



Planning Commission

Regular Meeting **AGENDA**

This meeting will be held remotely.

Join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/132249829>

You can also dial in using your phone.

United States: [+1 \(312\) 757-3121](tel:+13127573121)

Access Code: 132-249-829

August 26, 2020 - 6:00 PM

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **APPROVAL OF MINUTES**

- 4.a. Approve the Minutes of the July 16, 2020 Special Meeting.

Recommended Action: Approve the July 16, 2020 Special Meeting Minutes.

Attachments:

1. 20200716 PC Draft Minutes

- 4.b. Approve Minutes of the August 12, 2020 Regular Meeting

Recommended Action: Approve the August 12, 2020 Regular Meeting Minutes.

Attachments:

1. 20200812 PC Draft Minutes

5. **APPEAL PROCESS**

All determinations of the Planning Commission regarding major discretionary planning permits are final unless a written appeal, stating the reasons for the appeal, is filed with the City Clerk within ten (10) days of the date the decision was made. An interested party may appeal only if he or she appeared and stated his or her position during the hearing on the decision from which the appeal is taken. For items on this agenda, the appeal must be received by September 8, 2020, at 5:00 p.m.

6. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

The Planning Commission welcomes input from the audience. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments.

7. SITE VISIT VERIFICATION

8. VERIFICATION OF NOTICE

9. PLANNING COMMISSIONERS REPORT

10. DIRECTOR'S REPORT

11. CONSENT CALENDAR

12. NEW BUSINESS

13. UNFINISHED BUSINESS

- 13.a. Consideration of Appeal of City Engineer's Approval of a Minor Subdivision to Split the Existing ±0.60-acre (26,136 sf) parcel into three parcels at 589 North School Street, APN 002-146-01. File No. 19-4992.

Recommended Action: Uphold the City Engineer's approval of the Minor Subdivision to split the existing ±0.60-acre (26,136 sf) parcel into three parcels at 589 North School Street, APN 002-146-01, based on the Findings in the Staff Report dated July 2, 2010.

Attachments:

1. ATT 1_Public Correspondence 20200814
2. ATT_2 Memo- Rapport and Marston
3. ATT 3_SR and Findings_20200812
4. Correspondence_Chair Christensen_20200826

14. ADJOURNMENT

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.

Mireya G. Turner, Planning Manager
August 21, 2020

**CITY OF UKIAH
PLANNING COMMISSION MINUTES
Special Meeting
Virtual Meeting Hosted by the County of Mendocino**

<https://www.youtube.com/MendocinoCountyVideo>

**July 16, 2020
1:00 p.m.**

Joint Meeting with the Mendocino County Planning Commission

1. CALL TO ORDER

The City of Ukiah Planning Commission met at a Special Joint Meeting with the Mendocino County Planning Commission on July 16, 2020, having been legally noticed on July 9, 2020. Mendocino County Planning Commission Chair, Marilyn Ogle, called the meeting to order at 1:08 p.m. (**Note:** *The joint meeting is a timed item on the Mendocino County Planning Commission agenda, which started at 9:00 a.m.)*)

CHAIR OGLE PRESIDING OVER JOINT MEETING.

CHAIR CHRISTENSEN PRESIDING OVER CITY OF UKIAH PLANNING COMMISSION.

2. ROLL CALL

Roll was taken with the following **Commissioners Present:** Ruth Van Antwerp, Mark Hilliker, Mike Whetzel, and Laura Christensen; **Commissioner Absent by Prearrangement:** Linda Sanders, **Staff Present:** Craig Schlatter, Community Development Director; Greg Owen, Airport Manager; and Kristine Lawler, City Clerk.

County Planning Commissioners Present: Gregory Nelson, Madelin Holtkamp, Diana Wiedemann Scott Perkins, and Marilyn Ogle.

County Staff Present: Brent Schultz, Planning and Building Services Director; Julia Acker Krog, Chief Planner; Ken Brody, Senior Project Planner; Matthew Kiedrowski, Deputy County Counsel; and Caitlin Schafer, Administrative Secretary.

3. VERIFICATION OF NOTICE

Confirmed by Staff.

4. NEW BUSINESS

a. Consideration of Recommendation to the Mendocino County Airport Land Use Commission on the Draft Ukiah Municipal Airport Land Use Compatibility Plan.

Presenter: Maranda Thompson, Mead & Hunt Project Manager.

City Staff Comment: Craig Schlatter, Community Development Director.

County Staff Comment: Ken Brody, Senior Project Manager; Julia Acker Krog, Chief Planner; and Brent Schultz, Planning and Building Services Director.

Public Comment: *No public comment was received.*

Motion/Second: Whetzel/Hilliker to adopt the Resolution recommending that the Mendocino County Airport Land Use Commission adopt the Draft 2020 Airport Land Use Compatibility Plan for Ukiah Municipal Airport. Motion **carried** by the following roll call votes: AYES: Van Antwerp, Whetzel, Hilliker, and Christensen. NOES: None. ABSENT: Sanders. ABSTAIN: None.

County Motion: Motion by Commissioner Holtkamp, Seconded by Commissioner Nelson to adopt the amended Resolution as presented, recommending that the Mendocino County Airport Land Use Commission adopt the Draft 2020 Airport Land Use Compatibility Plan for Ukiah Municipal Airport. Motion **carried** by the following roll call votes: AYES: Nelson, Holtkamp, Wiedemann, Perkins, and Ogle. NOES: None. ABSENT: None. ABSTAIN: None.

5. ADJOURNMENT

There being no further business, the meeting adjourned at 2:43 p.m.

Kristine Lawler, City Clerk

**CITY OF UKIAH
PLANNING COMMISSION MINUTES
Regular Meeting**

Held Remotely via GoTo Meeting: <https://global.gotomeeting.com/join/281764245>

August 12, 2020

6:00 p.m.

1. CALL TO ORDER

The City of Ukiah Planning Commission met at a Regular Meeting on August 12, 2020, having been legally noticed on August 7, 2020. Chair Christensen called the meeting to order at 6:10 p.m.

CHAIR CHRISTENSEN PRESIDING.

2. ROLL CALL

Roll was taken with the following **Commissioners Present:** Ruth Van Antwerp, Linda Sanders, Mike Whetzel, Mark Hilliker (*arriving at 6:14 p.m.*), and Laura Christensen; **Staff Present:** Craig Schlatter, Community Development Director; Mireya Turner, Planning Manager; and Kristine Lawler, City Clerk.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Christensen.

4. APPROVAL OF MINUTES

a. Approval of May 27, 2020, Regular Meeting Minutes.

b. Approval of July 22, 2020, Regular Meeting Minutes.

Motion/Second: Sanders/Whetzel to approve Minutes of May 27, 2020, a regular meeting, and the Minutes of July 22, 2020, a regular meeting, as submitted. Motion **carried** by the following roll call votes: AYES: Van Antwerp, Whetzel, Hilliker, Sanders and Chair Christensen. NOES: None. ABSENT: None. ABSTAIN: None.

5. APPEAL PROCESS

No matters eligible for appeal were heard.

6. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

No public comment was received.

7. SITE VISIT VERIFICATION

Confirmed by Commissioners.

8. VERIFICATION OF NOTICE

Confirmed by Staff.

9. PLANNING COMMISSIONERS' REPORT

Presenter: Commissioner Van Antwerp

10. DIRECTOR'S REPORT

Presenter: Craig Schlatter, Community Development Director.

11. **CONSENT CALENDAR**

No Consent Calendar Items on agenda.

12. **NEW BUSINESS**

a. Consideration of Appeal of City Engineer's Approval of a Minor Subdivision to Divide the Existing ±0.60-acre (26,136 sf) parcel into three parcels at 589 North School Street, APN 002- 146-01. File No. 19-4992.

Presenters: Mireya Turning, Planning Manager and Craig Schlatter, Community Development Director.

Public Comment: Jim Brown, Appellant, Mary Misseldine (*Read by Clerk*), Quelani Penland, Representing Applicant; and Andrew Webb.

At 7:40 p.m., Vice Chair Sanders departed, returning at 7:42 p.m.

Motion by Chair Christensen to deny the appeal and approve the minor subdivision, based on attachment six - the draft findings - for the minor subdivision for 589 North School Street,

Motion failed for lack of a second.

RECESS: 8:12 – 8:23 P.M.

Clerk performed a roll call to determine that all commissioners were back from recess.

Motion/Second: Sanders/Hilliker to postpone this item to the August 26, 2020, Planning Commission meeting at 6:00 p.m. pending a staff report on potential findings or legal concerns. Motion **carried** by the following roll call votes: AYES: Van Antwerp, Whetzel, Hilliker, and Sanders. NOES: Christensen. ABSENT: None. ABSTAIN: None.

13. **UNFINISHED BUSINESS**

a. Update to Consideration of Draft Objective Development and Design Standards for New Residential Development, including duplexes, triplexes, four-plexes, and multi-family projects with five or more units, and recommendation to City Council.

Presenter: Mireya Turning, Planning Manager and Craig Schlatter, Community Development Director.

No public comment was received.

Motion/Second: Whetzel/Hilliker to recommend the objective design and development standards for new residential construction with the concerns *[regarding possible conflicts between a required number of guest parking per units and the flexible parking standards]* conveyed to the City Council. Motion **carried** by the following roll call votes: AYES: Van Antwerp, Whetzel, Hilliker, Sanders and Christensen. NOES: None. ABSENT: None. ABSTAIN: None.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.

Kristine Lawler, City Clerk



AGENDA ITEM NO. 13a
Community Development Department
Planning Services Division
300 Seminary Ave.
Ukiah, CA 95482

Date: August 21, 2020
To: Planning Commission
From: Mireya G. Turner, Planning Manager
Subject: RE: Consideration of Appeal of City Engineer's Approval of a Minor Subdivision to split the existing ± 0.60 -acre (26,136 sf) parcel into three parcels at 589 North School Street, APN 002-146-01. File No. 19-4992.

SUMMARY

At the August 12, 2020 meeting, the Planning Commission requested assistance from the City Attorney regarding findings to uphold the appeal. City Attorney David Rapport has reviewed the meeting and is preparing an Opinion. This document will be posted to the website and distributed to the Commission as soon as it becomes available.

Public Correspondence received since the August 12, 2020 meeting is included as **Attachment 1**.

NOTICING

As the public hearing was continued to a time and date certain, the agenda was posted at the Civic Center (glass case) at least 72 hours prior to the public hearing, in accordance with UCC §9262(C).

January 29, 2020

City of Ukiah
300 Seminary Ave
Ukiah, CA 95482

RECEIVED

AUG 14 2020

CITY OF UKIAH
COMMUNITY DEVELOPMENT

Attention: Mireya G. Turner
Re: 589 N. School St.
Minor Subdivision application.

I / we are opposed to the proposed minor subdivision application of 589 N. School St. While not opposed to development of said property, dividing the property into three parcels is unreasonable. Two parcels is acceptable, keeping the property as one parcel is desirable.

Congestion, both traffic and populous would be horrific if approved and developed. Parking is already a problem on this section of School St.

Although irrelevant, the applicant has never lived on the property or in Ukiah. They would not be aware of the problems that would arise if three houses were built on this single piece of property.

Please deny the application as presented.

In addition, the children who play on School street while the pandemic stay home is in effect. will also agree that added traffic & unfamiliar drivers are an additional threat to their "normally" quiet street!!

R. Hoke

Law Offices Of

RAPPORT AND MARSTON

An Association of Sole Practitioners

405 W. Perkins Street
P.O. Box 488
Ukiah, California 95482
e-mail: drapport@pacbell.net

David J. Rapport
Darcy Vaughn

(707) 462-6846
FAX 462-4235

MEMORANDUM

TO: Craig Schlatter, Director of Planning and Community Development and the City of Ukiah Planning Commission
FROM: David J. Rapport, City Attorney
DATE: August 24, 2020
SUBJECT: Findings to uphold appeal from decision by the City Engineer to approve a parcel map to subdivide lot located at 589 S. School Street into 3 parcels

BACKGROUND

On February 2, 2020, the City Engineer conducted a public hearing and approved the application for approval of a parcel map to subdivide the property at 589 S. School Street into three parcels. No one present provided public comment at the hearing. Ukiah City Code (“UCC”) Section 8307 provides the subdivider with a right to appeal the City Engineer’s decision to the Planning Commission. No such appeal was filed within the prescribed 10 appeal period. No other member of the public had the right to appeal the decision under the City Code.

However, Ukiah City Code Section 1203 gives city council members the right to appeal to the city council any action taken by any commission, board or agency of the City. City Council member Jim Brown appealed the decision to the Ukiah City Council which heard the appeal on March 4, 2020. The City Council voted to refer the decision on the appeal to the Planning Commission.

After conducting its hearing on August 12, 2020, the Planning Commission voted to continue the hearing to August 26, 2020. The hearing was continued to allow more time to develop findings to support a decision upholding the appeal and denying the application for a three-parcel subdivision. Planning staff has consulted with me and this memorandum proposes and discusses potential findings.

CONCLUSION

Findings are proposed under the heading below: Proposed Findings. In providing these findings I

To: Craig Schlatter and Planning Commission
Subject: Findings
Date: August 21, 2020

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cannot recommend them for the reasons discussed below.

PROPOSED FINDINGS

1. The creation of a three-parcel subdivision at 589 S. School Street (“the Site”) complies with the provisions of the City’s subdivision and zoning ordinances (see UCC §§ 8041, 8300-8306 re: minor subdivisions) and §§9015-9022 re: R-1 zoning districts), is consistent with the Goals and Policies of the General Plan (General Plan (GP), Housing Element (GP Chapter 14) and does not conflict with any other applicable provision of the General Plan,.
2. While their specific size and configuration is not currently known, it is reasonably foreseeable that not less than three single family residences and potentially up to six Accessory Dwelling Units (“ADUs”) and up to six Junior Accessory Dwelling Units (“JADUs”) may be constructed within the subdivision with potentially adverse effects on on-street parking, traffic flow on School Street in the vicinity of the Site, which is only 17 feet wide between the edges of the paved roadway, and the safety of existing residents of the subdivision and future residents of housing constructed on the Site.
3. Based on the approved configuration of the three lots, it is reasonably foreseeable that a fire engine of sufficient size would have inadequate access to Parcel 3 in the subdivision in the event of a fire with potentially adverse impacts on public safety and the ability to prevent a fire from affecting other structures in the subdivision or on other parcels in the vicinity of the Site.
4. Based on the foregoing findings, the Planning Commission further finds that creating three parcels on the Site is excessive in this specific location and on that basis upholds the appeal and reverses the decision of the City Engineer approving the subdivision.
5. These findings and reversal of the decision of the City Engineer is without prejudice to the applicant amending the application or submitting a new application to create two rather than three parcels.

DISCUSSION

The above findings are based on statements by the appellant, others testifying at the hearing and by members of the Planning Commission. The comments included first-hand knowledge about the width of S. School Street in the vicinity of the Site, the speed of cars using this segment of School Street, and the current amount and timing of on-street parking there, They are the only potential findings I could propose based on my review of the hearing video.

Findings are required when an administrative agency like the Planning Commission makes a decision on an appeal from the granting or denial of a permit or other entitlement (a “quasi-

To: Craig Schlatter and Planning Commission
Subject: Findings
Date: August 21, 2020

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judicial decision”), such as the approval of the minor subdivision parcel map involved here.

In the leading California Supreme Court case on the issue of findings in quasi-judicial administrative proceedings, *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, the Court examined “. . . aspects of the functions served by administrative agencies in the granting [or denial] . . .” of permits or other authorizations concerning the use of real property “. . . and of courts in reviewing these proceedings . . .” The Court concluded that the reviewing administrative agency “. . . must render findings to support their ultimate rulings. It also concluded “. . . that when called upon to scrutinize a decision upholding or overturning the grant or denial of the permit or other entitlement “. . . a reviewing court must determine whether substantial evidence supports the findings of the administrative board and whether the findings support the board's action..” The Court noted that: “A court reviewing that grant or denial must determine whether substantial evidence supports the findings and whether the findings support the conclusion that all applicable legislative requirements . . . have been satisfied.”

What qualifies as substantial evidence has been examined in a number of contexts. Cases under the California Environmental Quality Act (“CEQA”) provide useful guidance, because they have had to decide when the expressed concerns by neighbors, lay and expert opinion and observations by members of the public, appellants and decision-makers qualify as substantial evidence of adverse environmental impacts and when they do not.

In *Newberry Springs Water Assn v. County of San Bernardino* (1984) 150 Cal.App. 3d 740, 748-749, the court observed: “. . . to meet the “fair argument” burden, project opponents must produce some evidence, other than their unsubstantiated opinions, that a project will produce a particular adverse affect. . . .”.)

An absence of evidence in the record or a lack of study of an impact is not evidence that there will be a significant impact. (*Gentry v. Murrieta City* (1995) 36 Cal.App.4th 1359, 1379.)

Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate . . . does not constitute substantial evidence. *Friends of Old Trees v. California Department of Forestry* (1997) 52 Cal.App. 4th 1383.

Here, facts in the administrative record must not only the existing conditions, such as the width of the street, the amount of on-street parking, the amount and speed of current traffic, the uses of the street by existing residents, including children, but most importantly how the approval of the subdivision will makes those conditions worse or unacceptable. All the statements during the hearing about those potential effects are based on speculation and unsupported non-expert opinion, which does not qualify as substantial evidence. The record contains insufficient details about the actual development of the parcels to predict how much parking may be required

To: Craig Schlatter and Planning Commission
Subject: Findings
Date: August 21, 2020

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beyond the on-site parking required for the subdivision under the zoning and subdivision ordinances. Most importantly, no standards have been identified for evaluating the impacts of the subdivision other than those contained in the Subdivision Ordinance, which the City Engineer found the subdivision satisfies, including lot size, off-street parking, and access or which will be satisfied prior to development, including storm water drainage (see Article 11, Storm Drainage, UCC §§ 8180-8187) and street frontage improvements (UCC §§8160-8164).

The absence of studies establishing the traffic impacts or the impacts to on-street parking or the access of fire engines is not evidence of an adverse impact. (*Gentry v. Murrieta City* (1995) 36 Cal.App.4th *supra* at 1379.)

For these reasons, I cannot recommend the proposed findings, although the decision whether or not to adopt them or some version of them rests with the Commission, subject, of course, to the applicant's right to seek judicial review of the Commission's decision.



Attachment 3

AGENDA ITEM NO. 12a Community
Development Department Planning
Services Division
300 Seminary Ave.
Ukiah, CA 95482

Date: July 2, 2020
To: Planning Commission
From: Mireya G. Turner, Associate Planner
Subject: Consideration of Appeal of City Engineer's Approval of a Minor Subdivision to split the existing ± 0.60 -acre (26,136 sf) parcel into three parcels at 589 North School Street, APN 002-146-01. File No. 19-4992.

ATTACHMENTS

1. February 4, 2020 City Engineer Hearing Staff Report and Attachments
2. February 4, 2020 City Engineer Hearing Draft Minutes
3. Appeal Application
4. Correspondence_Applicant
5. Public Correspondence_Nicholson
6. Draft Findings

SUMMARY

The City Council has requested the Planning Commission consider Councilmember Jim Brown's appeal of the City Engineer's approval of the Minor Subdivision Map Project, located at 589 North School Street, to divide the existing ± 0.60 -acre (26,136 sf) parcel into three parcels at 589 North School Street, APN 002-146-01. File No. 19-4992.

Staff recommends Planning Commission uphold the decision of the City Engineer to approve the Minor Subdivision, splitting the existing ± 0.60 -acre (26,136 sf) parcel into three parcels at 589 North School Street, based on the findings listed in the February 4, 2020 City Engineer Hearing Staff Report and the findings within this Staff Report.

BACKGROUND

An application was received on November 18, 2019 on behalf of My Nga Thi Vo, property owner, for the subdivision of one ± 0.60 acre (26,136 sf) parcel into three parcels at 589 N. School St. The resulting parcel sizes would be: Parcel 1: 6,161 sf gross & net, Parcel 2: 6,254 sf gross and net, and Parcel 3: 13,781 sf gross and 12,190 sf net.

The parcel is vacant with numerous trees. A portion of the site is in the FEMA 100-year floodplain due to its proximity to Orr Creek, with flood depth less than one (1) foot on small portions of the

Staff Report
Appeal of City Engineer's Approval of Minor Subdivision
589 North School Street
File No: 19-4992

property. The Project Site is within the City utilities service area, and has direct access onto North School Street.

The parcel carries a General Plan land use designation of Low Density Residential and is within the Single-family Residential (R-1) Zoning District. The surrounding area is currently developed with residential and commercial uses, and the neighboring residential parcels vary in size from ±0.13 acres to ±0.32 acres. The proposed Minor Subdivision would not change the zoning or use of the parcel, and the resulting parcels, 0.14 acres each for Parcels 1 and 2, and 0.28 for Parcel 3, are consistent with the size and use of the surrounding area. All proposed lots meet the minimum "R-1" lot size of 6,000 square feet, and the minimum width of 60 feet.

With resulting residential parcels on a natural ground of average gradient less than fifteen percent (15%), and having lots with areas of six thousand to ten thousand (6,000-10,000) square feet, this project is consistent with the Type I Subdivision criteria as described in UCC §8041. Conditions have been added to the project to ensure compliance with the Subdivision Ordinance standards, including street frontage improvements, public utility access, street trees, park fees, and on-site circulation standards.

The project was reviewed by the following agencies: City of Ukiah Community Development Building Division, City of Ukiah Public Works Department, City of Ukiah Electric Utility Department, County of Mendocino Transportation Department, and Pacific Gas and Electric. Their comments were included in the staff report and conditions added to the Conditions of Approval. The Staff Report, Findings, and Conditions of Approval are included within **Attachment 1**.

Emails and letters were received from the public regarding the project. This public correspondence was added to the website posting, and presented to the City Engineer prior to the hearing.

On February 2, 2020, the City Engineer conducted the public hearing. No one present provided public comment regarding the project. After closing the public hearing, the City Engineer approved the minor subdivision, based upon the Findings and Conditions attached to the staff report. The Draft Minutes for this meeting are included as **Attachment 2**.

On February 10, 2020, Council Member Jim Brown submitted an appeal of the City Engineer's decision, referring to the objections in the public input, and listing decreased property values and flooding as reasons for the appeal. The Appeal form is included as **Attachment 3**.

All correspondence received since February 4, 2020 is included in **Attachments 4 and 5**.

Draft Findings to uphold the City Engineer's approval of the minor subdivision project are included in **Attachment 6**.

DISCUSSION

According to the letter from the appellant, *"The letters of opposition on file and many more concerned neighborhood residents are concerned what effects a minor subdivision would have. We believe a sound compromise is outlined in the submitted letters."*

The letter also includes two additional concerns as basis for the appeal. The concerns from the letters of opposition, the appellant's additional concerns, the proposed compromise, and staff's response, are included below.

1. *While not opposed to development of said property, dividing the property into three parcels is unreasonable. Two parcels is acceptable, keeping the property as one parcel is desirable.*

Staff Response: The project approved by the City Engineer includes subdivision of a single parcel into three resulting parcels. An alternate project has not been proposed by the Applicant, nor considered by staff.

2. *Congestion, both traffic and populous would be horrific if approved and developed. Parking is already a problem on this section of School St.*

Staff Response: The project was reviewed by the Public Works Department. A traffic study was not requested. Minimum parking requirements are not evaluated for a minor subdivision. Should the parcels be developed in the future, however, the Ukiah City Code Section 9021A states,

"The minimum parking area required in Single-Family Residential (R-1) Districts is two (2) on-site independently accessible parking spaces for each dwelling unit."

The proposed parcels meet the minimum area required for parcels within the Single-family Residential (R-1) zoning district.

3. *Although irrelevant, the applicant has never lived on the property or in Ukiah. They would not be aware of the problems that would arise if three houses were built on this single piece of property.*

Staff Response: Local residency is not required by the Ukiah Municipal Code, and cannot be considered, nor evaluated, by staff. Staff can neither confirm nor deny the current, past, or future residence of the applicant, nor is this information requested on the City's application.

4. *Said parcel is located near the corner of N. School and Ruddock streets, a location where many young children play daily. Adding more traffic and parked vehicles on the street will further place children out of view of traffic coming around an already dangerous curve.*

Staff Response: A traffic study was not required for this project. A condition requiring street frontage improvements, including the extension of curb, gutter and sidewalk to meet ADA requirements, and repair of any damaged curb was approved by the City Engineer.

5. *Subdividing property will add to current water runoff issue for adjacent property located on Orr Creek side.*

Staff Response: Within the application submitted by the Applicant and included in **Attachment 1**, the Applicant has not proposed housing development with the subdivision. If an application for housing development is submitted in the future, the project(s) would be subject to floodplain provisions of the California Building Code and National Flood

Insurance Program requirements. Such provisions would require the potential for flooding and water runoff issues be addressed at that time.

6. *Current homes on the street only have space to accommodate 1 vehicle per driveway, forcing all remaining cars to park on the street. Adding more vehicles will further complicate parking for current residents.*

Staff Response: Please see Response #2. Additionally, no housing development has been proposed as a part of this application.

7. *Further congestion denies current residents the charm of downtown Ukiah living.*

Staff Response: Please see Response #2. Additionally, no housing development has been proposed as a part of this application.

8. *Three parcels would probably add at least six more cars to a street that is overrun with too many parked cars and is too narrow for the traffic already here. It is an absurd idea and the opposite of what should happen on this street. Notably, most of my neighbors have no garages and must park on the street, so adding three more homes would put an even greater burden on an area that needs less congestion, not more.*

Staff Response: Please see Response #2. Additionally, no housing development has been proposed as a part of this application.

9. *A minor subdivision in this location would decrease property values for nearby property owners. Property owners should have the right to protect property values.*

Staff Response: Evaluation of economic impact is not required by the Ukiah Municipal Code, and was not considered by staff.

10. *Flooding in this area is a concern. Three houses on this lot may increase the probability of flooding.*

Staff Response: Please see Response #5.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) defines a project as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following (Sections 15378, 21065):

- (a) An activity directly undertaken by any public agency.
- (b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- (c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

Consideration of an appeal of the City Engineer's approval of the minor subdivision is not a project within this CEQA definition, and therefore, a CEQA determination is not required.

NOTICING

Notice of the Public Hearing was provided in the following manner, in accordance with UCC §9262(C):

- Published in the Ukiah Daily Journal on August 2, 2020
- Posted on the Project site on July 31, 2020
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing
- Mailed to property owners within 300 feet of the project parcels on July 8, 2020

RECOMMENDATION

Staff recommends the Planning Commission uphold the City Engineer's approval of the Minor Subdivision to split the existing ±0.60-acre (26,136 sf) parcel into three parcels at 589 North School Street, APN 002-146-01, based on the Findings in the City Engineer Hearing Staff Report, dated February 4, 2020 and included as Attachment 6.

**DRAFT FINDINGS
MINOR SUBDIVISION
589 NORTH SCHOOL STREET; APN 002-146-01
FILE NO: 19-4992**

The following findings are supported by and based on information contained in the Staff Report, the application materials and documentation, and the public record:

1. The proposed Tentative Parcel Map, as conditioned, complies with the requirements of the City of Ukiah Municipal Code, Division 9, Chapter 1, Article 18 and the Subdivision Map Act.
2. The parcels established as a result of this Minor Subdivision are consistent with the General Plan Low Density Residential (LDR) land use designation.
3. The proposed Minor Subdivision and Tentative Map, as conditioned, complies with the requirements of the Single-family Residential (R-1) zoning district.
4. The Minor Subdivision and Tentative Map will create three lots which are appropriate for the surrounding area and land uses based on the following:
 - a. Proposed parcels and use are consistent with the requirements of the Single-family Residential zoning district.
 - b. Proposed parcels will have access directly onto a public street and utilities are available to serve the site.
 - c. Proposed parcels will be located within a developed residential area, surrounded by residential and commercial development.

August 26, 2020
City of Ukiah Planning Commission
300 Seminary Ave
Ukiah, CA 95482

Re: Appeal of City Engineer's Approval of Minor Subdivision at 589 North School Street, Ukiah

Dear Fellow Commissioners:

Regretfully I am unable to attend tonight's meeting for the further discussion of the appeal of the City Engineer's approval of the minor subdivision described above. I do, however, want it to be publicly noted that I remain in support of upholding the decision of the City Engineer and denying the appeal.

The parcels resulting from this proposed minor subdivision meet size, land use designation, and zoning requirements. For many years the City of Ukiah has encouraged infill development to promote housing, prevent sprawl, and to encourage more density in the urban core allowing for a more walkable city. Specifically, the 2019-2027 City of Ukiah Housing Element Includes the following vision statements: "We envision development that provides a mix of housing types and prices." And "We envision aesthetically designed affordable housing planned to encourage walking, bicycling and public transit." This subdivision will make it possible for at least 3 new residences to be added to our housing stock within easy walking distance of the urban core and public transportation.

I recognize that no one likes the idea of increased density in their own backyard, but that is a reality when you live near the center of any city. The primary concerns listed by neighbors who submitted public comment are related to the street being too narrow and concerns about on street parking and increased traffic, neither of which are the burden of the applicant.

I am disappointed that Council Member Brown chose to exercise his appeal right in this manner after allowing the both the City Engineer's Hearing, and the subsequent 10-day appeal period to pass without filing a timely appeal. It appears self-serving and frivolous. This has become very costly to the City of Ukiah as it has now resulted in numerous hours of staff time to prepare documents for not one, but two Planning Commission meetings, as well as the time required for the City of Ukiah Attorney to research and prepare findings to uphold the appeal, which in the end the Attorney isn't even able to recommend using because they will not be defensible.

My fellow commissioners: I humbly request that you give this matter strong consideration and make the appropriate decision to uphold the City of Ukiah Engineer's decision to approve this subdivision.

Respectfully,

A handwritten signature in black ink, appearing to read 'Laura Christensen', with a long horizontal line extending to the right.

Laura Christensen