



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
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MEMORANDUM

DATE: FEBRUARY 19, 2015
TO: PLANNING COMMISSION
FROM: ANDY GUSTAVSON, CHIEF PLANNER
RE: STAFF REPORT ADDENDUM – REVISED REZONING CONTRACT

On January 15, 2015 the Planning Commission continued the public hearing to allow Planning and Building Services (PBS) staff and the applicants, Mr. Cox and Mr. Mayfield, to refine the conditions of the proposed contract rezoning.

PBS met with the applicants and other interested Brush Street property owners on January 13th and then again on the 30th. The discussion focused on Condition 3b, which establishes the timing of construction of area-wide improvements including circulation, utilities, open space, and recreation facilities located with the Mixed Use Site (R 2014-0004) depicted on the Brush Street Master Plan. The owners agreed to a proposed revision of the original condition which will allow property owners to construct interim circulation improvements serving only development within the Mixed Use Site provided, however, the owner enters into an Improvement Agreement that requires full area-wide circulation improvements when they are needed to serve future development in the Brush Street Triangle (BST). All other area-wide improvements would be provided by the owner at the time of development within the Mixed Use Site.

The applicants and the other interested parties also agreed upon the type and general location of area-wide improvements within the Brush Street Triangle planning area, as depicted on the attached Master Plan. They stressed the exact location of the roadways must be flexible to accommodate a future project but expressed their commitment to build the improvements to County standards based on their existing property owner agreements. The proposed contract rezoning was revised to acknowledge the exact alignment or location of improvements may change provided these improvements continue to coordinate with area-wide development.

The draft Master Plan shows the following area-wide improvements consistent with the Ukiah Valley Area Plan.

- Two minor arterial roads including (1) a north-south extension of Orchard Avenue through BST to Ford Road, running in a line approximately 300-feet of the Highway 101 freeway, and (2) expansion of Brush Street, between Orchard Avenue and the railroad track crossing.
- A local collector road extension of Orr Street northwards to the middle of the Mixed Use Site and then a new road (Brunner Street) from the north end of the Orr Street Extension east to the Orchard Avenue extension.
- Public utilities along all roadways and within a line projected north between the Orr Street local collector road extension to the drainage ditch.
- Two open space segments over the east-west drainage ditch that runs along the north boundary of the Mixed Use Site, between the railroad tracks and the Orchard Avenue Extension, and along the railroad right-of-way, between the drainage ditch and Ford Road.
- A bicycle path (Class 1) within the open space segments and within the Orr Street public utility easement.

The revised contract rezoning and exhibits are attached for the Planning Commission's consideration.

REVISED VERSION ACCEPTED BY PROPERTY OWNERS

RECORDING REQUESTED BY:

County of Mendocino County
Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

AND WHEN RECORDED MAIL TO:

County of Mendocino County
Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

CONTRACT FOR COMPLIANCE WITH REZONING CONDITIONS

(Section 27281.5 of the Government Code)

IN CONSIDERATION OF the adoption by the Board of Supervisors of an ordinance amending Title 20 of the Mendocino County Code so as to add Ordinance Number _____ and thereby rezone Assessor's Parcel Numbers 002-050-16, 002-050-17, 002-010-10, 002-020-05, 002-040-40, 002-040-41, 002-050-14, and 002-050-15 as follows:

Assessor's Parcel Numbers 002-050-16 and 002-050-17 are reclassified from I-1:FP to R-3:FP:CR shown in attached Exhibit A and as described in attached Exhibit B and Assessor's Parcel Numbers 002-010-10, 002-050-05, 002-040-40, 002-040-41, 002-050-14 and 002-050-15 are reclassified from I-1:FP to C-2:FP:CR shown in attached Exhibit A and as described in attached Exhibit C.

Assessor's Parcel Numbers 002-050-16, 002-050-17, 002-010-10, 002-050-05, 002-040-40, 002-040-41, 002-050-14 and 002-050-15, as shown in Exhibit D, are contiguous parcels which constitute a Mixed Use Site where an integrated development project with significant functional and a coherent physical design can be established, consistent with the Ukiah Valley Area Plan.

Jack L. Cox TTEE et al and CVH Investments LLC 1/2 hereby warrants that they are the owners of the foregoing property, and Agree and Promise to comply with the following conditions pursuant to Section 27281.5 of the California Government Code.

CONDITIONS

The following conditions must be fulfilled in conjunction with the establishment and construction of a structure associated with a permitted use, approved by a ministerial permit (e.g. building permit) or discretionary permit (e.g. use permit, subdivision), hereinafter referred to as "Project", within the Mixed Use Site shown in Exhibit D:

- 1) All Projects shall be consistent with the Ukiah Valley Area Plan (UVAP) including but not limited to the general intent, guidelines, uses, and standards associated with the Mixed Use Brush Street Triangle land use classification (UVAP, Appendix I, Page 12-4).
- 2) All Projects shall be consistent with the Mixed Use Compatibility Standards contained in Section 20.085.055 of Title 20, Division I of the Mendocino County Code ("Inland Zoning Code"), including the Ukiah Valley Area Plan Community Design Guidelines (Resolution # 14-102) or until such time the Inland Zoning Code is amended to included specific Mixed Use Compatibility Standards for the Brush Street Triangle.

- 3) Traffic circulation, infrastructure, and open space improvements associated with any Project within the Mixed Use Site shall be located as depicted by the Brush Street Triangle Master Plan, which may be modified from time to time, and constructed accordingly to County Division of Land Standards, commencing with Article VI, General Regulations and Provisions, to serve existing and future development within the Brush Street Triangle as follows:
- a. Prior to the construction of any Project, but not including an accessory use or structure, the property owner shall dedicate to the County access, utility, and open space easements to accommodate development of the area-wide circulation, infrastructure and open space improvements illustrated within the Mixed Use Site shown on the Brush Street Triangle Master Plan (Exhibit D).
 - b. Prior to the completion of any Project within the Mixed Use Site, the property owner shall construct all on-site circulation, infrastructure and open space improvements illustrated within the Mixed Use Site shown on the Brush Street Triangle Master Plan (Exhibit D). Alternatively, the property owner may be allowed to construct interim roadway improvements necessary to serve the Project and existing uses within the Mixed Use Site provided the property owner enters into an Improvement Agreement, consistent with Article VIII, Division of Lands Regulations, to construct traffic circulation, infrastructure, and open space improvements when the County Engineer deems is necessary to serve future area-wide development within the Brush Street Triangle.

IT IS AGREED that the forgoing agreement and promise shall constitute a deed restriction and shall run with the land and constitute an equitable servitude and restrictive covenant.

In the event of non-compliance with the aforesaid conditions, consent is hereby given that the aforesaid property may be rezoned in compliance with Government Code.

Sections 65853, et seq., and shall be subject to other action authorized by the Mendocino County Code.

IT IS FURTHER AGREED that this contract shall be binding upon the successors and assigns of the owners of land known as Assessor Parcel Numbers 002-050-16, 002-050-17, 002-010-10, 002-020-05, 002-040-40, 002-040-41, 002-050-14, and 002-050-15, more particularly shown in the attached Exhibit A and described in the attached Exhibit B and Exhibit C, and shall be effective only after it is signed by the owners and verified by the County of Mendocino.

JACK L. COX TTEE *et al*

DATE

CVH INVESTMENTS LLC ½

DATE

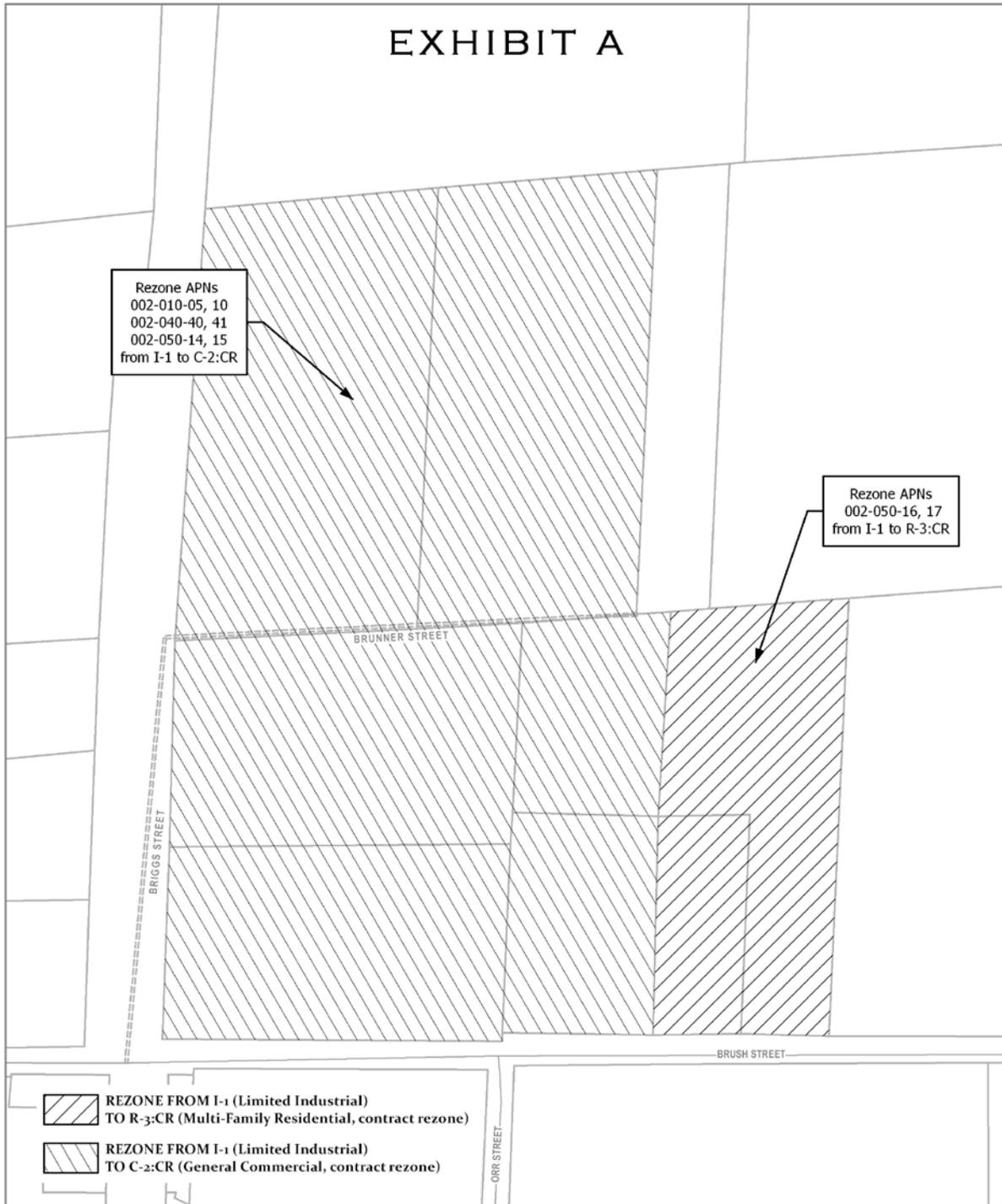
ACKNOWLEDGEMENT

STATE OF CALIFORNIA
County of Mendocino

On the _____ day of _____, 2015, before me, the undersigned a Notary Public, in and for said State, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/ are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf which the person(s) acted, executed the instrument.

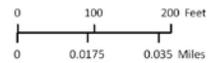
WITNESS my hand and official seal.

EXHIBIT A



CASE: R 4-2014
OWNER: Multiple
APN: 002-050-16, et. al. (8 APNs)
GP/BZ: MUBST / I1
ADDRESS: Brush Street, Ukiah

□ Assessor Parcels 10-13-G
 — Public Roads
 ===== Private Roads



REZONE EXHIBIT

EXHIBIT B

ALL THAT CERTAIN REAL PROPERTY SITUATED AND SHOWN ON THE REVISED SUBDIVISION OF THE BRUNNER-BRIGGS ADDITION #1 FILED IN MAP CASE 1, DRAWER 3, PAGE 56, MENDOCINO RECORDS, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCELS 3 AND 4 AS SHOWN ON A MAP FILED IN MAP CASE 2, DRAWER 50, PAGE 27, MENDOCINO COUNTY RECORDS.

APN: 002-050-16 AND 17

EXHIBIT C

PARCEL ONE:

LOTS 4 AND 5 OF THE 'REVISED SUBDIVISION OF THE BRUNNER-BRIGGS ADDITION NO. 1' FILED IN MAP CASE 1, DRAWER 3, PAGE 56, MENDOCINO COUNTY RECORDS.

TOGETHER WITH THAT PORTION OF THE NORTH HALF OF BRUNNER STREET DESIGNATED ON SAID MAP WHICH LIES BETWEEN THE SOUTHERLY EXTENSION OF THE EASTERLY AND WESTERLY LINES OF PARCEL ONE ABOVE DESCRIBED.

APN: 002-010-10 AND 002-020-05

ALL THAT CERTAIN REAL PROPERTY SITUATED AND SHOWN ON A MAP OF REVISED SUBDIVISION OF THE BRUNNER-BRIGGS ADDITION NO. 1 FILED IN MAP CASE 1, DRAWER 3, PAGE 56, MENDOCINO COUNTY RECORDS, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCELS 1 AND 2 AS SHOWN ON A MAP FILED IN MAP CASE 2, DRAWER 50, PAGE 27, MENDOCINO COUNTY RECORDS.

APN: 020-050-14 AND 15

AND ALL THAT CERTAIN PROPERTY COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2 AS SHOWN ON A MAP FILED IN MAP CASE 2, DRAWER 50. PAGE 27, MENDOCINO COUNTY RECORDS; THENCE SOUTH 01°46'42" WEST ALONG THE CENTERLINE OF THE FORMER ORR STREET, 38.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°46'42" WEST ALONG THE CENTERLINE OF THE FORMER ORR STREET 316.86 FEET MORE OR LESS TO THE NORTHERLY LINE OF BRUSH STREET (C.R. #217); THENCE SOUTH 88°56'56" WEST ALONG THE NORTHERLY LINE OF BRUSH STREET, 35.04 FEET; THENCE LEAVING THE NORTHERLY LINE OF BRUSH STREET NORTH 01°46'42" EAST, 316.86 FEET TO A POINT THAT BEARS SOUTH 88°56'56" WEST, 35.04 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 88°56'56" EAST, 35.04 FEET TO THE POINT OF BEGINNING.

PURSUANT TO MENDOCINO COUNTY BOUNDARY LINE ADJUSTMENT #B1-98.

APN: 002-040-40

AND ALL THAT CERTAIN REAL PROPERTY SITUATED AND SHOWN ON A MAP OF THE REVISED SUBDIVISION OF THE BRUNNER-BRIGGS ADDITION NO. 1 FILED IN MAP CASE 1, DRAWER 3, PAGE 56, MENDOCINO COUNTY RECORDS, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2 AS SHOWN ON A MAP FILED IN MAP CASE 2, DRAWER 50, PAGE 27, MENDOCINO COUNTY RECORDS; THENCE SOUTH 01°46'42" WEST ALONG THE CENTERLINE OF THE FORMER ORR STREET, 38.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°46'42" WEST ALONG THE CENTERLINE OF THE FORMER ORR STREET 316.86 FEET MORE OR LESS TO THE NORTHERLY LINE OF BRUSH STREET (C.R. #217); THENCE SOUTH 88°56'56" WEST ALONG THE NORTHERLY LINE OF BRUSH STREET, 471.94 FEET TO THE EASTERLY RIGHT OF WAY LINE OF BRIGGS STREET; THENCE NORTH 01°52'51" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF THE SAID BRIGGS STREET AND THE WESTERLY LINE OF LOT 6 OF THE SAID REVISED SUBDIVISION. 316.89 FEET; THENCE LEAVING THE EASTERLY LINE OF BRIGGS STREET AND THE WESTERLY LINE OF SAID LOT 6 NORTH 88°56'56" EAST, 471.38 FEET TO THE POINT OF BEGINNING.

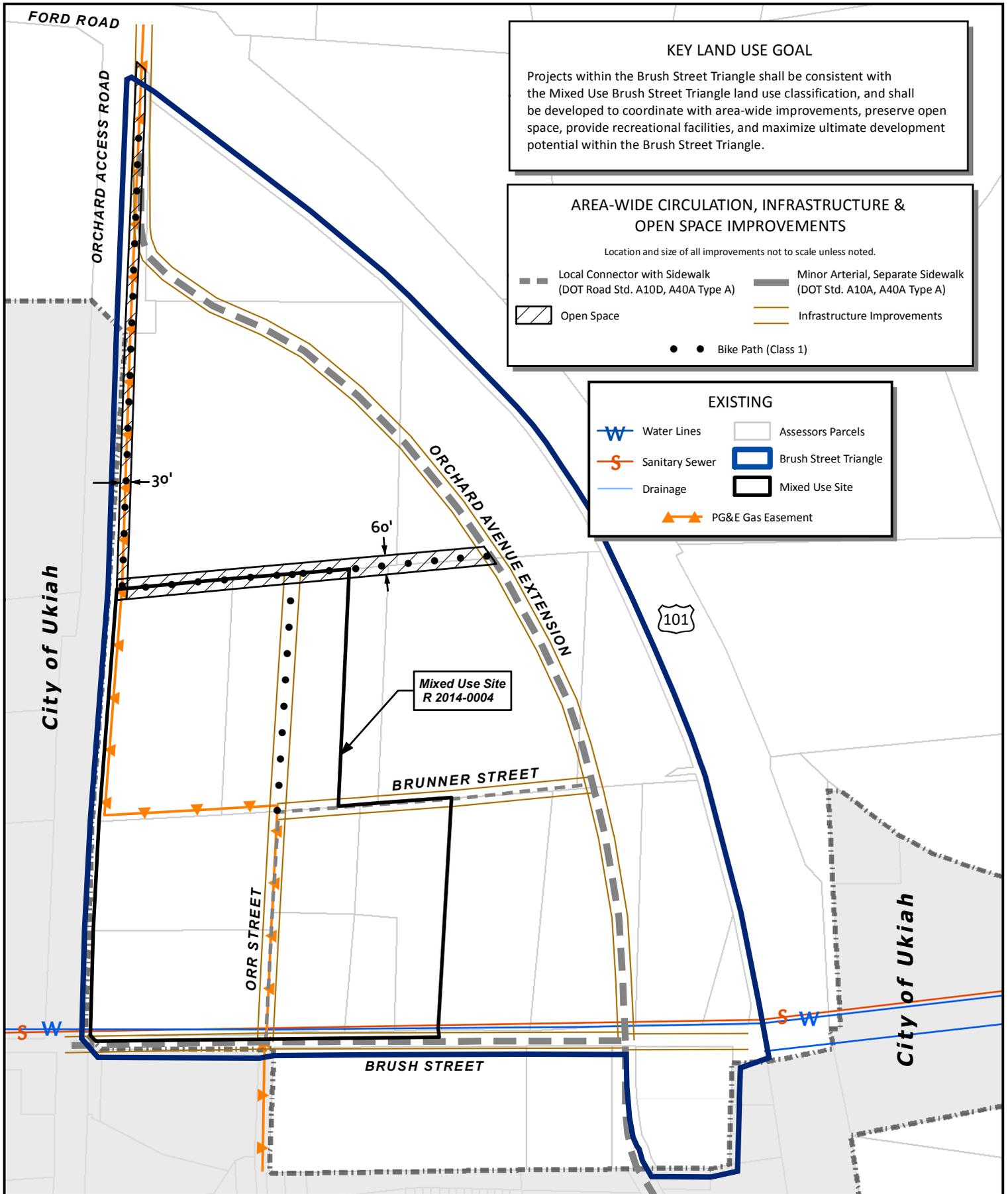
TOGETHER WITH THAT PORTION OF BRIGGS STREET VACATED BY THE COUNTY OF MENDOCINO BY RESOLUTION NO. 98-175 RECORDED OCTOBER 9, 1998, DOCUMENT NO. 1998-19404, MENDOCINO COUNTY RECORDS WHICH LIES BETWEEN THE WESTERLY EXTENSION OF THE NORTHERLY AND SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL.

APN: 002-040-41

BRUSH STREET TRIANGLE MASTER PLAN

R 2014-0004, Draft February 19, 2015

EXHIBIT D



KEY LAND USE GOAL

Projects within the Brush Street Triangle shall be consistent with the Mixed Use Brush Street Triangle land use classification, and shall be developed to coordinate with area-wide improvements, preserve open space, provide recreational facilities, and maximize ultimate development potential within the Brush Street Triangle.

AREA-WIDE CIRCULATION, INFRASTRUCTURE & OPEN SPACE IMPROVEMENTS

Location and size of all improvements not to scale unless noted.

- Local Connector with Sidewalk (DOT Road Std. A10D, A40A Type A)
- Open Space
- Minor Arterial, Separate Sidewalk (DOT Std. A10A, A40A Type A)
- Infrastructure Improvements
- Bike Path (Class 1)

EXISTING

- Water Lines
- Sanitary Sewer
- Drainage
- PG&E Gas Easement
- Assessors Parcels
- Brush Street Triangle
- Mixed Use Site

Map produced by the Mendocino County Department of Planning & Building Services, February, 2015
 Parcel data current October, 2013. All spatial data is approximate.
 This map and its associated data are provided without warranty of any kind.