

## RESOLUTION NO. 23-

### RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING AN ADDENDUM TO THE GARDEN'S GATE FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVING AN AMENDED MITIGATION MONITORING & REPORTING PROGRAM FOR THE BELLA VISTA SUBDIVISION PROJECT

WHEREAS, on October 6, 2009, the Mendocino County Board of Supervisors adopted Resolution No. 09-230 certifying the Garden's Gate Subdivision Final Environmental Impact Report (State Clearinghouse No. 2007052006; "Garden's Gate Project EIR") which analyzed the environmental impacts of a 197-lot residential project located approximately one mile south of the Ukiah City limits ("Garden's Gate Project"), and adopted a Mitigation Monitoring and Reporting Program ("MMRP"), and a Statement of Overriding Considerations; and

WHEREAS, on October 6, 2009, the Board of Supervisors also approved a Vesting Tentative Subdivision Map for the Garden's Gate Project (S\_3-2005); and

WHEREAS, on October 20, 2009, the Board of Supervisors adopted Ordinance No. 4229 approving the Garden's Gate Development Agreement, and on July 13, 2010, the Board of Supervisors adopted Ordinance No. 4264 approving the First Amendment to the Garden's Gate Development Agreement; and

WHEREAS, the First Amendment to the Garden's Gate Development Agreement vests the project entitlements for the Garden's Gate Project for a period of 15 years, a term that remains valid until August 27, 2025; and

WHEREAS, subsequent to the approval of entitlements for the Garden's Gate Project, the project site was acquired by Rancho Yokayo, L.P. and the entitlements and Development Agreement were assumed by the new owner; and

WHEREAS, on July 23, 2020, Rancho Yokayo, L.P. ("Owner") and Guillon, Inc. ("Applicant") filed an application with the County of Mendocino requesting: (a) a subdivision modification (S\_2020-0001) to change the layout of the Garden's Gate Project (excluding the 1.68-acre portion known as Tract 261 for which a Final Map has been recorded), to reduce the number of lots, to modify the incentives and concessions that were granted under State Density Bonus Laws, to modify the Inclusionary Housing Plan and to modify the Phasing Plan; and (b) an amendment to the Garden's Gate Development Agreement (DEV\_2020-0001), collectively the "Bella Vista Subdivision Project" ("Project"); and

WHEREAS, at a properly noticed public hearing on March 9, 2023, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Project and took testimony; and received into the record all pertinent documents related to the Project and adopted Resolution No. PC\_2023-0002 recommending, in part, that the Board of Supervisors adopt the Addendum to the Garden's Gate Environmental Impact Report ("EIR Addendum") which is attached to this Resolution as Exhibit A and incorporated herein by reference, and an amended Mitigation Monitoring & Reporting Program for the Project ("Amended MMRP") which is attached to this Resolution as Exhibit B and incorporated herein by reference; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on April 11, 2023, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding EIR Addendum, Amended MMRP, and the Project and all interested persons were given an opportunity to hear and be heard regarding EIR Addendum, Amended MMRP, and the Project; and

NOW, THEREFORE BE IT RESOLVED that the Mendocino County Board of Supervisors hereby determines as follows:

1. The Board of Supervisors has independently reviewed, analyzed and considered the previously certified Garden's Gate Project EIR, the EIR Addendum, the staff report and all attachments thereto, as well as all written documentation and public comments thereto; and
2. The EIR Addendum was prepared and reviewed in compliance with the provisions of CEQA and the CEQA Guidelines; and
3. The information and analysis contained in the Garden's Gate Project EIR and the EIR Addendum reflects the County's independent judgment as to the environmental consequences of the Project; and
4. The Board of Supervisors affirms the findings for certification of the Garden's Gate Project EIR as made in Resolution No. 09-230, as approved on October 6, 2009; and
5. That, based upon substantial evidence demonstrated by the analysis included in the Garden's Gate Project EIR and EIR Addendum none of the conditions described in Sections 15162 or 15163 of the CEQA Guidelines calling for the preparation of a subsequent or supplemental EIR or negative declaration have occurred; specifically:
  - a. The proposed modifications to the approved Vesting Tentative Map would not result in any substantial changes from what was previously analyzed in the Garden's Gate Project EIR and would not involve new significant impacts or result in a substantial increase in the severity of previously identified significant impacts. The proposal, therefore, does not constitute a substantial change in the project.
  - b. No substantial changes have occurred in the site vicinity. Surrounding land uses have not changed from those evaluated in the Garden's Gate Project EIR and development in the region has occurred at a slower pace than anticipated in the Garden's Gate Project EIR. Based on the environmental baseline identified in the Garden's Gate Project EIR, the physical changes to the project site and vicinity that have occurred are consistent with the analysis of the Garden's Gate Project EIR and the cumulative projects considered in the Garden's Gate Project EIR. There have been no substantial changes in the circumstances of the project as considered in the certified Garden's Gate Project EIR.
  - c. The Project's consistency with the environmental resource analysis in the Garden's Gate Project EIR is summarized in Section 6 of the EIR Addendum. As discussed, the Project would not result in any new significant effects not discussed in the Garden's Gate Project EIR.
  - d. Based on the analysis presented in the EIR Addendum, no supplemental environmental review is required for the Project in accordance with Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164.
  - e. To the extent that new or modified mitigations are identified in the EIR Addendum and the technical studies prepared in support of the Addendum, the Applicant has agreed to incorporate the mitigations into the Project and the modifications are incorporated into the Amended MMRP (Exhibit B).

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the EIR Addendum and the Amended MMRP for the Project; and

BE IT FURTHER RESOLVED that the Clerk of the Board is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which

the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Ukiah, California 95482.

The foregoing Resolution introduced by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this 11th day of April, 2023, by the following vote:

AYES:  
NOES:  
ABSENT:

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

ATTEST: DARCIE ANTLE  
Clerk of the Board

\_\_\_\_\_  
GLENN MCGOURTY, Chair  
Mendocino County Board of Supervisors

\_\_\_\_\_  
Deputy

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

*APPROVED AS TO FORM:*  
CHRISTIAN M. CURTIS  
County Counsel

BY: DARCIE ANTLE  
Clerk of the Board

\_\_\_\_\_  
Deputy