



**Addendum to the  
MITIGATED NEGATIVE DECLARATION/  
INITIAL ENVIRONMENTAL STUDY  
Orrs Creek Homes Planned Development Rezoning and  
Precise Development Plan**

<b>Project Title and File Number:</b>	Orrs Creek Homes Planned Development Rezoning and Precise Development Plan File No.: 258
<b>Lead Agency Name and Address:</b>	City of Ukiah Department of Planning & Community Development 300 Seminary Avenue Ukiah, CA 95482
<b>Project Location:</b>	123 - 129 Ford Street (APNs 002-121-20, 21, 22, and 23) Ukiah, Mendocino County, CA
<b>Project Sponsor's Name and Address:</b>	Mary Ann Lance 2659 Silver Stone Lane Santa Rosa, CA 95407
<b>General Plan Designation:</b>	HDR (High Density Residential)
<b>Zoning:</b>	Planned Development (PD) / High Density Residential (R3)
<b>Flood Zone:</b>	Flood Zone X: Areas determined to be outside the 0.2% annual chance floodplain
<b>Contact Person:</b>	Kim Jordan
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<b>Date Prepared:</b>	August – September 8, 2014
<b>Public Review Period:</b>	<b>September 15 through October 14, 2014</b>
<b>Addendum Date:</b>	<b>September 30, 2014</b>

**Introduction**

This document is an Addendum to the Orrs Creek Homes Planned Development Rezoning and Precise Development Plan Mitigated Negative Declaration. This Addendum updates the following sections of the Initial Environmental Study (IS) and Mitigated Negative Declaration (MND) prepared for the Orrs Creek Homes Planned Development Rezoning and Precise Development Plan:

- **Project Description:** Background
- **Aesthetics:** Visual Quality and Character (#c)
- **Agricultural Land:** Conversion of Farmland (#c)
- **Land Use and Planning:** Zoning (#b)

No other changes to the IS or MND are included in this addendum. This addendum does not change the analysis, thresholds of significance, impacts, or mitigation measures included in the IS/MND. The purpose of this addendum is to clarify the background and previous approvals that affect the parcels included in the Project and the status of these approvals and to revise the specific discussions that involve these approvals and background (see individual sections below).

As allowed by CEQA section 15164, an addendum to the IS/MND is the appropriate document since: 1) the changes to the IS/MND involve only minor technical changes and additions; 2) no substantial changes

have occurred in the proposed project; 3) no substantial changes have occurred in respect to the circumstances under which the project is undertaken; and 4) there has been no new information of substantial importance as described below.

- 1) The Orrs Creek Homes project application includes a rezoning and precise development plan. Originally the reason for the rezoning was based on the expiration of the 2007 rezoning approval and associated precise development plan. After further review of the conditions of approval included in Ordinance 1092 that approved the rezoning, it was determined that the rezoning and associated Precise Development Plan had not expired since the City had not revoked the rezoning and precise development plan as required by the conditions of approval.

In addition, Ordinance 1092 was to become effective upon completion of the subdivision associated with the rezoning. The final map for the subdivision was recorded on August 18, 2008. The zoning ordinance allows PD rezoning and Precise Development Plans to be extended for up to six years. The application for the rezoning and Precise Development Plan was submitted on May 27, 2014. Since the application to amend the PD zoning in order to establish a new precise development plan was submitted prior to the expiration of the PD zoning. The PD/R3 zoning of the parcels remains in effect.

- 2) The Initial Study was prepared from August 2014 through September 8, 2014. The Initial Study and Mitigated Negative Declaration were published with the State Clearinghouse and made available for review by State agencies on September 11, 2014. A public notice for the IS and MND was made available to the public for review and comment with a 30-day comment period of September 15 through October 14, 2014. No substantial changes have been made to the Project as of the preparation and publication of the IS and MND; however, the civil plan (sheet C1) for the project has been revised to incorporate some of the mitigation measures for Biological Resources and Hydrology and Water Quality.
- 3) The Initial Study was prepared from August 2014 through September 8, 2014. The Initial Study and Mitigated Negative Declaration were published with the State Clearinghouse and made available for review by State agencies on September 11, 2014. A public notice for the IS and MND was made available to the public for review and comment with a 30-day comment period of September 15 through October 14, 2014. No changes have occurred in the Project setting, no new projects have been submitted to the City that would affect the circumstances of the Project, cumulative conditions, or setting, and no modifications have been made to the Project other than to modify the civil plans to incorporate certain mitigation measures; therefore, there are no new environmental impacts that were not discussed in the IS and MND and no change in the significance or severity of potential environmental impacts.
- 4) The only new information related to the Project is the information described above under #1. The information included in #1 does not change the process required to establish the project, but rather clarifies why a rezoning and Precise Development Plan are required for the Project. The discretionary review process and approvals required, environmental review process, potential environmental impacts, significance of the potential impacts, and mitigation measures are not affected by the additional information and clarification of the discretionary review process.

## SUMMARY TABLE INFORMATION (Title Sheet)

### *Zoning (page 1)*

The zoning of the Project site is revised as shown below and is revised in the table above.

<b>Zoning:</b>	Planned Development (PD) / High Density Residential (R3)
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## PROJECT DESCRIPTION

### *Background (page 1)*

Based on additional research and further review of the conditions of approval for Ordinance 1092 approved by City Council in 2007, the *Background* section of the Orrs Creek Homes Planned Development Rezoning and Precise Development Plan Initial Study is updated as follows:

In May 2007, the City Council adopted Ordinance 1092 approving a rezoning from High Density Residential (R3) to Planned Development / R3 Combining for the four parcels included in this project and the parcel located at 137 Ford Street (not part of this project). The 2007 Project also included a minor subdivision (MS 05-25) and Precise Development Plan. The minor subdivision map created the four vacant parcels included in this project and one remainder parcel (137 Ford Street) which was developed with one single-family home prior to the 2007 approval.

The precise development plan approved in 2007 included the development of each of the four vacant parcels created by the minor subdivision with one townhome, one second unit, and garage. The remainder parcel was not part of the Precise Development Plan. Ordinance 1092 became effective upon completion of the minor subdivision. The final map for the minor subdivision was recorded on August 18, 2008, which is the effective date of the rezoning to PD/R3. The zoning ordinance allows the approved rezoning to be extended for up to six years. The Orrs Creek Homes Rezoning and Precise Development Plan application that is the subject of this IS/MND was received on May 27, 2014, less than six years from the effective date of the 2007 rezoning.

The conditions of approval for the Rezoning and Precise Development Plan required building permits for the townhomes and second units to be issued within two years of the effective date of the final subdivision map that create the four parcels plus remainder parcel and allowed the Precise Development Plan to be revoked through the City's revocation process if "... the project is not established within two years of the effective date of approval..." (Conditions 6 and 7). The Project was not established within the two year time period identified in the condition of approval, no building permit was issued within the two year time period, and the City never initiated revocation proceedings; therefore, the 2007 approved Rezoning and Precise Development Plan remain in effect.

The conditions of approval for Ordinance 1092 included the following condition of approval specific to 137 Ford Street:

*The existing residential building proposed for retention on the Remainder Lot shall not be demolished or removed from the site without a demolition permit approved by the City Council in accordance with the demolition permit standards in effect at the time. Additionally, all exterior modifications of the building, including remodels and building additions, shall be prohibited unless the Director of Planning and Community Development*

*determines the modifications are consistent with the architectural features of the existing structure.*

The proposed Project would not change the above condition of approval and the property at 137 Ford Street would continue to be subject to the PD/R3 zoning standards approved by City Council in 2007 which default to the zoning ordinance R3 standards since no specific PD standards were approved as part of the PD rezone.

The zoning ordinance allows amendments to previously approved planned developments and precise developments plans and requires such amendments to be processed as rezonings; therefore, the rezoning to PD/R3 and new precise development plan are the entitlements required in order to develop the proposed Orrs Creek Homes project.

## **Aesthetics**

### *c. Visual Quality and Character Discussion (page 12)*

Revise the IS discussion from:

“The parcels that would be developed were part of a previous development project approval which has expired and are designated in the City’s General Plan and Zoning Ordinance for high density residential development”

to:

“The parcels that would be developed were part of a previous development project approval which would be amended to retain the PD/R3 zoning, approve a new Precise Development Plan, and adopt specific PD zoning regulations for the project. The parcels are designated in the City’s General Plan and Zoning Ordinance for high density residential development.”

## **Agricultural Land**

### *c. Conversion of Farmland Discussion (page 13)*

Revise the IS discussion from:

“Agricultural uses are not allowed or permitted in the R3 zoning district.”

to:

“Agricultural uses are not allowed in the existing PD/R3 zoning for the parcels and this would not change with the proposed Project which would retain the existing PD/R3 zoning.”

## **Land Use and Planning**

### *b. Zoning (page 32)*

Revise the IS discussion as follows:

The Project includes amending the existing Planned Development (PD) / High Density Residential (R3) zoning of the four vacant parcels included in the Project. In 2007, City Council approved a rezoning of the four parcels included in the proposed Project plus one remainder parcel to PD/R3 and a Precise

Development Plan for the four vacant parcels included the proposed Project (the remainder parcel was not part of the 2007 Precise Development Plan). The zoning ordinance allows changes (amendments) to approved Precise Development Plans under the same procedures applicable to the original approval; therefore, the project proponent has submitted an application for a rezoning to PD / R3 and a Precise Development Plan in order to develop the proposed Project.

The remainder parcel (137 Ford Street) included in the 2007 rezoning approval is developed with one single-family home and is not part of the Orrs Creek Homes rezoning and precise development plan. This parcel would be unaffected by the proposed Project and would retain its PD/R3 zoning and continue to be subject to the applicable conditions of approval from Ordinance 1092 which approved the 2007 rezoning.

The intention of the PD zoning designation is “to allow flexibility in design and development in order to promote economical and efficient use of land; ... preserve the natural environment... It generally provides a method for deviating from standardized zoning requirements to foster well-planned, creative, and quality development.” As allowed by PD zoning, the Project would deviate from the R3 zoning standards in that it proposes smaller front, side, and garage setbacks and two-vehicle tandem parking. The Project includes proposed PD zoning regulations for the four parcels. The proposed zoning regulations are based on the R3 uses and development standards and customized to address the specific setting (Orrs Creek, tree preservation, small parcel size, etc.) of the Project and the mitigation measures included in the Orrs Creek Homes Rezoning and Precise Development Plan IS/MND.

As required by the City Code, the Orrs Creek Homes precise development plan, including the deviations from the R3 zoning requirements, was reviewed by the Design Review Board (DRB). The DRB found the deviations from the R3 zoning requirements appropriate for the parcels and neighborhood and the Project compatible with the site and the neighborhood and recommended approval of the precise development plan and rezoning. The DRB also found the proposed precise development plan more compatible with the parcels and the neighborhood than the precise development plan approved as part of the 2007 rezoning.

Based on the above, the Project is consistent with the intent of the PD combining district and would have a less than significant impact related to compliance with the zoning ordinance.

## **Conclusion**

This addendum clarifies the discretionary review process for the Project. Although the reason for the rezoning to PD and the Precise Development Plan has changed as a result of additional staff research into the conditions of approval for the 2007 Rezoning and Precise Development Plan and the recordation date of the final map associated with that approval, the environmental review process and discretionary approvals necessary to implement the Project have not changed. Therefore, this addendum includes only minor revisions to the discussion included in the IS in order to identify the correct discretionary review process. In addition, there have been no changes to the Project since the preparation of the IS and MND other than modifications to the civil plans to incorporate certain mitigation measures included in the IS and MND. The corrections included in this addendum do not change the analysis or discussion, identified impacts, severity of the impacts identified, or mitigation measures included in the IS and MND. Therefore, recirculation of the IS / MND is not required.