

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

AGENT: PLANNING AND BUILDING SERVICES
501 LOW GAP ROAD, ROOM 1440
UKIAH, CA 95482

REQUEST: Amend the Mendocino County Zoning Code to add the Mixed-Use District as Chapter 20.086, Division I, Title 20 of the Mendocino County Code. Adoption of the Mixed-Use District is in response to policy and implementation direction from both the 2009 General Plan update and the Ukiah Valley Area Plan (UVAP).

LOCATION: All unincorporated areas within Mendocino County, excluding the Coastal Zone.

PROJECT DESCRIPTION: Amendment to the County Zoning Code to add a Mixed-Use District to Division I, Title 20 (Inland) of the Mendocino County Code. The Mixed-Use District is a new zoning classification that will allow the combining of residential and non-residential uses on the same parcel subject to the development regulations set out in the ordinance. The Mixed-Use District also creates a land use implementation tool in response to the following General Plan direction:

General Plan Implementation Action Item DE-4.1: *Amend the Zoning Code to include a Mixed-Use zoning District;*

General Plan Policy DE-12 creating *Land Use Category MU-Mixed-Use;*

UVAP Policy LU 1.2: *Utilize planning tools and incentives to guide the development process towards creating a compact, mixed-use community achieving a balance among social, economic, and environmental systems;*

UVAP Implementation LU 1.2b: *Infill Incentives: Revise zoning regulations to accommodate mixed-use/compact development and a variety of housing at urban/village densities, and offer incentives such as density bonuses within the code; and*

UVAP Implementation LU 1.3c: *Mixed-Use Development: Promote mixed-use development at higher densities that support transit along the State Street Corridor.*

Housing Element Policy 1.3: *Support mixed-use developments, infill, reuse, and redevelopment in towns and adjacent to cities.*

Housing Element Policy 3.1, Implementation Action 3.1e: *To ensure the General Plan land use category Mixed-Use is used in a manner that maximizes residential potential and provides a clear set of rules for those interested in developing their properties, the County shall develop a Mixed-Use zoning designation. This code will allow up to 29.04 units per acre and include design criteria that will allow developers to submit a project aware of the site design requirements.*

Housing Element Policy 3.1, Implementation Action 3.1d: *To assure that the County of Mendocino contains a wide range of multi-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 Mixed-Use land use category, providing at least 400 new units could be authorized by right.*

Purpose

The purpose of the Mixed-Use Zone (MU) is to provide opportunities for well-designed development projects that combine residential with nonresidential uses, including office, retail, business services, personal services, light industrial, public spaces and uses, and other community amenities designated with the mixed-use land use designations in the Mendocino County General Plan and Ukiah Valley Area Plan, and consistent with the policy direction in both of these documents.

Intent

Mixed-Use zones are intended to promote high quality developments which benefit the community more than would single-use development which complies with the standard requirements of single-use zoning districts. The objective is to foster imaginative design while allowing greater flexibility in the design of such developments.

The intent of this zone is to accomplish the following objectives:

1. Create a viable, walkable urban environment that encourages pedestrian activity and reduces dependence on the automobile, through a streetscape that is connected, attractive, safe and engaging.
2. Provide complementary residential, commercial, and other uses within walking distance of each other.
3. Develop an overall design framework to ensure that the quality, appearance and effects of buildings, improvements and uses are compatible with County design criteria and goals.
4. Create quality mixed-use development that maintains value through buildings with architectural qualities that create attractive street scenes and enhance the public realm.
5. Provide a variety of open space, including private, recreation areas and public open space and parks.
6. Revitalize commercial corridors with mixed-use developments that attract and encourage market-driven private investment.
7. Encourage parking solutions that are incentives for creative planning and sustainable neighborhood design.

As an incentive to achieve these objectives, residential density bonus may be allowed (for affordable housing) and the development regulations contained within the ordinance may be modified through the development approval process if it can be demonstrated that there is a public benefit derived by allowing the proposed modification of development standards.

Applicability

The Mixed-Use District provides for three variations of mixed-use zoning, the **Mixed-Use General (MUG)** designation, **Mixed-Use Brush Street (MUB)** and the **Mixed-Use State Street (MUS)** designations that are to be applied in specific locations within the Ukiah Valley Area Plan.

Mixed-use developments require combining two or more of the permitted uses along with some form of public open space/amenity. In mixed-use developments, no one principally permitted use shall occupy more than sixty (60) percent of the total area subject to a Comprehensive Plan approval, and in no case more than sixty (60) percent of the total property area.

Due to generally more complex site design to integrate multiple uses, the Mixed-Use District requires a minimum lot size of 40,000 square feet for a mixed-use development. However, recognizing that lots or parcels less than 40,000 square feet may be designated Mixed-Use, these smaller lots or parcels are allowed single-use development subject to the development standards incorporated in the ordinance.

Implementation

A comprehensive set of development standards are incorporated into the ordinance covering public realm and streetscape improvements, site design, building form, land use, and architecture. Key requirements among these standards are the following:

1. Residential densities up to 20 units per acre;
2. Non-residential Floor Area Ratios up to 1.0 FAR;
3. Provision for small lot single-family detached development (3,500 square foot minimum);
4. More flexible parking requirements including shared parking and reductions in parking for mixed-uses;
5. Tree preservation;
6. Landscaping and irrigation;
7. Building massing; and green building practices.

All mixed-use development proposals require a master plan approval, within this ordinance called a Comprehensive Plan approval. The purpose of the Comprehensive Plan is to establish an overall development master plan for a property to guide subsequent development over time within the property. The Comprehensive Plan shall address the entire property under the Mixed-Use designation, even though only a portion of the property is proposed to be developed initially. The Comprehensive Plan approval process establishes a detailed design review process looking at all aspects of project design and implementation.

Comprehensive Plans for mixed-use development under this ordinance will be reviewed by the Planning Commission and approved by the Board of Supervisors at public hearings, giving ample opportunity for public review and input on a proposed mixed-use development.

BACKGROUND: The 2009 General Plan update incorporated a Mixed-Use land use designation along with policy and implementation action direction to amend the County Zoning Code to include a Mixed-Use zoning district. As a part of the General Plan update, the new Mixed-Use land use designation was not applied to any specific properties.

The Ukiah Valley Area Plan also incorporated Mixed-Use land use designations along with policy direction and implementation actions to create a Mixed-Use zoning district. As a part of the UVAP adoption, the new Mixed-Use land use designations were applied to several specific properties, however, until an ordinance was adopted to create a Mixed-Use zoning district, the Mixed-Use land use designated properties could not be zoned accordingly.

This proposed Zoning Code amendment will create the Mixed-Use zoning district, aid in establishing legally required consistency between the General Plan and Zoning Code, aid in implementing Housing Element policy direction, and provide for implementation of the Mixed-Use land use designations established in both the General Plan and UVAP. In addition, it will provide a necessary tool to satisfy the County's Housing Element Settlement Agreement that requires the County to rezone at least 24 acres to either multi-family (R-3) or Mixed-Use zoning within the UVAP area.

ENVIRONMENTAL REVIEW: California Code of Regulations, Title 14, Chapter 3 (Guidelines for California Environmental Quality (CEQA), Section 15162 states:

- (a) *When an EIR has been certified or a negative declaration adopted for a project. No subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - (1) *Substantial changes are proposed in the project which will require major revisions to the previous EIR or negative declaration due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;*

- (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 involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (3) *New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time the previous EIR was certified as complete or 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*
 - (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.*

Section 15162 (b) further states that "if changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation."

Both the Environmental Impact Report (EIR) for the 2009 General Plan update and the EIR for the Ukiah Valley Area Plan (2011) provided, to the fullest extent possible an analysis of the potential environmental effects associated with implementation of the General Plan Update and the UVAP adoption, pursuant to the California Environmental Quality Act (CEQA). Both the General Plan update and the UVAP included mixed-use zoning as project implementation measures which were part of the CEQA analysis process. State CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project which could feasibly attain the basic objectives of the project and avoid and/or lessen the environmental effects of the project.

The Draft Environmental Impact Report (DEIR) for the General Plan Update and the DEIR for the UVAP contained a detailed description of current setting conditions (including applicable regulatory setting), and evaluation of the direct and indirect environmental effects resulting from implementation of the General Plan and the UVAP, identification of proposed General Plan Update and UVAP policies, action items, code sections that mitigate environmental effect, additional feasible mitigation measures, and identification of whether significant environmental effects of the projects would remain after application of proposed policies and action items, and feasible mitigation measures. The County reviewed and considered the Final EIR for the General Plan update, and found it to be adequate and complete and "certified" the FEIR on August 17, 2009. The County also reviewed and considered the Final EIR for the UVAP, and found it to be adequate and complete and "certified" the FEIR on August 2, 2011.

These EIR analyses focused on potential environmental impacts arising from the General Plan and UVAP "projects", which not only included the General Plan Update and UVAP goals and policies, but also the various implementation actions identified in each of these documents, which included the creation of a Mixed-Use zoning district. The Board of Supervisors certified the Final Environmental Impact Reports for the General Plan update and the UVAP, and adopted the required Findings of Fact pursuant to the Public Resources Code Section 21000, et seq., and Sections 15091, 15092, 15093, and 15097 of the CEQA Guidelines, 14 Cal. Code of Regulations Section 15000, et seq., including the adoption of a Statement of Overriding Considerations for both the General Plan update and UVAP. Therefore, no further environmental review associated with the adoption of the Mixed-Use District zoning code amendment is necessary pursuant to CEQA as there have been no substantial changes to the projects that would require a subsequent EIR or additional documentation to be prepared.

It should be further noted that the requested Mixed-Use District Ordinance Amendment is not associated with any specific development, and any such development that chooses to apply the Mixed-Use District through a rezoning request will be analyzed independently. This ordinance amendment is merely to provide consistency between the General Plan and UVAP Land Use Designations and the Mendocino County Zoning Code.

GENERAL PLAN CONSISTENCY ANALYSIS: Both the General Plan and the Ukiah Valley Area Plan provide a policy basis for adoption of the Mixed-Use Ordinance Amendment. These two General Plan documents contain the following policies and implementation actions related to mixed-use:

Development Element of the General Plan

- Policy DE-4: Zoning shall be consistent with this General Plan;
- Action Item DE-4-1: Amend the Zoning Code to include a “Mixed-Use” zoning district;
- Policy DE-12: Land Use Category MU-Mixed-Use;
- Policy DE-35: Encourage compact development patterns, infill, redevelopment and reuse in community areas to protect natural resources and maximize the efficient use of infrastructure and services:
 - Encourage and facilitate mixed-use development in appropriate zoning designations;
- Action Item DE-45-1: Incorporate the UVAP defined mixed-use category as a compatible zoning district into the Zoning Code for use in the County’s community planning areas;
- Policy DE-46: Encourage mixed-use development where compatible with surrounding uses and supported by services and infrastructure, including mixed retail and office uses with multi-family residential development in urban settings;
- Policy DE-47: Mixed commercial, employment and residential uses, including day care centers should be designed and located to reduce vehicle trips;
- Policy DE-72: Encourage mixed-use development such as ground-floor commercial and upper-story residential or office uses in the core area;
- Policy DE-90: Promote attractive, compact building designs, mixed land uses, walkable communities, and a range of housing opportunities and choices; and
- Allow flexible and innovative site and building design as a means of achieving General Plan, environmental or housing objectives.

Ukiah Valley Area Plan Vision

- The community’s ability to expand its population base is supported by compact, infill development and mixed-use development;

Land Use and Community Development Section of UVAP

- Policy LU 1.2: Utilize planning tools and incentives to guide the development process towards creating a compact, mixed-use community achieving a balance among social, economic and environmental systems;
- Action LU 1.2a: Use land use planning and decision-making to promote compact development forms, mixed-uses, infill, reuse, and sustainable technologies.
- Action LU 1-2b: Revise zoning regulations to accommodate mixed-use/compact development and a variety of housing at urban/village densities, and offer incentives such as density bonuses within the code; and
- Action LU 1.3c: Promote mixed-use development at higher densities that support transit along the State Street corridor.

Community Design Section of UVAP

- Action CD 1.2a: Promote and encourage the use of creative site planning techniques such as clustering development and planned development to facilitate the objective of providing a mix and range of housing types.

Housing Element

- Housing Element Policy 1.3: Support mixed-use developments, infill, reuse, and redevelopment in towns and adjacent to cities.
- Housing Element Policy 3.1, Implementation Action 3.1e: *To ensure the General Plan land use category Mixed-Use is used in a manner that maximizes residential potential and provides a clear set of rules for those interested in developing their properties, the County shall develop a Mixed-Use zoning designation. This code will allow up to 29.04 units per acre and include design criteria that will allow developers to submit a project aware of the site design requirements.*
- Housing Element Policy 3.1, Implementation Action 3.1d: *To assure that the County of Mendocino contains a wide range of multi-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 Mixed-Use land use category, providing at least 400 new units could be authorized by right.*

Staff, therefore believes that the proposed project is consistent with applicable goals, policies, and implementation direction of the General Plan, the Housing Element, and the Ukiah Valley Area Plan.

PROJECT RECOMMENDATIONS: Staff has carefully reviewed the definitions and discussion of the Mixed-Use land use designations in the General Plan and UVAP. Based on that review, staff has crafted the proposed Mixed-Use District zoning designation to be able to implement the purpose and intent of both those land use designations as well as related implementation direction regarding mixed-use development. Staff believes this ordinance amendment will create a useful tool for implementing mixed-use development, and will also provide an important step towards comprehensive General Plan/Zoning Code consistency. As such staff recommends approval of Ordinance Amendment #OA 2-2011

RECOMMENDED MOTION FOR THE PLANNING COMMISSION: The Planning Commission recommends that the Board of Supervisors find that the project has been adequately analyzed in terms of CEQA requirements within the EIRs prepared for both the 2009 General Plan update and the 2011 UVAP and approve Ordinance Amendment #OA 2-2011 which will modify the inland zoning ordinance (Division I of Chapter 20 of the Mendocino County Code) making the following findings:

Environmental Findings: No significant adverse environmental impacts will result from adoption of the proposed amendment.

General Plan Consistency Finding: The proposed amendment is consistent with the applicable goals and policies of the General Plan and the Ukiah Valley Area Plan.

DATE

ROGER MOBLEY
CHIEF PLANNER

RM/at
August 2, 2011



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

IGNACIO GONZALEZ, DIRECTOR

Telephone 707-463-4281

FAX 707-463-5709

pbs@co.mendocino.ca.us

www.co.mendocino.ca.us/planning

August 3, 2011

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, August 18, 2011, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

CASE#: OA 2-2011

OWNER: VARIOUS

APPLICANT: DEPARTMENT OF PLANNING AND BUILDING SERVICES

REQUEST: Amend the Mendocino County Zoning Code to add the Mixed-Use District as Chapter 20.086, Division I, Title 20 of the Mendocino County Code.

LOCATION: All unincorporated areas within Mendocino County excluding the Coastal Zone.

PROJECT COORDINATOR: ROGER MOBLEY

ENVIRONMENTAL DETERMINATION: The request has been processed through the County Environmental Review Process and it has been determined that the project is Categorically Exempt from environmental review. The staff report and notice are available for public review at 501 Low Gap Road, Room 1440, Ukiah, California and on the Department of Planning and Building Services website at www.co.mendocino.ca.us/planning.

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California, 95482, no later than August 17, 2011. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Planning Commission's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

IGNACIO GONZALEZ, Director of Planning and Building Services



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Telephone 707-463-4281
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www.co.mendocino.ca.us/planning

DATE: July 26, 2011

TO: Willits News.

FROM: Adrienne Thompson, Commission Services Supervisor

SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on August 3, 2011 in the Legal Notices Section of the Willits News.

NOTICE OF PUBLIC HEARING

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IGNACIO GONZALEZ, Director of Planning & Building Services



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DATE: July 26, 2011

TO: Ukiah Daily Journal.

FROM: Adrienne Thompson, Commission Services Supervisor

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