

APPLICANT: COUNTY OF MENDOCINO
501 LOW GAP ROAD
UKIAH, CA 95482

OWNER: PINOLEVILLE ECONOMIC DEVELOPMENT CORPORATION
2150 NORTH STATE STREET
UKIAH, CA 95482

REQUEST: Contract rezone on a 17.02 acre parcel from Agriculture (AG-40) to Single family (R-1) and Multiple-Family Residential (R-3).

LOCATION: Subject property is located at 801 Lovers Lane (AP# 170-060-01) on the south side of Lovers Lane, approximately 200 feet westerly of Despina Drive.

TOTAL ACREAGE: 17.02 ± Acres

GENERAL PLAN: Suburban Residential (SR)

UKIAH VALLEY AREA PLAN: Suburban Residential (SR)

ZONING: Agriculture- 40 acre minimum (AG-40)

SUPERVISORIAL DISTRICT: 1

ADJACENT ZONING: North: Rangeland-160 acre minimum and Agriculture-40 acre minimum (RL-160 & AG-40)
East: Residential (R-1)
South: Residential (R-1)
West: Rangeland-160 acre minimum (RL-160)

SURROUNDING LAND USE: North: Agriculture (vineyard)
East: Residential
South: Residential
West: Undeveloped open space

EXISTING USES: Single Family Home and row crop (vineyard)

ENVIRONMENTAL DETERMINATION: Project was fully evaluated by the Ukiah Valley Area Plan EIR; no additional analysis is required (CEQA, Section 15162.a).

RECOMMENDED ACTION: Approve the contract rezone

PROJECT DESCRIPTION: The proposed contract rezone will amend the current zoning of a vacant 17.02 acre parcel from Agriculture (AG-40) to Single-Family (R-1) and Multiple-Family Residential (R-3). The R-1 zoning district portion, totaling 11 acres, will abut the existing residential neighborhood that lies south and east of the parcel and the rural land that lies to the west. The R-3 portion of the rezone will lie in the center of the site, occupying the remaining 6 acres and bounded by the new R-1 zoning district. The contract rezoning will ensure that future development of residential uses on the site will be located

more than 100 feet from agricultural lands and establish a landscape buffer along the north and west side of the property to shield residential uses from agricultural activity.

BACKGROUND: In August of 2011, with the adoption of the Ukiah Valley Area Plan (UVAP), the Board of Supervisors directed Planning and Building Services (PBS) to initiate rezonings within the Ukiah Valley Area Plan (UVAP) planning area to implement the 2011 Housing Element. Housing Element Action Item 3.1d requires the County to rezone at least 24 acres of land to R-3 or mixed use, which will yield 480 multi-family residential units, at residential densities up to 29 units/acre. Initially, the 8 acre Rural Community Housing Development Corporation's property in the Brush Street Triangle was rezoned to R-3 by the Board of Supervisors. The Board also considered, but did not approve, rezoning the entire subject 17 acre property to R-3. Subsequently, the Board approved rezonings, totaling 7 acres, in three separate locales along North State Street and South State Street. As a result, 15 of the 24 acre rezoning requirement has been fulfilled as of this writing. Another 6.5 acres are currently being considered for rezoning to R-3 by the Board of Supervisors, as recommended by the Planning Commission. The previously approved and pending rezonings, along with this proposed rezoning, will fulfill the County's Housing Element 24 acre rezoning commitment, provided the Mill View Water District moratorium on new water hook-ups is lifted. If the moratorium is not lifted by the end of June 2015, the County will have to rezone approximately 7 acres to replace land located within the moratorium area to fulfill the 24 acre rezoning requirement.

SITE CHARACTERISTICS: The subject property is accessed either directly off of Lover's Lane, a public street. The parcel, including the proposed R-3 portion of site, is located within 300 feet of Mill View Water District water lines and Ukiah Valley Sanitation District sewer lines. The site is flat, with no mature trees or water features.

KEY ISSUES:

General Plan Consistency: The proposed rezoning brings the zoning of this property into conformance with the adopted General Plan and UVAP Suburban Residential land use designation (General Plan Table 3-1) as required by State Planning and Zoning law (California Government Code Section 65860).

As listed below, the rezoning will also:

- Allow increased and flexible land use density and intensity to implement the Housing Element Policy (General Plan DE-26)
- Encourage compact development patterns, infill, redevelopment and reuse in community areas to protect natural resources and maximize the efficient use of infrastructure and services (General Plan Policy DE-35)
- Designate adequate land to meet neighborhood and community growth demand for a broad range of commercial, residential and mixed uses (General Plan Policy DE-35)
- Promote suitably located housing and services for a range of ages and incomes within Ukiah Valley (UVAP Policy LU 1.3)
- Adopt and implement zoning and development standards which locate higher density and intensity development proximate to the integrated transportation corridor (UVAP Policy LU 1.3b)
- Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents (Housing Element Policy 3.1).

The County is committed to providing a wide range of multi-family housing opportunities in all areas of the county. Specifically, the recommended contract rezoning will help the County fulfill a key Housing Element goal to rezone 24 acres to R-3 and/or to the newly created Mixed-Use land use category and allow the construction of at least 480 new units by right (Housing Element Action Item 3.1d).

Land Use Compatibility: The site has been identified by the UVAP as an appropriate location to accommodate multi-family housing. The site is flat, served by Mendocino Transit Authority Route 9, and is located within 300 feet of existing water (Mill View Water District) and waste water (Ukiah Valley Sanitation) lines. To help mitigate potential conflicts between the agricultural uses to the north and east and potential future residential development on the site, a contract rezone pursuant to County Code Section 20.212.010. The contract rezone will allow the County to mitigate impacts of future development on the site through the establishment of a 100 foot agricultural buffer and landscaped berm, per General Plan policy RM-109. Based on community concerns, gathered at the neighborhood meeting, PBS modified the original split zoning concept to expand the R-1 zoning along the abutting neighborhood and reducing the buildable R-3 zoning area to 3.81 acres outside of the agricultural setback (see Attachments).

Community Input: On January 14, 2015 staff conducted a neighborhood meeting to present the proposed rezone to the community (See Attachments). Thirty four (34) community members attended to hear the County's proposal and to provide input. The topics raised focused on questions pertaining to:

Infrastructure- Availability of water, the ability of Lovers Lane in its current state to handle an influx of potential housing, and traffic circulation;

Staff Response: Staff acknowledged the moratorium is a current constraint for developing the site, but reiterates this rezone sets the stage for future development. Further the rezone brings this parcel into compliance with the UVAP.

Compatibility of the proposed R-3 rezoning and agricultural uses surrounding the parcel- Potential effect on local bee keeping operations and the loss of particularly high quality of the soil on the parcel;

Staff Response: The creation of a 100 foot agricultural buffer between the any future residential use developed on the site and the active agricultural operation to the north and west should reduce potential adverse affects to the agricultural uses and residential uses. The environmental affect, including the conversion of agricultural land, related to this and other lands designated Suburban Residential was fully analyzed by the UVAP EIR and found an unavoidable significant impact associated with the build-out of land within Ukiah Valley which was approved by the Board of Supervisors.

Pinoleville Economic Development's long term plans for the site- Whether the parcel would be put into a land trust, whether the County had any assurances that the parcel would not be put into trust should the rezoning be approved, and what consequences the County would face should the rezoning be approved and the Pinoleville Economic Development subsequently put the parcel into a land trust.

Staff Response: PBS staff is aware that the Pinoleville Tribe has prepared an application to place the land into Trust. The tribe has put that application on hold in support of the County's effort to rezone the property for residential development consistent with the UVAP Suburban Residential land use classification. The County has no ability to prevent the tribe from applying for trust status. If the land is put into trust after the property is rezoned, the next update of the County's Housing Element Residential Land Inventory will document the transfer of the land into trust.

Environmental Review: The EIR for the Ukiah Valley Area Plan (2011) provided an analysis of the potential environmental effects associated with the build out of the UVAP. The UVAP included a Suburban Residential land use designation for the property with direction for R-3 zoning as an implementing zoning designation, which was part of the CEQA analysis process. California Code of Regulations, Title 14, Chapter 3 (Guidelines for California Environmental Quality (CEQA), Section 21166 states: When an environmental impact report has been prepared for a project pursuant to this division, no

subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one of more of the following events occur:

- Substantial changes are proposed in the project which will require major revisions of the environmental report.
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

It should be further noted that the requested R-3 rezoning is not associated with any specific development, and any such development that submits development plans through the permitted development will be analyzed independently. This rezoning is merely to provide consistency between the UVAP Land Use Designations and the Mendocino County Zoning Code.

RECOMMENDED MOTION: The Planning Commission recommends that the Board of Supervisors adopt the proposed contract rezoning of the subject property from AG-40 to R-1 and R-3, making the following findings:

ENVIRONMENTAL FINDINGS: No significant adverse environmental impacts will result from the proposed rezoning; and therefore no additional environmental evaluation is required nor necessary pursuant to Section 15162 (a), California Code of Regulations, Title 14, Chapter 14, Guidelines for the California Environmental Quality Act, since the environmental impacts have already been evaluated by the Environmental Impact Report (EIR) prepared for the Ukiah valley Area Plan.

GENERAL PLAN CONSISTENCY FINDING: The proposed contract rezoning is consistent with the applicable goals and policies of the General Plan, the Housing Element, and the Ukiah Valley Area Plan.

DATE

KEVIN THOMPSON
PLANNER

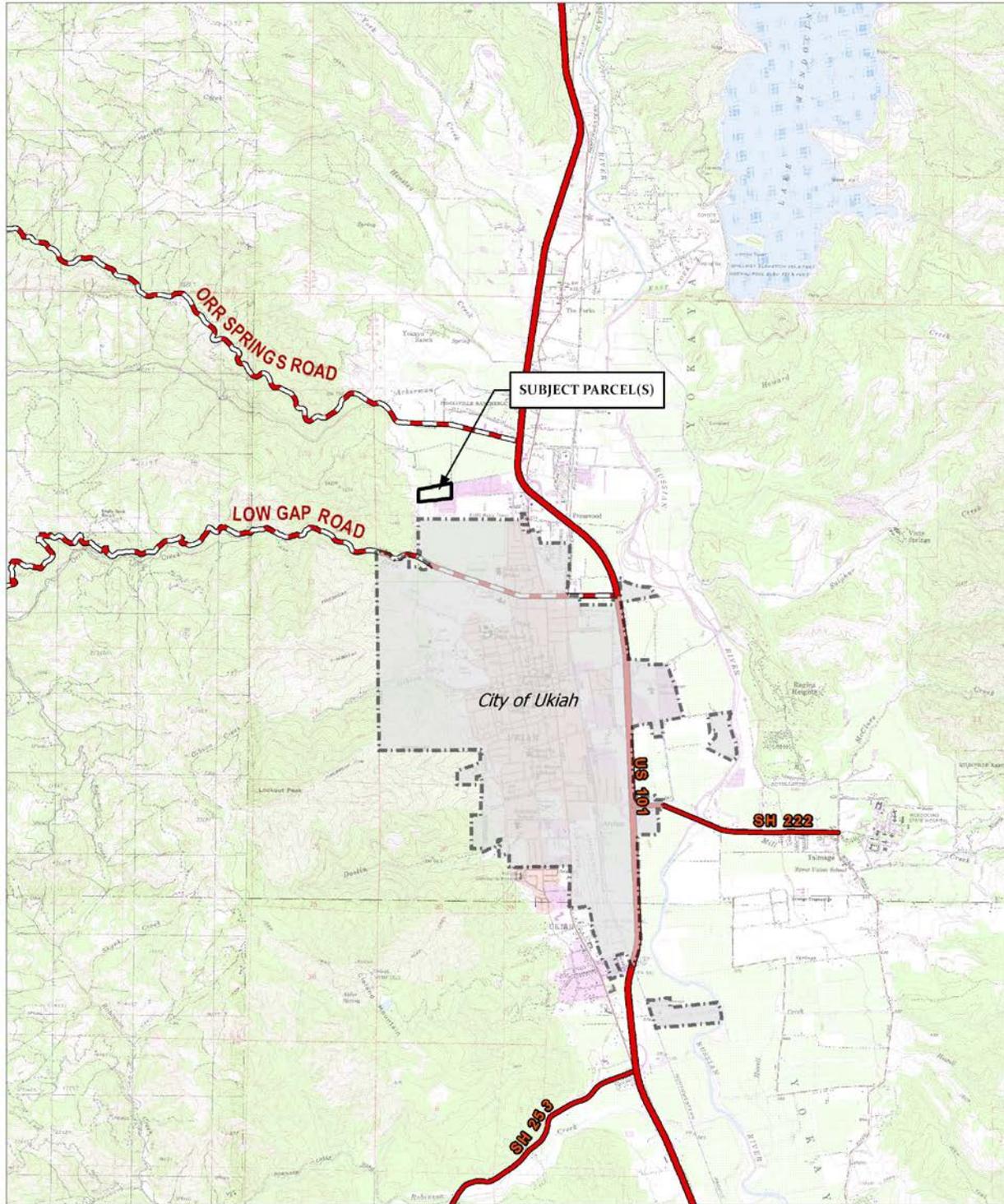
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CONTRACT REZONE

ATTACHMENTS:

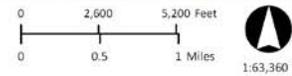
- A- Location Map
- B- Aerial Map
- C- Adjacent Owner Map
- D- Zoning Map
- E- General Plan Map
- F- Water District Map
- G- Sewer District Map
- H- Neighborhood meeting: Comments, Power Point, List of Attendees

ATTACHMENTS
R 2014-0005



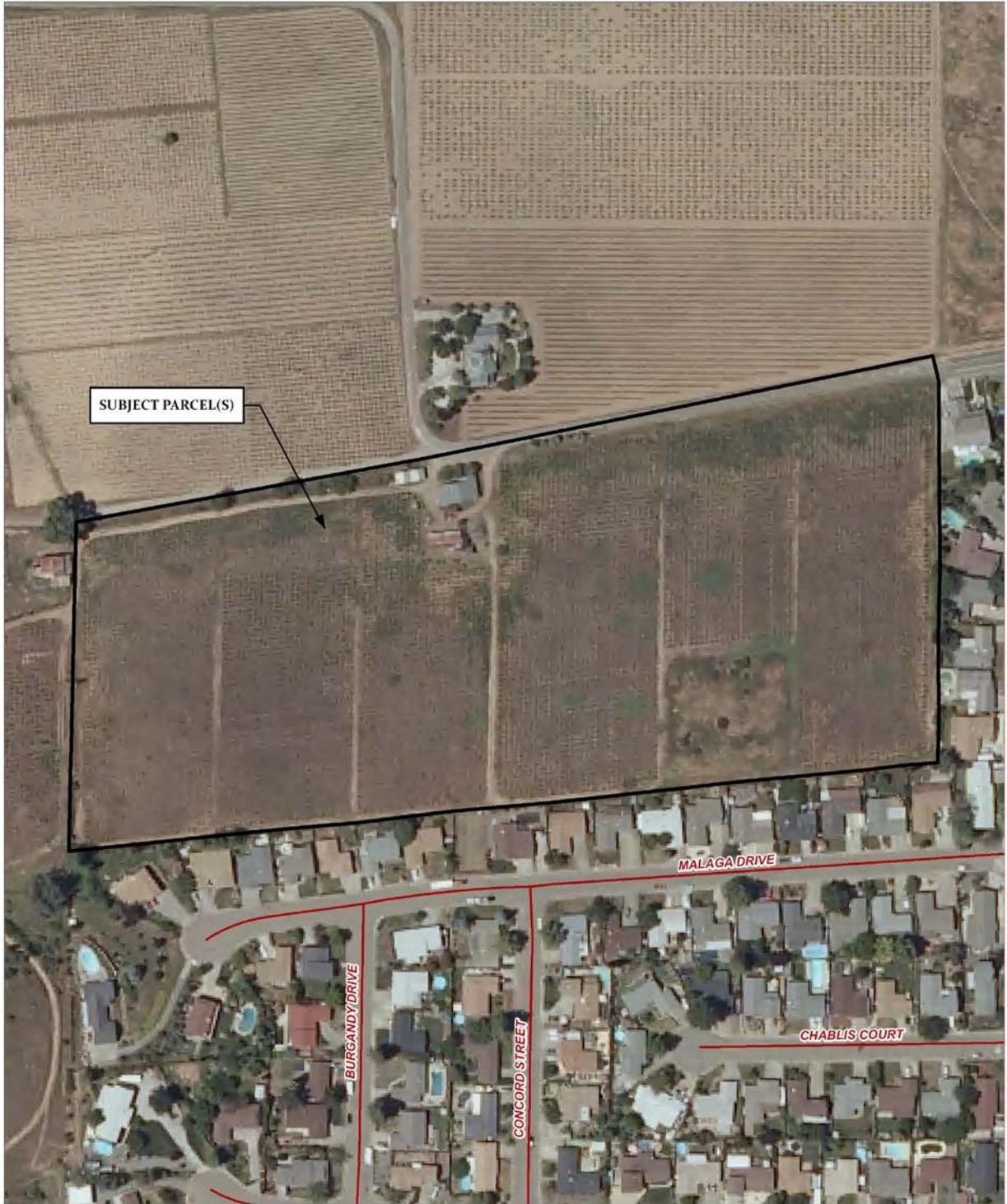
CASE: R 5-2014
OWNER: Pinoleville Economic Dvlp. LLC
APN: 170-060-01
APLCT: MenCo PBS
ADDRESS: 801 Lovers Lane, Ukiah

-  Incorporated City Limits
-  Major Roads
-  Highways



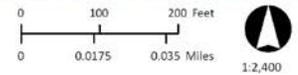
LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, November, 2014
All spatial data is approximate. Map provided without warranty of any kind.



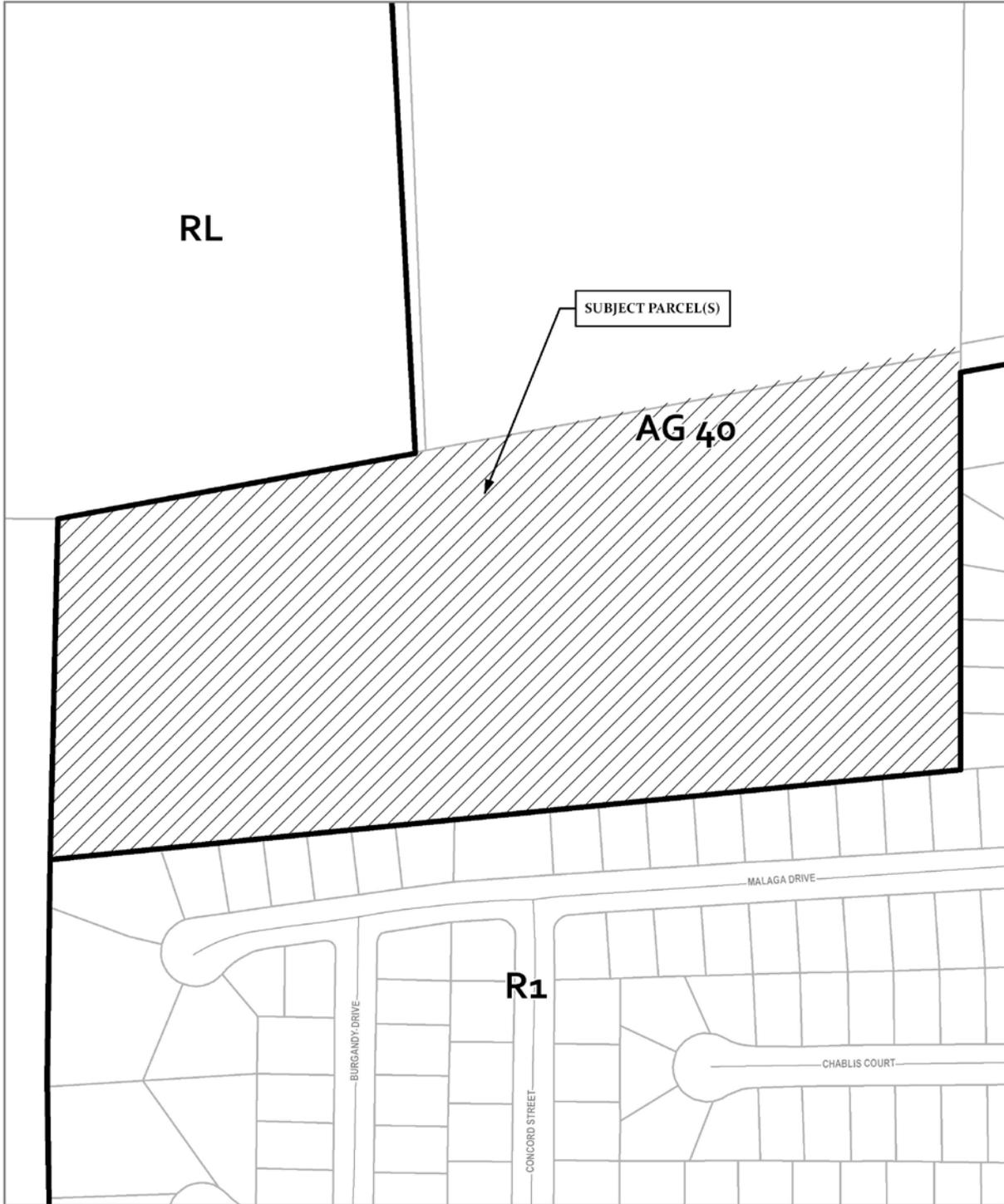
CASE: R 5-2014
OWNER: Pinoleville Economic Dvlp. LLC
APN: 170-060-01
APLCT: MenCo PBS
ADDRESS: 801 Lovers Lane, Ukiah

Public Roads



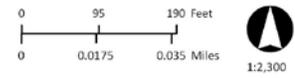
2010 NAIP AERIAL ORTHOPHOTO

Map produced by the Mendocino County Planning & Building Services, November, 2014
All spatial data is approximate. Map provided without warranty of any kind.



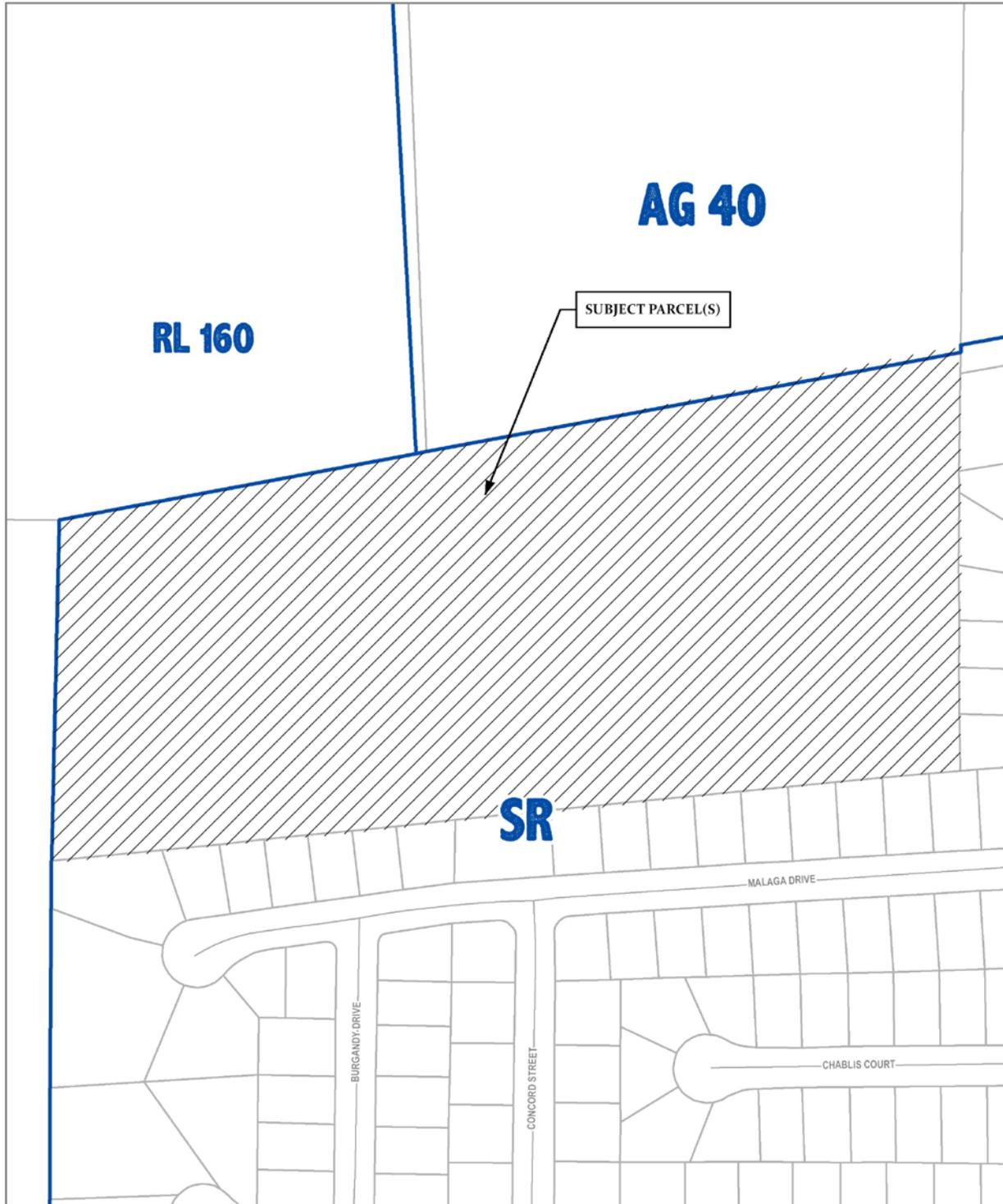
CASE: **R 5-2014**
OWNER: **Pinoleville Economic Dvlp. LLC**
APN: **170-060-01**
GP/BZ: **SR / AG 40**
ADDRESS: **801 Lovers Lane, Ukiah**

 Assessor Parcels 10-13-G
 Public Roads



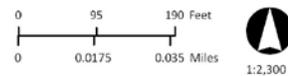
ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, November, 2014
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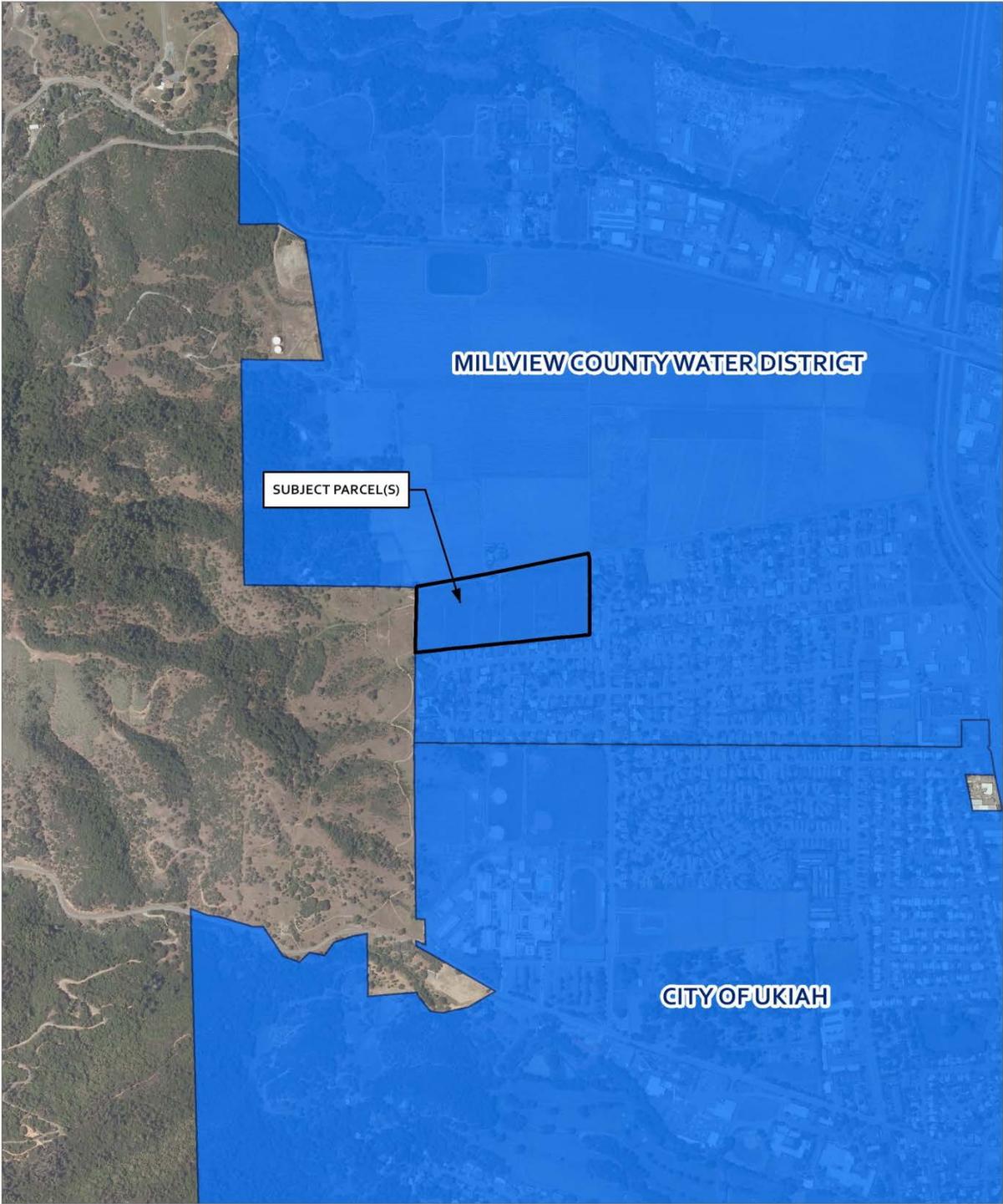
CASE: R 5-2014
OWNER: Pinoleville Economic Dvlp. LLC
APN: 170-060-01
GP/BZ: SR / AG 40
ADDRESS: 801 Lovers Lane, Ukiah

Assessor Parcels 10-13-G
Public Roads



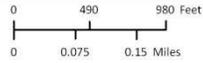
GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, November, 2014
All spatial data is approximate. Map provided without warranty of any kind.



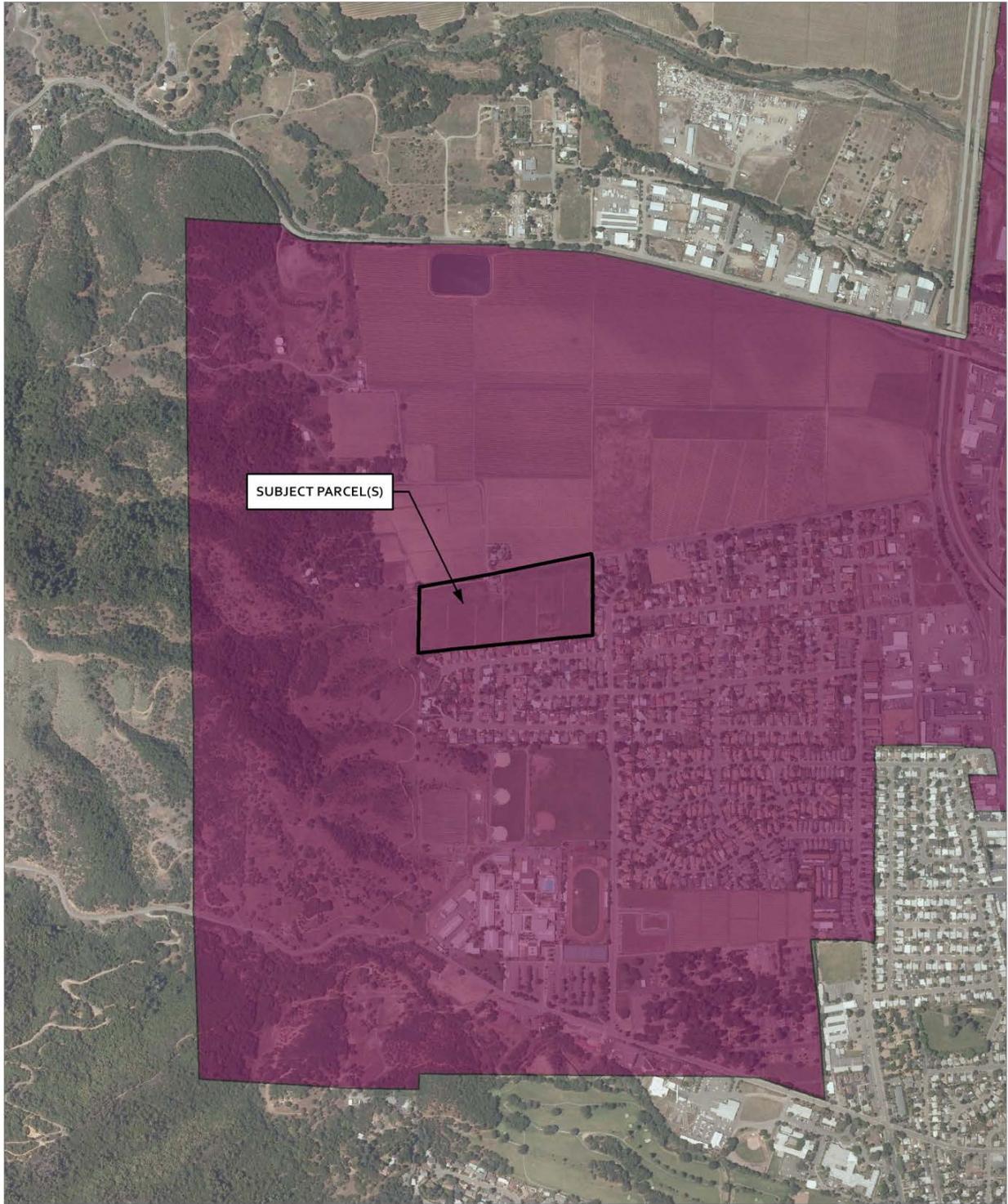
CASE: R 2014-0005
OWNER: Pinoleville Economic Dvlp., LLC
APN: 170-060-01
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ADDRESS: 801 Lovers Lane, Ukiah

 County Water Districts



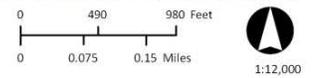
WATER DISTRICTS

Map produced by the Mendocino County Planning & Building Services, February, 2015
All spatial data is approximate. Map provided without warranty of any kind.



CASE: R 2014-0005
OWNER: Pinoleville Economic Dvlp., LLC
APN: 170-060-01
APLCT: MenCo PBS
ADDRESS: 801 Lovers Lane, Ukiah

 Ukiah Valley Sanitation Dist.



SANITATION DISTRICT

Map produced by the Mendocino County Planning & Building Services, February, 2015.
All spatial data is approximate. Map provided without warranty of any kind.



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

ATTACHMENT H

Ft

plb@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

MEMORANDUM

DATE: January 15, 2015
TO: Planning Commission
FROM: Planning Staff
RE: Subjects Raised During Lovers Lane Neighborhood Meeting, 1/14/2015

On January 14, 2015 a neighborhood meeting took place in the Mendocino County Board of Supervisors chambers to discuss the possible rezoning of a 17 A± parcel from an AG-40 designation to a combination of R-1 and R-3 to bring the parcel into compliance with UVAP land use designation and the County Housing Element. Steve Dunicliff, Andy Gustavson, John Speka, Kevin Thompson, and Graham Hannaford were in attendance from Mendocino County Planning and Building Services along with the thirty-four (34) other members of the community who signed the "sign-in sheet". The following topics were raised by the members of the community following Kevin Thompson's presentation of the rezoning proposal:

- **County resources- Why this parcel?**- A discussion took place concerning other potential sites to bring the County into compliance with its Housing Element and why the Lovers Lane parcel was selected as a candidate for rezoning.
- **Rezoning's compatibility with surrounding agricultural uses-** In particular the affect a potential multi-home development would have on the bee keeping operation in the near vicinity. Members of the community were concerned that the same conditions exist for this property that applied in 2011, when a previous effort to rezone this parcel was denied by the Board of Supervisors.
- **Assurances the land would not be put into trust-** Community members were curious as to whether the County could obtain any assurances the land would not subsequently be put into trust by the Pinoleville Economic Development (PED) group.
- **Pinoleville Economic Development intent for the land-** Questions were raised as to whether the County knew of any plans the PED may have for the parcel, either with the rezoning or if it were put into trust.
- **Extremely limited options for the County-** Pertaining to areas that can be rezoned to R-3 and put the County into compliance with its General Plan.
- **Offsite improvements and infrastructure schedule and funding-** Who would be responsible for the infrastructure to support a multi-family development, such as the widening of Lovers Lane and the addition of sidewalks, not only in front of the development but also for other areas of public thoroughfares that could be affected.
- **Why is the parcel suitable now?**- The community wanted to know what specifically had changed since the last proposal, which was denied.

- **Traffic concerns-** Congestion is already a concern for some of the local residents. Questions were raised about the County's plans to alleviate the expected rise in traffic due to potential future developments.
- **Water availability-** The parcel is located within the Millview County Water District, which currently has a moratorium on any development due to limited water resources. The community asked how this could impact potential future developments.
- **Consider General Plan Amendment-** One member of the community raised the idea that an amendment could be made to the General Plan to rezone some parcels north and east of the current subject parcel. The reasoning for this proposal was the weaker soil quality on the parcels and their location in relation to public services.
- **Landowners options if the rezone is denied-** A discussion of PED's options if the rezone would be denied occurred. The discussion primarily centered around the possibility of the land being put into trust.
- **Trust risk to County requirements-** The community wanted to know whether the County would be forced to find more land to rezone as R-3 should this rezone be passed and the PED then put the subject parcel into trust at some point in the future.
- **Alternate parcels-** The possibilities of parcels around Brush Street and the old Masonite site being rezoned for R-3 development were discussed.
- **Neighborhood crime-** Community members were concerned about the crime that they associate with multi-family units.
- **Have Ukiah fulfill housing requirement-** As Ukiah is a part of the County of Mendocino, and one of the few places in the County where higher density housing would be appropriate, community members asked about the possibilities that the City of Ukiah could satisfy the requirements of the County's General Plan and House Element responsibilities pertaining to multi-family zoning.
- **Looking outside of Ukiah Valley-** Community members wanted to know the process for having parcels located outside of the boundaries of the Ukiah Valley fulfill the requirements of the County's Housing Element and General Plan.
- **Disperse the area-** The opportunities for the County to satisfy the terms by finding smaller parcels to rezone adding up to the required land needed was discussed. Ultimately the conversation returned to the previous point of the County's limited number of opportunities in regards to parcels appropriate for the R-3 designation.
- **Soil quality-** A local farmer commented on the high quality of the soil that covers the subject parcel. He was also concerned about the amount of water a multi-family development would use in comparison to the amount of water necessary for agricultural uses.
- **Open Space needs-** With an increased population, community members would like open space concerns addressed.
- **Expand mailing area-** Although the County doubled its required mailing radius for the meeting, some local residents still did not receive an invitation. The County took this under consideration for future mailings.
- **Ag commissioner comments-** Mendocino County Agricultural Commissioner Chuck Morse had comments pertaining to the more technical aspects of creating a barrier between the residential and agricultural uses. Specifically, Mr. Morse suggested the landscaping berm be 3'-4' tall with tiered vegetation to create a sufficient screen and the recommendation that Agricultural disclosures be provided to potential residents.

Lovers Lane Rezone Neighborhood Meeting



Mendocino County
Building and Planning Department
January 14, 2015

Agenda

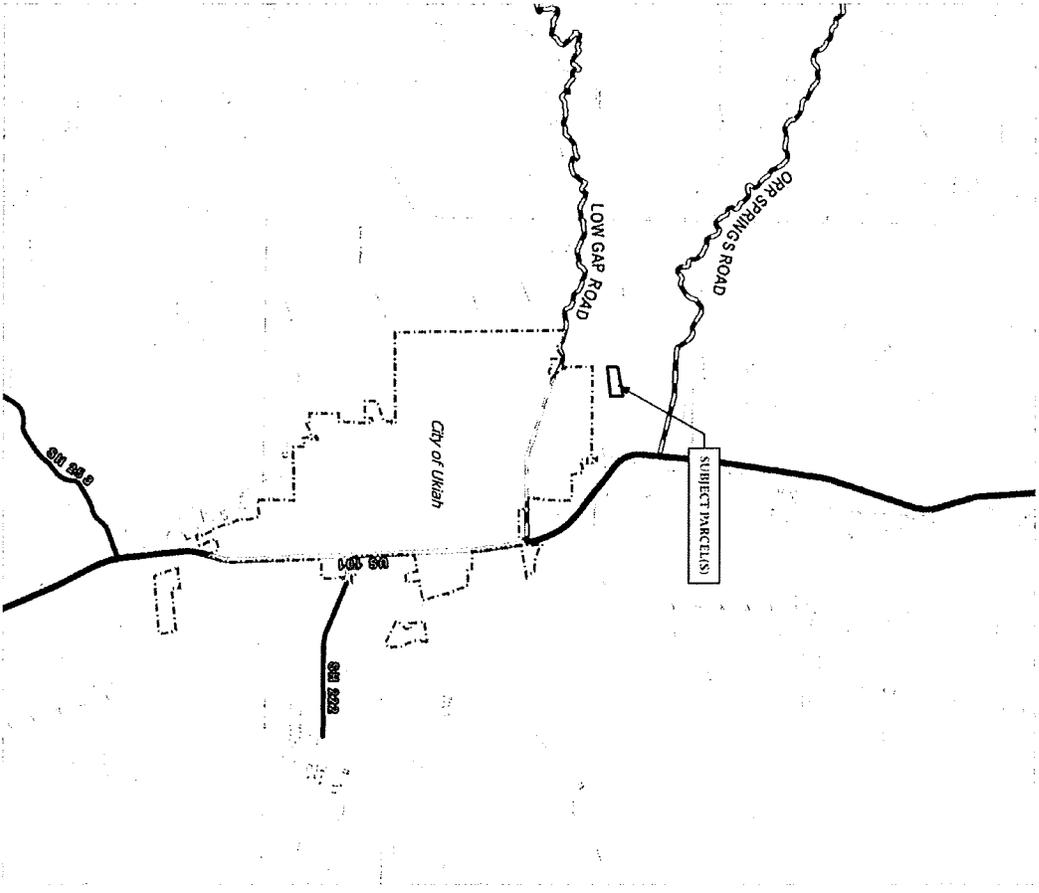
- Background
- Rezoning completed to date
- Current Proposals
- Impacts
- Next Steps

Lover's Lane Rezone Meeting January 14, 2015



LOCATION

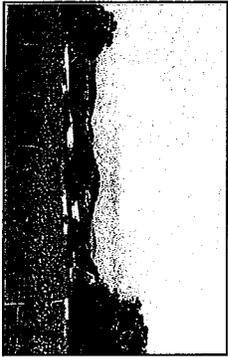
Located with the
Ukiah Valley Area Plan



CASE: R 5-2014
OWNER: Pinoleville Economic Devlp, LLC
APN: 120-060-01
PROJECT: MendCo PIS
ADDRESS: 801 Lovers Lane, Ukiah
Map prepared for the Mendocino County Planning and Community Development Department
Map Date: 12/15/2014

Lover's Lane Rezone Meeting January 14, 2015





Background- Key Points

- No building project is being proposed: long range
- The proposal has changed since previous hearings

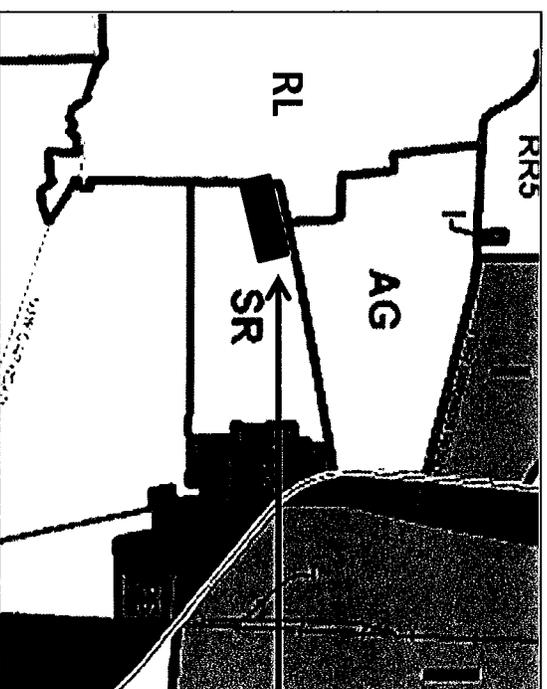
Lover's Lane Rezone Meeting January 14, 2015



BACKGROUND

Why is this Being Proposed?

- Ukiah Valley Area Plan: (Adopted in 2011)
Zoning conformance with General Plan land use designations is a legal requirements



Proposed
Rezone
Location

Lover's Lane Rezone Meeting January 14, 2015



BACKGROUND

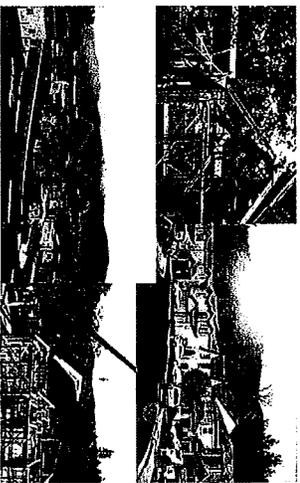
Why is this Being Proposed?

Housing Element:

County will rezone at least **24 acres** of land to R-3 to accommodate its multi-family housing needs.



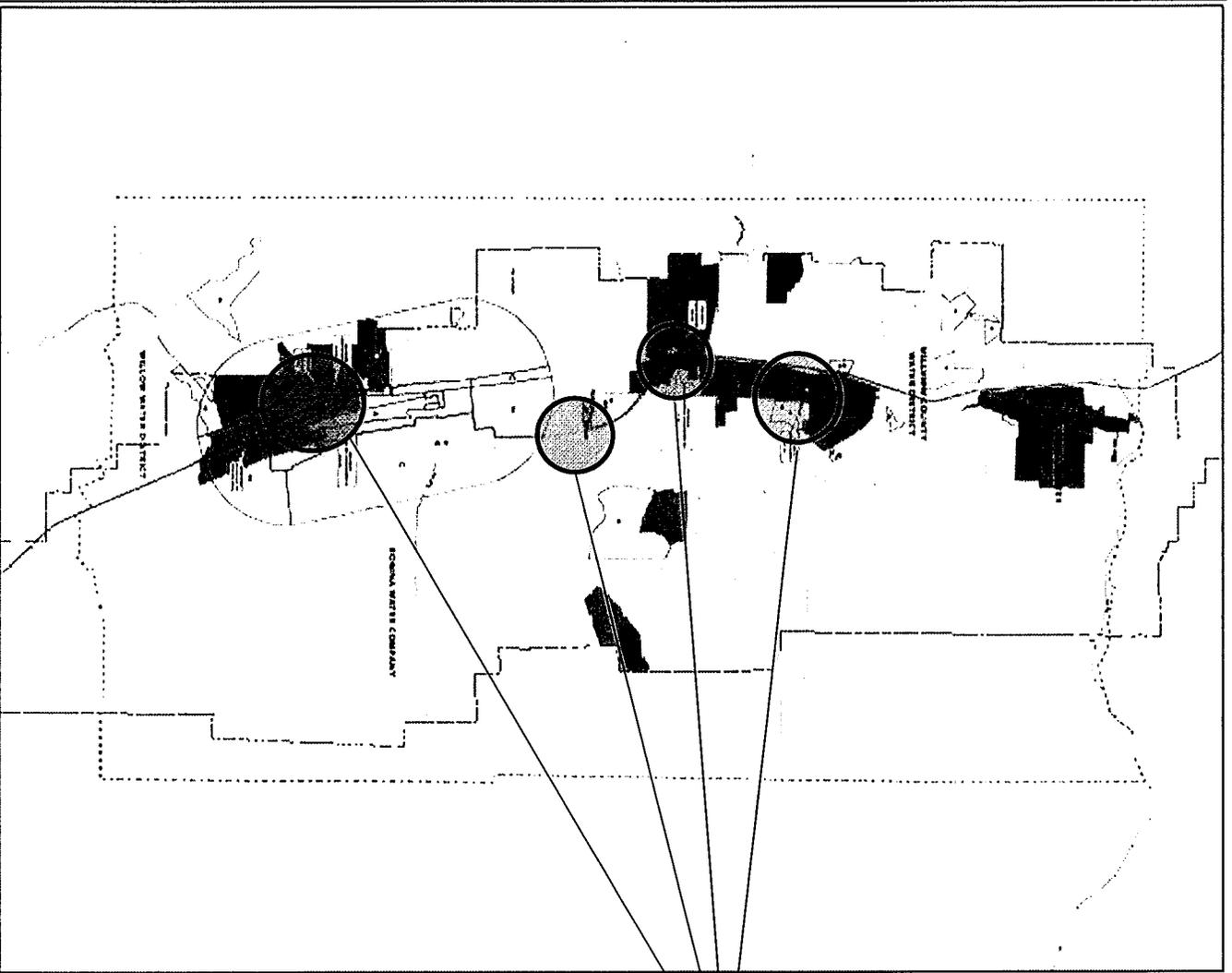
County of Mendocino
Housing Element



Adopted by the Board of Supervisors- March 23, 2010
Certified by the Department of Housing and Community Development- April 20, 2010

Prepared By:
Department of Planning and Building Services
501 Low Gap Road, Room 1440
 Ukiah, CA 95482



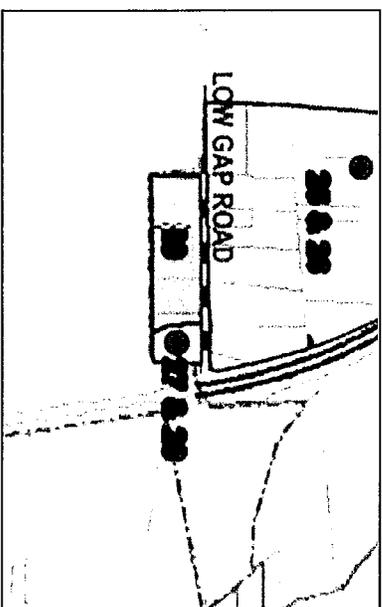
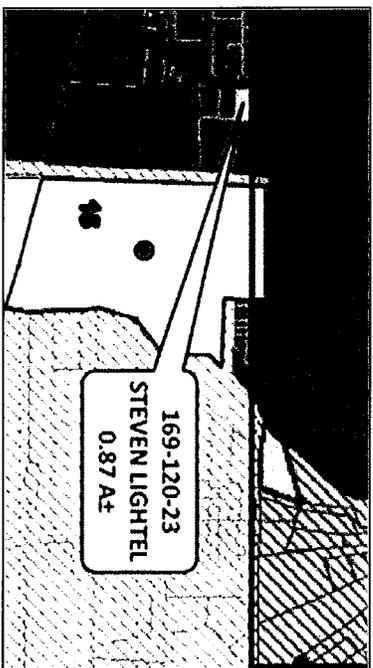


Approved Rezones

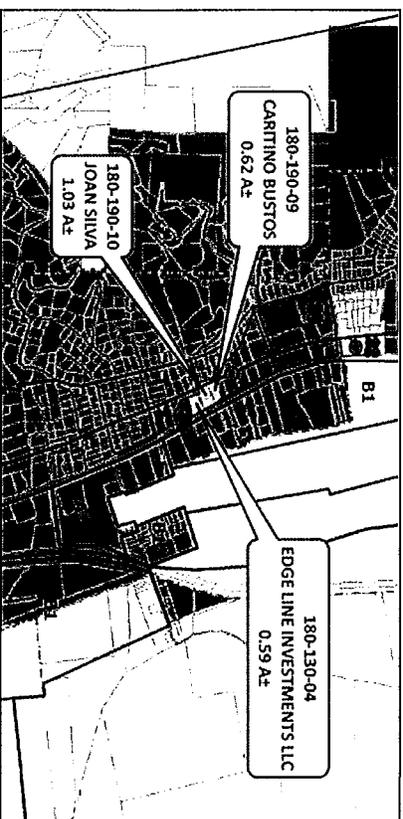
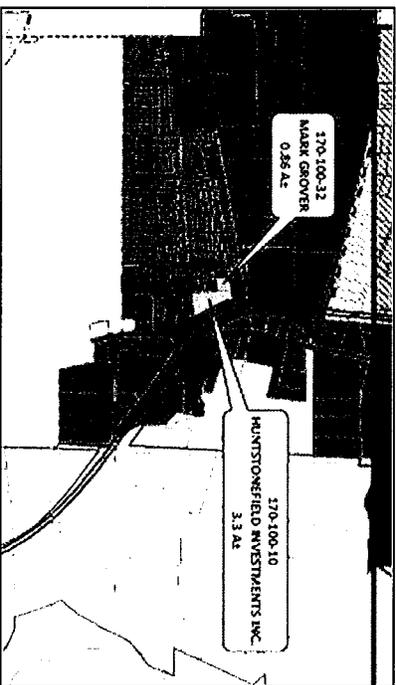
15 Acres
in total



Approved Rezones



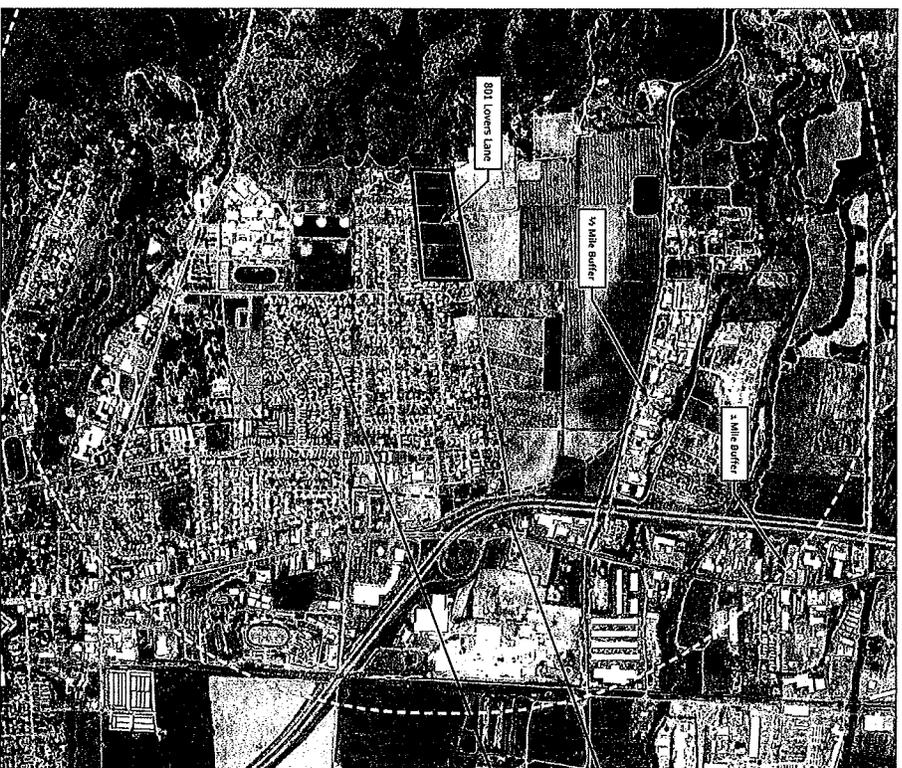
15 acres total
has been
rezoned



Lover's Lane Rezone Meeting January 14, 2015

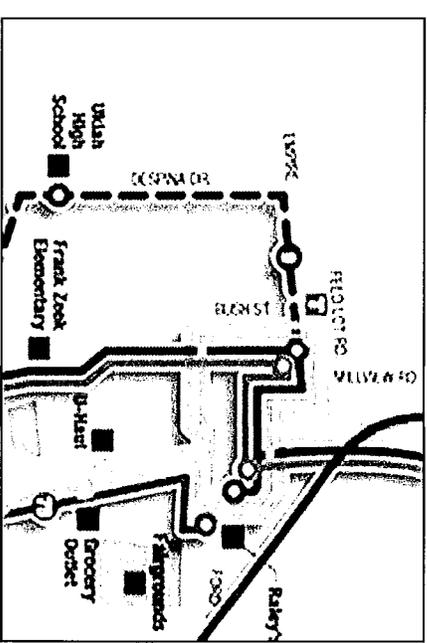


Location Analysis



Shopping

School



- Access to transit / services
- Mill View Water District
- Other residential use nearby

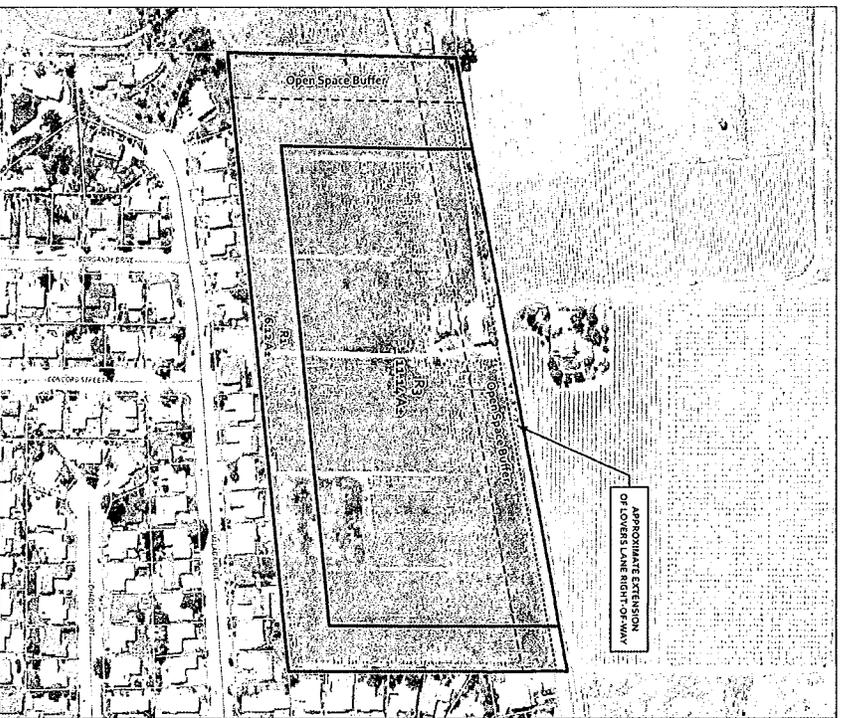
Lover's Lane Rezone Meeting January 14, 2015

Proposal Comparisons



Case # 2011-0001
 OWNER: Phinotville Economic Dvlp, LLC
 APN: 072-038-700-00
 ADDRESS: 5th Level, Larkspur, CA 94033

2011 NMAP AERIAL ORTHOPHOTO



Case # 2011-0001
 OWNER: Phinotville Economic Dvlp, LLC
 APN: 072-038-700-00
 ADDRESS: 5th Level, Larkspur, CA 94033

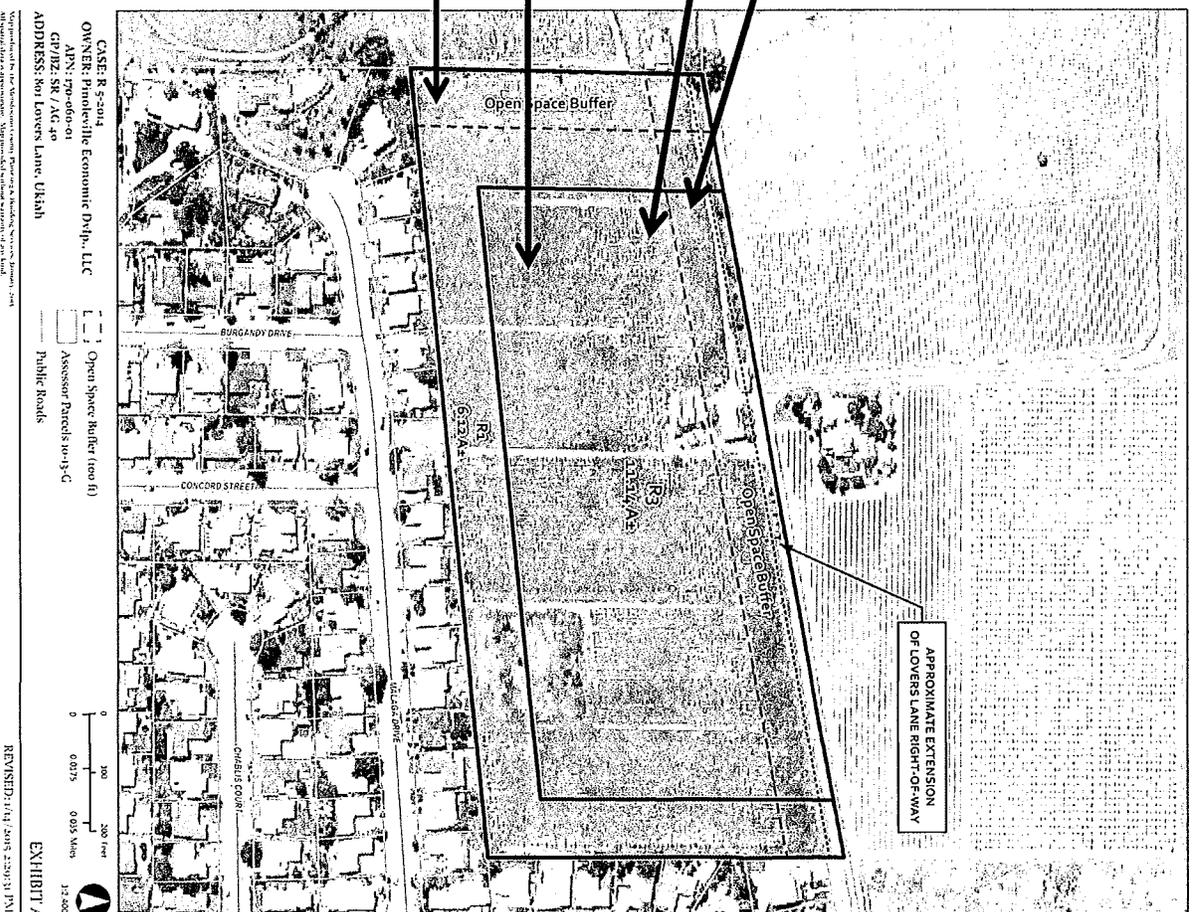
REVISION: 11/12/10 2:58 PM

2011

Current

Current Proposal

Agricultural
Buffer
Landscaped
berm
Multi-
Family
Single
Family



Community Input

- Provide comments for the record
- Comments will be included in Planning Commission and Board's report

Lover's Lane Rezone Meeting January 14, 2015



Next Steps

- Gather community input
- Planning Commission- Tentative Feb 19th
- Board of Supervisors- Tentative March

Lover's Lane Rezone Meeting January 14, 2015



Lovers Lane Neighborhood Meeting Attendees

NAME	ADDRESS	EMAIL
Rick Simons	780 Malaga Drive	simonsmfg@gmail.com
Janet McGee	1475 Despina Drive	mcgeejanet42@yahoo.com
Hollis Wood	1732 Despina Drive	woodhollis@sbcglobal.net
Rod and Debbie Christian	1385 Burgundy Drive	debandrodchristenson@comcast.net
Luis and Candace Baroza	1600 Despina Drive	Candace and luis@yahoo.com
Rachel and Bill Maki	660 Malaga Drive	Makiconstruction1@sbcglobal.net
Les Ridgway	661 Malaga Drive	ridgaro@sbcglobal.net
Collin Maxwell	1560 Carrigen Lane	Collin@collinmaxwell.com
Christine Naong	760 Malaga Drive	c.naong@yahoo.com
Andrea Reed	1201 N Bush Street	Andrareed223@gmail.com
Cathy Harper	581 N. Dora Street	harpeboc@gmail.com
Paul Dolan	Lovers Lane Vineyard	paul@pauldolan.com
Jonathan Caledaiis	1390 Burgundy	Jonathan.ashlar@gmail.com
Allison Caledaiis	1390 Burgundy	Ah_19@yahoo.com
Mike Devrey	650 Chablis Court	mdevry@pacific.net
Rick and Kathy Feigin	800 Lovers Lane	kfeigin@sonic.net
Lisa Ray	790 Lovers Lane	lisatheray@gmail.com
Beverly Devry	650 Chablis Court	
M Katinos	451 Lovers Lane	
A Petsakos	471 Lovers Lane	
Paul Katinos	451 Lovers Lane	
Dave Wellington	1575 Despina Drive	dpwelly@yahoo.com
Karol Petsch	860 Malaga Drive	
Stella Petsakos	451 Lovers Lane	
Randy Woesner	830 Malaga Drive	woesner@sbcglobal.net
Virginia Mougiani	425 Lovers Lane	
Jason Cox	840 Malaga Drive	coxjn@sbcglobal.net
Michelle Young	Lovers Lane	
Chuck Morse		
(illegible)	471 Lovers Lane	