained by a parcel assessment limited to the adjoining and benefiting parcels. The Conditions, Covenants, and Regulations (CC&Rs) establishing the HOA would set forth public improvement maintenance standards as well as give the HOA authority to enforce private property design and maintenance standards. The CC&Rs would be developed for the County's review and approval once the tentative map has been approved and the final configuration of the project is established.

9. Phasing

Figure 5 shows that the project would be constructed in eight phases. With the exception of the first phase, which would be built first to establish two entries to the project site and to install key infrastructure improvements, the other phases would be developed as lots are sold.

10. Project Objectives

The project applicant has provided the following description of the applicant's objectives.

The overall objective of the Garden's Gate Subdivision is to create a planned residential community that provides needed affordable housing and that fits the local land use setting and integrates with existing public streets and utilities.

The project design is based on the following specific objectives.

- The variety of building types and lot sizes create housing opportunities for a variety of households including elderly couples, families with children, people with limited mobility, and moderate income families.
- Smaller residential lots allow more private and public open space area within the project area and help reduce the development cost of affordable housing.
- Smaller street sections help promote safer streets for pedestrians and bicyclist by slowing traffic.
- Extensive landscaping within parks, green courts and along sidewalks will reduce stormwater runoff, and increase use of recycled water.
- The street improvements are designed to create a vibrant streetscape setting for pedestrians while providing safe and efficient traffic circulation and on-street parking throughout the subdivision.
- The proposed 84-foot diameter roundabout is a key design feature of the project that identifies the location of Garden's Gate Subdivision and will contribute to making the southern gateway to the City of Ukiah.
- The proposed landscape concept is to create an environment that offers residents a variety of garden settings with water features integrated into the subdivision's storm drain network.
- The State Density Bonus law provides developers an opportunity to build additional dwelling units above the density allowed under the current general plan and zoning.

1.6 INTENDED USES OF THE EIR

A. Approvals Required From Lead Agency (County of Mendocino)

The Mendocino County Planning Commission would vote to certify the EIR prior to considering the merits of the project and making a decision to approve or deny the project or a project alternative (if the Planning Commission votes not to certify the EIR, then it cannot approve the project). The County will follow its normal notification and hearing processes for Planning Commission action. The Planning Commission will hold hearings on the EIR and the project merits. The Planning Commission will ultimately certify the EIR and make the final decision as to whether to approve, conditionally approve, or deny the project.

The Planning Commission would exercise its routine authority to make land use decisions and grant permits and approvals related to the property, including the tentative approval of a Tentative Subdivision Tract Map conditioned on the subsequent approval of a Development Agreement by the Board of Supervisors. No other discretionary permits or approvals from Lead Agency would be required.

B. Approvals Required From Other Agencies

The following agencies are agencies, in addition to the County, whose approval would be required (or potentially required) for activities involved in implementing the project and developing the site. These agencies could use this EIR or require further environmental review to make their decisions about the project and the permits they have the authority to grant for future site development.

- **U.S. Army Corps of Engineers** – regulates the filling of wetlands under Section 404 of the Federal Clean Water Act (Section 404 permit) and navigable waters under Section 10 of the Rivers and Harbors Act. The project could include activities which would modify seasonal wetlands and drainage channels. Based on the Corps' determination that the site's wetlands are under its jurisdiction, the project would require a permit to alter these resources. The Corps would evaluate the need to hold a public hearing on the permit. Any person can request that a public hearing be held.
- **U.S. Fish and Wildlife Service (USFWS)** – administers the Federal Endangered Species Act and the Marine Mammal Protection Act. The USFWS operates under a number of statutory and administrative authorities. It has responsibility for protecting listed special status species and for conducting Section 7 consultations and granting relevant permits if activities involved with projects would result in the "take" of a listed species. The USFWS is an advisory agency to the Army Corps of Engineers on Section 404 and Section 10 projects.
- **California Department of Fish and Game (CDFG)** – has authority to oversee work done in streams pursuant to California Fish and Game Code Sections 1601 and 1603. Project modification of permanent and seasonal drainages would require approval of a Streambed Alteration Agreement. Such an agreement would require that there be no net loss of wildlife habitat values or that lost acreage would be replaced. CDFG also has the authority to comment on Corps' permits. Any waterway subject to CDFG jurisdiction is subject to Corps regulations. A Streambed Alteration Agreement would be a prerequisite for obtaining any Corps permit. The Department is also responsible for the protection of plant and wildlife populations and for overseeing the California Endangered Species Act. CDFG would require approval of a Mitigation Agreement and Mitigation Plan for plants listed as rare under the Native Plant Protection Act.
- **Regional Water Quality Control Board (RWQCB)** – has jurisdiction over discharges affecting water quality. It regulates discharges to waterways through the adoption of Waste Discharge Requirements (WDR) and National Pollution Discharge Elimination System (NPDES) permits. Projects must comply with General Construction Activity Stormwater Permit requirements. The RWQCB may use the

EIR to determine project consistency with the General Construction Permit requirements. The RWQCB issues the State certification for any required Corps permit. The RWQCB also has regulatory authority in connection with the CDFG's Streambed Alteration Agreement to grant Water Quality Certification (or Waiver) to cover any in-channel construction associated with landslide and channel stabilization.

- ***Mendocino County Air Quality Management District (MCAQMD)*** - has jurisdiction over regional air quality issues. MCAQMD will review the EIR to ensure that the project is consistent with its regulations.
- ***Ukiah Valley Fire Protection District*** - would review the project design for conformance with Fire District regulations.
- ***Willow County Water District*** – would review the water and wastewater components of the project in order to approve any Engineering Concept Approval.