



June 3, 2009

Honorable Mayor and City Council:

I apologize that circumstances are keeping me from presenting this letter in person.

While Developers Diversified respects your right to take a position on the proposed rezoning of the former Masonite plant site we would like to suggest that doing so tonight is premature in light of these facts: 1. The initiative has yet to be qualified for any ballot. 2. The county requested 9-111 Study has not been released 3. Some of your conclusions are simply not factual and 4. Neither of us have taken the opportunity to request a meeting so we can clearly explain what is contained in the specific plan.

The initiative process we are now undertaking is not the preferred approach to land use legislation by any of us. We are taking this path now because of the following;

1. We submitted our first application to the County for a zone change in 2005. We subsequently submitted two updated applications that came as a result of the new and supposedly improved UVAP and from input we received from a very extensive public outreach process. This process started in 2007 and ended in March of 2008 when , over a period of three days, we presented our vision for the site. At three meetings that each averaged 100 attendees, we presented our vision for the site and the last application, submitted in August of 2008, embodied what we learned in our process of listening to the wants and needs of Mendocino County citizens, many of whom live in the City of Ukiah.
2. Each time we updated our application we were told the same thing. The county would not process zone change applications for properties covered in the UVAP until after it was complete. We were accepting of this position at first because the schedule published on the county website showed it being completed in late 2007. Even though this was a full two years after our first application we felt that the process, as laid out then, was important to this valley. The revitalized UVAP process started out very positive but has since stalled..
3. In mid 2008 the County presented and posted a revised UVAP schedule indicating that the process would conclude in late 2009. This same schedule indicated their updated draft EIR would be out in April of this year which has not happened. The UVAP, for what ever reason, has clearly dropped off the county radar. The UVAP process has been frustrating and the city's role in that process limited at best. There is nothing "normal" about this county's planning process and hopefully you see that the road we have now chosen is, while not preferred, the only option available.

We have been criticized by some in the media for taking an end run around the planning process but we submit to you that it is impossible to end run a process that has no end. We clearly understand the differences inherent in this road we are on. Most notably the exemption, allowed by law, from CEQA. The initiative process is a legal option that is often utilized in California when there are no other options. If the normal road had been open at the county you would have been asked to make comments to an EIR. This road we are on does not preclude stake holders from sitting down to talk. We have been asked by many groups and individuals to meet and explain what actually is in that 300 plus page document and we have

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refused none. Many of the technical studies often found in an EIR have been completed. We are willing to share this data with those who are interested in learning the facts.

The citizen's of Ukiah deserve more than a resolution that uses speculation and innuendo as its basis.

Please accept this as our invitation to talk.

Regards,

A handwritten signature in black ink, appearing to read "Jeff Adams", with a large, stylized flourish at the end.

Jeff Adams, AIA
Sr. Development Director
Developers Diversified Realty