

5.0 APPENDIX

Appendix A

CEQA Documentation



ARNOLD SCHWARZENEGGER
GOVERNOR

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



CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

May 1, 2007

RECEIVED
MAY 07 2007

BY
PLANNING & BUILDING SERVICES
UKIAH, CA 95482

To: Reviewing Agencies

Re: Garden's Gate Subdivision
SCH# 2007052006

Attached for your review and comment is the Notice of Preparation (NOP) for the Garden's Gate Subdivision draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

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

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Senior Planner, State Clearinghouse

Attachments
cc: Lead Agency

State Clearinghouse Data Base

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

Type NOP Notice of Preparation
Description This project would create 201 lots including 199 lots for 125 detached single family dwellings and 74 townhouse dwellings, and 2 lots for 2.3 acres of parks. Exceptions to the Division of Land Regulations and Zoning Ordinance are requested as provided under the State density bonus law for minimum lot size, building setbacks, and access easement widths.

Lead Agency Contact

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

Project Location

County Mendocino
City Ukiah
Region
Cross Streets S. State Street and Plant Road
Parcel No. 184-110-19, 20,,21, 184-120-01, 11, 21
Township **Range** **Section** **Base**

Proximity to:

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

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

Reviewing Agencies Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 1E; Native American Heritage Commission; Caltrans, District 1; Caltrans, Division of Aeronautics; California Highway Patrol; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 1

Date Received 05/01/2007 **Start of Review** 05/01/2007 **End of Review** 05/30/2007

Sources Agency
 Resources Agency Nadell Gayou
 Dept. of Boating & Waterways David Johnson
 California Coastal Commission Elizabeth A. Fuchs
 Colorado River Board Gerald R. Zimmerman
 Dept. of Conservation Roseanne Taylor
 California Energy Commission Paul Ritchins
 Dept. of Forestry & Fire Protection Allen Robertson
 Office of Historic Preservation Wayne Donaldson
 Dept. of Parks & Recreation Environmental Stewardship Section
 Reclamation Board DeeDee Jones
 S.F. Bay Conservation & Dev't. Comm. Steve McAdam
 Dept. of Water Resources Nadell Gayou
 Conservancy
 Land Game
 Dept. of Fish & Game Environmental Services Division
 Fish & Game Region 1 Donald Koch
 Fish & Game Region 1E Laurie Harnsberger
 Fish & Game Region 2 Banky Curtis
 Fish & Game Region 3 Robert Floerke
 Fish & Game Region 4 Julie Vance
 Fish & Game Region 5 Don Chadwick
 Habitat Conservation Program
 Fish & Game Region 6 Gabriela Gatchel
 Habitat Conservation Program
 Fish & Game Region 6 IM Gabriela Gatchel
 Inyo/Mono, Habitat Conservation Program
 Dept. of Fish & Game M George Isaac
 Marine Region
 Other Departments
 Food & Agriculture Steve Shaffer
 Dept. of Food and Agriculture
 Dept. of General Services Public School Construction
 Dept. of General Services Robert Sleepy
 Environmental Services Section
 Dept. of Health Services Veronica Malloy
 Dept. of Health/Drinking Water
 Independent Commissions, Boards
 Delta Protection Commission Debby Eddy
 Office of Emergency Services Dennis Castillo
 Governor's Office of Planning & Research State Clearinghouse
 Native American Heritage Comm. Debbie Treadway
 Public Utilities Commission Ken Lewis
 Santa Monica Bay Restoration Guangyu Wang
 State Lands Commission Jean Sarino
 Tahoe Regional Planning Agency (TRPA) Cherry Jacques
 Business, Trans & Housing
 Caltrans - Division of Aeronautics Sandy Hesnard
 Caltrans - Planning Terri Pencovic
 California Highway Patrol Shirley Kelly
 Office of Special Projects
 Housing & Community Development Lisa Nichols
 Housing Policy Division
 Dept. of Transportation
 Caltrans, District 1 Rex Jackman
 Caltrans, District 2 Marcelino Gonzalez
 Caltrans, District 3 Jeff Pulverman
 Caltrans, District 4 Tim Sable
 Caltrans, District 5 David Murray
 Caltrans, District 6 Marc Birnbaum
 Caltrans, District 7 Cheryl J. Powell
 Air Resources Board
 Airport Projects Jim Lerner
 Transportation Projects Ravi Ramalingam
 Industrial Projects Mike Tolstrup
 California Integrated Waste Management Board Sue O'Leary
 State Water Resources Control Board
 Regional Programs Unit Division of Financial Assistance
 State Water Resources Control Board
 Student Intern, 401 Water Quality Certification Unit Division of Water Quality
 State Water Resources Control Board Steven Herrera
 Division of Water Rights
 Dept. of Toxic Substances Control CEQA Tracking Center
 Department of Pesticide Regulation
 Caltrans, District 8 Dan Kopulsky
 Caltrans, District 9 Gayle Rosender
 Caltrans, District 10 Tom Dumas
 Caltrans, District 11 Mario Orso
 Caltrans, District 12 Bob Joseph
 Cal EPA
 Air Resources Board
 Airport Projects Jim Lerner
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 Caltrans, District 8 Dan Kopulsky
 Caltrans, District 9 Gayle Rosender
 Caltrans, District 10 Tom Dumas
 Caltrans, District 11 Mario Orso
 Caltrans, District 12 Bob Joseph
 Regional Water Quality Control Board (RWQCB)
 RWQCB 1 Cathleen Hudson
 North Coast Region (1)
 RWQCB 2 Environmental Document Coordinator
 San Francisco Bay Region (2)
 RWQCB 3 Central Coast Region (3)
 RWQCB 4 Teresa Rodgers
 Los Angeles Region (4)
 RWQCB 5 Central Valley Region (5)
 RWQCB 5F Central Valley Region (5) Fresno Branch Office
 RWQCB 5R Central Valley Region (5) Redding Branch Office
 RWQCB 6 Lahontan Region (6)
 RWQCB 6V Lahontan Region (6) Victorville Branch Office
 RWQCB 7 Colorado River Basin Region (7)
 RWQCB 8 Santa Ana Region (8)
 RWQCB 9 San Diego Region (9)
 Other



California Regional Water Quality Control Board North Coast Region



John W. Corbett, Chairman

Linda S. Adams
Secretary for
Environmental Protection

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

**Arnold
Schwarzenegger**
Governor

June 26, 2007

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

Dear Mr. Lynch:

Subject: Request for Comments on the Proposed Garden's Gate Subdivision
Project (SCH# 2007052006), Mendocino County

File: Garden's Gate Subdivision Project, Mendocino County

Thank you for the opportunity to comment on the Initial Study for the Garden's Gate Subdivision Project. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA).

The project has several elements that Regional Water Board staff are concerned about. Water Board Staff require an appropriate setback from all riparian zones to reduce habitat impacts and to maintain water quality. Any impacts to riparian areas must be mitigated for in kind. We support the use of span bridges as opposed as to pier or piling supported bridges where structures must be placed within the bed and bank of a waterway. The Russian River watershed is identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment and temperature. Total Maximum Daily Load (TMDL) analyses have not been completed for the Russian River watershed sediment and temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures and sediment discharge.

The Regional Water Board requires that 100% of the stormwater leaving a site with over one acre of newly created impervious surfaces receive treatment before being discharged to a storm drain system or a waterway. Treatment methods are classified as landscape based or non-landscape based. Landscape based controls are preferred by the Regional Water Board, and can include vegetated swales, extended detention basins, and other above-ground treatment features. More information regarding post construction stormwater treatment can be found in the Standard Urban Stormwater Management Plan (SUSMP) available on the City of Santa Rosa's website.

California Environmental Protection Agency

Recycled Paper

Permits which may be required for the Garden's Gate Subdivision Project are as follows:

Water Quality Certification (401 Certification) – Permit issued for activities resulting in dredge or fill within waters of the United States (including wetlands). All projects must be evaluated for the presence of jurisdictional wetlands and other Waters of the State. Destruction of or impacts to these waters should be avoided. Under the Clean Water Act Section 401 and 404, disturbing wetlands requires an Army Corps permit and a State 401 permit. To determine whether wetlands may be present on any proposed construction site, please contact Jane Hicks at the U.S. Army Corps of Engineers in San Francisco at (415) 977-8439 and Stephen Bargsten from our office at (707) 576-2653.

Waste Discharge Requirements (WDRs) or a Conditional Waiver of WDRs – Under authority of the California Water Code, the Regional Water Board may issue WDRs for any project, which discharges or threatens to discharge waste to Waters of the State. Projects that cause disturbance to Waters of the State (including any grading activities within stream courses) require permitting by the Regional Water Board. The Regional Water Board may also require permits for discharges of post-construction storm water runoff.

General Construction Activity Stormwater Permit – Land disturbances on proposed projects of 1 acre or more require a construction stormwater permit. As the land disturbance will be in excess of 1 acre, the owner of the property will need to apply for a General Construction Activity Stormwater Permit prior to the commencement of activities on site. The owner may call our office to receive a permit package or download it off the Internet at www.waterboards.ca.gov.

If you have any questions or comments regarding this matter please contact me at (707) 576-6728 or by email at jsarsfield@waterboards.ca.gov.

Sincerely,



John Caleb Sarsfield
Environmental Specialist (Intern)

062607_jos_GardensGateSubdivision_CEQACComments.doc

cc: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044

Leonard Charles and Associates, 7 Roble Court, San Anselmo, CA 94960

City of Ukiah

**UKIAH VALLEY SANITATION DISTRICT
CITY OF UKIAH
300 Seminary Avenue, Ukiah, CA 95482**

May 21, 2007

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

Re: Garden Gate Subdivision Located at 3000 S. State Street, Ukiah

Dear Mr. Lynch,

The Ukiah Valley Sanitary District (District) has reviewed the Notice of Preparation for the above noted Major Subdivision. Currently the City of Ukiah's Sewer Treatment Plant has the capacity to treat the anticipated requirements of the proposed subdivision. On May 5, 2005 the developer was issued a "Will Serve" letter for 210 ESSU's which is equivalent to 210 two bedroom single family residences. Each bedroom over two bedrooms accounts for an additional 0.10 ESSU's. The subdivision proposes 199 lots; however there is no indication of the actual ESSU's that will be required.

It is the District's opinion that there is adequate capacity of the Sewer Treatment Plant to serve the proposed subdivision.

If you have any questions, please feel free to contact me at (707) 467-5712.

Sincerely,



Rick Sands
Water Utilities Engineering Specialist



Department of Toxic Substances Control

Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

June 4, 2007

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

Dear Mr. Lynch:

The Department of Toxic Substances Control (DTSC) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR), dated May 1, 2007, and Initial Study (IS), dated April 2007, for the proposed Garden's Gate Subdivision. As you may be aware, DTSC oversees the cleanup of hazardous substance release sites pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the California Environmental Quality Act (CEQA) documentation prepared for this project adequately addresses any remediation of hazardous substance releases that might be required as part of the project.

The proposed project would consist of the construction of approximately 199 single family dwellings, with community components including accompanying streets, parks, and open space. The EIR should discuss the current and historical land use of the project site and whether there have been any industrial or agricultural operations which may have caused a release of hazardous substances. The IS mentions possible former agricultural use of the project site, which would indicate the need to assess whether any pesticide use has occurred on the property that may pose a potential risk to human health. The EIR should also discuss the results of site investigations which have already been performed and public records which identify any possible or known on-site contamination that could pose a potential risk to the project site's future occupants or its neighbors. If further site characterization is necessary, DTSC recommends that soil, and possibly groundwater, on the project site be sampled and analyzed for any contaminants of potential concern that are identified in the course of the above mentioned records review prior to the completion of the EIR. The results of all site investigations should be summarized in the EIR. Screening levels or any risk assessments that are used in determining whether contamination poses a potential, significant human health or environmental risk should be identified and discussed in the

Mr. Frank Lynch
June 4, 2007
Page 2

EIR. Project planners are referred to the California Human Health Screening Levels (CHHSLs) and the US-EPA Preliminary Remediation Goals (PRGs) as potentially-applicable screening levels. If volatile organic compounds are present in soil or groundwater, the potential human health risk from vapor intrusion into future buildings will need to be considered.

If remediation activities are to be implemented as part of the project, these activities should be discussed in the EIR along with the cleanup levels that will be applied and the anticipated regulatory agency oversight. Potential impacts associated with the remediation activities should also be addressed in the EIR. For example, if the remediation activities include soil excavation, the EIR should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust and noise levels; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident during the transport of contaminated soil.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

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

Sincerely,



Mark Piros, P.E., Unit Chief
Northern California - Coastal Cleanup Operations Branch

Enclosure

cc: see next page

Mr. Frank Lynch
June 4, 2007
Page 3

cc: without enclosure

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

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

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S.#40

1120 N STREET

P. O. BOX 942873

SACRAMENTO, CA 94273-0001

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JUN - 1 2007BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

May 24, 2007

Mr. Frank Lynch

Mendocino County Department of Planning and Building Services

501 Low Gap Road, Room 1440

Ukiah, CA 95482

Dear Mr. Lynch:

Notice of Preparation of an Environmental Impact Report for Garden's Gate Subdivision;
SCH# 2007052006

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

The proposal is for 201 lots including 199 lots for 125 detached single-family dwelling units and 74 townhouse dwelling units, and 2 lots for 2.3 acres of parks. The project site is located approximately 2,785 feet south of the Ukiah Municipal Airport.

In accordance with CEQA, Public Resources Code Section 21096, the Caltrans Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource that should be applied to all public-use airports and is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/>.

Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents, some form of restrictions on land use are essential. The two principal methods for reducing the risk of injury and property damage on the ground are to limit the number of persons in an area and to limit the area covered by occupied structures. The Handbook identifies six airport safety zones based on risk levels. The project site appears to be within Safety Zones 2 and 6 as defined in the Handbook. Safety Zone 2 is situated along the extended runway centerline with approaching aircraft usually at less than traffic pattern altitude. The potential severity of an off-airport aircraft accident is highly dependent upon the nature of the land use at the accident site. Airport-related noise, safety and land use concerns should be thoroughly addressed in the draft environmental impact report.

Due to its proximity to the airport, the project site may be subject to aircraft overflights and subsequent aircraft-related noise impacts. Since communities vary greatly in size and character from urban to rural, the level of noise deemed acceptable in one community is not necessarily the same for another community.

Mr. Frank Lynch
May 24, 2007
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Sound insulation, buyer notification and avigation easements are typical noise mitigation measures. These measures, however, do not change exterior aircraft noise levels. It is likely that some future homeowners and tenants will be annoyed by aircraft noise in this area. Noise mitigation measures are not a substitute for good land use compatibility planning for new development.

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

In addition to submitting the proposal to the Mendocino County Airport Land Use Commission, it should also be coordinated with Ukiah Municipal Airport staff to ensure that the proposal will be compatible with future as well as existing airport operations.

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

These comments reflect the areas of concern to the Division with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our Caltrans District 1 office in Eureka at (707) 445-6600 concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-7075.

Sincerely,

Original Signed by

RON BOLYARD
Aviation Environmental Planner

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



State of California – The Resources Agency

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>NORTHERN REGION
601 Locust Street
Redding, CA 96001
(530) 225-2300RECEIVED
JUN 19 2007BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

June 15, 2007

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

Dear Mr. Lynch:

**Notice of Preparation for Garden's Gate Subdivision
Mendocino County**

This is in response to the May 1, 2007, Notice of Preparation (NOP) for a draft Environmental Impact Report (EIR) that will be developed for the proposed Garden's Gate Subdivision (State Clearing House Number 2007052006). The project area is south of the City of Ukiah encompassing approximately 45.9 acres at 3000 South State Street. This project will create 199 lots for single family and townhouse dwellings and two lots for adjoining parks. A 50-foot bridge crossing will be constructed over Cleland Creek, a tributary to the Russian River. As currently proposed, water for the project will be provided by the Willow County Water District. The Department of Fish and Game (DFG) offers the following comments and recommendations in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA).

Department of Fish and Game (DFG) staff reviewed the NOP including the project description, checklists, site plans and maps. The NOP states that the project applicant submitted biological studies including surveys for special status species and wetland habitat. This biological information was not included with NOP packet, therefore DFG cannot comment on the surveys at this time. The NOP states that that EIR biologist will conduct independent surveys to verify findings provided in the applicant's surveys.

The project area supports important habitat elements including oak woodland, riparian and stream habitats. A portion of the project as proposed would encroach within or near the riparian corridor of Cleland Creek. Resources in the Cleland Creek watershed are uncertain at this time; however, lower

Mr. Frank Lynch
June 15, 2007
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reaches of this stream may provide seasonal habitat for Chinook salmon (*Oncorhynchus tshawytscha*) and steelhead (*O. mykiss*). Both species are known to occur in the Russian River near the Cleland Creek/Russian River confluence. Chinook and steelhead are listed by the National Marine Fisheries Service as "Threatened" pursuant to the Federal Endangered Species Act (ESA).

The western edge of the property appears to support oak woodland habitat. Oak woodlands in this area have been reduced primarily as a result of residential and commercial development. This habitat element supports a variety of native plant and wildlife species. It is the joint policy of the Fish and Game Commission and the Board of Forestry and Fire Protection that hardwood resources be managed for the long-term perpetuation of their local and broader geographic representation and to continue to provide for their inherent natural and biological values and processes. DFG is concerned that the impacts from the proposed project to hardwoods that exist at this site be minimized to a level that is less than significant.

A cursory review of the California Natural Diversity Data Base (CNDDDB) found that the following sensitive species have been documented within a five-mile radius of the project site (note, some of these species may no longer be extant in this area):

- Northwestern pond turtle (*Emys marmorata marmorata*)
- Foothill yellow-legged frog (*Rana boylei*)
- Mendocino bush mallow (*Malacothamnus mendocinensis*)
- Hall's bush mallow (*Malacothamnus hallii*)
- Baker's meadowfoam (*Limnanthes bakeri*)
- Burke's goldfields (*Lasthenia burkei*)

The proposed bridge crossing, grading activities and future maintenance within the project area have the potential to adversely impact aquatic species in Cleland Creek and in the Russian River. Removal of trees and other riparian vegetation may reduce the effectiveness of this area to retain and filter sediment. Construction and future occupation of the subdivision will increase the potential for sediment delivery to nearby streams. Therefore, it's imperative that the approved project include a sufficient buffer between streams and developed property to filter sediment and maintain valuable riparian habitat for wildlife.

According to the NOP, the Willow County Water District will serve the proposed subdivision with water. DFG is aware of potential concerns regarding the Willow County Water District's ability to comply with required terms of its

Mr. Frank Lynch
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Page Three

existing water right. This concern may grow by increased demand and by recent reductions in water releases into the Russian River from Lake Mendocino. DFG is obligated to work with water districts and other water diverters to help ensure that their projects do not adversely impact salmon, steelhead and other aquatic resources in the Russian River watershed. As such, DFG recommends that the Mendocino County Department of Planning and Building Services confirm with the project proponent that sufficient appropriated water will be available to provide for the long-term needs of the proposed development.

For the protection of plant, fish and/or wildlife resources and their habitats, DFG recommends the following be included in the draft EIR for the proposed Garden's Gate Subdivision:

1. A comprehensive biological survey for sensitive species and habitats shall be conducted by qualified biologist(s) using the most recently accepted survey protocols. Surveys shall include adequate scoping for any sensitive species or habitat that may exist within or near the project site. The scoping process shall consult various sources including the CNDDDB, the California Native Plant Society, DFG biologists, local experts and recent EIRs and other related documents that have been completed near the project site.
2. An assessment shall be conducted that determines the area and number of oaks and other existing native hardwoods that will be removed as a result of this project. An oak woodland mitigation plan shall be developed. The objective of this plan shall be to minimize adverse impacts to existing oak woodland habitat by a) avoiding where possible elimination of any existing oak woodland, 2) replacing all removed hardwoods with the same species at a minimum replacement ratio of 3:1, and 3) establishing a minimum three-year monitoring plan that will track planted trees and replace all that are dead or dying.
3. A water feasibility assessment shall be required to, in part, determine if the Willow County Water District has the ability and legal water right to serve the proposed project. This assessment shall include documentation from the State Water Resources Control Board's Division of Water Rights supporting the proposed use of water from the District.
4. A minimum 100-foot buffer shall be established and maintained along all reaches of Cleland Creek affected by this project. The purpose of this buffer is to maintain a wildlife corridor along this stream and to maintain an adequate filter strip. Buildings, yards, grading and other activities will be prohibited within this buffer area.

Mr. Frank Lynch
June 15, 2007
Page Four

5. An erosion control plan shall be developed. The goal of this plan is to prevent sediment delivery to Cleland Creek or any other stream. If used, straw mulching for soil stabilization and erosion control purposes should utilize clean straw (such as rice, barley, wheat, or weed-free straw), with weed-free straw being the preferred option. The website, <http://www.extendinc.com/weedfreefeed/outlets.htm>, lists weed-free straw outlets in California.
6. The proposed bridge crossing will likely require a Lake or Streambed Alteration Agreement (LSAA) from DFG. Fish and Game Code §1602 requires notification to DFG for an LSAA prior to any activity which substantially modifies the bed, bank, or channel or diverts or obstructs the natural flow of any river, stream, or lake. Information regarding LSAA's may be found at <http://www.dfg.ca.gov/1600/index.html>.
7. Oil and grease separators or other appropriate retention devices shall be constructed at all appropriate locations for purposes of preventing the release oil, grease and other similar compounds into existing or newly constructed storm drains.

If you have any questions regarding this letter, please contact Staff Environmental Scientist Rick Macedo at (707) 928-4369 or Senior Environmental Scientist William Condon, at (707) 441-2064.

Sincerely,


GARY B. STACEY
Regional Manager

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

Ms. Laurie Harnsberger
Department of Fish and Game
619 Second Street
Eureka, California 95501

Mr. Frank Lynch
June 15, 2007
Page Five

ec: Mark Stopher, William Condon, Gordon Leppig, Rick Macedo,
Tracie Nelson, Derek Acomb and Laurie Hamsberger,
Department of Fish and Game
mstopher@dfg.ca.gov, wcondon@dfg.ca.gov, gleppig@dfg.ca.gov,
rmacedo@dfg.ca.gov, tnelson@dfg.ca.gov, dacomb@dfg.ca.gov,
lhamsberger@dfg.ca.gov,


RECEIVED
MAY 25 2007

Mendocino County Water Agency
Memorandum

BY
PLANNING & BUILDING SERVICES
DATE: 05/24/07

Frank Lynch, Planning and Building Services

May 24, 2007

From: Dennis Slota, Water Agency 

Subject: EIR Scoping Session for proposed Garden's Gate Subdivision

Staff was provided with and reviewed the Initial Study, the Tentative Map and the Illustrative Site Design Map. On May 23, I became aware, and obtained copies of, the Drainage Plan, Drainage Map, Biological/Botanical studies and these materials have not yet been reviewed.

The following comments are based solely on the Initial Study and related maps. This site is located in a portion of the County that is under the National Pollutant Discharge Elimination System (NPDES) Phase II regulations as administered by the County and the Regional Water Quality Control Board.

Stormwater

1. Determine the pre-and post project percent imperviousness and show all calculations. An attachment is provided showing the levels of impact w/various levels of imperviousness.
2. Detail measures taken to reduce imperviousness. Such measures can include disconnecting roofs and driveways from the stormdrain system, reducing driveway/sidewalk widths, using driveway strips for wheel travel surrounded by pervious materials (rather than using a full, imperviously paved parking surface), general use of pervious pavement materials for sidewalks and parking areas.
3. Swales are an excellent stormwater treatment mechanism for sediment, however they are not very well suited for floatable materials such as oil and grease. Describe the stormwater treatment mechanism to eliminate oil and grease discharge into a drinking water supply.
4. Provide an estimate of annual maintenance costs for the stormwater treatment devices. State the lifespan of the various devices and the cost of full system replacement. The lifespan estimates should come from actual use and not from manufacturers claims. Detail a plan and funding mechanism for replacement of the stormwater treatment devices.
5. Home Owner Associations (HOA's) are know to be an unreliable mechanism for maintaining, operating and/or replacing water treatment facilities. Identify the specific entity legally responsible for operation, maintenance, and monitoring of stormwater treatment facilities. Identify an inspection/maintenance schedule and reporting mechanism along with an enforcement mechanism for non-compliance. Establish a legal mechanism for operation of the facilities in case of default.
6. Provide a mechanism for sampling and analyzing first flush stormwater runoff for turbidity, conductivity, and petroleum hydrocarbons. Describe the mechanism that will be used to address failings in the stormwater treatment system to perform as predicted.

7. Identify an entity utilizing the proposed, or very similar, stormwater treatment design for performance comparison.
8. Establish a landscaping plan that eliminates or greatly reduces the use of fertilizer and pesticides, or include these components in the first flush analysis.
9. Staff recommends a minimum 50-foot creek setback from all lots in which no disturbance is allowed for runoff filtration.

Hydrology

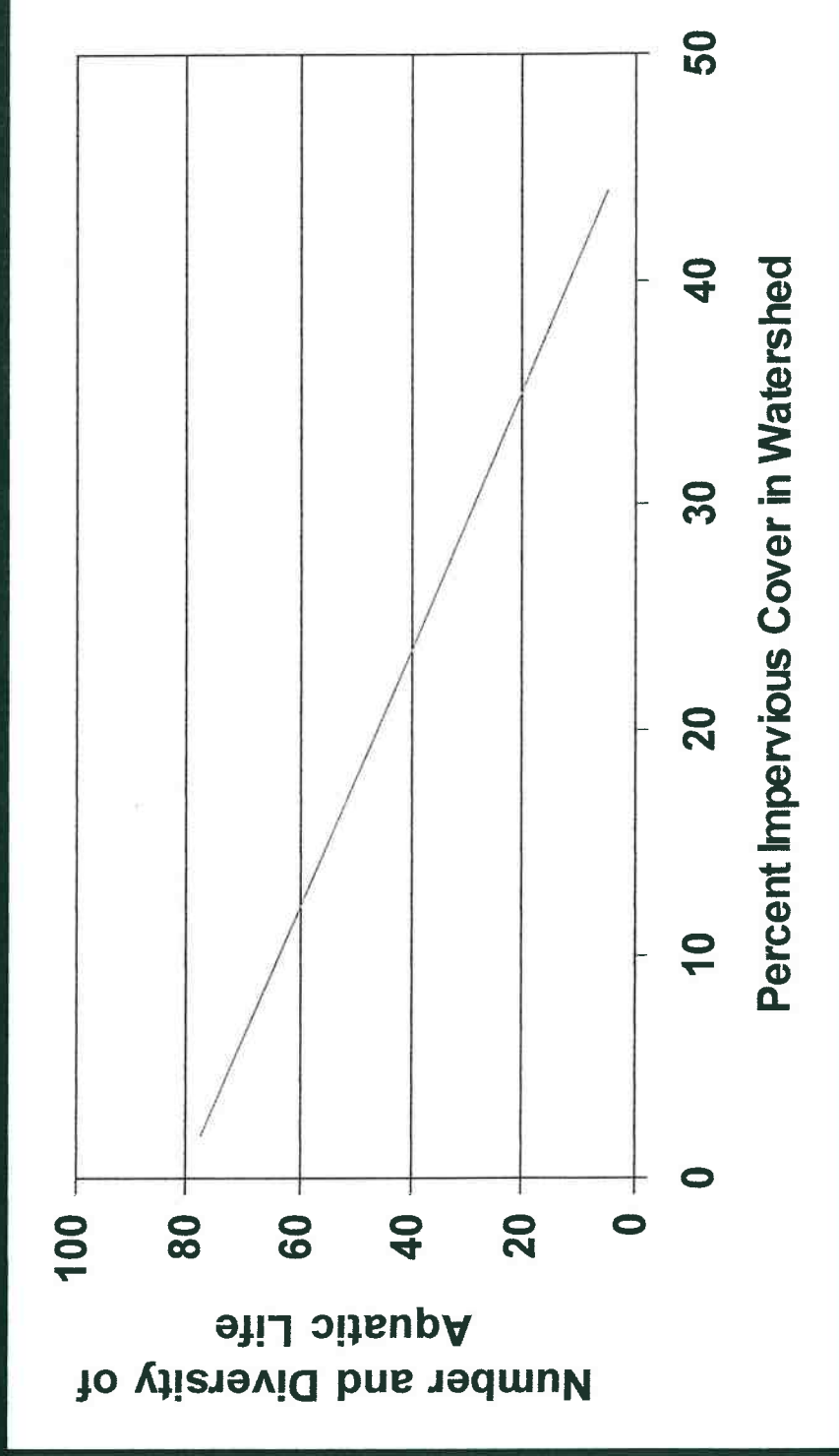
1. According to the USGS, the flooding in Ukiah in Water Year 2006 was the result of about a 25-year storm event. According to creek side neighbors, the creek has overtopped multiple times during the past 15 years. These direct observations appear to conflict with the applicant's hydrological model stating that the 100-year storm event is contained within the banks of the creek. The EIR hydrological model must be calibrated to match direct ground observations as reported at the Scoping Session.
2. The project appears to route all stormwater to a single discharge point. Channel and bank stability must be analyzed below the discharge point at maximum discharge velocities and volumes.
3. The EIR must evaluate the adequacy of the drainage plan for containing the 100-year storm event, calibrated against the most recent flooding event in Ukiah.

Water Conservation Supply and Conservation

1. Water conservation measures should apply to the entire project in terms of requiring use of low flush toilets and other household appliances. Likewise, water efficient landscaping should be required emphasizing xeroscaping with use of native vegetation and mulch.
2. Use of rain barrels/cisterns for roof runoff storage for later use or slow release is strongly recommended to reduce effective imperviousness and to conserve water.
3. The EIR water supply analysis must include historical drought conditions for calibration.

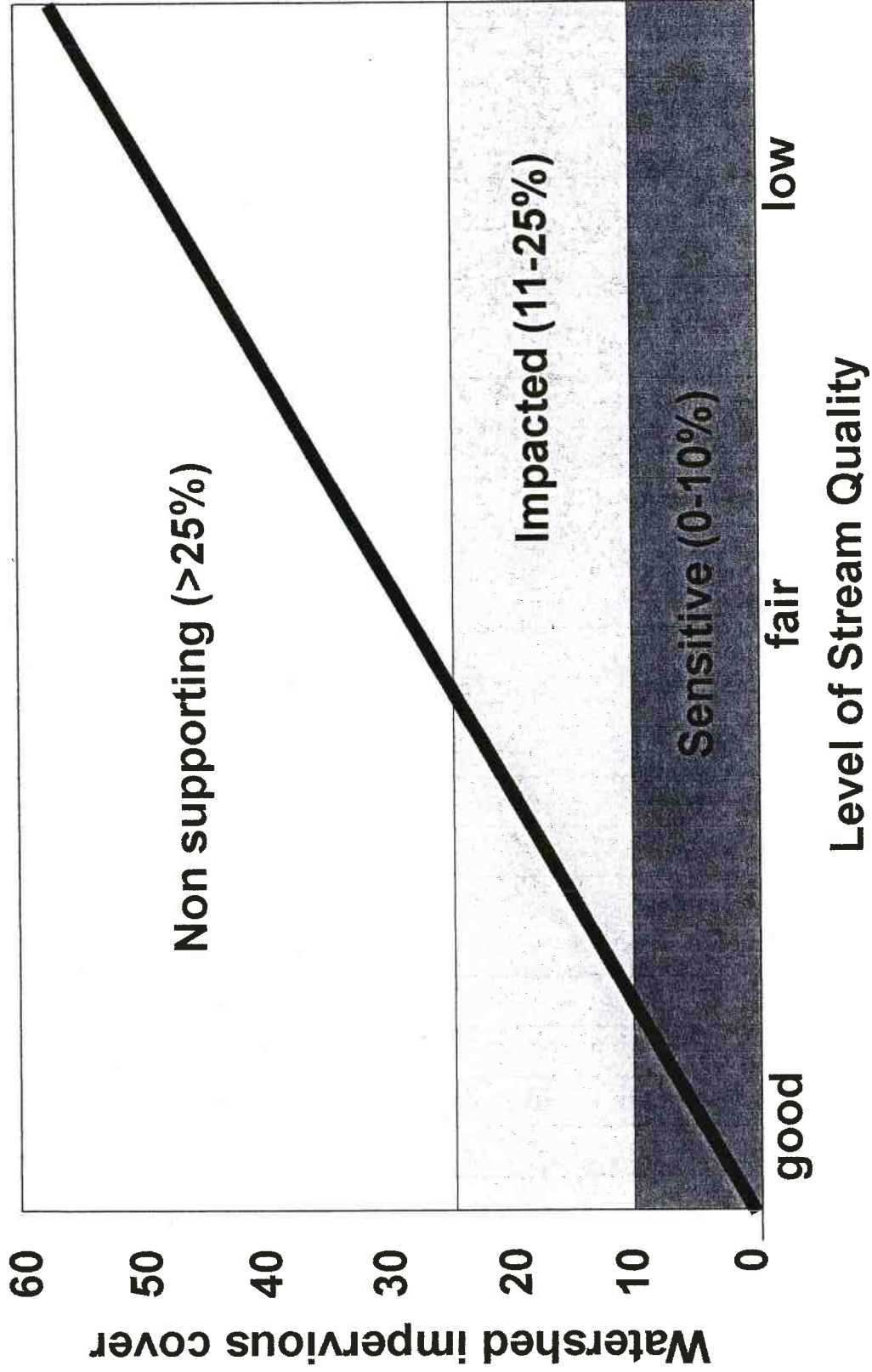
Cc: Roland Sanford, MCWA General Manager
S:\Dennis Data\wp\planning\reviews\Gardens Gate EIR Scoping Session.doc

Impervious Cover Influences Aquatic Life



As the amount of impervious cover increases, the number and diversity of aquatic species decreases.

Relationship Between Impervious Cover and Stream Quality





CITY OF UKIAH
Department of Planning & Community Development
300 Seminary Avenue, Ukiah, CA 95482
www.cityofukiah.com



May 22, 2007

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

RECEIVED
MAY 25 2007

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Re: Response to NOP for Garden's Gate Subdivision

Dear Mr. Lynch:

Thank you for the opportunity to review the Notice of Preparation of an EIR for Garden's Gate Subdivision. The project is located within the City of Ukiah's planning area, and its adopted and proposed Sphere of Influence (2007). The City of Ukiah is therefore interested in those aspects of the project that affect city and valleywide resources and services, future annexation potential, and quality of life for residents of the City generally.

Please consider the following areas of impact in addition to those identified in the Initial Study:

- I-b: The City of Ukiah General Plan/Draft Ukiah Valley Area Plan designates US 101 as a local scenic highway.
- I-d: Considering assessing impacts to the night-time sky and rural valley environment from fugitive light. This issue is also addressed in the draft Ukiah Valley Area Plan.
- VIII-f: Address impacts from urban pollutants such as pesticides, fertilizers, oils, litter and other debris consistent with City of Ukiah and Mendocino County Storm Water Management Plans.
- VIII-g-i: It appears that the Plant Road connection to Oak Knoll Road traverses the 100 year floodplain.
- IX-b: It is our understanding that the draft Ukiah Valley Area Plan has been tentatively adopted and is merely undergoing a reassessment. Policies addressing valleywide and City resources and issues as well as city/county coordination are of particular interest.
- XIII-a: Address impacts of development upon the City Fire Department relative to the automatic aid agreement with the Ukiah Valley Fire District, and the City's Fire Protection Master Plan. Please contact Tony Clarabut, Fire Chief, at 463-6261 in this regard.

Consider renaming Orchard Lane to minimize confusion with Orchard Avenue within the City relative to emergency services. Emergency services personnel not familiar with the development may find the circuitous route for Plant Road confusing. Relative to emergency services and circulation, turnarounds for vehicles on dead end streets are lacking in the interim period before development occurs to the south.

Increased fire risk in the urban-wildland interface extending into the City of Ukiah is of concern. The western portion of the site may be within the State Responsibility Area.

XIV-a: Impacts to facilities required to supply recreational opportunities not supplied by the project (such as organized sports fields, Todd Grove, Low Gap or Riverside Parks), should be assessed. The City of Ukiah has adopted a parkland fee to mitigate impacts to recreation facilities. *(Early in the development process the applicant proposed the hillside portion of the property would be utilized as parklands for the project; however, this concept appears to have been eliminated.)*

XV-g: Pedestrian connectivity along South State and Dora Streets should be addressed.

Other issues:

1. Consider consistency with city plans and standards to facilitate possible future annexation should the project site be adopted within the revised Sphere of Influence.
2. The information does not provide adequate detail on development and improvements phasing to assess whether possible impacts may occur in the event that one or more phases do not proceed. In particular, will secondary access to Oak Knoll be constructed in Phase 1?
3. Address how the EIR will respond to AB 32, Global Climate Change.
4. XII: Consistency with the policies requiring the County to promote a range and affordability of housing types, including apartments and units affordable to below moderate income households, should be addressed at some point in the process.
5. We would be interested in reviewing the City of Ukiah gateway sign proposed at the Plant Road turn-around prior to final approval.

Please contact me at (707) 463-6206 should you have additional questions.

Sincerely,



Pamela Townsend
Senior Planner

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

RE: Garden's Gate Subdivision
Public Scope Meeting of 23 May, 2007

I was unable to attend the meeting. Like most of the nearby neighbors, I have no strong objection to the proposed housing project. What is wrong is the idea of an public access road onto Oak Knoll Road. The following issues pertaining to such access were not addressed at the meeting:

1. The road itself is in deplorable condition – Oak Knoll continues into a single lane road (Spanish Canyon Drive) of equal if not worst condition. Spanish Canyon Drive is a no thru street.
2. The proposed road from the subdivision enters into Oak Knoll on a curve thus producing a blind intersection. Pedestrian and cyclists which frequent these streets would be placed in danger.
3. The proposed road would transverse Spanish Fly Creek. The county does not need the added responsibility to maintain a bridge over a known mud slide area. A house directly above the site was lost when a major mud slide come down Spanish Fly Creek.
4. On completion of said project more development will follow – the back entrance of Garden Gate may very well become its main entrance. Chris Stone will be gone – so the country picks up the tap to widen and improve Oak Knoll to handle the increase traffic.

Logic states a loop road coming and going via South State Street is the better+ way to address traffic into and out of the Garden's Gate Subdivision.

Thank You,
Wendy Beaver
630 Spanish Canyon Drive
Ukiah, Ca. 95482

4 June, 2007

RECEIVED
JUN 05 2007
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

June 10, 2007

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

Dear Mr. Lynch,

We have been informed that Garden's Gate Subdivision, a very high density residential community, plans to have an access road put in on Oak Knoll Road a few feet from the base of Spanish Canyon Drive and that the traffic impact on the road would be 200 or more cars.

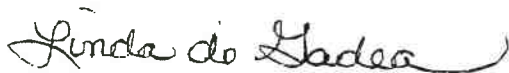
As residents on Spanish Canyon Drive this has us greatly concerned. Following are some of our reasons:

- 1) This would cause a lot of congestion for both cars and pedestrians on this narrow road which does not have any sidewalks. Traffic would be slow, including access for emergency vehicles. The upper portion of the road is so narrow that when a vehicle is parked on the edge of the road, traffic has to pass by crossing into the oncoming lane. With more traffic this would greatly increase the chance of vehicle collision and injury of pedestrians.
- 2) This would negatively impact the wildlife in this area. For example, there is a major deer route that crosses the road in the same area.
- 3) The noise and pollution would also be detrimental to humans, pets and wildlife (deer, fox, squirrels, wild turkeys, quail, etc.).

For these reasons we strongly urge you not to allow an access road to be placed on Oak Knoll. Instead, we believe a road with traffic lights, coming and going via the wider and straighter South State Street is a better way to address traffic into and out of Garden's Gate Subdivision.

Thank you for your attention to our concerns.

Sincerely,



Linda de Gadea and V. H. Martin Gadea
575 Spanish Canyon Drive
Ukiah, CA 95482



RECEIVED
JUN 12 2007

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

George & Holly Conormon
303 Oak Knoll Road
Ukiah, CA 95482
May 29, 2007

RECEIVED
MAY 31 2007

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

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

RE: Garden's Gate Subdivision

I would like to be counted with the numerous residents, of the Oak Knoll area, who strongly protest the access road from the proposed Heaven's Gate Subdivision, through our neighborhood.

It is unthinkable to disturb and destroy the somewhat safe and tranquil environment we have established here. It's basically proposed that 200 homes (estimated 400 + cars) have use of our little country lane. As it is now, we have great difficulty with speeding cars, careening through here. There are literally no posted speed signs, reminding drivers that this is a 25 mph residential area. On those occasions that we have called the CHP, to report problem drivers, we have received zero response. Most of us have driveways that force us to back out, many with limited view access of the uphill side, coming from the "subdivision". We barely make it as it is now. As excessive increase in traffic will be a formula for disaster. We have a high percentage (unusually high) of folks that walk, we have pets, and the neighborhood is in transition to new young families, increasing our kid population. The road, itself, is in deplorable condition. Anyone can see, that the mountain is pushing the road so that it humps in the center. This will always be a problem, regardless of how many times it's fixed. The drainage, down the road, is delicate and shouldn't be altered. The developer has suggested a sidewalk that runs down the east side of Oak Knoll. He is opening a huge "can of worms". That will disturb drainage of gutters, overflow into garages, possible breakage of old sewer pipes and miles of French drains, mauling of landscaping, and so on. He is laying himself wide open to years of legal action.

I've noted that most our area residents have no strong objection to the housing project itself. We just want them to be a neighborhood strong and reliant to themselves, like we are. Let them use State St. and the 101 access, as we do. It's sufficient. We recognize no need to connect the neighborhoods. Perhaps the developer can eventually find an access, on the south side, that won't be as dangerous and disruptive.

You know, I think bottom line, I was surprised that Chris Stone can't see that he could build his project, if he hadn't gone up against such a strongly close knit neighborhood, for the access road. He didn't do his homework.

George & Holly Conormon

Holly Conormon
Conormon

Appendix B

Summary of NOP Comments

Summary of Comments and Questions Made at the EIR Public Scoping Meeting Held on May 23, 2007

The issues raised and summarized below are either addressed in the DEIR, or if they are not, an explanation is provided (in italics) as to why not.

Traffic

- Assess alternatives that include no roadway connection to Oak Knoll Drive and an emergency vehicle/pedestrian/bicycle-only access. Assess a second access to either S. State Street at the south end of the project site or south to Stipp Lane. Many people would use this access (much more than 10% of project and cumulative traffic) due to access to schools and other locations.

The applicant does not own property to the south that would allow a connection to Stipp Lane. A second access to South State Street would not meet County plans nor would it be a satisfactory second emergency access point due to its proximity to the main entrance, plus another access point so near the main access would cause traffic safety problems.

- Allowing public access via Oak Knoll Drive would have safety problems. The EIR should assess safety hazards due to inadequate lane width (especially if there are parked cars) and hazards to pedestrians and bicyclists. Assess existing traffic accidents at the intersections with Meadowbrook and Oak Court. There is substantial pedestrian traffic in this area.
- Identify where children would go to school. Discuss whether they would need to be bused to Nokomis Elementary School and the safety impacts of such busing.
- Assess impacts to private properties (needed to acquire sidewalk right-of-way) for the proposed addition of a sidewalk on Oak Knoll Drive.
- Assess the safety of pedestrians crossing S. State Street to access the Redwood Health Club.

Pedestrians would use the new crosswalk south of the roundabout. Is this safe?

- Assess project impacts on accessing the Redwood Marketplace, which already has unsafe access.
- Why is Gobalet being rebuilt west of the connection into the project site; is this needed?

The project does not include improvement of Gobalet Lane west of the connection to the site.

Public Services

- Verify that Willow County Water District can provide water to the project, given recent notification to customers to conserve water. The water analysis should address the

cumulative impacts of new development on water availability in the valley. What are the effects of a drought and reduced Eel River diversion?

The EIR assesses cumulative impacts to Willow CWD as the project would only affect that district. The cumulative effects of development on other water purveyors will be addressed in the EIR being prepared for the Draft 2007 UVAP.

- Determine whether there is adequate wastewater capacity.
- The EIR should assess impacts to schools.
- Discuss whether proposed on-site parks adequately meet the park and recreation needs of future residents.

Hydrology

- Assess the impacts of increased runoff to Cleland Mountain Creek. The creek has historically escaped its banks during major storm events, especially at the northwest corner of the site.
- Assess the FEMA floodplain along Cleland Mountain Creek. The FEMA-mapped floodplain is back-up from the Russian River and not from overflow of Cleland Mountain Creek.
- Address erosion from the hillside area causing sedimentation of the creek. Address water quality impacts of the project.
- Would urban runoff from the site pollute Willow County Water District wells?

The site is downgradient from the wells and would not affect those wells.

Aesthetics

- Photosimulations should be done from Gobalet. The photo-simulations should include the proposed fencing. It was noted that the photo-simulations would not necessarily show future residences since the proposed project does not commit the applicant to developing the specific types of structures displayed in the photo-simulations.

The County determined that photo-simulations from the two vantage points shown in the EIR adequately described possible changes in views. The photo-simulations show building masses and not architectural details, including fencing.

- The County should minimize lighting impacts. Lighting should meet the International Dark Sky Association Model minimum standards.

Wildlife

- Assess the impacts of dog and cat predation on wildlife living along Cleland Mountain Creek.

Land Use and Alternatives

- The project is substantially more dense than the adjacent neighborhood. The EIR should assess this density (small lot sizes, duplexes, and four-plexes), potential land use conflicts, the potential ghettoization of the area due to low income housing.
- What is meant by affordable housing?

The 36 affordable housing townhouses will be sold to "moderate income households", which are defined by the County Housing Element as households earning between 80 and 120% of the median County household income. The monthly payment cannot exceed 30% of the gross monthly income. The 2006 median household income for Mendocino County was \$51,200, so the homes would be available to households that earn about \$40,960 to \$61,440 a year.

- Can the County require that homes be built by local contractors?

No, the County cannot restrict fair trade.

- Can the County require design and lighting standards if it approves the project?
- Would project approval prior to County consideration of the UVAP jeopardize the UVAP?

No, the basic project type and density is consistent with the Draft 2007 UVAP.

- Assess project alternatives that include no public vehicular access to Oak Knoll Drive and expanded park acreage.

Cumulative Impacts

- Will the EIR address impacts of future development to the south?

Summary of Comments and Questions Made at the EIR Agency Scoping Meeting Held on May 23, 2007

Three representatives of public agencies attended the agency scoping meeting. **Dennis Slota** of the Mendocino County Water Agency stated a number of issues that the water agency wanted addressed. Those items are listed in the attached letter from the Water Agency.

Dan Grebil of the Ukiah Valley Fire District requested that LCA interview him regarding potential impacts to his district. In response to questions from other attendees, he provided some data on District financing and resources.

Bruce Richard of the Mendocino Transit Authority wanted the EIR to examine the availability of water for the project. The EIR should investigate the ability of the roundabout to handle large trucks and MTA buses (40 buses per day currently turn north from Plant Road onto S. State Street and left from S. State Street to Plant Road). The EIR should assess impacts on transit. The proposed on-site bus stop needs to be relocated so the door opens to the sidewalk and not the street. MTA would also like a restroom for the use of bus drivers constructed at this bus stop.

Summary of Written Responses to the Notice of Preparation Comments

The County received five Response letters to the Notice of Preparation within the required 30-day review period. It received a late Response letter from the California Department of Fish and Game, but that letter is also included here. The letters are all included in Appendix A of this EIR, and the following summarizes the main points raised in the letters.

California Department of Transportation, Division of Aeronautics

The EIR needs to assess potential aircraft impacts due to proximity to the Ukiah Municipal Airport. Assess noise and safety impacts to ensure that the project would not result in incompatible land uses with the airport.

California Department of Toxic Substance Control

The Department wants to know whether studies have been done to determine hazards associated with past agricultural use of the site.

Mendocino County Water Agency

- Determine pre- and post-project imperviousness and describe measures to reduce the imperviousness.
- Describe measures to improve water quality leaving the site.
- Provide lifespan and maintenance costs for stormwater treatment. *CEQA does not require the EIR to address costs of the project or recommended mitigation measures.*
- Recommend measures for maintaining, operating, and replacing stormwater treatment facilities.
- Recommend monitoring protocol for first flush runoff.

- Provide examples of other entities using the stormwater treatment design. *The EIR assesses the efficacy of the project design and project impacts. It is not required to inventory other locations where such treatments are used.*
- Recommend landscaping that reduces fertilizer and chemical use.
- Consider a 50-foot setback from the creek.
- Confirm the floodplain on the site and assess project impacts on future flooding.
- Assess impacts to channel and bank stability below the site discharge point.
- Recommend water conservation devices, landscaping, and water collection devices.
- Assess the ability to provide water to the site.

City of Ukiah

- Assess fugitive light impacts.
- Assess water quality impacts from urban pollutants.
- Determine whether Plant Road is within the 100-year floodplain.
- Assess for consistency with the UVAP, City plans and standards, and County affordable housing policies. *The project is not within the jurisdiction of the City, so consistently with City policies is a moot point and not provided in the EIR.*
- Assess impacts on the City Fire Department and increased wildland fire risk.
- Consider changing the name of the Plant Road extension and adding a City gateway sign at the turnaround. *This is a merits issue and should be addressed when the County considers project approval.,*
- Assess recreational impacts.
- Address pedestrian connectivity along South State Street and to Dora Street. *There are no sidewalks in the area along the west side of South State Street, plus the project does not front South State Street. However, as is discussed under Alternative 5 (Mitigated Project) in Section 4.2 for the EIR, a sidewalk along South State Street would be a mitigation for an alternative that used the Oak Knoll Road connection for emergency use only.*
- Assess impacts if not all phases are completed. *The EIR assesses a worst case of project buildout. If later phases were not constructed, there would be some reduction in impacts due to less runoff, traffic, noise, emission of pollutants, and demands on public service providers.*
- Address Global Climate Change impacts.

George and Holly Conormon

This is a letter stating various objections to the project as proposed. It does not include data regarding what areas should be studied in the EIR.

Appendix C

Traffic Data

Appendix

LEVEL OF SERVICE CRITERIA FOR BASIC FREEWAY SEGMENTS

CRITERIA	LEVEL OF SERVICE				
	A	B	C	D	E
FFS=70 mi/h					
Maximum density (pc/mi/ln)	11	18	26	35	45
Minimum speed (mi/h)	70.0	70.0	68.2	61.5	53.3
Maximum v/c	0.32	0.53	0.74	0.90	1.00
Maximum service flow rate (pc/h/ln)	770	1260	1770	2150	2400
FFS=65 mi/h					
Maximum density (pc/mi/ln)	11	18	26	35	45
Minimum speed (mi/h)	65.0	65.0	64.6	59.7	52.2
Maximum v/c	0.30	0.50	0.71	0.89	1.00
Maximum service flow rate (pc/h/ln)	710	1170	1680	2090	2350
FFS=60 mi/h					
Maximum density (pc/mi/ln)	11	18	26	35	45
Minimum speed (mi/h)	60.0	60.0	60.0	57.6	51.1
Maximum v/c	0.29	0.47	0.68	0.88	1.00
Maximum service flow rate (pc/h/ln)	660	1080	1560	2020	2300
FFS=55 mi/h					
Maximum density (pc/mi/ln)	11	18	26	35	45
Minimum speed (mi/h)	55.0	55.0	55.0	54.7	50.0
Maximum v/c	0.27	0.44	0.64	0.85	1.00
Maximum service flow rate (pc/h/ln)	600	990	1430	1910	2250

Note: The exact mathematical relationship between density and v/c has not always been maintained at LOS boundaries because of the use of rounded values. Density is the primary determinant of LOS. The speed criterion is the speed at maximum density for a given LOS.

FFS = free-flow speed

h = hour

ln = lane

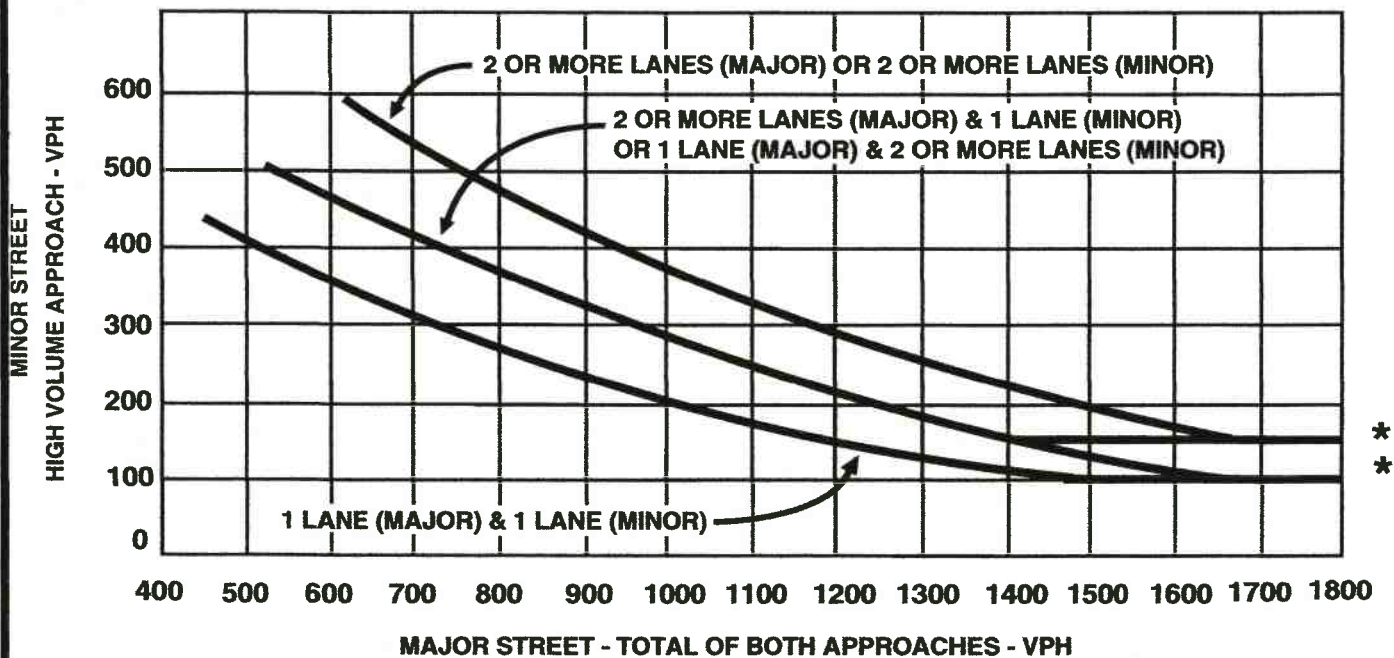
mi = mile

pc = passenger car

v/c = volume-to-capacity ratio

Year 2000 Highway Capacity Manual

PEAK HOUR VOLUME WARRANT #3 (Urban Area)



*** NOTE**

150 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACH WITH TWO OR MORE LANES AND 100 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACHING WITH ONE LANE

Source: Year 2003 Manual on Uniform Traffic Control Devices, Federal Highway Administration



Appendix D

Air Quality Data

2008 12:01:15 AM

Urbemis 2007 Version 9.2.4

Combined Winter Emissions Reports (Pounds/Day)

Name: C:\Projects1\Gardens Gate Urbemis- No Woodstoves.urb924

Project Name: Gardens Gate

Project Location: Mendocino County APCD

Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

STRUCTURE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10_Dust	PM10_Exhaust	PM10	PM2.5_Dust	PM2.5_Exhaust	PM2.5
TOTALS (lbs/day unmitigated)	12.74	35.83	69.12	0.03	57.01	1.93	58.93	11.91	1.77	13.68
TOTALS (lbs/day mitigated)	12.74	35.83	69.12	0.03	32.24	1.93	34.16	6.73	1.77	8.50
TOTALS (lbs/day unmitigated)	12.35	24.75	65.58	0.03	0.14	1.46	1.60	0.05	1.33	1.39
TOTALS (lbs/day mitigated)	12.35	24.75	65.58	0.03	0.14	1.46	1.60	0.05	1.33	1.39
TOTALS (lbs/day unmitigated)	11.91	23.16	61.92	0.03	0.14	1.39	1.53	0.05	1.27	1.32
TOTALS (lbs/day mitigated)	11.91	23.16	61.92	0.03	0.14	1.39	1.53	0.05	1.27	1.32
TOTALS (lbs/day unmitigated)	15.29	51.38	76.91	0.03	57.15	2.81	59.96	11.96	2.58	14.53
TOTALS (lbs/day mitigated)	15.29	51.38	76.91	0.03	32.38	2.81	35.19	6.78	2.58	9.36
TOTALS (lbs/day unmitigated)	11.06	20.06	54.71	0.03	0.14	1.14	1.29	0.05	1.04	1.09

3: 2

2008 12:01:15 AM

TOTALS (lbs/day mitigated)	11.06	20.06	54.71	0.03	0.14	1.14	1.29	0.05	1.04	1.09
TOTALS (lbs/day unmitigated)	10.65	18.52	51.23	0.03	0.14	1.02	1.16	0.05	0.93	0.98
TOTALS (lbs/day mitigated)	10.65	18.52	51.23	0.03	0.14	1.02	1.16	0.05	0.93	0.98

\ SOURCE EMISSION ESTIMATES

LS (lbs/day, unmitigated)	<u>ROG</u>	<u>NOX</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>
	12.10	2.89	1.22	0.01	0.06	0.06

RATIONAL (VEHICLE) EMISSION ESTIMATES

LS (lbs/day, unmitigated)	<u>ROG</u>	<u>NOX</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>
	19.03	31.35	212.33	0.12	23.85	4.68

OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

LS (lbs/day, unmitigated)	<u>ROG</u>	<u>NOX</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>
	31.13	34.24	213.55	0.13	23.91	4.74

2008 12:01:15 AM

Source Unmitigated Detail Report:

\ SOURCE EMISSION ESTIMATES Winter Pounds Per Day, Unmitigated

Source	ROG	NOx	CO	SO2	PM10	PM2.5
al Gas	0.16	2.10	0.89	0.00	0.00	0.00
h	0.05	0.79	0.33	0.01	0.06	0.06
scaping - No Winter Emissions						
umer Products	9.64					
ectural Coatings	2.25					
LS (lbs/day, unmitigated)	12.10	2.89	1.22	0.01	0.06	0.06

Area Source Changes to Defaults

ntage of residences with wood stoves changed from 35% to 0%

ntage of residences with wood fireplaces changed from 10% to 0%

ational Unmitigated Detail Report:

\ RATIONAL EMISSION ESTIMATES Winter Pounds Per Day, Unmitigated

Source	ROG	NOx	CO	SO2	PM10	PM25
family housing	13.91	22.91	155.17	0.09	17.43	3.42
o/townhouse general	5.12	8.44	57.16	0.03	6.42	1.26
LS (lbs/day, unmitigated)	19.03	31.35	212.33	0.12	23.85	4.68

ational Settings:

not include correction for passby trips

2008 12:01:15 AM

not include double counting adjustment for internal trips

Simulation Year: 2015 Temperature (F): 40 Season: Winter

Location: c: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
3 family housing	41.00	9.57	dwelling units	123.00	1,177.11	10,063.94
0/townhouse general	4.62	5.86	dwelling units	74.00	433.64	3,707.49
					1,610.75	13,771.43

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Auto	35.2	0.6	98.8	0.6
Truck < 3750 lbs	26.8	1.5	90.7	7.8
Truck 3751-5750 lbs	18.2	0.5	99.0	0.5
Truck 5751-8500 lbs	6.1	0.0	98.4	1.6
heavy Truck 8501-10,000 lbs	2.1	0.0	71.4	28.6
heavy Truck 10,001-14,000 lbs	1.3	0.0	46.2	53.8
heavy Truck 14,001-33,000 lbs	1.3	0.0	23.1	76.9
very-heavy Truck 33,001-60,000 lbs	1.5	0.0	0.0	100.0
Bus	0.1	0.0	0.0	100.0
1 Bus	0.1	0.0	0.0	100.0
motorcycle	5.7	48.1	50.9	0.0
2 Bus	0.1	0.0	0.0	100.0
Home	1.5	0.0	86.7	13.3

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
1 Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4
Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
peeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
Trips - Residential	32.9	18.0	49.1			

Trips - Commercial (by land use)

Operational Changes to Defaults



COUNTY OF MENDOCINO
PLANNING TEAM

501 LOW GAP ROAD · ROOM 1204, UKIAH · CALIFORNIA · 95482

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planningteam@co.mendocino.ca.us

MEMORANDUM

DATE: August 11, 2008

TO: Leonard Charles and Associates (LCA)

FROM: Patrick Ford, Mendocino County Planning Team

SUBJECT: GREENHOUSE GAS ESTIMATES FOR THE PROPOSED GARDEN'S GATE SUBDIVISION

BACKGROUND

In July of 2008, Leonard Charles and Associates requested that the Planning Team provide an estimate of potential greenhouse gas (GHG) emissions on a proposed 197-unit subdivision (also known as Garden's Gate) located on South State Street near US 101, just south of the Ukiah city limits. The Mendocino County Planning Team had just completed a draft estimate of GHG emissions for the broader Ukiah Valley (which includes the subject site) as part of the County's Ukiah Valley Area Plan (UVAP) EIR process and utilized a formula-based model to predict emissions from future development with the entire plan area.

The analysis of the proposed project's emission of climate-altering gasses incorporated within this document draws upon the broader UVAP GHG analysis, excerpting the relevant sections from that report and calculating the potential project emissions accordingly. The complete UVAP Greenhouse Gas Analysis Report has not yet been released publicly or for inter-agency review; therefore this review of the proposed subdivision should not be considered indicative of the overall scope or level of detail of that forthcoming Report.

PROJECT OVERVIEW

The proposed Garden's Gate subdivision includes 197 units on approximately 17 acres of land. Of the total units, 123 are proposed to be single-family detached units of varying sizes. The remaining 74 units are comprised of 27 duplexes and 5 four-plexes. The project also includes 2.3 acres of open space / parks for residential use and 13.6 acres of paved areas for road, sidewalk and parking purposes. Although lot sizes are smaller than the current county or state averages for conventional subdivisions, **all but the four-plexes will be treated as "Single Family Residential Units"** for purposes of this analysis (a total of 177 units). Due to the number of common walls, small sizes and the very high residential density in which these occur at, the GHG analysis **will consider the four-plexes as multifamily structures**, a total of 20 multi-family units. This project has neither commercial nor industrial components.

The project site is currently used for viticulture but is designated for single-family residential development under the existing General Plan and all proposed UVAP alternatives. Using the current zoning code that specifies 6,000-square foot lot size minimums, approximately 171 units could be expected to be created within the parcel boundaries. The applicant has requested to use the State's density bonus law which allow for greater residential densities if a certain percentage of the new units are set aside as "affordable" and/or "moderate" income housing. By reconfiguring the internal street network, decreasing the right-of-way and lot sizes, the proposed subdivision creates an additional 26 units beyond what the zoning code allows for.

GREENHOUSE GAS MODELING

Planning Team staff created an in-house GHG model to account for emissions created under the UVAP. The model evaluated GHG impacts from a variety of sources within the broader valley region. This site-specific analysis of GHG emissions borrows from that forthcoming study and evaluates the impacts from the following sources:

- Transportation fuel use (estimated)
- Natural Gas use
- Electricity use
- Water and Sewer service
- Solid Waste removal
- Concrete-related emissions

The methodology of the GHG model is explained further in the sections below and in greater detail in the forthcoming UVAP GHG Technical Appendices (*excerpts available upon request*). Only emissions directly attributable to this specific project were tabulated. This contrasts with the forthcoming GHG analysis and subsequent broader planning efforts that will address the more indirect emissions that are less attributable to a particular project or building.

INITIAL PROJECT ASSUMPTIONS

The following assumptions were made in regard to the proposed project:

- 177 Single family and 20 multiple family residential units would be created;
- Approximately 500 residents would live in the subdivision upon completion (using the valley-wide average of 2.54 residents per unit);
- All construction techniques meet but do not exceed CA Title 24 standards for building efficiency;
- The project does not incorporate additional GHG-reducing strategies.

Additional mitigation strategies will be suggested following the Findings Section.

FINDINGS

The GHG emissions from Garden's Gate are broken into three categories: construction impacts, residential resource usage, and transportation demands.

Construction Impacts: Built to existing standards, the proposed Garden's Gate subdivision would result in the emission of **7,143 tons** of CO₂-equivalent (CO₂e) greenhouse gasses into the atmosphere from concrete-related sources. This estimate utilizes construction-industry estimates for new residential concrete demand and includes consideration of potential CO₂ emitting steps along the way from cement production and aggregate mining to mixing and delivery. This estimate represents a one-time release of GHGs with no recurring emissions from the completed structures during their lifespan.

Other construction related emissions were either considered in the broader UVAP study (but not in this analysis) or disregarded. The non-transportation fuel usage that includes construction equipment related GHG sources will be included in the subsequent UVAP Greenhouse Gas Analysis Report. Due to the small project size and limited focus (strictly residential), non-transportation fuel use could not be accurately calculated as it could be at the broader valley or countywide levels. Because of the variety of non-concrete building materials and a lack of architectural and engineered drawings, it is not possible to accurately estimate the CO₂e emissions embodied in the proposed building materials at this time.

Residential Resource Usage: This category incorporates resources and services that future Garden's Gate residents would use on an ongoing basis. Unlike the construction-related category, emissions from these sources would continue as long the units are inhabited.

Natural gas (and propane where natural gas is not available) is utilized in close to 80% of Ukiah Valley households according to the Census Bureau. Given the fact that PG&E serves the US 101 corridor south of Willits and the natural gas distribution network is close to the proposed subdivision, it would be a fair assumption that the proposed development would utilize that fuel for domestic uses. This would result in **746 tons** of CO₂e emissions from direct combustion on an annual basis. This estimate relies on California Energy Commission averages for new residential housing unit gas demand for this climate region.

Electricity will be utilized in all households and, given the presence of natural gas for heating and other applications would result in **368 tons** of CO₂e emissions per year. The electrical estimate is based on PG&E's **existing** Carbon "footprint" for their electrical mix and typical new residential electrical demand for this climate region. Unlike natural gas, which generates a constant 11.7 pounds of CO₂ per therm at combustion, the mix of energy sources a utility uses determines the CO₂e factor per kilowatt/hour (KWH) can vary significantly. PG&E utilizes a mix of non-GHG emitting hydropower, nuclear and renewable sources along with natural gas and coal generation. Over time, this footprint may increase or decrease as the utility's energy mix changes, though given the rising cost of non-renewable energy sources, shrinking reserves, and concern over climate change make further increases in the CO₂e per KWH factor unlikely.

Water and sewer use also result in GHG emissions, though the overwhelming portion is attributable to the energetic demands of pumping and distributing treated water. However, the proposed site's close location to the sewage treatment plant, the facility's almost negligible energy demands and use of recaptured methane result in a very low GHG emission factor per million gallons of treated effluent. Taken together, the proposed project would result in **40 tons** of CO₂e emissions from water and sewer use per year.

The final recurring residential factor is from solid waste removal. This factor encompasses the separate collection and removal of trash, green waste, and recyclables and factors in the transportation energy demanded and distance covered to accomplish that task. For the proposed project, that would represent **30 tons** of CO₂e GHG emissions each year for all solid waste types.

Transportation Demands: Unlike the initial use of concrete and the ongoing use of electricity or natural gas that have explicit per-unit or per-person relationships, transportation demand impacts are more difficult to quantify. A traffic model for the entire valley was completed and recently revalidated leading to an estimate of total Vehicle Miles Traveled (VMT). The firm of Illingsworth and Rodkin into total greenhouse gas emissions. Totals for both the current year emissions (2007) and the "No Project" buildout year which incorporates this project allow for the identification of new GHG's attributable to transportation usage by new development in the entire valley. This project accounts for slightly more than 10% of the entire new residential development in the "No Project" alternative model. Since most modeled "trips" occur between residential and non-residential points, and residential destinations represent half of all trip end-points, it is reasonable to assign 50% of the VMT and CO₂e emissions growth to new residential development valley-wide and sub allocate 10% of that to the proposed project. The resulting estimate of vehicle-related emissions is approximately **1405 tons** per year; a figure that could potentially be higher if actual vehicle trips travel further than expected (e.g. commuter trips to Sonoma County) or lower if residents walk more, utilize alternate means of transportation or drive more efficient cars. Over time this emission estimate will likely decrease as vehicle efficiency improves beyond modeled levels and the surrounding neighborhood builds out, increasing local commercial offerings within walking distance.

Added together, the proposed Garden's Gate subdivision will release **7,143 tons** of CO₂e during construction and potentially emit **2,589 tons** of CO₂e per year on an ongoing basis.

Additional—but currently unquantifiable emissions—are possible from the goods and services purchased by future residents of Garden's Gate.

POTENTIAL MITIGATION MEASURES THAT WILL REDUCE EMISSIONS

The above findings assume that the proposed housing units are constructed conventionally. By employing resource-conserving building practices and incorporating renewable energy sources into the project mix, significant quantities of (verifiable) CO₂e emissions could be averted. Most savings would occur from the residential resource use sector. The following mitigation measures will be recommended:

M-1: Not include natural gas service in the new subdivision. The debate between natural gas and electric use for domestic heating, hot water and appliances often revolves around cost and convenience between the two fuels. This analysis approaches the question from another direction: *which option emits fewer GHGs?* The answer is to use electricity. The average new gas/electric house in this climate zone utilizes 702 therms of gas and 8,803 KWH of electricity and results in 12,210 pounds of CO₂e emissions per year. The average new all-electric house requires 20,825 KWH of electricity per year, approximately two and a half times more electricity than the gas/electric residence. However the all-electric unit only emits 9,558 pounds of CO₂e per year, a 22% reduction in emissions compared to a gas/electric unit. This reduction is possible due to the relatively "clean" mix of electricity PG&E supplies compared to state or national averages. This mitigation measure does not include the use of more efficient electric furnaces, hot water heaters or household appliances in the calculations.

M-2: Include solar hot water heaters with back-up electric spot heaters. A conventional electric water heater uses an average of 4,600 KWH per year. A solar water heater with a backup electrical spot-water heater could potentially reduce average electrical demand to 1,800 KWH per year, a 61% energy savings. With PG&E's current GHG mix, this would eliminate nearly 1,300 pounds of CO₂e per unit.

M-3: Build to future Title 24 energy standards instead of today's. Utilize energy efficient construction materials and major appliances that comply with the future Title 24 standards, effective 2010. These standards require new construction to be 15% more energy-efficient and 20% more water-efficient than today.

M-4: Include a Photovoltaic Solar Energy system. Along with solar water heating, the opportunity to generate electricity from the sun also exists. After following the identified mitigation measures above to utilize only electricity and to reduce electrical demands by using energy-efficient building practices and solar water heating, a properly sized solar photovoltaic (PV) array could meet the remaining residential electrical demand. Since the sun only shines a portion of each day and in differing quantities depending on the season, each unit would still maintain a grid connection to PG&E. If this mitigation measure was incorporated and the resulting PV arrays were sized accordingly, it would be possible to reduce net electrical consumption to zero with a corresponding decrease in electrical-related CO₂e emissions. With a slight increase in array size, it would be possible to

offset remaining GHG emissions from water usage and solid waste disposal as well, achieving a “net-zero” carbon footprint from day-to-day residential resource use.

If a large scale PV system was deployed development-wide by the homeowner association, the association could take advantage of cost savings by purchasing and installing in bulk as well as “bundling” the electricity and selling it back to the grid (as a power provider) at significantly higher rates than individual households could attain. The association could also receive Renewable Energy Credits (RECs) which would provide an additional revenue stream while ensuring that CO2e emission savings are not “double counted.” The HOA could use this revenue to pay off loans used to purchase the equipment, reduce/eliminate homeowner fees and could possibly (if the system generated a profit) return a monthly dividend to the residents.

OTHER MITIGATION MEASURES THAT COULD REDUCE EMISSIONS

Mitigation measures 1-4 will reduce GHG emissions in a manner that can be empirically calculated and verified. The following mitigation measures could also reduce emissions; although by an unknown quantity.

M-5: Ensure street and pedestrian connectivity to current and future adjacent land uses. Creating a walkable community will decrease the dependence on vehicle trips. By ensuring the street and sidewalk network connects to existing and future land uses, and that transit service is available at a commonly accessible point, an increasing number of daily trips to school, work or local shopping destinations could be made on foot, by bike or by bus. A well connected street network would also reduce VMT by offering one or more direct ways for those trips made in an automobile, resulting in further emissions savings.

M-6: Ensure CC&R / HOA regulations do not preclude use of energy or water-saving devices or practices. Homeowner restrictions could have the potential to preclude the use of new technologies or time-tested practices for aesthetic reasons. An example of this would be the prohibition of clotheslines.

M-7: Provide community recreational and gardening facilities. Some emissions result from recreational trips as well as from fresh fruit and vegetable purchases. By offering these amenities in the project area, additional vehicle trips could be offset by walking and those interested in growing some of their own food could do so. Both could also help build a stronger neighborhood community.

M-8: Utilize “Greener” Building materials to lower construction-related emissions. Concrete usage could result in over 7100 tons of CO2e emissions and an unknown quantity from other construction sources. Using Pozzolan cement, local building materials and other strategies could reduce the carbon footprint embodied in construction materials.

UNMITIGATED EMISSIONS

Approximately 1,400 tons per year of transportation-related CO2 emissions will be created annually. No measures suggested by this report will significantly mitigate those emissions.

TABLE 1 – SUMMARY OF EMISSION SOURCES AND EACH MITIGATION MEASURE REDUCTION

GHG Source	“Business as Usual”	Mitigation Measure 1	Mitigation Measure 2	Mitigation Measure 3	Mitigation Measure 4
Concrete	7,388	--	--	--	--
Natural Gas	746	- 746	- 265	- 112	--
Electricity	368	+ 502	+ 83	- 56	- 368
Water System	40	--	--	- 8	--
Solid Waste Removal	30	--	--	--	--
Transportation	1,405	--	--	--	--
Annual Emissions	2,589	- 244	- 182	- 176	- 368

All emissions are CO2e quoted in (US) Short Tons. Mitigation measure reductions are from the “Business as Usual” and are not cumulative.

TABLE 2 – CUMULATIVE EMISSION REDUCTIONS

GHG Source	“Business as Usual”	M-1 only	M-1 M-2	M-1 thru M-3	M-1 thru M-4
Concrete	7,388	7,388	7,388	7,388	7,388
Natural Gas	746	0	0	0	0
Electricity	368	870	742	631	- 62
Water System	40	40	40	32	32
Solid Waste Removal	30	30	30	30	30
Transportation	1,405	1405	1405	1405	1405
Annual Emissions	2,589	2,345	2,217	2,098	1,405

All emissions are CO2e quoted in (US) Short Tons. Mitigation measures are cumulative. A negative number represents CO2e emission “offset” or extra reduction to compensate for continued emissions elsewhere.

No CO2e calculations for M-5 through M-8 are possible. **It is unlikely CO2e emissions can be decreased significantly from the 1,400 tons per year figure absent increased federal mileage standards and/or new vehicle technology.** It should be noted however, vehicle emission levels somewhat lower when compared to more conventional development in suburban areas. This is due to the project’s proximity to a small urban area that is both an employment and retailing center for the larger region factors that help lower the overall VMT and estimated emissions.

Appendix E

Public Services Data

Willow County Water District

151 Laws Avenue
Ukiah, California 95482-6655
707-462-2666
FAX 707-462-2687

June 07, 2005

Mr. Chris Stone
Ukiah Land LLC
3080 So. State Street
Ukiah, CA 95482

RE: Willow County Water District's Conditional Will-Serve Letter

Dear Mr. Stone:

Pursuant to a request made to the Board of Directors of the Willow County Water District at its Feb. 14, 2005 Board Meeting, the Board wishes to provide you with information on the terms and conditions under which it would provide water service to the proposed 210 unit subdivision. This property is currently within District boundaries and receives irrigation and domestic water service.

The District has determined that while it has sufficient water supplies to provide service to this project, the physical infrastructure of the District at the present time cannot accommodate this project. The District is therefore issuing this conditional will-serve letter regarding water service to this project. While sufficient infrastructure capacity may not currently exist, with construction of certain improvements the District would be able to fully serve this property.

The District will make a determination of the required improvements, and you will be required to enter into an agreement with the District to fund and or undertake construction of the required improvements. In addition, you will be required to pay for the District's reasonable attorney fees, engineering fees, and costs related to the negotiations and completion of the agreement. The agreement will also include an indemnity provision whereby you will agree to indemnify the District for any and all damages, costs and liability accruing from the District's issuance of this conditional will-serve letter, or the failure of subsequent developers and or purchasers to take or receive notice of this letter or the subsequent agreement.

Sincerely,



David N. Redding
General Manager

UKIAH VALLEY SANITATION DISTRICT

Executive Director
300 Seminary Drive
Ukiah, California 95482-5400
TELEPHONE: (707) 463-6295
FAX: (707) 463-6740

May 31, 2005

Mr. Christopher Stone, Manager
Ukiah Land, LLC
3000 South State Street
Ukiah, CA 95482

Mr. Stone,

I am in receipt of your latest email dated April 28, 2005 in which you propose to change your proposed sewer connections from 275 to 210 at a rate of 70 per year for your mixed use project at 3000 South State Street.

As you are aware, the Ukiah Valley Sanitation District (the District) agreed to supply your initial request of 275 connections based on their meeting review of March 23, 2005. The connection request will now be changed accordingly to reflect the latest request of 210 ESSUs.

Please be aware, the District relies for sewage treatment on the wastewater treatment plant ("the Plant") owned and operated by the City of Ukiah ("the City"). The City is currently undertaking an environmental review for a major reconstruction and capacity addition of the Plant that will increase its sewage treatment capacity or ESSUs. The City has informed the District the planned plant construction is tentatively scheduled to commence in July 2005. Additional ESSUs will be available to the District after the treatment plant upgrade/capacity project is completed.

Based on these facts, the District has sufficient capacity to serve new development projects provided the development projects proceed through the planning process and use the ESSU capacity within a reasonable time as outlined in the District's adopted ESSU procedure.

Any ability to provide sewer service to the your development is subject to and may be affected by limitations arising under generally applicable local, state and federal laws and policies regulating to the use and operation of the sewer system, including the Plant, and the enforcement of those laws by regulatory agencies or administrative or judicial enforcement proceedings.

COUNTY OF MENDOCINO
Michael Delbar
First District Supervisor

BOARD OF DIRECTORS
COUNTY OF MENDOCINO
Jim R. Wattenburger
Second District Supervisor

CITY OF UKIAH
Douglas Crane
Ukiah City Council

May 31, 2005

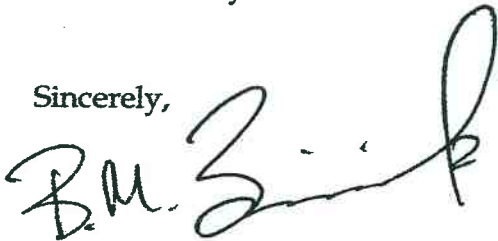
Please be advised a citizen suit under the Clean Water Act is currently pending in the United States District Court for the Northern District of California against the City which alleges the sewer collection system and the Plant are currently operated in violation of the Act. The North Coast Regional Water Quality Control Board will be reviewing and revising the waste discharge requirements for the sewer system and Plant, beginning in January 2005.

In addition, on April 13, 2005 the Ukiah Valley Sanitation District was served with a notice of similar violations with the intent to file suit under the Clean Water Act. This is very similar to the City of Ukiah's initial notice and will be discussed with the District's legal Council accordingly.

In regards to fees: The District adopted a connection fee schedule that increases as more of the available ESSUs are acquired. The schedule starts at approximately \$8,760 per ESSU increasing to \$16,760. Presently the fees are at \$11,760 per ESSU. Additional fees might be appropriate for infrastructure construction, etc.

If there are any further sanitation questions regarding this project please contact me.

Sincerely,



Bernard M "Bernie" Ziemianek
Executive Director - UVSD
300 Seminary Avenue
Ukiah, CA 95482-5400
O: 707-463-6295
F: 707-463-6740
email: berniez@cityofukiah.com

Copies To: R. Hall, County of Mendocino
T. McArthur, City of Ukiah
C. Stump, City of Ukiah



August 19, 2005

Chris Stone
3080 South State Street
Ukiah, CA 95482

Re: Will Serve Notice Gardens Gate Project

Dear Chris,

This letter is to confirm that the proposed project located on South State Street in Ukiah, California is within the SBC serving area in the Ukiah Main Exchange. Under its present plans SBC expects to be in a position to provide telephone service to applicants in the above development upon request in accordance with requirements of and at the rates and charges in its tariffs on file with the California Public Utilities Commission.

This offer to provide service will terminate 24 months after the date of this letter unless both of the following first occur: 1) a service agreement is executed by the developer and SBC; and, 2) all charges, if required, are paid by the developer.

If you have any questions I can be contacted on 707 468-2605.

Sincerely,

A handwritten signature in cursive script that reads "Maureen Devany". The signature is written in dark ink and is positioned above the printed name and title.

Maureen Devany
SBC Ukiah Engineering



**Pacific Gas and
Electric Company**

August 3, 2005

2641 North State Street
Ukiah, CA 95482

707.468.3914
Fax: 707.468.3967

Ukiah Land, LLC
Mr. Chris Stone
3080 S State St
Ukiah, Ca 95482

Ref:Gardens Gate Project
3000 S State St,Ukiah

Dear Mr. Stone :

This will confirm and serve to notify all interested agencies that electric and gas facilities are now existing and adjacent to the above referenced project.

The developer is required to make arrangements to remove or relocate any facilities conflicting with the development of this property.

Extension of electric and gas distribution facilities into this area will be made, upon request by the developer, in accordance with our Electric Rules 15 and 16 on file with the California Public Utilities Commission (copies of these rules may be obtained at this office upon request); provided any and all rights of ways will be provided for the facilities owned and operated by PG&E.

A project deposit will be required prior to our starting engineering work on this development. Any such payment shall be refunded or otherwise credited against any amounts due and owing by the developer when we have completed installation of our mainline extension facilities for this project.

PG&E will require an application for service, along with the supporting documentation and project deposit, and is proceeding with the engineering design of facilities to be installed.

When engineering is complete, PG&E's costs for extending and/or relocating electric distribution facilities will be available.

If you require additional information, please contact me at (707)468-3736.

Sincerely,

Deni Lee,
Senior New Business Representative

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Persons Contacted

Bengston, Dave	Mendocino County Agricultural Commissioner
Burck, Ann	City of Ukiah Public Works Department
Dewey, Chris	Ukiah Police Department
Doble, Kevin	Doble, Thomas and Associates, Inc.
Grebil, Dan	Ukiah Valley Fire District
Gustavson, Andy	Landmark Planning and Building Services, Applicant's Representative
Hudson, Gary	Mendocino County Sheriff's Office
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In addition, Patrick Ford of the Mendocino County Planning Team prepared the background data and recommendations used in developing the analysis of greenhouse gas emissions.