



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482  
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

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January 25, 2019

**NOTICE OF PUBLIC HEARING AND AVAILABILITY OF ADDENDUM TO MITIGATED NEGATIVE  
DECLARATION FOR PUBLIC REVIEW**

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, February 21, 2019, 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 and the Addendum to the previously adopted Mitigated Negative Declaration at the time listed or as soon thereafter as the item may be heard.

**CASE#:** U\_2016-0003

**DATE FILED:** 1/22/2019

**OWNER:** RURAL COMMUNITIES HOUSING DEVELOPMENT CORPORATION (RCHDC)

**APPLICANT:** RCHDC

**AGENT:** RYAN LARUE

**REQUEST:** Modification of the Conditions of Approval of U\_2016-0003 to allow for project phasing at the discretion of the Planning and Building Services Director. U\_2016-0003 authorized the implementation of a Planned Development to construct an 80 unit Senior Housing Project "Orr Creek Commons", community building and linear park along Orr Creek.

**ENVIRONMENTAL DETERMINATION:** Addendum to Mitigated Negative Declaration

**LOCATION:** Bordering the Ukiah City limits, lying on the south side of Brush St (CR 217) at the eastern intersection of Orr St (CR 216), approximately 250 feet from the intersection of Orchard Ave (City Limits) to the west. The property is bounded on the south by 1,000± feet of Orr Creek, which defines the limits between the City and County.

**STAFF PLANNER:** BRENT SCHULTZ

A copy of the previously adopted Mitigated Negative Declaration that was adopted by the Mendocino County Planning Commission on June 2, 2016 is available for public review at 860 North Bush Street, Ukiah, California, and at 120 West Fir Street, Fort Bragg, California. The staff report, Addendum and related documents will be available on the Department of Planning and Building Services website 21 days prior to the hearing at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

Your comments regarding the above project and Addendum to the previously adopted Mitigated Negative Declaration are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, no later than February 20, 2019. 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 is the 10th day after the Planning Commission's decision. To file an appeal of the Planning Commission's decision, 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 or the Planning Commission 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 may be obtained by calling the Department of Planning and Building Services at 234-6650, 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.

BRENT SCHULTZ, Director of Planning and Building Services



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[www.mendocinocounty.org/pbs](http://www.mendocinocounty.org/pbs)

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## MEMORANDUM

**DATE:** FEBRUARY 21, 2019  
**TO:** PLANNING COMMISSION  
**FROM:** PLANNING & BUILDING SERVICES  
**SUBJECT:** ORR CREEK COMMONS MITIGATED NEGATIVE DECLARATION ADDENDUM

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### OVERVIEW

On June 2, 2016, Use Permit U\_2016-0003 was approved by the Mendocino County Planning Commission to allow for an 80-unit senior housing project to be constructed by the applicant, the Rural Community Housing Development Corporation (RCHDC). The entitlement included the establishment of a Planned Development (P-D) to ensure that certain design features and environmental considerations be developed to the satisfaction of the County. Pursuant to the requirements of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration was adopted for the project and the mitigation measures, along with the associated Mitigation Monitoring and Reporting Program, were included as Conditions of Approval for the Use Permit entitlement.

### INTRODUCTION

The applicant has been in contact with the County consistently since entitlement. As the developer is an organization that provides affordable housing options for low and moderate income families and individuals, funding and timing are the primary issues guiding the project timelines. The applicant is requesting that the project be bifurcated into two phases to allow for the construction of offsite improvements and half of the proposed units (40). Completion of Phase 1 would satisfy the majority of the adopted Conditions of Approval, and would ensure adherence to the Mitigation Monitoring and Reporting Program.

### PROPOSED CHANGES

Per a letter to the applicant dated August 8, 2018 written by former Chief Planner, Mary Lynn Hunt, the only Conditions that would not be completed during Phase 1 of the project would be:

- **Condition 3** - "The developer shall provide a total of six (6) Electric Vehicle (EV) charging stations with two (2) spaces available to the public and four (4) available for the two (2) vans and two (2) cars, as per the revised project description."
- **Condition 5** - "The following measures shall be implemented to avoid or minimize the potential for adverse effects on the riparian woodland associated with Orr Creek.
  - 1) The part of the 50-foot setback that is a fallow field shall be converted to a linear park with a pervious surface hiking/bike trail and replanted with a grass/forb mix of plants native to the area. The seed mix will be approved by the County Department of Planning and Building Services.

- 2) The final landscaping plan shall include planting of only native trees and shrubs in the 50-foot setback. The trees shall be native to the area, including oaks, buckeye, California bay, willow, California rose, etc. Non-native trees and shrubs will be removed as requested by the California Department of Fish and Wildlife.
- 3) All lighting shall be shielded so that the riparian corridor does not receive excessive light spill or direct glare from project lights.
- 4) Three signs shall be installed along the length of the riparian woodland edge that explain that the area contains sensitive wildlife habitat and people should control their dogs and avoid entering the stream channel.

It should be noted that Condition 5 relates to environmental considerations and satisfaction of which must be included in the final plan in order to assure that the approved and adopted Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program be maintained. The applicant has been advised of this and is including this condition as a component of Phase 2, however, the construction of bioswales as required will be completed during Phase 1.

Condition 3 was initially included by request from the applicant to be eligible for funding from the State Affordable Housing and Sustainable Communities Program (AHSC). However, the location of the project site was not in an area with consistently impacted air quality, and therefore considered ineligible for this revenue stream. The six EV charging stations will still be a component of the project, albeit constructed in Phase 2.

- **Condition 19** - "At the discretion of the Planning and Building Services Director, and with written approval from appropriate agencies, the proposed project may be phased. At each phase the applicant shall provide a comprehensive project description with conditions to be complied with or portions of conditions."

**Condition 19 is a new condition**, added to facilitate flexibility for the project to move forward as funding becomes available. This newly added condition addressing project phasing is consistent with Section 15165 of the California Environmental Quality Act (CEQA), which states:

*"Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency shall prepare a single program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the lead agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect."*

The County's original environmental document already studied the entire project; the proposed action merely phases the project. As the applicant has been working in concert with the County, and the final project provides much needed affordable housing, the County supports allowing phasing. The caveat that agencies with jurisdiction provide written approval that their submitted conditions be met to their satisfaction provides the safety net that the project will not be substantially altered.

## **CEQA CONSIDERATION**

Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Negative Declaration (ND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent ND have occurred. Section 15162 states that when an ND has been adopted for a project, no subsequent ND 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 require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the 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 ND due to the 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 the exercise of reasonable diligence at the time the previous ND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous ND; B) significant effect previously examined will be substantially more severe than shown in the previous ND; 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 ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

No substantial changes are proposed which would require major revisions to the previously approved Mitigated Negative Declaration or Mitigation Monitoring and Reporting Program. None of the proposed changes to the project will increase the severity of previously identified significant effects. The proposed changes will not result in a new environmental effect. No additional mitigation is required.

**Explanation of Decision Not to Prepare a Supplemental Mitigated Negative Declaration:**

In every impact category analyzed in this review, the projected consequences of the proposed project changes are either the same or less than significantly increased compared to the project for which the Mitigated Negative Declaration was adopted. Based upon this review, the following findings are supported:

**Findings:**

1. For the modified project there are no substantial changes proposed which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new significant effects or increase of severity of effects are anticipated. No additional changes are to occur from this use permit modification and staff has determined there to be no significant impacts, as discussed in the addendum.
2. For the modified project no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Based on the discussion in Finding 1, above, no new significant environmental effects resulting from the proposed use permit modification are anticipated. The circumstances under which the project is undertaken remain the same.
3. For the modified project there has been no 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 MND was adopted. There has been no new information of substantial importance which was not known and could not have been known at the time the previous MND was complete. The baseline conditions describing the overall impacts of the previously approved use permit remain the same.
4. The proposed changes do not constitute a change in the level of significance previously discussed in the original MND. As such, it is concluded that: the current project will not have one or more significant effects not discussed in the previous MND. Furthermore, significant effects previously examined will not be substantially more severe than shown in the previous MND. There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project. The proposed use permit modification does not involve changes to, or analysis of any mitigation measures. No new potential impacts have been identified requiring new mitigation measures to be developed.
5. Finally, there are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND, and which would substantially

reduce one or more significant effects on the environment. The proposed use permit modification does not involve changes to, or analysis of any mitigation measures.

**Conclusion:** Based on these findings it is concluded that an Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed changes. The draft Addendum to the adopted Mitigated Negative Declaration is attached as Attachment "A".

### **GENERAL PLAN CONSISTENCY ANALYSIS**

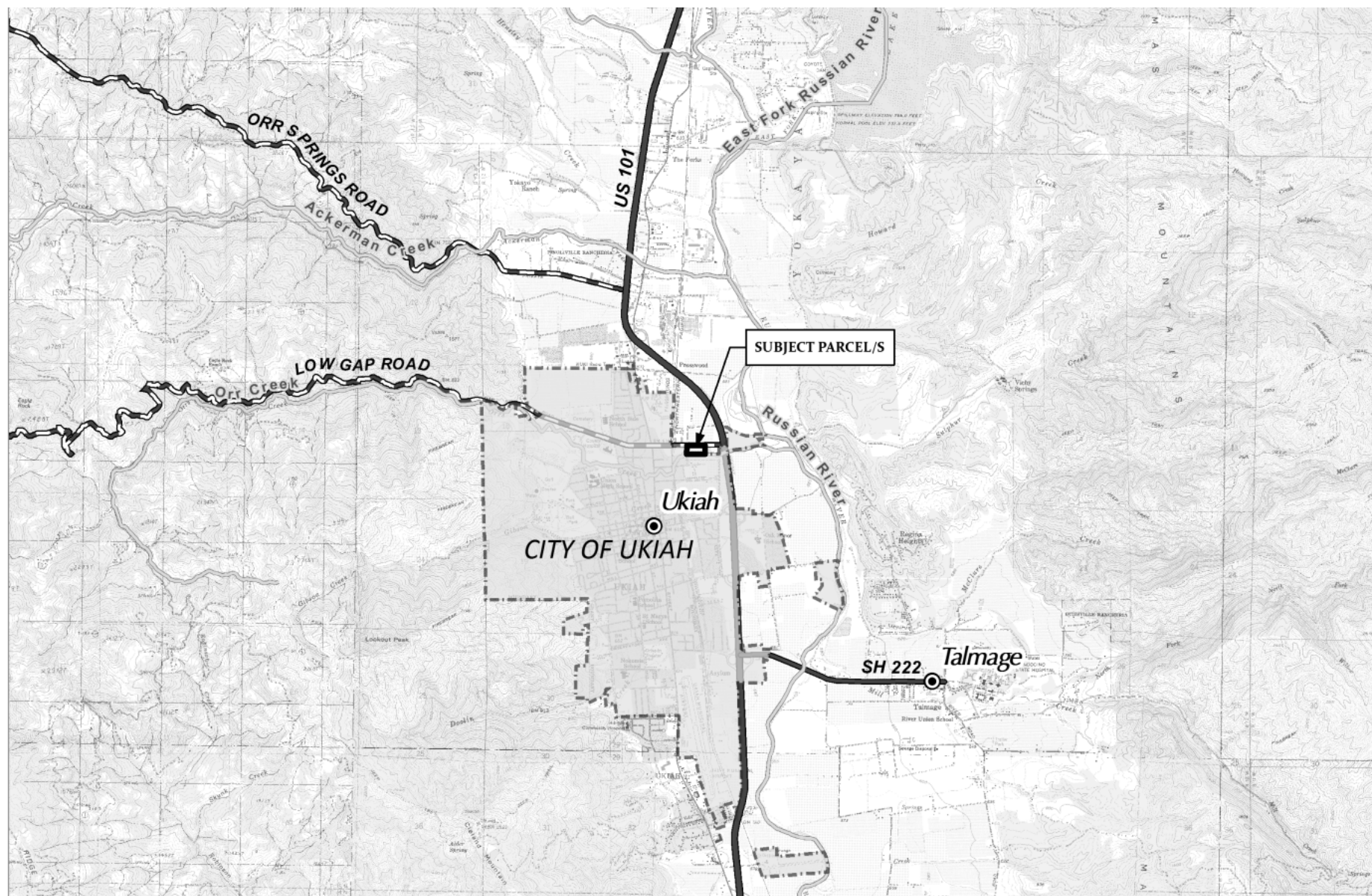
The project is located in the Suburban Residential (SR) General Plan designation. General Plan Development Element Policy DE-13 provides guidelines for development for in the SR. The proposed project was found to be consistent with this policy at the time of approval, and remains thus. Goal 3 of the County Housing Element of the General Plan calls for increasing the supply of housing, especially affordable housing, with the associated policy and action items included to support that goal. The proposed phasing of the project will only serve to assist in facilitating this goal. Therefore, the addition of phasing to the project will have no effect on the General Plan analysis.

### **RECOMMENDED MOTION FOR THE PLANNING COMMISSION**

By Resolution, the Planning Commission approve the proposed modification and adopt an Addendum to the Mitigated Negative Declaration to facilitate phasing of the approved project.

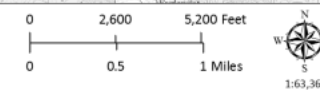
### **ATTACHMENTS:**

- A. Addendum to the Mitigated Negative Declaration
- B. Resolution of the Planning Commission adopting an Addendum to the Mitigated Negative Declaration
- C. Project Maps



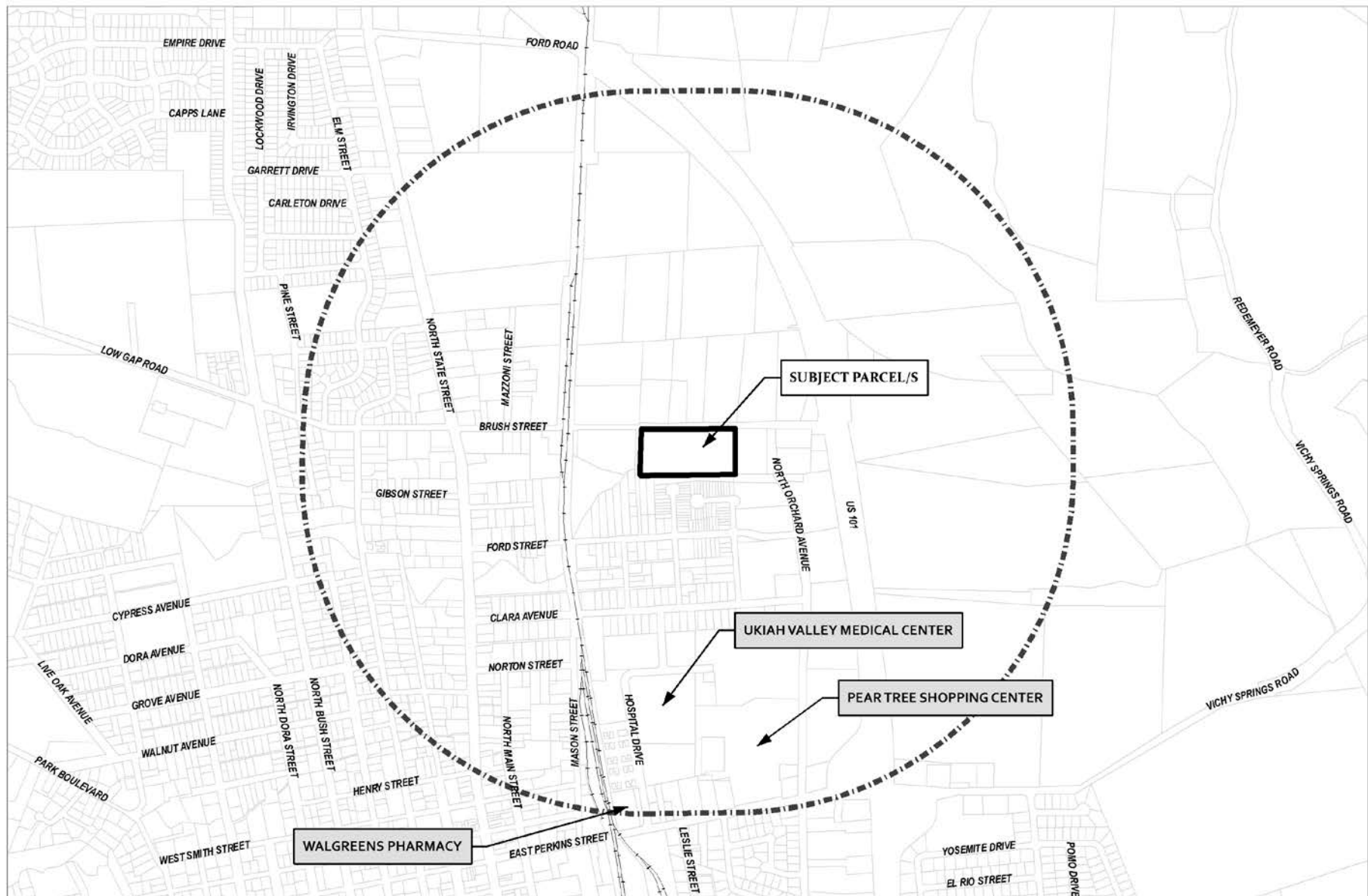
CASE: U 2016-0003  
OWNER: RCHDC  
APN: 002-101-26  
APLCT: RCHDC  
AGENT: Ryan LaRue  
ADDRESS: Brush Street, UK

- Major Towns & Places
- Highways
- City of Ukiah
- Major Roads
- Major Rivers

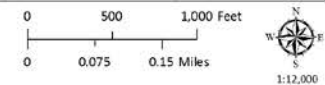
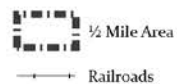


LOCATION MAP





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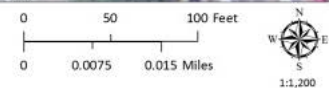


MAJOR SERVICES WITHIN 1/2 MILE



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Named Rivers  
Public Roads



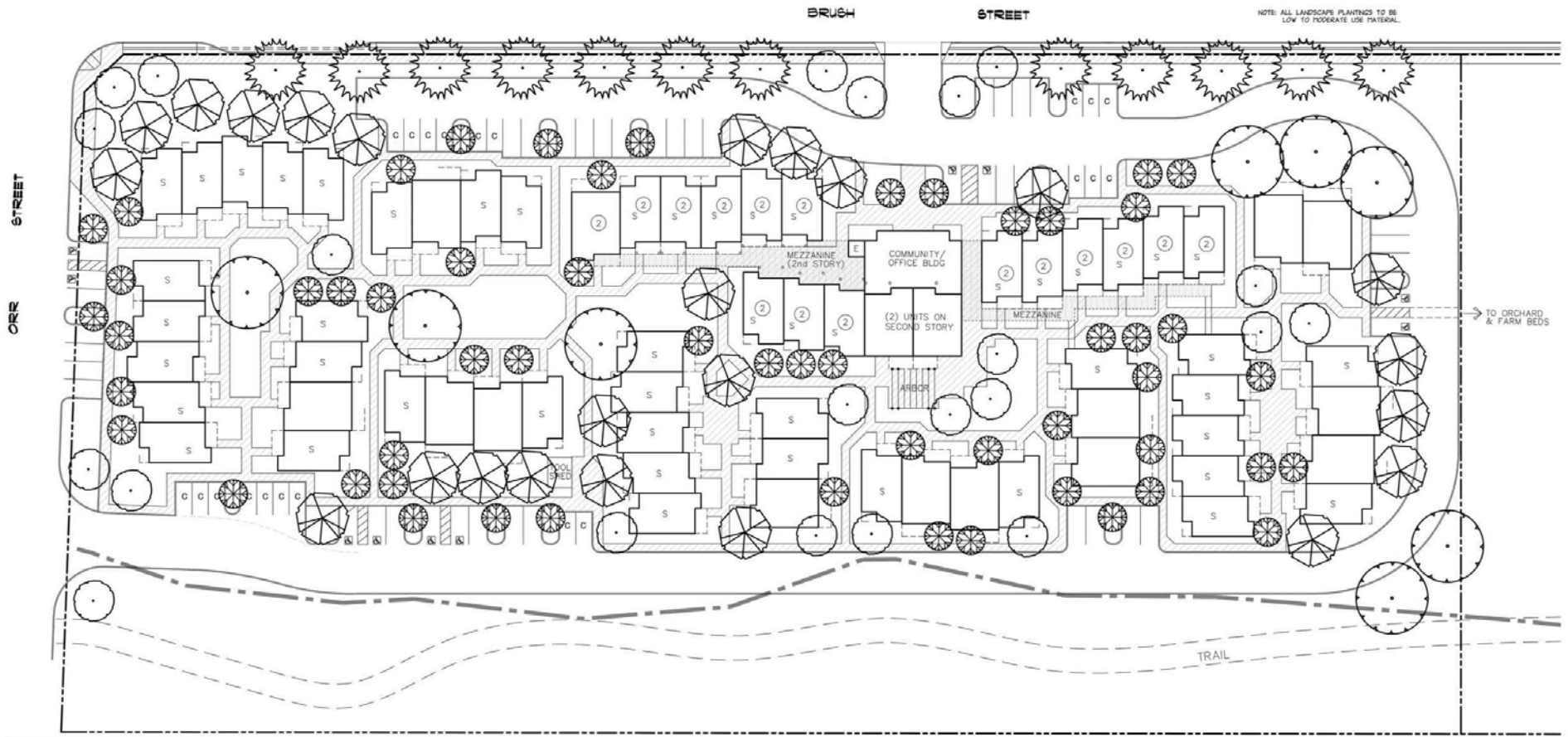
ESRI IMAGERY



**ORR CREEK COMMONS**  
**SITE AREA: APPROXIMATELY 5.3 ACRES**  
**80 UNITS: (17) TWO BEDROOM, 770 SF**  
**(63) ONE BEDROOM, 638 SF**  
**64 PARKING STALLS INCLUDING 10 ACCESSIBLE**

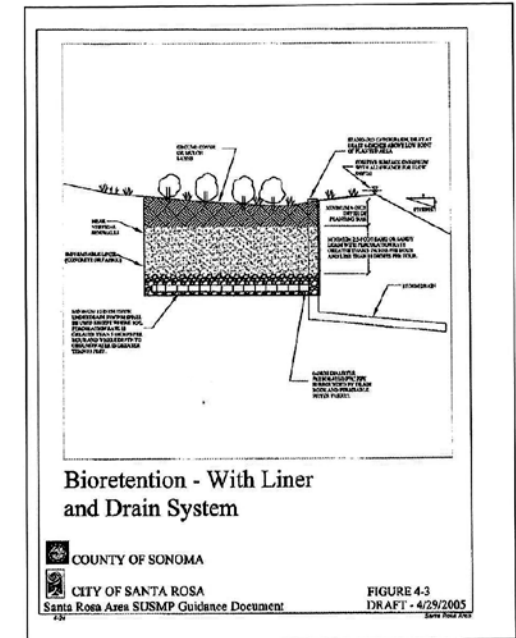
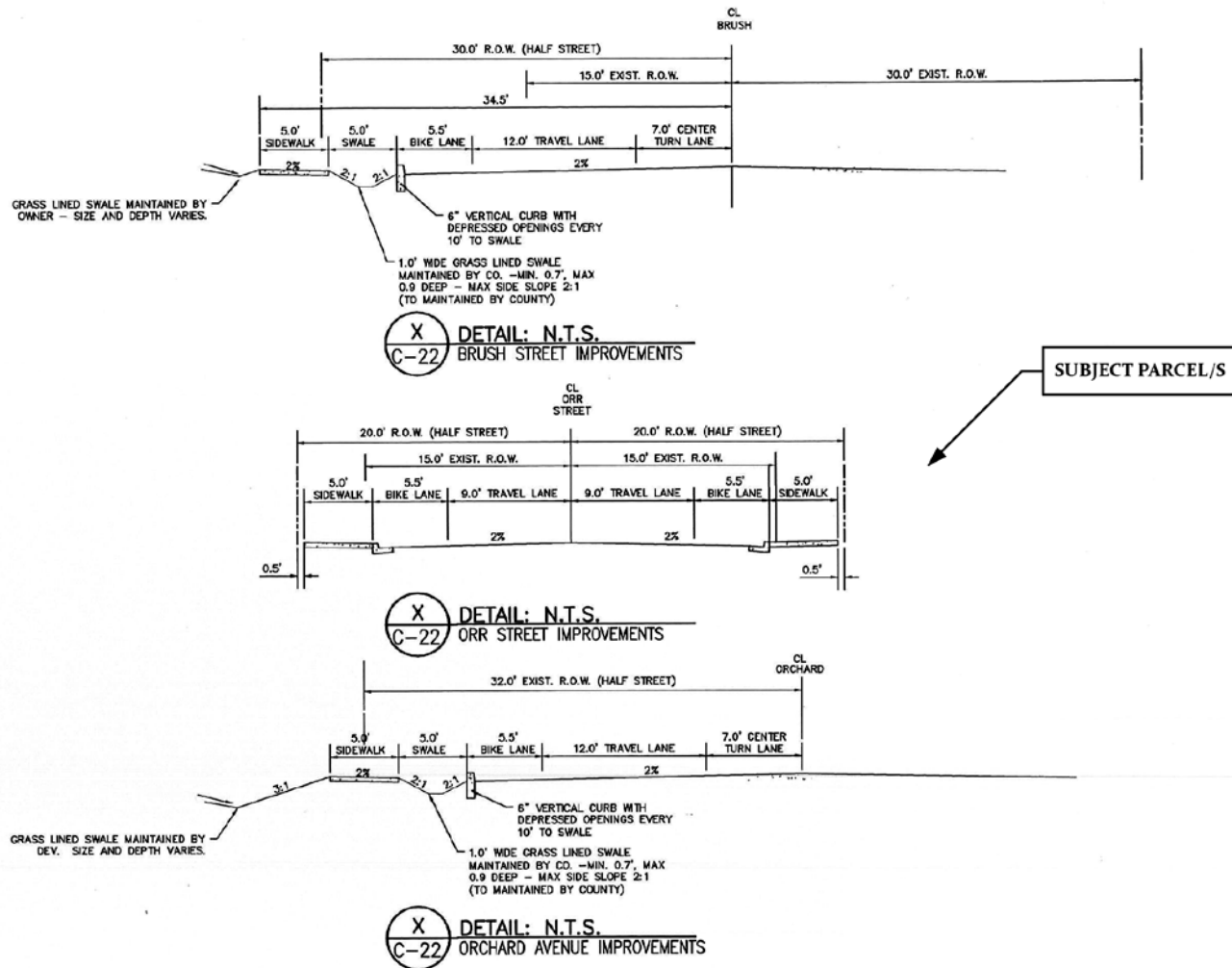
- TREE KEY**
- FEATURE TREE:  
e.g. --Garcia weaver, Interior Live Oak
  - SHADE TREE:  
e.g. --Pawnee cheese, 'Kash Doves' Prunus Cheese Parakee  
--Cala weaver, Cheese Huckleberry
  - FLOWERING TREE:  
e.g. --Lagerströmia, Crape myrtle  
--Palm 'Star' Tree, Ficus, Ginkgo
  - ACCENT TREE:  
e.g. --Arbutus, Thoreau, Hybrid Arbutus  
--Oak, European, Swan Hill, Prunus Olive
  - STREET TREE:  
e.g. --Palm, Liriodendron, Torrey Pine

NOTE: ALL LANDSCAPE PLANTINGS TO BE  
LOW TO MODERATE USE MATERIAL.



Orr Creek Commons  
 Schematic Plans Prepared For RCHDC  
 April 26, 2016

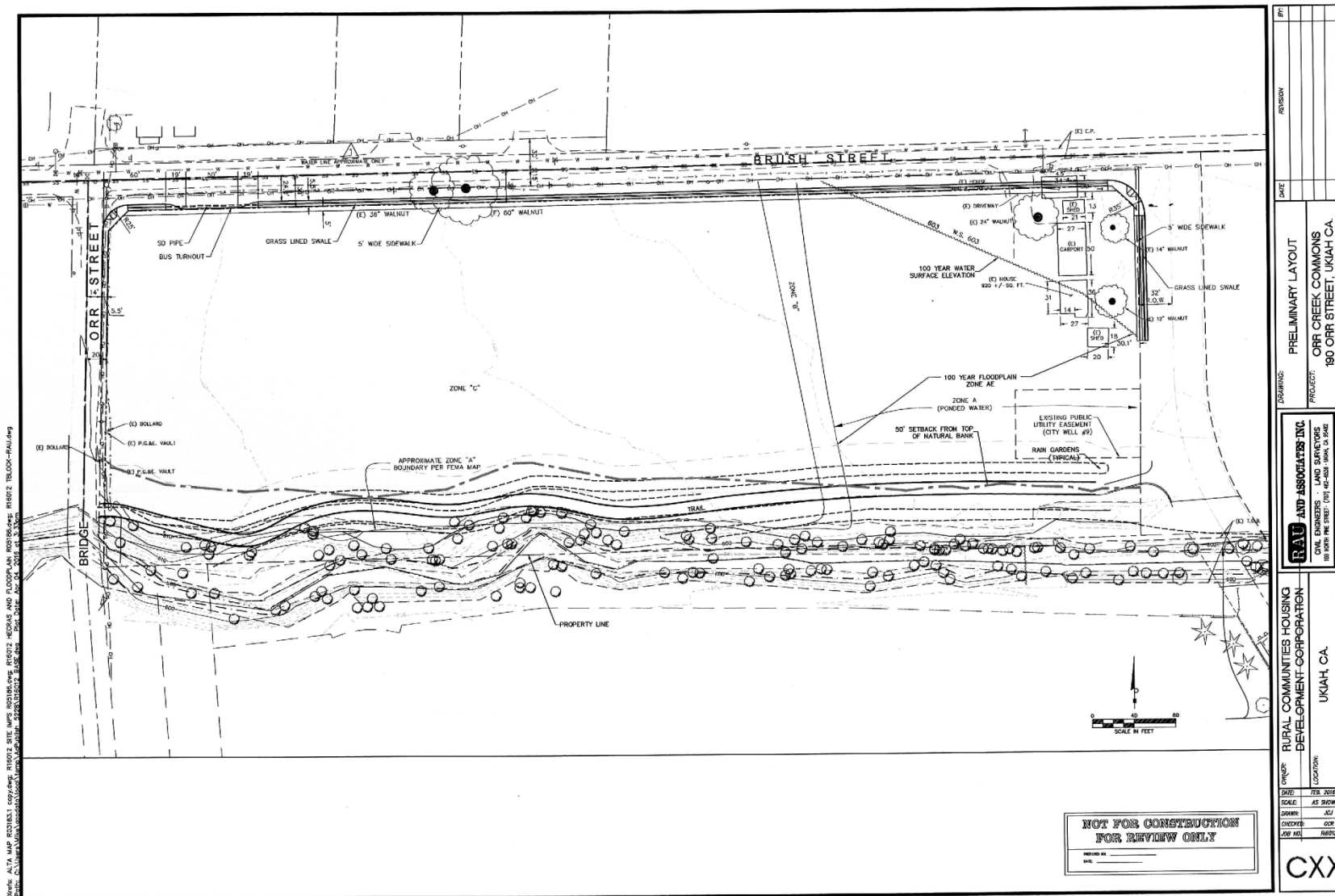
**BASIS** Architecture  
 & Consulting



CASE: U 2016-0003  
OWNER: RCHDC  
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APLCT: RCHDC  
AGENT: Ryan LaRue  
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NO SCALE

ROADWORKS

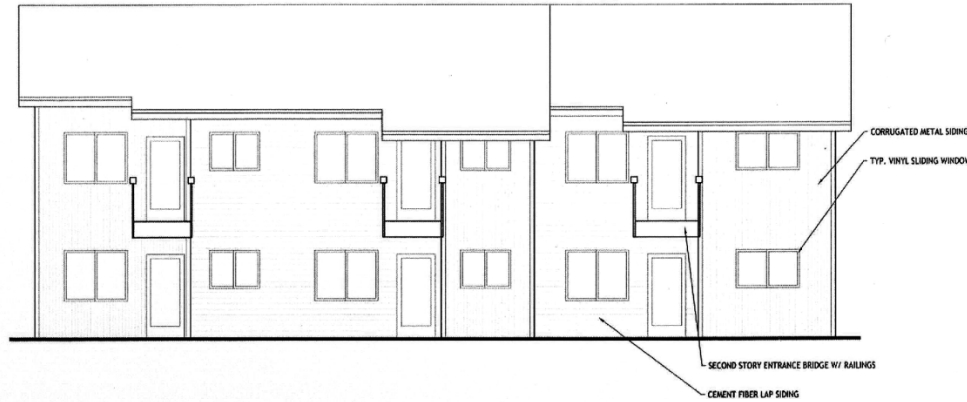


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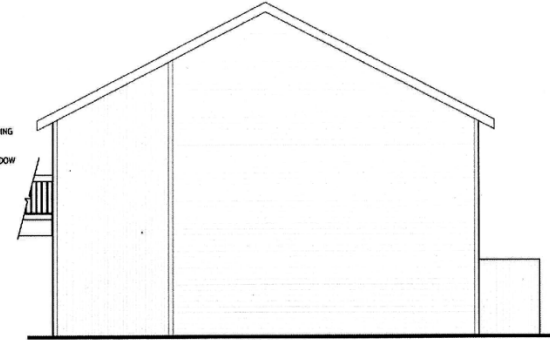
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PROPOSED LAYOUT

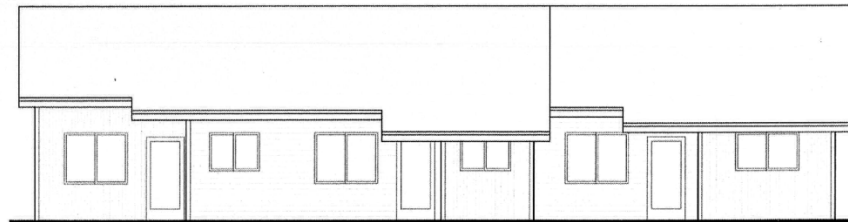
ORR CREEK LODGE AND BUNGALOWS  
WOOD FRAME CONSTRUCTION  
CEMENT FIBER PLANK SIDING WITH CORRUGATED METAL



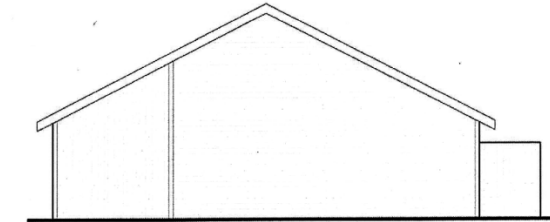
① FRONT ELEVATION, TYP. TWO STORY BUILDING



② SIDE ELEVATION, TYP. TWO STORY BUILDING



③ FRONT ELEVATION, TYP. ONE STORY BUILDING



④ SIDE ELEVATION, TYP. ONE STORY BUILDING

Orr Creek Lodge and Bungalows  
Schematic Plans Prepared For RCHDC  
April 11, 2016

**BASIS** Architecture  
& Consulting

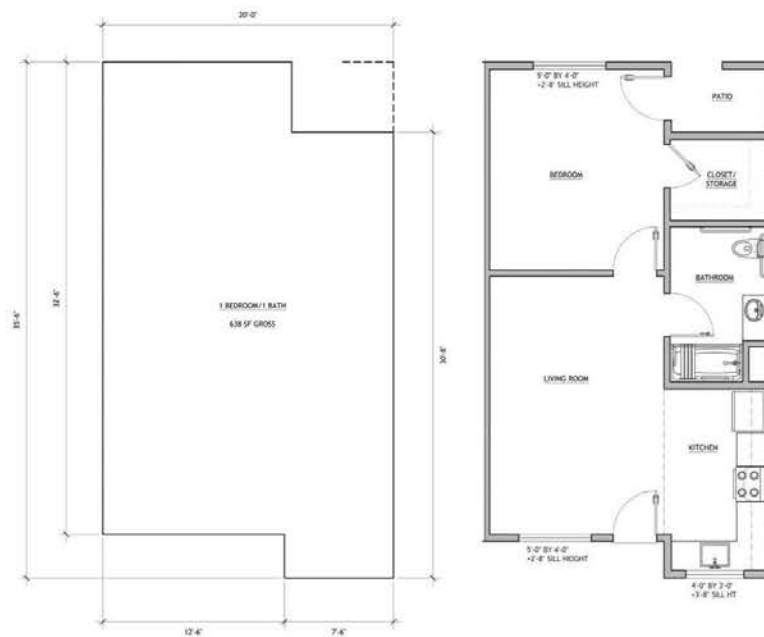
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NO SCALE

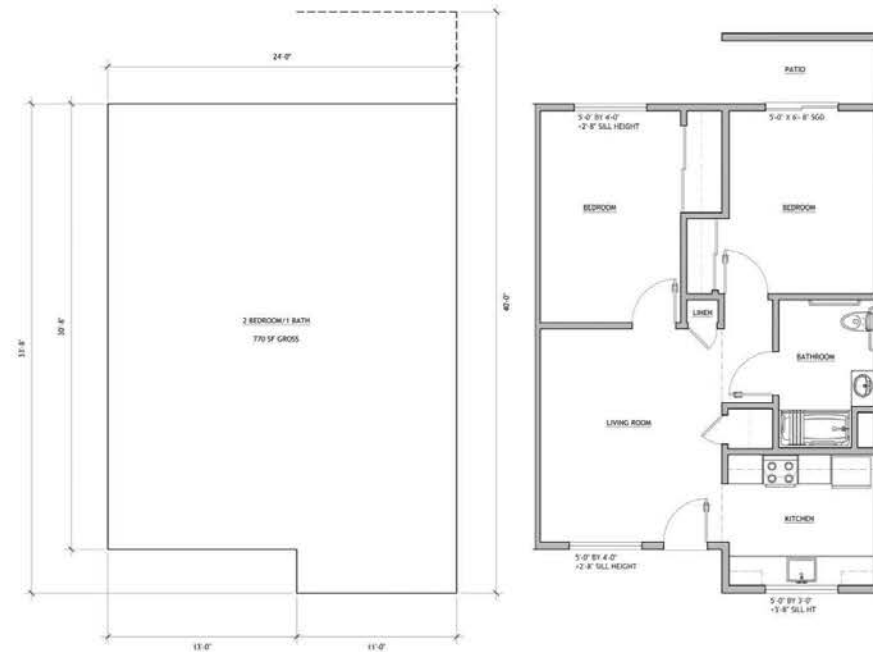
ELEVATIONS



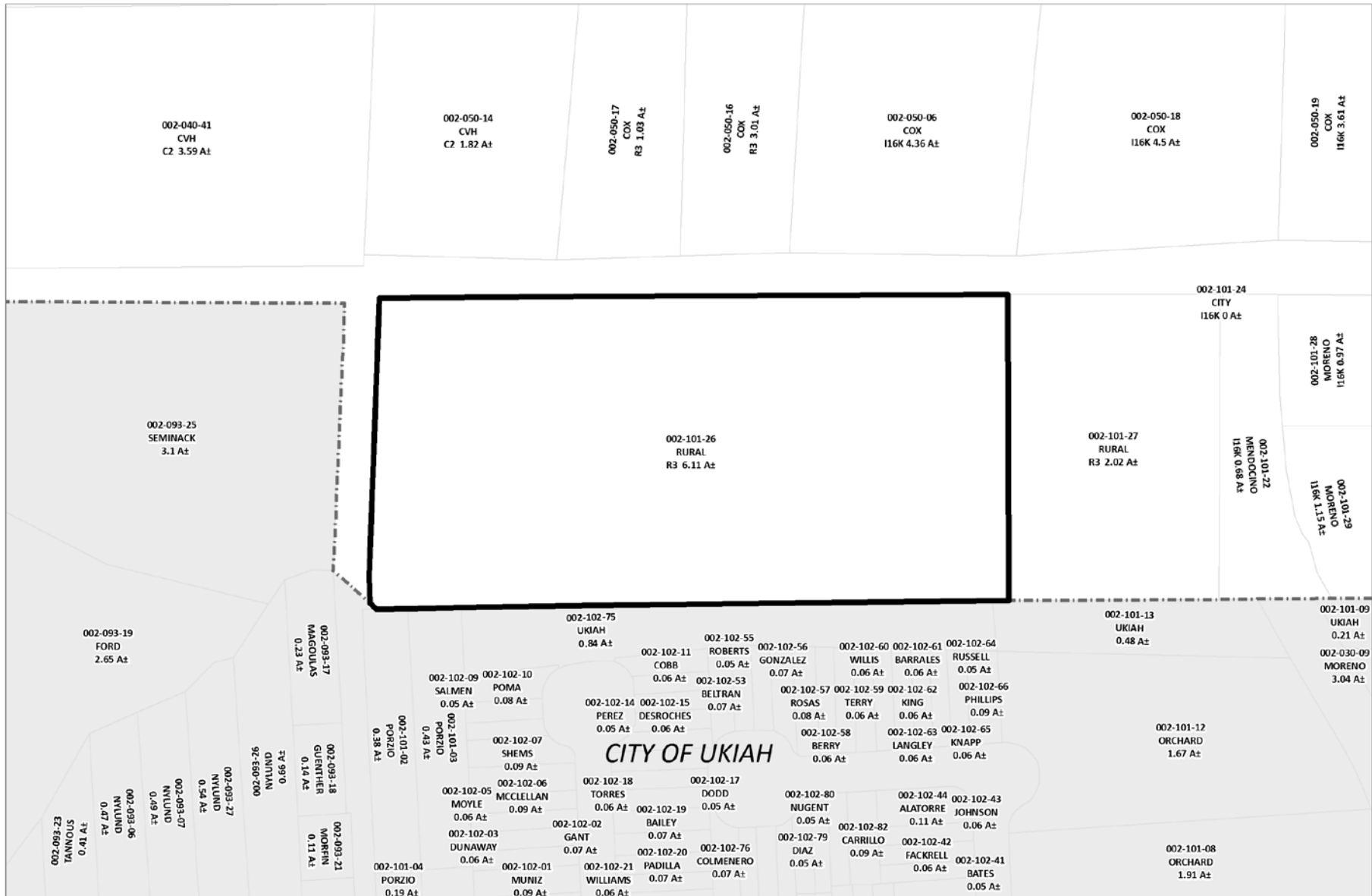
ORR CREEK COMMONS  
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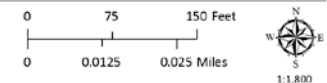
1 TYPE A (ONE BEDROOM/ONE BATH)



2 TYPE B (TWO BEDROOM/ONE BATH)



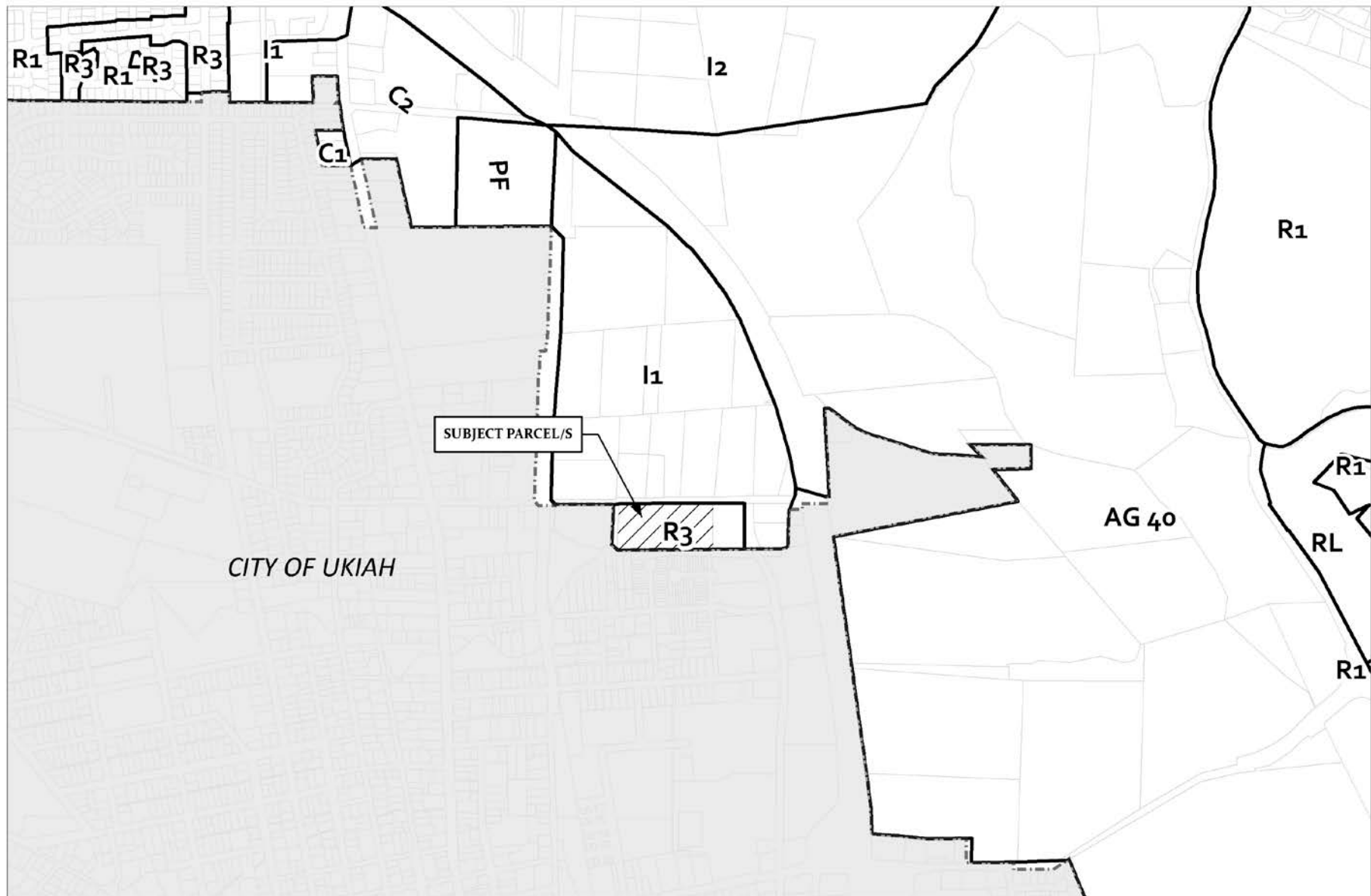
CITY OF UKIAH



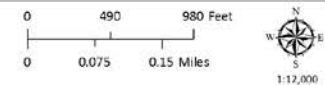
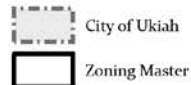
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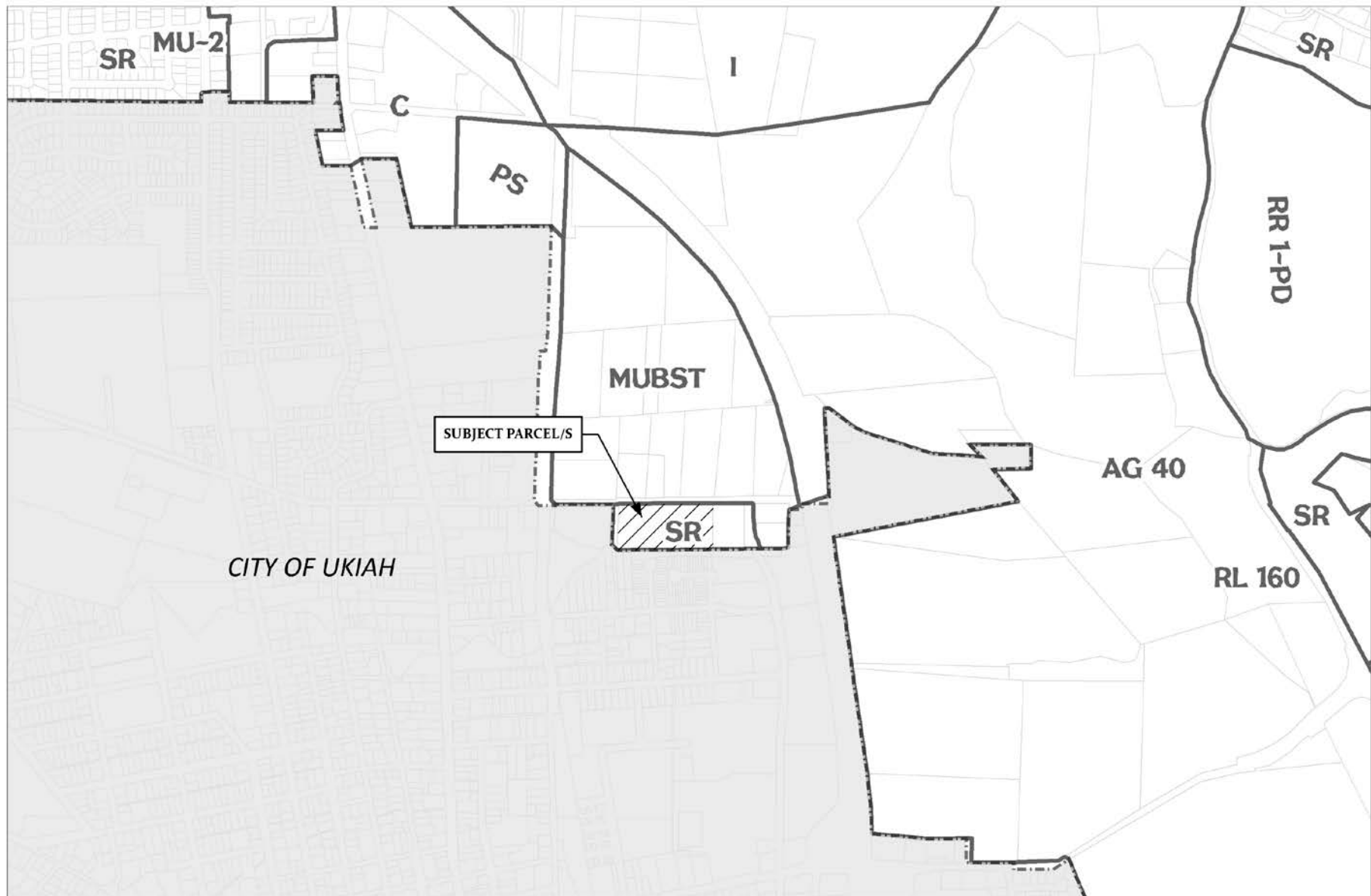
ADJACENT PARCELS



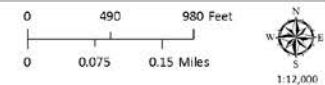
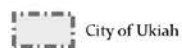
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ZONING DISPLAY MAP

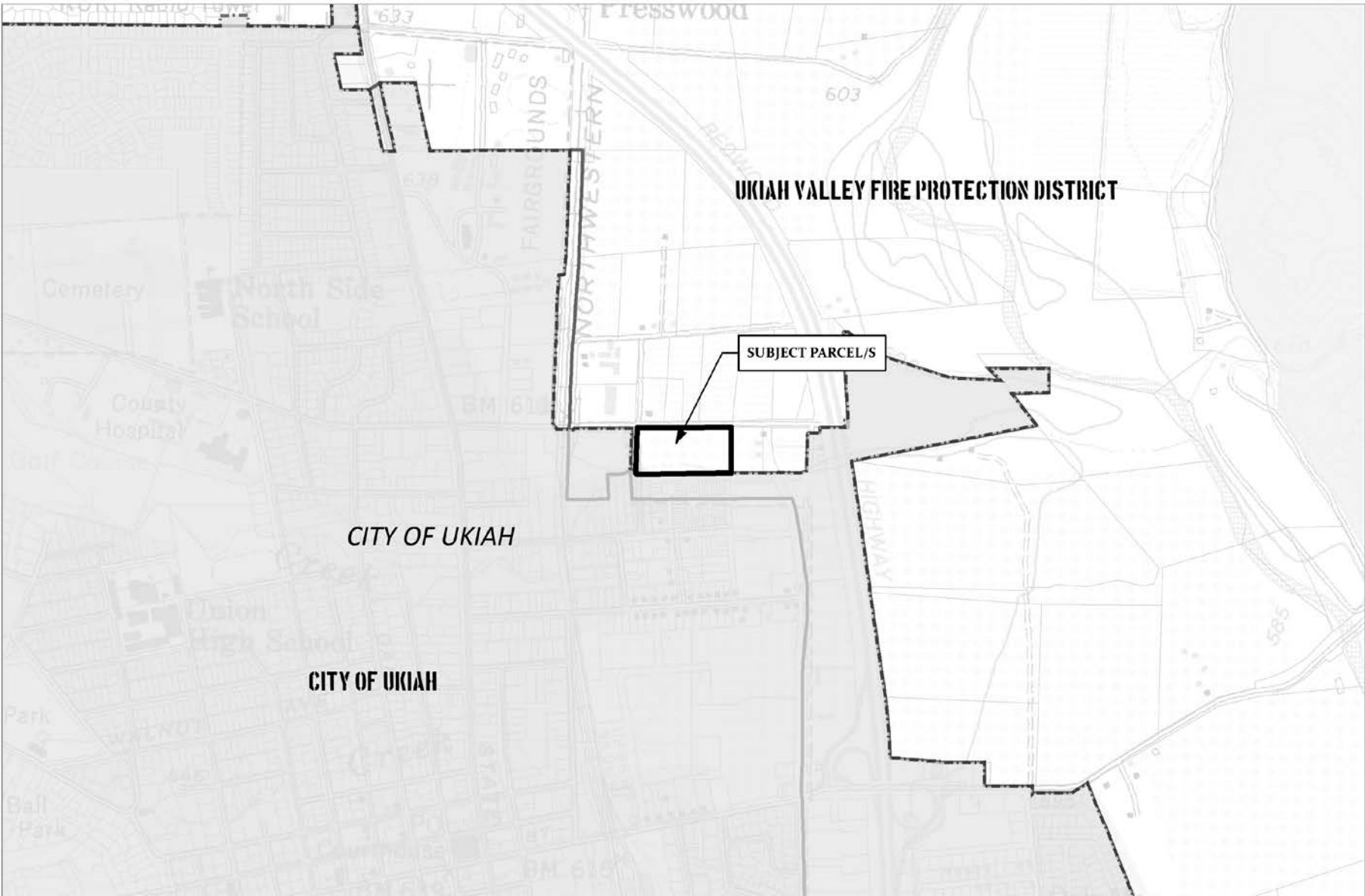


CASE: U 2016-0003  
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GENERAL PLAN CLASSIFICATIONS



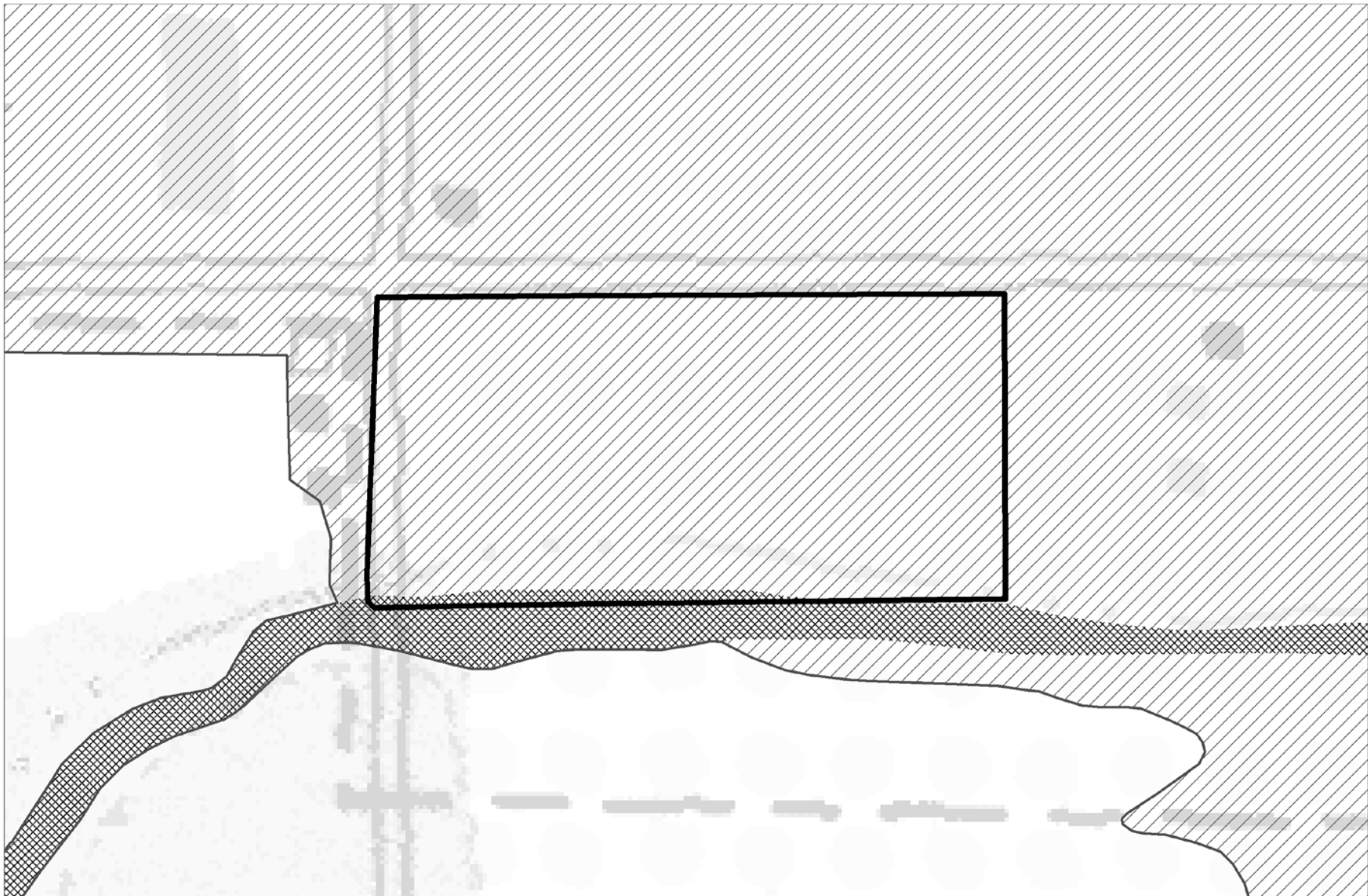


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APLCT: RCHDC  
AGENT: Ryan LaRue  
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- City of Ukiah
- County Fire Districts
- Moderate Fire Hazard

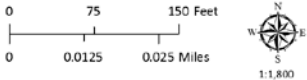
FIRE HAZARD ZONES

Map produced by the Mendocino County Planning & Building Services, March, 2016  
All spatial data is approximate. Map provided without warranty of any kind.

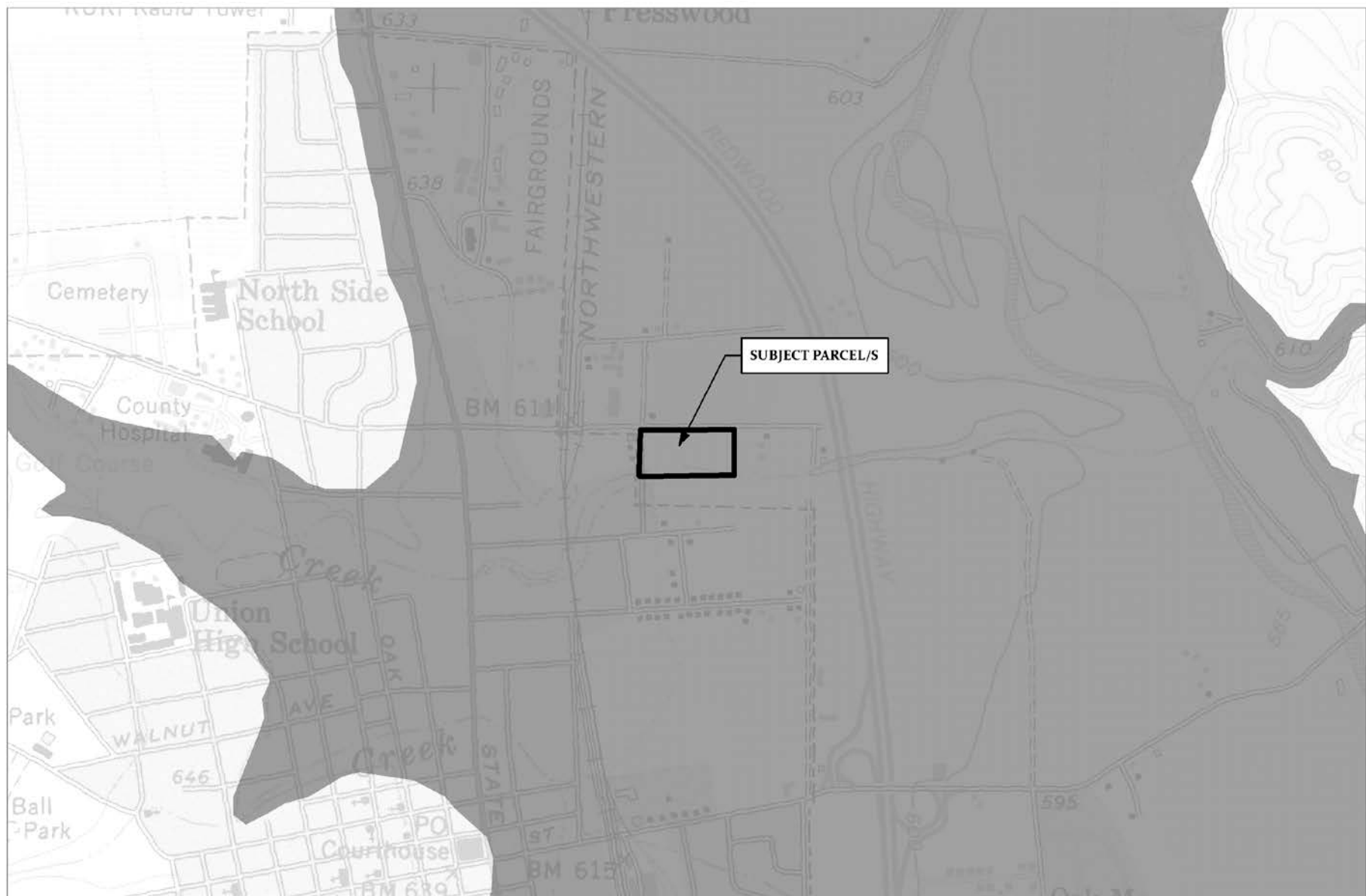


CASE: U 2016-0003  
OWNER: RCHDC  
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APLC: RCHDC  
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 Flood Zone  
 Floodway

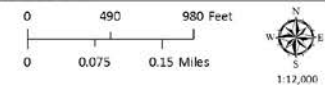


FEMA FLOOD ZONE  
NHP MAPS, JUNE 2nd, 2011

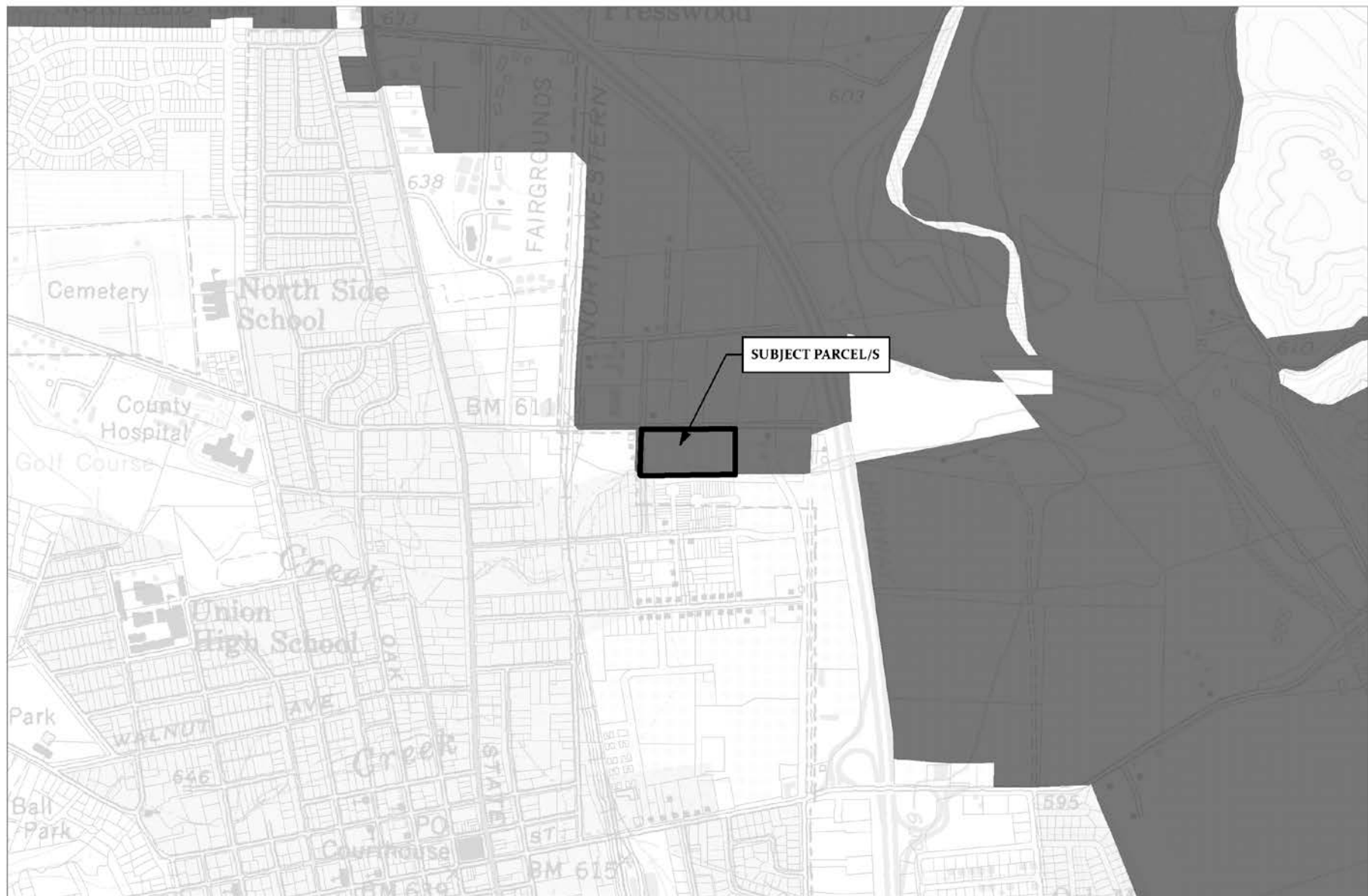


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Estimated Inundation Zones

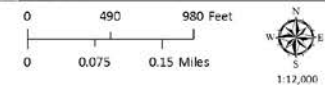


INUNDATION ZONES



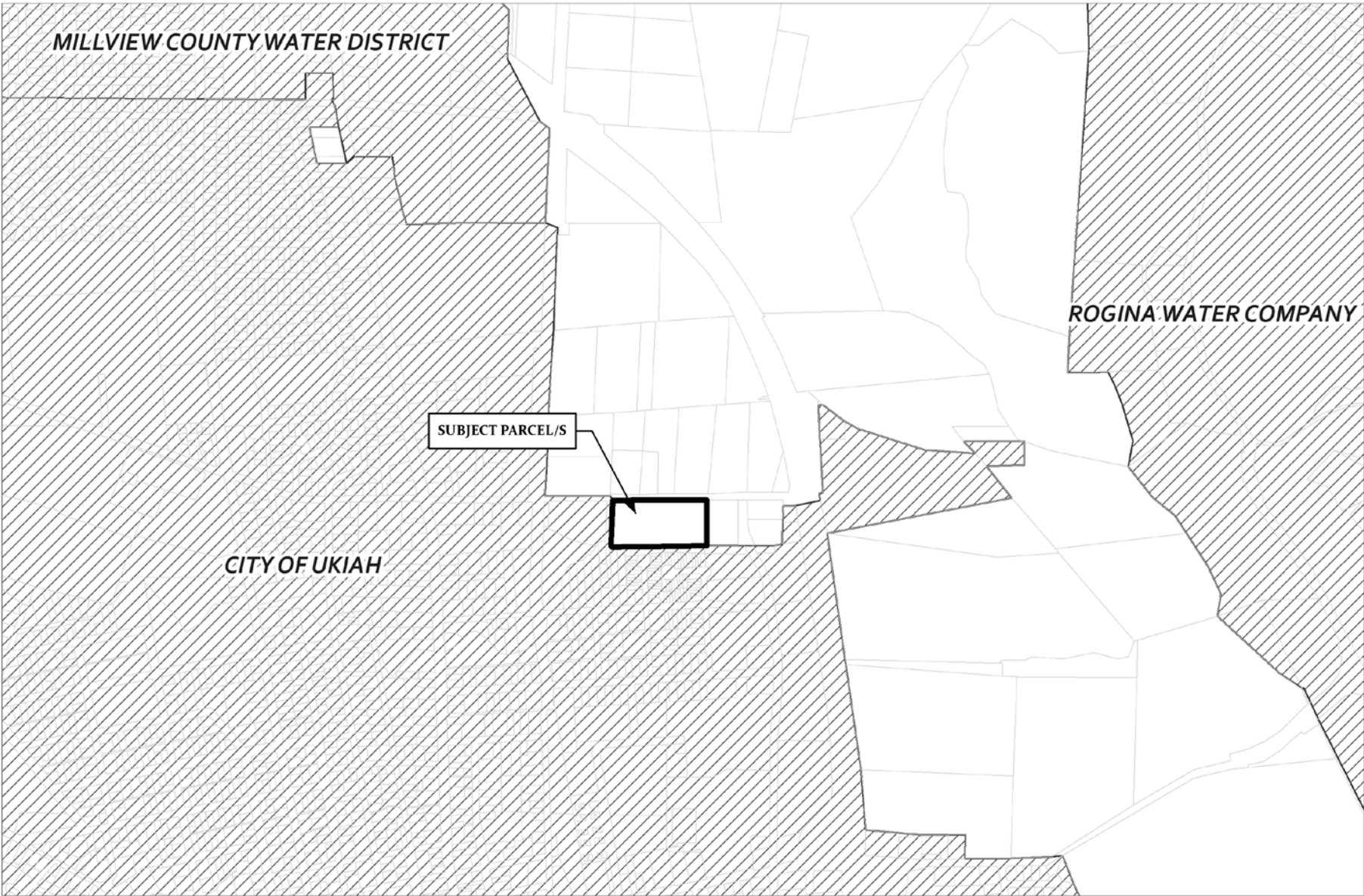
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Ukiah Stormwater Areas



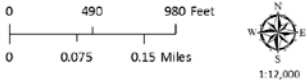
STORMWATER PERMITTING AREAS





CASE: U 2016-0003  
OWNER: RCHDC  
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APLCT: RCHDC  
AGENT: Ryan LaRue  
ADDRESS: Brush Street, UK

 County Water Districts



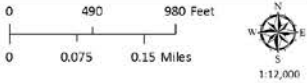
WATER DISTRICTS

Map produced by the Mendocino County Planning & Building Services, March, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



CASE: U 2016-0003  
OWNER: RCHDC  
APN: 002-101-26  
APLCT: RCHDC  
AGENT: Ryan LaRue  
ADDRESS: Brush Street, UK

Ukiah Valley Sanitation Dist.



UKIAH VALLEY SANITATION DISTRICT

**RCHDC Parking Survey**

Mendocino County Site survey taken 7PM April 12, 2016					
		Parking			
Site	# Units	Empty	Full	Total	Full / # Units Ratio
Walnut Village	48	12	34	46	71%
Jack Simpson Apartments	30	17	17	34	57%
Creekside Village	40	35	12	47	30%
Totals	118	64	63	127	53%

Mendocino County Site survey taken 6:30 AM April 14, 2016					
		Parking			
Site	# Units	Empty	Full	Total	Full / # Units Ratio
Walnut Village	48	12	34	46	71%
Jack Simpson Apartments	30	14	20	34	67%
Creekside Village	40	22	25	47	63%
Totals	118	48	79	127	67%

Lake County Site Survey taken 9:30 AM April 14, 2016					
		Parking			
Site	# Units	Empty	Full	Total	Full / # Units Ratio
Sunshine Manor	30	13	17	30	57%
Lakeview Apartments	36	21	15	36	42%
Totals	66	34	32	66	48%

Totals All Parking Surveys					
Totals All Parking Surveys	302	146	174	320	58%

**Orr Creek Commons - If at full capacity**

	# Units	Empty	Full	Total	Full / # Units Ratio
Orr Creek Commons If at full capacity	80	0	65	65	81%

**ATTACHMENT A**

**ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION**

*FOR*

USE PERMIT U\_2016-0003



**Modified Project Description and Project History**

The Mendocino County Planning Commission (County) adopted a Mitigated Negative Declaration (MND) for Use Permit U\_2016-0003, on June 2, 2016. The project involved implementing a Planned Development (P-D) to construct an 80-unit Senior Housing Project, a 2,000 square foot community building with amenities and a 1,000 foot Class 1 linear park adjacent to Orr Creek.

**Proposed Changes:** The changes to the proposal are limited to:

- Removal of the community electric vehicle (EV) component, although the six (6) EV charging stations will be retained in the final plan.
- The implementation of project phasing to allow for flexibility in development as revenue streams become available, and the inclusion of a new Condition of Approval that lets the Planning and Building Services Director, along with written approval from jurisdictional agencies, approve project phasing.

Allowing these minor modifications would not change the discussion of environmental impacts, or the mitigation measures.

**Purpose:** Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Negative Declaration (ND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent ND have occurred. Section 15162 states that when an ND has been adopted for a project, no subsequent ND 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 require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the 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 ND due to the 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 the exercise of reasonable diligence at the time the previous ND was certified as complete, shows any of the following:*
  - A) *The project will have one or more significant effects not discussed in the previous ND;*
  - B) *Significant effect previously examined will be substantially more severe than shown in the previous ND;*
  - 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 ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

No substantial changes are proposed which would require major revisions to the previously approved Mitigated Negative Declaration. None of the proposed changes to the project will increase the severity of previously identified significant effects. The proposed changes will not result in a new environmental effect. No additional mitigation is required. The proposed changes do not alter the effectiveness of the mitigation measures as there will be no additional environmental impacts associated with removal of community electric vehicles, the implementation of phasing for the project, or the adding of a condition allowing for the Planning and Building Services Director, along with jurisdictional agencies to approve phasing of the project.

### **Explanation of Decision Not to Prepare a Supplemental Mitigated Negative Declaration:**

See Purpose section above. In every impact category analyzed in this review, the projected consequences of the proposed Addendum to the Mitigated Negative Declaration are the same compared to the project for which the original Mitigated Negative Declaration was adopted. Based upon this review, the following findings are supported:

#### **Findings:**

1. For the modified project there are no substantial changes proposed which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

No new significant effects or increase of severity of effects are anticipated. The proposed revisions to the project do not entail substantial changes to the previously identified environmental impacts. The proposed modifications constitute primarily administrative and procedural actions. As the inclusion of the EV community vehicles was not considered as a mitigation measure in the Initial Study, and was proposed by the applicant to qualify the project for a grant from the State Affordable Housing and Sustainable Communities Program (AHSC), no environmental impacts were reliant on the inclusion of said vehicles for mitigation purposes. The average Air Quality Index (AQI) of Mendocino County does not rise to levels considered to be impacted and therefore the project would not be eligible for the anticipated grant. The project still retains the EV charging stations as a project amenity.

As well, the phasing of the project, with written approvals from jurisdictional agencies, and at the discretion of the Planning and Building Services Director, is intended primarily to assist the applicant in coordinating revenue streams, rather than addressing anticipated environmental impacts. Condition 5 is a mitigation measure required to reduce impacts to biological resources to less than significant levels, and involves the following four components:

- The part of the 50-foot setback that is a fallow field shall be converted to a linear park with a pervious surface hiking/bike trail and replanted with a grass/forb mix of plants native to the area. The seed mix will be approved by the County Department of Planning and Building Services.
- The final landscaping plan shall include planting of only native trees and shrubs in the 50-foot setback. The trees shall be native to the area, including oaks, buckeye, California bay, willow, California rose, etc. Non-native trees and shrubs will be removed as requested by the California Department of Fish & Wildlife.
- All lighting shall be shielded so that the riparian corridor does not receive excessive light spill or direct glare from project lights.
- Three signs shall be installed along the length of the riparian woodland edge that explain that the area contains sensitive wildlife habitat and people should control their dogs and avoid entering the stream channel.

The final project will not deviate from implementation of these conditions. However, the construction of the linear park will be completed in Phase 2, when the additional 40 units will be built. The construction of bioswales that aim to meet or exceed Low Impact Development (LID) requirements will still be occurring in Phase 1. The identified impacts to the riparian corridor will still be mitigated to similar levels as they would be without project phasing.

2. For the modified project no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Based on the discussion in Finding 1, above, no new significant environmental effects resulting from the proposed MND modification are anticipated. The circumstances under which the project is being undertaken remain the same.

3. For the modified project there has been no 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 MND was adopted as complete.

There has been no new information of substantial importance which was not known and could not have been known at the time the previous MND was complete. The baseline conditions describing the overall impacts of the previously approved use permit and related Conditions of Approval and Mitigation Monitoring and Reporting Program remain the same.

4. The proposed changes do not constitute a change in the level of significance previously discussed in the original MND. As such, it is concluded that: the current project will not have one or more significant effects not discussed in the previous MND. Furthermore, significant effects previously examined will not be substantially more severe than shown in the previous MND.

There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project. The proposed MND modification does not involve changes to or additional analysis of any mitigation measures. No new potential impacts have been identified requiring new mitigation measures to be developed.

5. Finally, there are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND, and which would substantially reduce one or more significant effects on the environment.

The Addendum to the Mitigated Negative Declaration does not involve changes to, or analysis of any mitigation measures.

**Conclusion:**

Based on these findings it is concluded that an Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed changes to the project.

**Resolution Number**

County of Mendocino  
 Ukiah, California  
 February 21, 2019

U\_2016-0003 – RURAL COMMUNITIES HOUSING DEVELOPMENT CORPORATION (RCHDC)

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF  
 MENDOCINO, STATE OF CALIFORNIA, GRANTING A USE PERMIT  
 MODIFICATION AND ADOPTING AN ADDENDUM TO THE ADOPTED  
 MITIGATED NEGATIVE DECLARATION FOR AN EIGHTY (80) UNIT  
 HOUSING PROJECT

WHEREAS, the applicant, RURAL COMMUNITIES HOUSING DEVELOPMENT CORPORATION (RCHDC), is seeking a use permit modification with the Mendocino County Department of Planning and Building Services to allow for the modification of Conditions of Approval and Mitigation Monitoring and Reporting Program allowable under California Environmental Quality Act (CEQA) Sections 15164 and 15165; bordering the Ukiah City limits, lying on the south side of Brush St (CR 217) at the eastern intersection of Orr St (CR 216), approximately 250 feet from the intersection of Orchard Ave (City Limits) to the west. The property is bounded on the south by approximately 1,000 feet of Orr Creek, which defines the limits between the City and County. Located at APN: 002-101-26; General Plan- Suburban Residential (SR); Zoning- Multiple Family Residential with a Flood Plain and a Planned Development combining district (R3:FP:PD); Supervisorial District 2; (the "Project"); and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; CEQA) and the CEQA Guidelines (Title 14 California Code of Regulations section 15000 *et seq.*), a Mitigated Negative Declaration ("MND") was previously prepared for the original project (U\_2016-0003) and was noticed and made available for agency and public review on April 27, 2016 and was adopted by the Planning Commission on June 2, 2016; and

WHEREAS, Section 15164 of the CEQA Guidelines provides that an addendum to a previously adopted MND may be prepared if only minor technical changes or additions to the project are necessary or none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent environmental impact report or mitigated negative declaration have occurred; and

WHEREAS, Section 15165 of the CEQA Guidelines provides that projects be allowed to be phased in the event that the total undertaking comprises events that contribute to single source environmental impacts; and

WHEREAS, County staff has prepared an Addendum to the adopted Mitigated Negative Declaration related to the proposed use permit modification, which it circulated and made publicly available on January 30, 2019, which is attached to this resolution as Exhibit "B" and incorporated herein by this reference ("Addendum"), and which determines that none of the conditions described in CEQA Guidelines section 15162 will occur; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, February 21, 2019 at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings, based upon the evidence in the record;

1. **General Plan & Zoning Consistency Findings:** The subject parcel has a General Plan Land Use Designation of Suburban Residential (SR) and the Project is consistent with the General Plan definition. Additionally, the subject parcel lies within the Zoning District of Multi-Family Residential (R3) with an overlay Flood Plain (FP) Combining District and Planned Development (R3:FP:PD) and the Project is consistent with the Zoning Code per MCC Sections 20.080 and Section 20.136.010; and
2. **Ukiah Valley Area Plan Findings:** The Project is consistent with the Ukiah Valley Area Plan (UVAP) as it relates to land use, community development and development of infill sites with housing for a variety of ages and incomes; and
3. **Use Permit Findings:** The Project satisfies the Use Permit required findings as more specifically provided in the memorandum accompanying this resolution; and
4. **Environmental Protection Findings:** The Addendum to the previously adopted MND prepared for this use permit modification has been completed in compliance with CEQA and the CEQA Guidelines. The Addendum to the previously adopted MND was presented to the Planning Commission, which independently reviewed and considered the Addendum, and the Planning Commission has exercised its independent judgment in making the findings and determinations set forth herein. Based on the evidence submitted and as demonstrated by the analysis and findings included in the Addendum, none of the conditions described in section 15162 of the CEQA Guidelines calling for the preparation of a subsequent negative declaration or environmental impact report have occurred.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves and adopts the Addendum to the previously adopted MND for the Project, in the form attached to this Resolution as Exhibit "B", and directs the Mendocino County Department of Planning and Building Services to attach the Addendum to the MND.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested modification to the previously approved Conditions of Approval and Mitigation Monitoring and Reporting Program, attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

ATTEST: ADRIENNE THOMPSON  
Administrative Services Manager

By: \_\_\_\_\_

BY: BRENT SCHULTZ  
Director

\_\_\_\_\_, Chair  
Mendocino County Planning Commission

**EXHIBIT A**  
**CONDITIONS OF APPROVAL AND MITIGATION MONITORING**  
**AND REPORTING PROGRAM**

**U\_2016-0003**  
**RURAL COMMUNITIES HOUSING DEVELOPMENT CORPORATION (RCHDC)**  
**FEBRUARY 21, 2019**

**APPROVED PROJECT DESCRIPTION:** Modification of the Conditions of Approval of U\_2016-0003 to allow for project phasing at the discretion of the Planning and Building Services Director. U\_2016-0003 authorized the implementation of a Planned Development to construct an 80 unit Senior Housing Project "Orr Creek Commons", community building and linear park along Orr Creek.

**CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by \*\*):**

**Aesthetics**

1. All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.

**Air Quality**

2. The applicant shall obtain a District Large Grading Permit through the Mendocino County Air Quality Management District (AQMD). In addition, compliance with Regulation 1, Rule 430 will be required. Written verification shall be submitted from **AQMD** to the Department of Planning and Building Services that this condition has been met to the satisfaction of that agency.
3. The developer shall provide a total of six (6) Electric Vehicle (EV) charging stations with two (2) spaces available to the public and four (4) available for the two (2) vans and two (2) cars, as per the revised project description.

**Biological Resources**

- \*\*4.** The following measures shall be implemented to avoid or minimize the potential for adverse effects on waters of the United States (Orr Creek).

- Erosion control measures shall be implemented during construction of the project. Such provisions include the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which describes and illustrates placement of best management practices (BMPs) within the project area.

Erosion control measures to be included in the SWPPP or otherwise required to be implemented include the following:

- To the maximum extent practicable, activities that increase the erosion potential in the project area shall be restricted to the relatively dry summer and early fall period to minimize the potential for rainfall events to transport sediment to surface water features. If these activities must take place during the late fall, winter, or spring, then temporary erosion and sediment control structures shall be in place and operational at the end of each construction day and maintained until permanent erosion control structures are in place.
- Within 10 days of completion of construction in those areas where subsequent ground disturbance will not occur for 10 calendar days or more, weed-free mulch shall be applied to disturbed areas to reduce the potential for short-term erosion. Prior to a rain event or when there is a greater than 50 percent possibility of rain within the next 24 hours, as forecasted by the National Weather Service, weed-free mulch shall be applied to all exposed areas at the completion of the day's activities. Soils shall not be left exposed during the rainy season.
- Suitable BMPs, such as silt fences, straw wattles, or catch basins, shall be placed below all construction activities at the edge of surface water features to intercept sediment before it



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reaches the waterway. These structures shall be installed prior to any clearing or grading activities.

- If spoil sites are used, they shall be located such that they do not drain directly into a surface water feature (to the maximum extent practicable). If a spoil site drains into a surface water feature, catch basins shall be constructed to intercept sediment before it reaches the feature. Spoil sites shall be graded and vegetated to reduce the potential for erosion.
- Sediment control measures shall be in place prior to the onset of the rainy season and shall be monitored and maintained in good working condition until disturbed areas have been re-vegetated.

Construction specifications shall include the following measures to reduce potential impacts on vegetation and aquatic habitat resources in the Project Area associated with accidental spills of pollutants (e.g., fuel, oil, grease):

- A site-specific spill prevention plan shall be implemented for potentially hazardous materials. The plan shall include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching surface water features.
- Equipment and hazardous materials shall be stored a minimum of 50 feet away from surface water features.

Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from Project-related activities, shall be prevented from contaminating the soil and/or entering the wetlands and other waters of the U.S. Any of these materials placed within or where they may enter these areas shall be removed immediately.

**\*\*5.** The following measures shall be implemented to avoid or minimize the potential for adverse effects on the riparian woodland associated with Orr Creek.

- The part of the 50-foot setback that is a fallow field shall be converted to a linear park with a pervious surface hiking/bike trail and replanted with a grass/forb mix of plants native to the area. The seed mix will be approved by the County Department of Planning and Building Services.
- The final landscaping plan shall include planting of only native trees and shrubs in the 50-foot setback. The trees shall be native to the area, including oaks, buckeye, California bay, willow, California rose, etc. Non-native trees and shrubs will be removed as requested by the California Department of Fish & Wildlife.
- All lighting shall be shielded so that the riparian corridor does not receive excessive light spill or direct glare from project lights.
- Three signs shall be installed along the length of the riparian woodland edge that explain that the area contains sensitive wildlife habitat and people should control their dogs and avoid entering the stream channel.

6. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$ 2,260.25 (OR CURRENT FEE) shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 13, 2016 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the

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outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

**Cultural Resources**

7. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

**Geology & Soils**

8. The applicant shall obtain all necessary permits through the County Building Division prior to grading or construction.

**Hazards/Hazardous Materials**

- \*\*9. Construction specifications shall include the following measures to reduce potential impacts in the Project Area associated with accidental spills of pollutants (e.g., fuel, oil, grease):
  - A site-specific prevention plan shall be implemented for potentially hazardous materials. The plan shall include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching surface water features.
  - Equipment and hazardous materials shall be stored a minimum of 50 feet away from Orr Creek.
  - Vehicles and equipment used during construction shall receive proper and timely maintenance to reduce the potential for mechanical breakdowns leading to a spill of materials. Maintenance and fueling shall be conducted in an area at least 50 feet away from Orr Creek and within an adequate fueling containment area.

**Hydrology and Water Quality**

10. The applicant shall obtain all applicable permits required within the urban boundaries of the Stormwater Management Plan per County Code Section 16.30, typically required through building permit processing. In addition, any development in areas identified within the 100 year flood plain will require Flood Hazard Development permits through the Department of Planning and Building Services.
11. As required by the California Code of Regulations (Title 23, Division 2, Chapter 2.7), the applicant shall submit to the Department of Planning and Building Services (PBS) a Water Efficient Landscape Package prior to any grading or landscaping activity included as part of the subject project. Documentation shall be prepared to the satisfaction of PBS.

**Land Use and Planning**

12. All existing structures shall meet current setback requirements to newly proposed property lines. A site map shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance.

**Noise**

- \*\*13. The applicant shall develop a construction noise mitigation plan subject to the County's review and approval. The following conditions shall be incorporated into the mitigation plan to reduce construction noise impacts:

**EXHIBIT A**  
**CONDITIONS OF APPROVAL AND MITIGATION MONITORING**  
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- a) Muffle and maintain all equipment used on site. All internal combustion engine-driven equipment shall be fitted with mufflers, which are in good condition. Good mufflers shall result in non-impact tools generating a maximum noise level of 80 dB when measured at a distance of 50 feet.
- b) Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- c) Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- d) Prohibit unnecessary idling of internal combustion engines.
- e) Prohibit audible construction workers' radios on adjoining properties.
- f) Pursuant to the Municipal Code, restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday, and not at all on Sundays and holidays.
- g) Allowable construction hours shall be posted clearly on a sign at the construction site.
- h) Designate a "noise disturbance coordinator" who is responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler) and require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site.

**Public Services**

- 14. The applicant shall comply with any requirements or recommendations of the **Ukiah Valley Fire District**. Written verification shall be submitted from **Fire District** to the Department of Planning and Building Services that this condition has been met to the satisfaction of the **Fire District** prior to occupancy of the development.

**Transportation**

- 15. The applicant shall construct all road, curb and gutter improvements as proposed to the satisfaction of the County Department of Transportation (MCDOT), prior to occupancy of the housing development. Written verification from MCDOT to the Department of Planning and Building Services that this condition has been met shall be submitted prior to the final sign off of any residential building permits. Specifics of the improvements shall be as follows:

Road Widening / Pave-out shall conform to MCDOT Standard A70.

Each proposed road approach to access Brush Street, Orchard Avenue and Orr Street shall be constructed as a commercial road approach to a minimum width of twenty-two (22) feet, and improved length of twenty (20) feet from the edge of the County road, per MCDOT Standard A50 (using the commercial structural section shown in the detail) and A51C.

- Valley Gutters shall be constructed per MCDOT Standards A41A and B.
- Curb, Gutter, Sidewalk and medians shall be constructed per MENDOT Standards A40 and B.
- Construct any bus stops per MCDOT Standards A14A, B and C.
- Any utility trenching shall conform to MENDOT Standards A60A, B and C.
- Improvement plans shall conform to MENDOT Standards A20A through I.

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The applicant shall make the following improvements: 1) full width widening improvements to Orr Street to local road standards with sidewalks from the intersection with Brush Street south to Orr Street bridge; 2) half width widening improvements to Brush Street to collector standards with a center turn lane, bike lane and sidewalk from Orr Street intersection to Orchard Avenue intersection; and 3) half width widening improvements to local road standards with shoulder and sidewalk connections to Orchard Avenue from Brush Street south to the Orchard Avenue bridge.

16. Dedicated Right-of-Way Agreements shall be entered into with the Board of Supervisors to the satisfaction of MCDOT as follows:

There shall be dedicated by Right of Way Agreement with the Board of Supervisors, a 15-foot strip along the northern line of the parcels to provide for the ultimate improvement of Brush Street (CR 217). The ultimate improvement is a 60-foot right of way, measured 30 feet from centerline of the physical road;

There shall be dedicated by Right of Way Agreement with the Board of Supervisors, a 5-foot strip along the western line of the parcel to provide for the ultimate improvement of Orr Street (CR 216). The ultimate improvement is a 40-foot right of way, measured 20 feet from centerline of the physical road.

17. The applicant shall provide standard signage and other markings as directed and approved by the Mendocino County Department of Transportation prior to substantial completion of development to designate site street frontage on Orchard Avenue, Brush Street, and Orr Street as "No Parking."
18. The applicant shall be required to adhere to all facets of the proposed project description except in cases in which alternative components of the description are proposed to the satisfaction of Planning and Building Services that would improve on public health, safety, comfort or general welfare.
19. At the discretion of the Planning and Building Services Director, and with written approval from appropriate agencies, the proposed project may be phased. At each phase the applicant shall provide a comprehensive project description with conditions to be complied with or portions of conditions.

*\*\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Mitigated Negative Declaration.*

**EXHIBIT B**  
**ADDENDUM TO THE ADOPTED MITIGATED NEGATIVE DECLARATION**

**Modified Project Description and Project History**

The Mendocino County Planning Commission (County) adopted a Mitigated Negative Declaration (MND) for Use Permit U\_2016-0003, on June 2, 2016. The project involved implementing a Planned Development (P-D) to construct an 80-unit Senior Housing Project, a 2,000 square foot community building with amenities and a 1,000 foot Class 1 linear park adjacent to Orr Creek.

**Proposed Changes:** The changes to the proposal are limited to:

- Removal of the community electric vehicle (EV) component, although the six (6) EV charging stations will be retained in the final plan.
- The implementation of project phasing to allow for flexibility in development as revenue streams become available, and the inclusion of a new Condition of Approval that lets the Planning and Building Services Director, along with written approval from jurisdictional agencies, approve project phasing.

Allowing these minor modifications would not change the discussion of environmental impacts, or the mitigation measures.

**Purpose:** Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Negative Declaration (ND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent ND have occurred. Section 15162 states that when an ND has been adopted for a project, no subsequent ND 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 require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the 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 ND due to the 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 the exercise of reasonable diligence at the time the previous ND was certified as complete, shows any of the following:*
  - A) *The project will have one or more significant effects not discussed in the previous ND;*
  - B) *Significant effect previously examined will be substantially more severe than shown in the previous ND;*
  - 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 ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

No substantial changes are proposed which would require major revisions to the previously approved Mitigated Negative Declaration. None of the proposed changes to the project will increase the severity of previously identified significant effects. The proposed changes will not result in a new environmental

**EXHIBIT B**  
**ADDENDUM TO THE ADOPTED MITIGATED NEGATIVE DECLARATION**

effect. No additional mitigation is required. The proposed changes do not alter the effectiveness of the mitigation measures as there will be no additional environmental impacts associated with removal of community electric vehicles, the implementation of phasing for the project, or the adding of a condition allowing for the Planning and Building Services Director, along with jurisdictional agencies to approve phasing of the project.

**Explanation of Decision Not to Prepare a Supplemental Mitigated Negative Declaration:**

See Purpose section above. In every impact category analyzed in this review, the projected consequences of the proposed Addendum to the Mitigated Negative Declaration are the same compared to the project for which the original Mitigated Negative Declaration was adopted. Based upon this review, the following findings are supported:

**Findings:**

1. For the modified project there are no substantial changes proposed which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

No new significant effects or increase of severity of effects are anticipated. The proposed revisions to the project do not entail substantial changes to the previously identified environmental impacts. The proposed modifications constitute primarily administrative and procedural actions. As the inclusion of the EV community vehicles was not considered as a mitigation measure in the Initial Study, and was proposed by the applicant to qualify the project for a grant from the State Affordable Housing and Sustainable Communities Program (AHSC), no environmental impacts were reliant on the inclusion of said vehicles for mitigation purposes. The average Air Quality Index (AQI) of Mendocino County does not rise to levels considered to be impacted and therefore the project would not be eligible for the anticipated grant. The project still retains the EV charging stations as a project amenity.

As well, the phasing of the project, with written approvals from jurisdictional agencies, and at the discretion of the Planning and Building Services Director, is intended primarily to assist the applicant in coordinating revenue streams, rather than addressing anticipated environmental impacts. Condition 5 is a mitigation measure required to reduce impacts to biological resources to less than significant levels, and involves the following four components:

- The part of the 50-foot setback that is a fallow field shall be converted to a linear park with a pervious surface hiking/bike trail and replanted with a grass/forb mix of plants native to the area. The seed mix will be approved by the County Department of Planning and Building Services.
- The final landscaping plan shall include planting of only native trees and shrubs in the 50-foot setback. The trees shall be native to the area, including oaks, buckeye, California bay, willow, California rose, etc. Non-native trees and shrubs will be removed as requested by the California Department of Fish & Wildlife.
- All lighting shall be shielded so that the riparian corridor does not receive excessive light spill or direct glare from project lights.
- Three signs shall be installed along the length of the riparian woodland edge that explain that the area contains sensitive wildlife habitat and people should control their dogs and avoid entering the stream channel.

The final project will not deviate from implementation of these conditions. However, the construction of the linear park will be completed in Phase 2, when the additional 40 units will be built. The construction of bioswales that aim to meet or exceed Low Impact Development (LID) requirements will still be occurring



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in Phase 1. The identified impacts to the riparian corridor will still be mitigated to similar levels as they would be without project phasing.

2. For the modified project no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Based on the discussion in Finding 1, above, no new significant environmental effects resulting from the proposed MND modification are anticipated. The circumstances under which the project is being undertaken remain the same.

3. For the modified project there has been no 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 MND was adopted as complete.

There has been no new information of substantial importance which was not known and could not have been known at the time the previous MND was complete. The baseline conditions describing the overall impacts of the previously approved use permit and related Conditions of Approval and Mitigation Monitoring and Reporting Program remain the same.

4. The proposed changes do not constitute a change in the level of significance previously discussed in the original MND. As such, it is concluded that: the current project will not have one or more significant effects not discussed in the previous MND. Furthermore, significant effects previously examined will not be substantially more severe than shown in the previous MND.

There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project. The proposed MND modification does not involve changes to or additional analysis of any mitigation measures. No new potential impacts have been identified requiring new mitigation measures to be developed.

5. Finally, there are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND, and which would substantially reduce one or more significant effects on the environment.

The Addendum to the Mitigated Negative Declaration does not involve changes to, or analysis of any mitigation measures.

**Conclusion:**

Based on these findings it is concluded that an Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed changes to the project.