

OWNERS: JACK L. COX TTEE ET AL
PO BOX 1389
UKIAH, CA 95482

CVH INVESTMENTS LLC
455 E. GOBBI ST
UKIAH, CA 95482

APPLICANT: PLANNING AND BUILDING SERVICES
860 N BUSH STREET
UKIAH, CA 95482

SUBJECT: Zone Change

PROPOSAL: Request Zone Changes of Assessor Parcel Numbers (APN) 002-050-16 & -17 from I-1:FP (Limited Industrial: Flood Plain) to R-3:FP:CR (Multi-Family Residential-Contract Rezone: Flood Plain), and of APN's 002-010-10, 002-020-05, 002-040-40, -41, 002-050-14, and -15 from I-1:FP (Limited Industrial; Flood Plain) to C-2:FP:CR (General Commercial-Contract Rezone: Flood Plain).

ENVIRONMENTAL DETERMINATION: No additional environmental evaluation is required, nor necessary, pursuant to Section 15162 (a) of the California Code of Regulations. The environmental impacts have already been evaluated by the Ukiah Valley Area Plan Environmental Impact Report.

GENERAL PLAN: Mixed Use Brush Street Triangle

ZONING: Limited Industrial (I-1)

RECOMMENDATION: Recommend that the Board of Supervisors approve the Contract Rezoning.

PROJECT DESCRIPTION: The project is a request for a zone change of two legal parcels, totaling 4.13± acres, from I-1:FP to R-3:FP:CR and for a zone change of five legal parcels, totaling 20.0± acres, from I-1:FP to C-2:FP:CR. The Contract Rezone (CR), pursuant to County Code Section 20.212.010, is requested over multiple contiguous parcels to establish a "Mixed Use Site" that will ultimately be developed with a mix of use types consistent with the Ukiah Valley Area Plan (UVAP) Mixed Use Brush Street Triangle (MUBST) land use classification (UVAP Appendix 1), the UVAP Brush Street Triangle Master Plan requirement (UVAP Implementation Measure LU 1.2f), and the UVAP Community Design Guidelines (BOS Resolution #14-102).

BACKGROUND: The property owners requested the County's proposal to rezone their parcels to allow expansion of the existing ministorage facility as a permitted use to the north and potentially develop a residential care facility on the east. The R-3 portion of the contract rezone will help the County to implement the General Plan Housing Element which requires the County to rezone 24-acres to R-3 and/or Mixed Use (MU) to provide opportunity for multiple family housing located within 300 feet of existing water and sewer improvements (Housing Element Action Item 3.1d).

SITE CHARACTERISTICS: The two legal parcels (APN's 002-050-16 & -17) proposed to be rezoned to R-3:FP:CR total 4.13± acres and the five legal parcels (APN's 002-010-10, 002-020-05, 002-040-14, 002-040-41, and [002-040-15 & 002-040-40]) proposed to be rezoned to C-2:FP:CR total 20.0± acres. Three of the legal lots to be rezoned to C-2:FP:CR are developed with mini-warehouses, a use that is consistent with the C-2 zoning district. The remaining legal parcels within this proposed rezone are vacant with very little vegetation. There is a drainage ditch located on the northern boundary of the rezone area that extends east-west through the Brush Street Triangle area.

The properties are accessed either directly off of Brush Street or by a private street. All of the properties are within the City of Ukiah Sewer Sanitation District with the exception of the two legal parcels proposed to be rezoned to R-3:FP:CR. While none of the parcels are within the City of, the two parcels being rezoned to R-3 are allowed water connections by a Settlement Agreement with the City. Those parcels that front on Brush Street are within 300 feet of an Ukiah Valley sanitation sewer main and the City of Ukiah water main.

SURROUNDING LAND USE AND ZONING: The properties surrounding the Brush Street lots to the north and east are designated MUBST in the UVAP, the property located to the south of Brush Street is designated Suburban Residential (SR) in the UVAP and the property located to the west is within the City limits of Ukiah.

The zoning to the north and east of the subject property is I-1 (Limited Industrial) and lies within the FP (Flood Plain) Combining District. The I-1 zoning is not consistent with the MUBST Land Use Classification (General Plan, Table 3-1).

DISCUSSION OF ISSUES:

Issue #1- General Plan Land Use Consistency:

The proposed R-3 and C-2 rezones implement the Mixed Use land use classification and are thus consistent with the Mendocino County UVAP and the General Plan land use plan (General Plan, Table 3-1). The R-3 and C-2 rezone within the Mixed Use Site established by the limits of the proposed contract rezone will allow a variety or a mix of uses to be developed in this area consistent with the MUBST land use designation. The portion of land already developed with a mini-storage facility is a type of light industrial use that is listed as a permitted commercial and industrial use within this land use classification. The expansion of this use within the C-2 rezone area in conjunction with the development of residential uses within the proposed R-3 portion of the Mixed Use site as well as the reservation of land for open space required by the contract rezone is fully consistent with the UVAP and the General Plan.

Issue #2 - General Plan Housing Element:

Goal 3 of the General Plan Housing Element requires the County to "increase the supply of housing especially for low and moderate income households." Action Item 3.1d specifically reads:

To assure that the County of Mendocino contains a wide range of multiple family housing opportunities in all areas of the county, the County shall rezone an additional 24 acres to R-3 and/or to the newly created MU (Mixed Use) land use category, provided at least 400 new units could be authorized by right. Lands to be rezoned shall be located in areas with both water and sewer district service (either currently in a district or annexable within the planning period). The County may use any combination of public or privately-initiated planning processes to achieve this goal.

The subject properties proposed to be rezoned to R-3:CR are within 300 feet of existing sewer and water lines and new development on the subject properties would be served by the City of Ukiah.

Issue #3 - Ukiah Valley Area Plan (UVAP):

The Ukiah Valley Area Plan (UVAP) further supports the project request as follows:

Housing: The UVAP supports the County's Housing Element which plays an important role in the success of community centered growth policies, particularly by supporting affordable worker housing through designating more properties for mixed uses and allowing for higher density development in more locations and configurations...

The subject properties proposed to be rezoned to R-3:FP:CR will ultimately provide more opportunities for higher residential density development within Mendocino County.

The Contract Rezone for these R-3 and C-2 rezones will require that any future development of these parcels to be consistent with the UVAP MUBST Land Use Classification and the Community Design Guidelines. Future development will be required to comply with the land use classification and guidelines at the time a building permit is approved for a ministerial project (i.e., a permitted use) or at the time of a discretionary permit is approved for a project.

Issue #4 - Mixed Use Development Goals:

UVAP Mixed Use Development Goal LU-1 states that the County should “[c]reate compact, mixed-use, and well-balanced communities that can achieve this plan’s principles of sustainability.”

The proposed rezones provide opportunity for future high density residential development adjacent to future commercial development. A Contract Rezone (CR) will help to ensure future residential development and commercial development will be compatible with one another by requiring future development to be consistent with the Community Design Guidelines (adopted by Resolution # 14-102) and Mixed Use Compatibility Standards, used in Mixed Use General Zoning District (Chapter 20.085) until the County adopts specific standards for the MUBST zoning district. In that fashion, the contract zoning will help to ensure future residential development and commercial development can be designed to create a compact, mixed-use, and well-balanced development.

The contract rezone includes a key provision (Condition 3) that will help to ensure traffic circulation and infrastructure improvements associated with all new development including permitted uses, such as Multifamily Residential uses permitted by right in the R-3 zoning district, are coordinated with existing and future area-wide development.

Issue #5 - Obligations under the Coplen Settlement Agreement:

Reinforcing Action Item 3.1d of the Housing Element, as part of the Settlement Agreement in the case of *Dotty Coplen, et al. v. County of Mendocino, et al.* the County agreed to rezone at least twenty-four (24) acres of land to either the Multifamily (R-3) or Mixed-Use designation to fulfill the housing goals set forth in the County Housing Element. Paragraph IV.1 of the Settlement Agreement provides, in relevant part:

The County shall rezone at least twenty-four (24) acres of land to either the Multifamily (R-3) or Mixed-Use zoning designation within the UVAP area. No less than 75% of the twenty-four (24) acres shall consist of vacant land and all of the rezoned land shall be suitable and zoned for development at densities of at least twenty (20) units per acre, as a matter of right. All rezoned parcels shall have water and sewer available for connection at no greater distance than 300 feet and be entitled to request and receive such service by the date of rezoning.

The proposed rezone will fulfill another 4.13 acres of the Settlement Agreement 24-acre rezoning requirement.

ENVIRONMENTAL FINDINGS: No additional environmental evaluation is required, nor necessary, pursuant to Section 15162 (a) of Title 14 of the California Code of Regulations. This section provides that additional environmental review is not required when a project does not meet any of the following circumstances.

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the proposed rezone is consistent with the General Plan Land Use Designation.
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, there have been no changes in the land use setting in the vicinity which will require revising the previously approved EIR.
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In this case, there is no new information of substantial importance that was not evaluated by the previous EIR. Nor does it involve any effect or impact which was not discussed, or is more severe; any mitigation measures that are not feasible; or involve mitigation measures or alternatives previously analyzed that would reduce significant impacts that the applicant declines to adopt.

Consequently, for the purposes of the rezoning, environmental impacts have already been evaluated by the Ukiah Valley Area Plan Environmental Impact Report with full build-out potential of the Mixed Use Brush Street Triangle land use including compatible zoning districts such as Multiple-Family (R-3) and General Commercial (C-2).

STAFF RECOMMENDATION: The Planning Commission recommends that the Board of Supervisors make the following findings:

1. That the Final Environmental Impact Report (FEIR) previously adopted for the Ukiah Valley Area Plan (UVAP) in August, 2011, adequately addressed all of the environmental issues associated with the proposed land use change, along with associated rezones resulting in consistency between both the UVAP and the zoning classification for each of the parcels located within the Mixed Use site such that 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.

2. That the proposed C-2 and R-3 contract rezone within the Mixed Use site is consistent with General Plan Policy DE-12 (MU-Mixed Use) and UVAP Mixed Use Brush Street Triangle land use designation, which allows one (1) multiple family dwelling unit per 1,500 square feet of lot area when the property is within a water and sewer district.
3. The proposed contract rezoning is consistent with UVAP Implementation Measure LU 1.2f as it includes a master plan of the Brush Street Triangle which shows traffic circulation and infrastructure improvements within the Master Plan Site will be coordinated with existing and future area-wide land use.
4. That the parcels subject to rezone are vacant or underutilized, consistent with California Government Code Section 65583.2, and will create additional opportunities where multiple family housing may be developed as a right and may be in districts that will be served by existing water and sewer connections.

And therefore recommends the Board of Supervisors approve the proposed Multiple-Family Residential (R-3) zone change, the proposed General Commercial (C-2) zone change and the attached Contract for Compliance with Rezoning Conditions, Rezone #R 4-2014, located at 915 Orr Street; 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, totaling 24.13± acres.

DATE

FRED TARR
PLANNER II

CONTRACT REZONE

ATTACHMENTS

- A- Location Map
- B- Aerial Photo
- C- Adjacent Parcels
- D- Zoning Map
- E- General Plan Map
- F- Flood Zone Map
- G- Water District Map
- H- Sanitation District Map
- I- Utility Line Map
- J- Community Design Guidelines
- K- Mixed Use Compatibility Standards- Mendocino County Code Section 20.085.055

FT/at
November 13, 2014