

RESOLUTION NO. 06-216

RESOLUTION OF THE BOARD OF SUPERVISORS, OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, OUTLINING PROCEDURES FOR COMPLIANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65915, DENSITY BONUS AND OTHER INCENTIVES FOR SUBDIVISION NO. S 3-05

WHEREAS, Ukiah Land, LLC (the "Applicant") has filed an application, which includes an illustrative site plan dated received July 7, 2006, proposing a housing development on property within the jurisdiction of Mendocino County at 3000 South State Street (Assessor Parcel Numbers 184-033-11 & 12, 184-110-19, and 1845-120-12) as may be amended by Boundary Line Adjustment #B 36-06), Ukiah, California; and

WHEREAS, the Applicant proposes to subdivide and develop 199 single family dwellings with the project area including 197 within the Suburban Residential (SR) General Plan land use designation and 2 units within the Rural Residential (RR) General Plan land use designation; and

WHEREAS, the Applicant intends to modify its application to include provisions of the State Density Bonus law, said revisions to be codified in a Development Agreement; and

WHEREAS, the Applicant agrees that a Development Agreement will coincide with any approval of the project, which will include provisions/conditions to regulate the long-term use, maintenance, operation, and management of the development as well as other mitigating conditions that may be developed; and

WHEREAS, the Applicant has proposed to construct thirty-six (36) moderate income units constituting twenty-one percent (21%) of the base development potential of the project area located within the SR general plan designation as affordable to households, as defined in Section 65915(b)(1)(D) of the California Government Code; and

WHEREAS, the Applicant has agreed to ensure continued affordability of the designated housing for at least ten (10) years which exceeds the requirements of Section 65915(c)(2) of the California Government Code or to such a time frame that may be required by law at the time of Project approval; and

WHEREAS, the Applicant has submitted a preliminary proposal by letter dated June 26, 2006, a true copy of which, as amended, is attached as Exhibit "A" hereto, proposing a sixteen percent (16%) density bonus, allowing addition of twenty-seven (27) single family dwellings above the base density allowed by its SR general plan designation and resulting in 197 proposed single family dwellings; and

WHEREAS, the Applicant has proposed recognition of its entitlement for two concessions or incentives as provided by Section 65915(b)(1) of the California Government Code as depicted on Exhibit "B" attached hereto; (1) reduced Development Standards for size of single family residential lots inclusive of required waivers and exceptions; and (2) Expedited Permit Processing in accordance with a time schedule developed by consultation by the Applicant with the Department of Planning and Building Services; and

WHEREAS, the County of Mendocino acknowledges the Applicant would be entitled to this density bonus, as well as two concessions or incentives as provided by Section 65915(b)(1) of the California Government Code as depicted on Exhibit "B" attached hereto. Further, the County acknowledges that per California Government Code Section 65915(f)(5) no general plan amendment or zoning text change is required to facilitate the Project; and

WHEREAS, the Applicant has agreed to accept a potential rezoning to Multi-Family Residential (R-3) for the area, approximately 1.37 acres, within the Applicant's current ownership lying outside the northeast corner of the Project; and

WHEREAS, this resolution is intended to satisfy the requirement set forth in Section 65915(d) of the California Government Code that the legislative body state in writing the procedures under which the County will comply with Title 7, Division 1, Chapter 4.3 of the California Government Code (Density Bonuses and Other Incentives).

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Mendocino as follows:

The Application designated as Subdivision No. S 3-05 (the "Application") for development of 199 single family dwellings on the property at 3000 South State Street, Ukiah, California and in recognition of the Applicant's proposal to construct thirty-six (36) moderate income housing units in compliance with the State Density Bonus Law shall be processed without general plan amendment, rezoning, or zoning text amendment, in accordance with the Applicant's proposal of June 26, 2006, as amended, by extending a density bonus and two development incentives as follows:

The Application shall be processed so as to recognize a sixteen percent (16%) density bonus allowing for the development of 197 single-family dwellings in the project area within the SR General Plan land use designation; and

The Application shall be granted one concessions to allow reduced development standards for the size of the single-family residential lots, which are required to make the project economically feasible; and

The Application shall be granted an additional second concession of following a prioritized project review schedule to bring the project to a public hearing within the time frames described below:

Staff will complete application review within two (2) weeks of (a) receipt of a complete Application, and (b) execution of a contract with a contract planner for professional planning services.

The County will enter into a sole service consultant contract with Leonard Charles and Associates to prepare an Environmental Impact Report for the project, with caveats that include expedited preparation, which will be prepared at the applicant's expense. The Applicant will additionally be required to enter into an agreement with the Department of Planning and Building Services by which the Applicant will pay for enhanced and prioritized processing via additional professional services contract to supplement Department of Planning and Building Services staff.

A public agency scoping session shall be held within one month of (a) contract execution with Mr. Charles and the additional planning services consultant, and (b) determination of a complete application.

The contract with Mr. Charles will require acceptance of the Applicant's special studies within two weeks following the public agency scoping session unless both Leonard. Charles and the County conclude that the special studies do not adequately assess the project's potential significant impacts in accordance with CEQA.

The contract with the Mr. Charles will provide for an expeditious schedule to complete the Administrative Draft Environmental Impact Report within ten weeks of the public agency scoping session provided the special studies are accepted.

The County staff must review and make necessary revisions within four (4) weeks following the completion of the Administrative Draft environmental document.

The County staff must complete public review and noticing of the environmental documents and bring the Application to hearing before the Planning Commission within twelve (12) weeks following completion of the final environmental document.

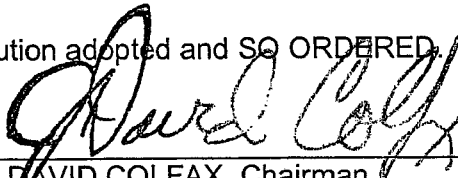
Both the Applicant and the County acknowledge that time frames assigned herein are goals to be achieved but recognize that the process may generate issues beyond control that may delay the project. Any delay beyond one month for any individual timing threshold shall result in a possible addendum to this resolution. No penalty shall result from non-compliance with any timing goal stated herein.

This Resolution does not constitute any implied or direct approval of the Project. The Project, as modified herein, will be evaluated on its merits.

The foregoing Resolution was introduced by Supervisor Delbar, seconded by Supervisor Wattenburger, and carried this 14th day of November, 2006, by the following vote:

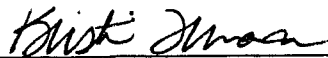
AYES: Supervisors Delbar, Wattenburger, Wagenet, and Colfax
NOES: Supervisor Smith
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.



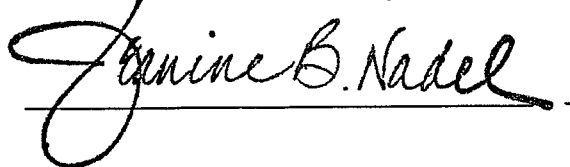
J. DAVID COLFAX, Chairman
Mendocino County Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of the Board



I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel



KRISTI FURMAN
Clerk of the Board
By: 
