



Planning Commission

Regular Meeting **AGENDA**

(to be held both at the physical and virtual locations below)

Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482

To participate virtually, go to the following link: <https://us06web.zoom.us/j/91264543193>

To view the meeting (without participating), go to: <http://www.cityofukiah.com/meetings/>

Or you can call in using your telephone only:

- Toll-free 1-669-444-9171
- Enter the Access Code: 912 6454 3193
- Raise hand: After being recognized, Enter *9
- To Speak after being recognized: enter *6 to unmute yourself

August 14, 2024 - 6:00 PM

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **AB 2449 NOTIFICATIONS AND CONSIDERATIONS**

5. **APPROVAL OF MINUTES**

5.a. Approval of the Minutes of July 24, 2024, a Regular Meeting.

Recommended Action: Approve the Minutes of July 24, 2024, a Regular Meeting

Attachments:

1. July 24, 2024, Minutes

6. **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 appears and states 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 August 26, 2024.

7. **COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**

The Planning Commission welcomes input from the audience that is within the subject matter jurisdiction of the Planning Commission. 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.

8. SITE VISIT VERIFICATION

9. VERIFICATION OF NOTICE

10. PLANNING COMMISSIONERS REPORT

11. DIRECTOR'S REPORT

12. CONSENT CALENDAR

The following items listed are considered routine and will be enacted by a single motion and roll call vote by the Planning Commission. Items may be removed from the Consent Calendar upon request of a Commissioner or a citizen in which even the item will be considered at the completion of all other items on the agenda. The motion by the Commission on the Consent Calendar will approve and make findings in accordance with Administrative Staff and/or the Commission recommendations.

13. UNFINISHED BUSINESS

14. NEW BUSINESS

- 14.a. Recommendation to the City Council for a 'General Plan Amendment' to convert a property at 195 Low Gap Road; (APN 002-080-39) from a Low Density Residential (LDR) to a Community Commercial (CC) general plan land use designation, as well as 'Rezone' the property from Low Density Residential (R-1) to Community Commercial (C-1). If approved, the intended use of the property would be for a 'Professional Office'. No additional development or expansion of the existing structure is proposed.

Recommended Action: 1) Conduct a public hearing;

2) Approve a recommendation to the City Council to adopt the Categorical Exemption; and

3) Approve a recommendation to the City Council to approve the General Plan Amendment and Rezone.

Attachments:

1. Draft Findings
2. Draft Conditions of Approval
3. Application Materials & Maps
4. Ukiah City Code Regulations (C-1 & R-1)
5. CEQA - Technical Memo (Terra Nova Planning & Research)
6. Public Notice - 195 Low Gap Road (GPA & RZ)_Planning_Commission_08.14.2024 (1)

15. 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 for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available at the Civic Center 300 Seminary Ave. Ukiah, CA 95482; and online at www.cityofukiah/meetings/ at the end of the next business day.

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 before the meeting set forth on this agenda.

Dated: August 9, 2024
Stephanie Abba, Planning Commission Clerk

**CITY OF UKIAH
PLANNING COMMISSION MINUTES
REGULAR MEETING**
Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482
Virtual Meeting Link: <https://zoom.us/j/91264543193>

**July 24, 2024
6:00 p.m.**

1. CALL TO ORDER

The City of Ukiah Planning Commission held a Regular Meeting on April 24, 2024. The meeting was legally noticed on May 15, 2024. The meeting was held in person and at the following virtual link: <https://zoom.us/j/91264543193>. Chair R. Johnson called the meeting to order at 6:01 p.m.

CHAIR R. JOHNSON PRESIDING

2. ROLL CALL

Roll was taken with the following **Commissioners Present:** Thao Phi, Mark Hilliker, Alex de Grassi, and Chair, Rick Johnson. **Commissioners Absent:** **Staff Present:** Craig Schlatter, Community Development Director, Jesse Davis, Chief Planning Manager; and Stephanie Abba, Planning Commission Clerk.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Hilliker.

4. AB 2449 NOTIFICATIONS AND CONSIDERATIONS

No Notifications or Considerations Received.

5. APPROVAL OF MINUTES

a. Approval of the Minutes of June 12, 2024, a Regular Meeting.

Motion/Second: Phi/Hilliker to approve the Minutes of June 12, 2024, a Regular Meeting with the following corrections on Agenda Item 10. The **Correction** to the Minutes as stated by the commission and Director Schlatter, is that Director Schlatter did not say the meeting on July 10 would not be canceled. Motion **carried** by the following Roll Call votes: **AYES:** T. Phi, M. Hilliker, A. de Grassi. and Chair, R. Johnson **NOES:** None. **ABSENT:** None **ABSTAIN:** None.

(The Clerk reviewed the recording of the meeting in order for the minutes to be more accurate. (**The Correction that was discussed and made at the meeting was inaccurate**). **The Accurate Correction is:** Director Schlatter stated that they are looking at a cancellation of the meeting on July 10th unless there are training topics or anything else the commission would like to discuss, and that he would not be here for the July 10th meeting, but Jesse would be here).

6. APPEAL PROCESS

Chair Johnson stated the appeals deadline date is August 5, 2024. No appeals were received.

7. COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

No Comments from Audience

8. SITE VISIT VERIFICATION

Verified by the Commissioners

9. **VERIFICATION OF NOTICE**

Verified by Staff

10. **PLANNING COMMISSIONERS' REPORTS**

Received

11. **DIRECTOR'S REPORT**

Presenter: Craig Schlatter, Community Development Director

Introduced Katherine Schaefer, Planning Manager

Received.

12. **CONSENT CALENDAR**

No items on the Consent Calendar

13. **UNFINISHED BUSINESS**

No Unfinished Business was Agendized.

14. **NEW BUSINESS**

a. Ordinance Amendment to Ukiah City Code to update the City's existing Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) regulations.

Motion/Second: Phi/Hilliker move to approve the proposed Ordinance amendment to update the City's existing Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations to bring to City Council. Motion **carried** by the following Roll Call votes: **AYES:** T. Phi, M. Hilliker, A. de Grassi, and Chair R. Johnson **NOES:** None. **ABSENT:** None. **ABSTAIN:** None.

15. **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:45 p.m.

Stephanie Abba, Planning Commission Clerk



DATE: 08/04/2024
TO: Planning Commission
FROM: Jesse Davis, Planning Manager; Joshua Montemayor, Contract Planner
SUBJECT: Recommendation to the City Council for Approval of a General Plan Amendment and Rezone of 195 Low Gap Road (APN 002-080-39); File No. 24-9265.

SUMMARY

OWNER: Eversole Mortuary
APPLICANT: Edward Eversole
LOCATION: 195 Low Gap Road; (APN 002-080-39)
TOTAL ACREAGE: ±0.41 acres
GENERAL PLAN: Low-Density Residential (LDR)
ZONING DISTRICT: Low-Density Residential (R-1)
AIRPORT COMPATIBILITY: Other Airport Environ (OAE)
ENVIRONMENTAL DETERMINATION: California Environmental Quality Act (CEQA) Guidelines Article 19, Section 15301(a), Class 1 Categorical Exemption, "Existing Facilities"
RECOMMENDATION: Approve a recommendation to the City Council for adoption of the Categorical Exemption and approval of the Project (see Draft Findings in Attachment 1 and Draft Conditions of Approval in Attachment 2).

SUMMARY

Request to change the general plan land use designation from Low-Density Residential (LDR) to Community Commercial (CC) and a rezone from Low-Density Residential (R-1) to Community Commercial (C-1) to facilitate tenant improvements to an existing ±2,475 sq. ft. structure for use as a 'Professional Office' at 195 Low Gap Road (APN 002-080-39). No expansion of the existing structure is requested. Limited tenant improvements, however, would be facilitated to utilize the structure as a 'Professional Office'.

BACKGROUND

The Project site was originally developed for 'Religious Assembly' in 1967 (Permit # 764). The existing structure was also constructed in 1967, and underwent expansion in 1976, pursuant to Architectural Review (#77-12), adding approximately 224 sq. ft. to accommodate supplementary bathroom and library facilities.

Between 1967 and 1999, the property continued to serve as a place of religious congregation for the Jehovah's Witnesses of Ukiah, hosting regular services and events. During this period, the structure underwent several minor repairs and renovations to ensure the continued functionality and usability of the structure.

It is noteworthy that although the subject parcel was zoned as R-3 (High Density Residential) when it was constructed, records indicate that between 1977 and 1995 a downzoning to R-1 (Low-Density Residential) occurred, presumably coinciding with one of the City's General Plan Updates or area rezones during that time period. This zoning modification constrained the permissible uses of the property, aligning it more closely with residential districts to the north, which are primarily characterized by single-family dwellings, as opposed to the commercial uses to the east. The R-1 zoning district generally discourages commercial development, uses and improvements, but does allow for 'Religious Assembly' as a permitted use. The use of the property for 'Religious Assembly' was considered a 'Legal Non-Conforming Use' as no discretionary permit has been identified for that request and it was approved prior to the application of the R-1 zoning district.

To develop a new religious facility on a separate property, the property was sold by the Jehovah's Witnesses of Ukiah in 1999. Later that year, Minor Use Permit No. 99-27, submitted by Lee Enemark on behalf of Kevin Lanteigne, was sought to repurpose the existing 2,475 square foot structure into a mortuary. Originally proposed as a comprehensive mortuary facility with embalming and body storage capabilities, the project underwent revisions prior to approval, limiting operations exclusively to funeral activities and memorial services. The Minor Use Permit facilitated the internal conversion of the church into a mortuary, without necessitating major external alterations to the structure or the property itself. Approval of the Use Permit was granted by the Planning Commission under a Director's Determination, citing the operational similarities between mortuary activities and permitted uses in the R-1 zone, such as 'Religious Assembly'. The occupancy conversion of the existing structure was completed in October 1999 (Permit #10034), and the facility operated for a number of years. Commercial activities on the property, including the sale of associated materials and items was restricted, but the mortuary did function as a commercial business, and was licensed by the City.

Per associated utility records, use of the structure as a mortuary lasted until 2008. Around that time the property reverted to use for 'Religious Assembly'. In 2018, renovation and remodeling (Permits #4383 & 3240) were issued. These improvements included interior modifications, installation of an ADA-compliant ramp, and upgrading the structure's HVAC system.

In 2020, the tenant utilizing the structure for 'Religious Assembly' relocated to a separate facility elsewhere in Ukiah, and the property was sold to the adjacent property owner. Since that time the existing structure and property have remained vacant, but occasionally the subject property is used as overflow parking for the adjacent mortuary and funeral home, which has historically maintained a shared parking agreement with the property for events and memorials. Table 1, below, provides a timeline and overview of the property and existing structure:

Table 1, Property Timeline

Year	Event	Permit Review:
1967	Site developed for 'Religious Assembly'	Permit No. 764

1976	Expansion to add 224 sq-ft. for bathroom and library	Architectural Review 77-12
1999	'Religious Assembly' Use Ends; Property sold	-
1999	Occupancy conversion from 'Religious Assembly' to 'Mortuary'	Minor Use Permit No. 99-27; Permit No. 10034
2007	'Mortuary' operations ceased; property returned to 'Religious Assembly'	-
2018	Renovations including ADA ramp and HVAC upgrades	Permits No. 4383 & 3240
2020	'Religious Assembly' use ceases; property sold to adjacent owner;	
2024	Request to change General Plan from LDR to CC, and Rezone from R-1 to C-1	File No. 24-9265 (Pending)

LOCATION & SURROUNDING LAND USE

Location. The 0.41-acre project site, addressed at 195 Low Gap Road (APN 003-181-01), is located within the City of Ukiah at the intersection of Low Gap Road and North Oak Street, approximately 1 mile southwest of U.S. Route 101. Surrounding land uses include a mixture of residential, public facility, and commercial undertakings. The property comprises a single legal parcel featuring a primary frontage along Low Gap Road and a secondary frontage along North Oak Street, classifying it as a 'Corner Lot'. Vehicular access to the parcel's off-street parking area is facilitated from paved driveways from both Low Gap Road, as well as North Oak Street.

A small previously landscaped area exists at the northwest corner of the lot stretching south along North Oak Street, while the off-street parking area features perimeter landscaping, shade trees and fencing. The lot is improved with an approximately 2,475 square foot commercial structure historically utilized for 'Religious Assembly'. The Project site is bounded by mixture of residential, public facility, and commercial undertakings. The City's Electric Utility Substation is located opposite of the site, across Oak Street. A summary of general plan, zoning designations and land uses directly adjacent to the site is provided below in Table 2:

Table 2, Surrounding Zoning and Land Uses

	GENERAL PLAN:	ZONING:	USE:
NORTH	Low Density Residential (LDR)	Low Density Residential (R-1)	Residential
EAST	Community Commercial (CC)	Community Commercial (C-1)	Commercial
SOUTH	Medium Density Residential (MDR)	Low Density Residential (R-1)	Residential

WEST	Public (P)	Public Facility (PF)	Public (Electric Substation)
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AGENCY COMMENTS

On March 5, 2024, the application was referred to departments and agencies with jurisdiction or interest in the project, including the City of Ukiah Building Official, City of Ukiah Police Department, City of Ukiah Public Works Department, City of Ukiah Electric Utility Department, Ukiah Valley Fire Authority, Ukiah Municipal Airport, Mendocino County Department of Planning and Building Services/Mendocino County Airport Land Use Commission, Mendocino County Assessor, various tribes, and various military branches. No agency comments were received during the agency referral period.

STAFF ANALYSIS

General Plan and Zoning Consistency

This Project proposes to Rezone the existing parcel from R-1 (Low-Density Residential) to Community Commercial (C-1) to allow for tenant improvements to the existing structure for use as a 'Professional Office'. The request also requires that a General Plan Amendment be facilitated to alter the existing land use designation from Low-Density Residential (LDR) to Community Commercial (CC). This project is requested because the Applicant desires to undertake tenant improvements to the existing structure and lease the existing structure for use as a 'Professional Office', which is not allowed under the present R-1 designation. As defined in Ukiah City Code a 'Professional Office' is considered the provision of professional or technical services including accounting, counseling, architecture, design, medical/dental, engineering, law, management, and similar professions.

The Community Commercial (CC) General Plan designation identifies areas generally located along major corridors in the city with the intent of providing a transition between higher-intensity commercial uses along Highway 101 and residential neighborhoods on the western side of the city. As described in Ukiah City Code Section 9080, the purpose of the C-1 zoning district is *"to provide a broad range of commercial land use opportunities along the primary transportation corridors within the city. It is intended to promote and provide flexibility for commercial development, to encourage the establishment of community-wide commercial-serving land uses and provide opportunities to integrate multiple-family housing and mixed-use projects."*

The proposed use of an existing structure previously used for 'Religious Assembly' to a 'Professional Office' is anticipated to result in a less intensive use of the building and property. 'Religious Assembly' typically experiences high peak usage during worship services, which are often held multiple times throughout the week, or for holidays or specific events such as memorials, weddings or other ceremonies. Given this orientation, use of structures for religious assembly can attract large congregations, leading to increased traffic congestion and parking demand. In contrast, a 'Professional Office' operates on a more regular, daily schedule with appointments spread throughout the day, and typically features limited weekend hours. This results in a more consistent, moderate flow of traffic rather than the high peaks associated with church services. Additionally, the clientele of the 'Professional Office' would likely arrive in smaller numbers and at staggered intervals, further reducing the potential for traffic congestion or impacts on nearby properties. Since the 'Professional Office' will use the existing structure without

expansion, there will be no additional demand on the existing off-street parking infrastructure, the building or the surrounding environment. Overall, the intensity of use, in terms of both peak occupancy and traffic generation, is expected to be significantly lower for the 'Professional Office' compared to the previous 'Religious Assembly' use.

Many commercial uses (such as restaurants, general retail, personal improvement establishments, and certain residential uses) are allowed within the C-1 district without discretionary review, while others (such as auto repair shops, cannabis related businesses, community care facilities, bars, and certain residential uses) require approval of the Zoning Administrator or Planning Commission upon review of a Use Permit. The C-1 designation also allows for mixed-used and residential multifamily development, which if undertaken in conjunction with the City's Objective Design and Development Standards could be processed as an allowed use commiserate with the density requirements of the 2040 General Plan and the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP). To ensure that the subject parcel conforms to the standards of the C-1 Zoning District, the Applicant will be required to provide a 'Landscape Plan' in accordance with the C-1 standards prior to the issuance of any building permit of business license on the subject property.

Beyond use of the structure as a 'Professional Office', new development would require adherence to all C-1 zoning regulations. In addition, given the age of the existing structure, evaluation by the Demolition Review Committee would be required prior to demolition, if proposed, unless immediate demolition of the building is necessary to protect the public health or safety and the failure to immediately demolish the building would constitute a serious threat to the public health or safety.

Per UCC §9265(d), the Planning Commission shall hold at least one public hearing on any proposed zoning or General Plan amendment and formulate a recommendation to the City Council. The Planning Commission's recommendation shall be advanced to the City Council for consideration at the next available meeting.

General Plan Goals

- LU Policy 8.4 - Reuse of Underutilized Property the City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth
- ED Goal 3 - To provide opportunities for expansion of businesses by ensuring the availability of suitable sites, appropriate zoning, and access to infrastructure and amenities.
- ED Policy 6.1 – Regulatory Environment: The City shall promote business-friendliness in the regulatory and permitting process through collaboration, innovation, exchange of ideas and best practices, and the improvement in clarity and efficiency in the permitting process to take advantage of opportunities for streamlining in the development permit process.

The project aligns with numerous General Plan goals and policies, but particularly supports LU Policy 8.4, which encourages the reuse of underutilized properties, such as the subject parcel, by promoting revitalization and redevelopment to accommodate growth. This policy supports transforming the site into a more productive use, enhancing the surrounding area, and the City more broadly. Additionally, the proposed change aligns with ED Goal 3, which aims to provide opportunities for business expansion by ensuring suitable sites, appropriate zoning, and access to infrastructure and amenities. By rezoning to Community Commercial (C-1), the site can

facilitate the development of a 'Professional Office,' leveraging its strategic location on a street with other commercial businesses and contributing to a more active streetscape that was recently improved as a component of the City's recycled water program. Furthermore, ED Policy 6.1 emphasizes a business-friendly regulatory environment, advocating for streamlined permitting processes. This rezoning facilitates efficient development without expanding the existing structure, aligning with the goal of fostering economic growth and community vitality.

Parking

Per Ukiah City Code §9198(D)(5), churches, school, college and other institutional stadiums, arenas or auditoriums shall be provided equal in number to thirty three percent (33%) of the capacity in persons including related office space and classrooms plus a minimum of three (3) parking spaces for buses. Per Ukiah City Code §9198(D)(5), medical or dental offices, however, shall provide one parking space for each two hundred (200) square feet of gross leasable area. Given the size of the existing structure, the required number of parking spaces for the proposed use would be 12 parking spaces. Presently, there are 31 parking spaces associated with the existing structure, which are occasionally used for overflow parking associated with the adjacent commercial mortuary.

Airport Compatibility

The project parcel is located approximately 1.8 miles northwest of the Ukiah Municipal Airport within the Other Airport Environs (OAE) of the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP). Beyond minor tenant improvements, no expansion of the structure is requested, and given the requested use as a 'Professional Office', the likelihood of large events or gatherings is reduced as compared to its previous use for 'Religious Assembly'. While a General Plan Amendment is facilitated, the project occurs outside of Zones 1-6 where the types of airport impact concerns listed in Policy 1.3.1(b) of the UKIALUCP are typically present and expected.

Though the current project does not propose any new development, rezoning the parcel will affect the potential land uses that may be permitted and may require review in the future to ensure compliance with usage intensity, lot coverage, and height limit criteria. Accounting for this, future proposed land uses on the parcel shall comply with the intensity and density criteria prescribed for the OAE. Within the OAE, there are no maximum sitewide average intensity or maximum single-acre intensity limits. Policy 3.5.6 provides open land requirements for areas within the airport vicinity, however, the OAE maintains no open land requirement.

According to Table 3A of the UKIALUCP, the OAE experiences occasional overflights, which may be intrusive to some outdoor activities, and airspace concerns that are generally confined to objects with heights >100 feet above runway elevation. If residentially developed, even under a ministerial process, the property would need to be developed commiserate with the density requirements of the UKIALUCP. None of the considerations identified in Table 3A are pertinent to this subject parcel, nor would they be allowed under the C-1 Zoning District, such as Wastewater Facilities, Solid Waste Disposal Facilities, or Hazardous Materials Production.

As required by Policy 1.4.1, on March 5, 2024, the City provided a referral request the Mendocino County Planning & Building Services Department, which acts as staff liaisons to the Mendocino County Airport Land Use Commission. Like other public agencies, however, no response was provided to the request for further evaluation of the project, nor were any comments or conditions of approval provided.

ENVIRONMENTAL DOCUMENTATION

In accordance with the California Environmental Quality Act (CEQA), the City of Ukiah Planning Division in coordination with Terra Nova Planning & Research Incorporated, prepared a technical memorandum for the proposed Project and determined that the Project is exempt as allowed by CEQA Guidelines Section 15301, Class 1, Existing Facilities.

Based upon the analysis contained within the Technical Memorandum, Staff Report and Application Materials, the Project would not have a significant impact on resources discussed as it would repurpose an existing structure for a use that is construed to be less intensive than the previously allowed activity. As such, a Categorical Exemption was identified as appropriate for the Project and no mitigation measures are proposed or required, although the project is conditioned to ensure conformance with the proposed zoning district

Based on the findings and conclusions contained in the technical memorandum, the proposed Project would not have environmental effects which would cause substantial adverse effects on humans, either directly or indirectly; and there is no substantial evidence considering the whole record before the City of Ukiah that the Project would have a significant effect on the environment.

While the Project would rezone the property from R-1 to C-1, creating the potential for future commercial and residential development opportunities, no development is proposed at this time, beyond use of the structure for a 'Professional Office', which requires only relatively minor tenant improvements for commercial use.

Future development could result in impacts to the physical environment depending on location, intensity, and other siting factors. However, the exact intensity, size and timing of future development is unknown. Additionally, future development would be analyzed on a project level basis for consistency with land use policies and development standards, and would require building permits for consistency with building and safety codes. Additional environmental and discretionary review may also be required.

NOTICE

The Notice of Intent to adopt the ISND and conduct a public hearing for the Project was provided in the following manner, in accordance with Ukiah City Code (UCC) §9265 and California Environmental Quality Act (CEQA) Guidelines:

- Provided to property owners within 300 feet of the project parcels, as well as agencies and departments with jurisdiction or interest over the project on August 3, 2024
- Posted on the City's webpage on August 2, 2024;
- Published in the Ukiah Daily Journal on August 4, 2024;
- Provided at the City of Ukiah Community Development Department's Public Counter on August 4, 2024
- Posted on the Project site on August 2, 2024; and
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing.

RECOMMENDATION

The Ukiah City Code places the authority for the approval of the General Plan Amendment and Rezone (Project) with the City Council. The Planning Commission has the authority to consider

the aforementioned and make recommendations to the City Council. Findings to adopt the Categorical Exemption and approve the General Plan Amendment and Rezone are included in Attachment 1.

As such, Staff recommends the Planning Commission:

- 1) Conduct a public hearing;
- 2) Approve a recommendation to the City Council to adopt the Categorical Exemption; and
- 3) Approve a recommendation to the City Council to approve the General Plan Amendment and Rezone.

ATTACHMENTS

1. Draft Findings
2. Draft Conditions of Approval
3. Application Materials & Maps
4. Ukiah City Code Regulations (C-1 & R-1)
5. Technical Memorandum – CEQA Exemption (Terra Nova Planning & Research)

**DRAFT FINDINGS TO ADOPT A
GENERAL PLAN AMENDMENT AND REZONE
195 LOW GAP ROAD
FILE NO.: 24-9265**

The Community Development Department's recommendation for approval of a Categorical Exemption, General Plan Amendment and Rezone of 195 Low Gap Road (APN 002-080-39) is based in part on the following findings, in accordance with UCC §9265 and CEQA Guidelines §15301(a).

Project Summary. The Project proposes a 'General Plan Amendment' to convert the subject property from a Low Density Residential (LDR) to a Community Commercial (CC) land use designation, as well as a 'Rezone' of the subject property from Low Density Residential (R1) to Community Commercial (C-1). If approved, the intended use of the property would be for a 'Professional Office'. No additional development or expansion of the existing structure is proposed.

1. The 0.41-acre project site, addressed at 195 Low Gap Road (APN 003-181-01), is located within the City of Ukiah at the intersection of Low Gap Road and North Oak Street, approximately 1 mile southwest of U.S. Route 101. Surrounding land uses include a mixture of residential, public facility, and commercial undertakings along a principal transportation corridor. As such, the proposed General Plan Amendment and Rezone would be consistent with the City's General Plan and would be compatible with surrounding land uses.
2. In accordance with the California Environmental Quality Act (CEQA), the City of Ukiah Planning Division in coordination with Terra Nova Planning & Research Incorporated, prepared a technical memorandum for the proposed Project and determined that the Project is exempt as allowed by CEQA Guidelines Section 15301, Class 1, Existing Facilities.
3. The Lead Agency (City) consulted with all applicable responsible agencies and trustee agencies.
4. The Application Materials were circulated for public review from August 4, 2024, through August 14, 2024.
5. Based upon the analysis contained within the Technical Memorandum, Staff Report and Application Materials, the Project would not have a significant impact, or no impact on all resources discussed herein as it would repurpose an existing structure for a use that is construed to be less intensive than the previously allowed activity. As such, a Categorical Exemption was identified as appropriate for the Project and no mitigation measures are proposed or required, although the project is conditioned to ensure conformance with the proposed zoning district.
6. Based on the findings and conclusions contained in the technical memorandum, the proposed Project would not have environmental effects which would cause substantial adverse effects on humans, either directly or indirectly; and there is no substantial evidence considering the whole record before the City of Ukiah that the Project would have a significant effect on the environment.
7. Based upon the analysis, findings, and conclusions contained in the Technical Memorandum, the Project will not result in impacts that are individually limited, but cumulative considerable.

8. In accordance with the Ukiah City Code and California Environmental Quality Act (CEQA) Guidelines: Notice was provided to property owners within 300 feet of the project parcels, as well as agencies and departments with jurisdiction or interest over the project on August 4, 2024; posted on the City's webpage on August 4, 2024; published in the Ukiah Daily Journal on August 4, 2024; posted on the Project site on August 4, 2024; and posted at the Civic Center (glass case) 72 hours prior to the public hearing.
9. The technical memorandum and record of proceedings of the decision on the Project are available for public review at the City of Ukiah Community Development Department, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, CA.
10. On August 14, 2024, the Planning Commission held a public meeting and reviewed the technical memorandum, General Plan Amendment and Rezone. The meeting was properly noticed in accordance with UCC §9265 and CEQA Guidelines.

DRAFT

**DRAFT CONDITIONS OF APPROVAL FOR A
GENERAL PLAN AMENDMENT AND REZONE
195 LOW GAP ROAD
FILE NO.: 24-9265**

The following Conditions of Approval shall be made a permanent part of the Project, and shall remain in force regardless of property ownership, and shall be implemented in order for this entitlement to remain valid.

Project Summary. The Project proposes a 'General Plan Amendment' to convert the subject property from a Low Density Residential (LDR) to a Community Commercial (CC) land use designation, as well as a 'Rezone' of the subject property from Low Density Residential (R1) to Community Commercial (C-1). If approved, the intended use of the property would be for a 'Professional Office'. No additional development or expansion of the existing structure is proposed.

The following Conditions of Approval apply to the Project.

City of Ukiah Special Conditions

1. Future development of the site shall be in conformance with all Community Commercial (C-1) zoning regulations, including landscaping requirements, in addition to all applicable Building Code and life safety regulations. Additional discretionary and environmental review may be required for expansion, demolition, or modification of the existing structure, as well as for activities that are determined to be 'Permitted' within the zoning district.
2. A Final Landscaping Plan shall be submitted prior to issuance of Building Permit or Business License, in accordance with all applicable City codes. All landscaping shall be irrigated and maintained to a satisfactory condition of the Community Development Director.

City of Ukiah Standard Conditions

3. Approval is not effective until the 10-day appeal period applicable to this amendment and rezone has expired without the filing of a timely appeal. If a timely appeal is filed, the project is subject to the outcome of the appeal and shall be revised as necessary to comply with any modifications, conditions, or requirements that were imposed as part of the appeal.
4. All use, construction and the location thereof, or occupancy, shall conform to the application and to any supporting documents submitted therewith, including any maps, sketches, or plot plans accompanying the application or submitted by applicant in support thereof.
5. Any construction shall comply with the "Standard Specifications" for such type of construction now existing or which may hereafter be promulgated by the Engineering Department of the City of Ukiah; except where higher standards are imposed by law, rule, or regulation or by action of the Planning Commission such standards shall be met.
6. Building permits shall be issued within two years after the effective date of the Planning Permit or same shall be null and void.

7. In addition to any particular condition which might be imposed; any construction shall comply with all building, fire, electric, plumbing, occupancy, and structural laws, rules, regulations, and ordinances in effect at the time the Building Permit is approved and issued.
8. The Applicant shall obtain all required Sign Permits, in compliance with Division 3, Chapter 7, Signs, of the UCC. Prior to the placement/installation of any sign(s), the applicant shall make application for and receive approval of a sign permit. Any signage shall be in substantial conformance with the Community Commercial (C-1) zoning district.
9. The Applicant shall submit verification of all applicable permits or approvals in compliance with all local, state and federal laws to the Community Development Department prior to issuance of building permits.
10. All fees associated with the project planning permits and approvals shall be paid in full prior to occupancy.
11. As outlined in Article 20, Administration and Procedures, of the Zoning Code a planning permit may be revoked through the City's revocation process if the approved project related to this Permit is not being conducted in compliance with these stipulations and conditions of approval; or if the project is not established within two years of the effective date of this approval; or if the established use for which the permit was granted has ceased or has been suspended for 24 consecutive months.

BUILDING DIVISION AND UKIAH VALLEY FIRE AUTHORITY CONDITIONS

12. For any needed or requested tenant improvements, a Building Permit will be required. Please submit plans, building permit application. Please submit complete plan sets, including two wet stamped and signed.
13. The design and construction of all site alterations shall comply with the 2022 California Building Code, 2022 Plumbing Code, 2022 Electrical Code, 2022 California Mechanical Code, 2022 California Fire Code, 2022 California Energy Code, 2022 Title 24 California Energy Efficiency Standards, 2022 California Green Building Standards Code and City of Ukiah Ordinances and Amendments.



City of Ukiah

Community Development Department
 Planning Division
 300 Seminary Ave., Ukiah CA 95482
 Email: planning@cityofukiah.com
 Web: www.cityofukiah.com
 Phone: (707) 463-6268
 Fax: (707) 463-6204

Planning Permit Application

PROJECT NAME: Eversole General Plan Amendment & Rezone (R1 > C1)																							
PROJECT ADDRESS/CROSS STREETS: <i>195 Low Gap Rd</i>				AP NUMBER(S): 002-080-39																			
APPLICANT/AUTHORIZED AGENT: <i>Edward Eversole</i>		PHONE NO: <i>207-462-2206</i>	FAX NO: <i>207-462-4809</i>	E-MAIL ADDRESS: <i>eversolemurfury@gmail.com</i>																			
APPLICANT/AUTHORIZED AGENT ADDRESS: <i>141 Low Gap Rd</i>		CITY: <i>Ukiah</i>		STATE/ZIP: <i>CA 95482</i>																			
PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT:		PHONE NO:	FAX NO:	E-MAIL ADDRESS:																			
PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT		CITY:		STATE/ZIP:																			
HAS YOUR PROJECT RECEIVED A PRELIMINARY REVIEW? ☐ YES ☒ NO																							
☐ AIRPORT LAND USE COMM. DETERMINATION REFERRAL 100.0800.611.003	\$	☐ REZONING – PLANNED DISTRICT 100.0800.611.001	\$	☐ USE PERMIT – AMENDMENT 100.0400.449.001	\$																		
☐ ANNEXATION 100.0800.611.001	\$	☐ SITE DEVELOPMENT PERMIT – AMENDMENT 100.0400.449.001	\$	☐ USE PERMIT – MAJOR 100.0400.449.001	\$																		
☐ APPEAL 100.0400.449.001	\$	☐ SITE DEVELOPMENT PERMIT – MAJOR 100.0400.449.001	\$	☐ USE PERMIT – MINOR 100.0400.449.001	\$																		
☒ GENERAL PLAN AMENDMENT 100.0800.611.001	\$ X	☐ SITE DEVELOPMENT PERMIT – MINOR 100.0400.449.001	\$	☐ VARIANCE – MAJOR 100.0400.449.001	\$																		
☐ MURAL PERMIT 100.0400.449.001	\$	☐ SPECIFIC/MASTER PLAN 100.0800.611.003	\$	☐ VARIANCE – MINOR 100.0400.449.001	\$																		
☐ PRE-DEVELOPMENT MEETING 100.0800.611.003	\$	☐ MINOR SUBDIVISION/TENTATIVE PARCEL MAP (4 OR FEWER LOTS) 100.0800.610.001	\$	☒ ZONING AMENDMENT MAP OR TEXT 100.0800.611.001	\$ X																		
☐ STAFF RESEARCH (MORE THAN 1 HOUR) 100.23100.41153	\$	☐ MAJOR SUBDIVISION/TENTATIVE SUBDIVISION MAP (5 OR MORE LOTS) 100.0800.610.001	\$	☐ REZONING 100.0800.611.001	\$ X																		
☐ LOT LINE ADJUSTMENT OR MERGER 100.0800.610.001	\$	☐ OTHER	\$	☐ OTHER	\$																		
<table border="1"> <tr> <td>COUNTY CEQA FILING FEE: CHECK PAYABLE TO MENDOCINO CO.</td> <td>\$ -</td> <td>MAJOR PERMIT DEPOSIT:</td> <td>\$ \$3,000</td> <td>FILING DATE:</td> <td>2/14/2024</td> </tr> <tr> <td>COUNTY CEQA (NEG DEC) FEE: CHECK PAYABLE TO MENDOCINO CO.</td> <td>\$ -</td> <td>MINOR PERMIT FEE:</td> <td>\$ -</td> <td>TOTAL AMOUNT PAID: \$</td> <td>\$3,000</td> </tr> <tr> <td>COUNTY CEQA (EIR) FEE: CHECK PAYABLE TO MENDOCINO CO.</td> <td>\$ -</td> <td>TOTAL FEE:</td> <td>\$ -</td> <td>RECEIPT NUMBER:</td> <td>-</td> </tr> </table>						COUNTY CEQA FILING FEE: CHECK PAYABLE TO MENDOCINO CO.	\$ -	MAJOR PERMIT DEPOSIT:	\$ \$3,000	FILING DATE:	2/14/2024	COUNTY CEQA (NEG DEC) FEE: CHECK PAYABLE TO MENDOCINO CO.	\$ -	MINOR PERMIT FEE:	\$ -	TOTAL AMOUNT PAID: \$	\$3,000	COUNTY CEQA (EIR) FEE: CHECK PAYABLE TO MENDOCINO CO.	\$ -	TOTAL FEE:	\$ -	RECEIPT NUMBER:	-
COUNTY CEQA FILING FEE: CHECK PAYABLE TO MENDOCINO CO.	\$ -	MAJOR PERMIT DEPOSIT:	\$ \$3,000	FILING DATE:	2/14/2024																		
COUNTY CEQA (NEG DEC) FEE: CHECK PAYABLE TO MENDOCINO CO.	\$ -	MINOR PERMIT FEE:	\$ -	TOTAL AMOUNT PAID: \$	\$3,000																		
COUNTY CEQA (EIR) FEE: CHECK PAYABLE TO MENDOCINO CO.	\$ -	TOTAL FEE:	\$ -	RECEIPT NUMBER:	-																		
APPLICATION NUMBER(S): #24-9265																							

Recommendation: Prior to submitting an application, discuss your project with Staff to discover what fees (sewer, water, in-lieu park fees, traffic impact fees, etc.) may be required for your project. Also, ask about street tree requirements, required sidewalk repairs, drainage issues, storm water mitigation requirements, frontage improvements, etc.

Project Description

Please attach a written project description including summary of work (both interior and exterior for construction and operation) and/or business proposed. The purpose of the project description is to assist Staff in understanding the project. The project description will also be included in the Staff Report required to review (and ultimately approve or deny) the planning permit. Providing complete information will help expedite the project review process and in determining what additional information, if any, related to the project and required environmental review is required.

Environmental Review and Reports

Please be aware that projects are required to comply with the California Environmental Quality Act (CEQA). Projects will be reviewed by Staff for compliance with CEQA and Staff will determine the appropriate CEQA document to prepare for the project (exemption, negative declaration, etc.). In order to make this determination, specific reports (traffic, arborist, soils, etc.) and or additional information may be required.

Use Information

Please provide the following information related to the use of the site and building:

Description of Building & Site			
Parcel Size:	Building Size:	Number of Floors:	
Use of Building (check all that apply)	Description	Square Footage	Number of Units/Suites
☒ Office (business/professional)	175 Low Gap Rd	2600	3
☒ Office (medical/dental)			
☒ Retail			
☐ Light Industrial			
☐ Residential			
☐ Other:			
Operating Characteristics			
Days and Hours of Operation:			
Number of Shifts: 1	Days and Hours of Shifts: M-F 8-6		
Number of Employees/Shift:			
Loading Facilities: ☐ Yes ☒ No	Type/Vehicle Size:		
Deliveries: ☐ Yes ☐ No	Type:	Number (day/week/month):	Time(s) of Day:
Outdoor areas associated with use? (check all that apply)	Sales area: ☐ Yes ☐ No	Unloading of deliveries: ☐ Yes ☐ No	Storage: ☐ Yes ☐ No
☐ Yes ☐ No	Square Footage:	Square Footage:	Square Footage:
Noise Generating Use? ☐ Yes ☐ No	Description:		

To Be Completed by Staff

General Plan Designation: LDR	Zoning District: R1	Airport Land Use Designation: OAE (Other Airport Environs)
City's Architectural & Historic Inventory: ☐ YES ☒ NO	Age of Building: 57 Years	Demolition Policy: N/A
Hillside: ☐ YES ☒ NO	Flood Designation FIRM Map: N/A	Flood Designation Floodway Map: N/A
Tree Policies		
☒ General Plan Open Space Conservation ☐ NO ☐ YES GOAL/POLICY #:		☒ Community Forest Management Plan ☐ NO ☐ YES GOAL/POLICY #:
☒ Landscaping and Streetscape Design Guidelines ☐ NO ☐ YES GUIDELINE #:		☒ Commercial Development Design Guidelines ☐ NO ☐ YES GUIDELINE #:
☒ Tree Protection and Enhancement Policy ☐ NO ☐ YES NOTES:		☒ Tree Planting and Maintenance Policy ☐ NO ☐ YES NOTES:
☒ UCC: Street Tree Policy, Purpose and Intent ☐ NO ☐ YES NOTES:		Other:
Notes		

I, Edward Eversole, owner authorize _____
to act on my behalf for this project and I have read and agree with all of the above. (Application must be signed by owner).

PROPERTY OWNER SIGNATURE

DATE

I, _____, am the ☐ owner / ☐ authorized agent of the property for which the development is proposed. The above information and attached documents are true and accurate to the best of my knowledge.

I have read and agree with all of the above.

I hereby authorize employees of the City of Ukiah, the City's authorized agents, and persons with review or decision making authority for the project to enter upon the subject property, as necessary, to inspect the premises, post notices, and process this application.

I understand that conditions of approval may be placed on my project by the city of Ukiah and it is my responsibility to fully understand the conditions and ask questions about them before action is taken on my planning permit.

 2/13/24
☒ OWNER / ☐ AUTHORIZED AGENT **DATE**

INDEMNIFICATION AGREEMENT

As part of this application, the applicant agrees to defend, indemnify, and hold harmless the City of Ukiah, its agents, officers, council members, employees, boards, commissions or Council from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void, or annul any approval of the application or related decision, or the adoption or certification of any environmental documents or negative declaration which relates to its approval. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of it or in connection with the approval of the application or related decision, whether or not there is concurrent, passive, or active negligence on the part of the City, its agents, officers, council members, employees, boards, commissions of Council. If for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The City of Ukiah shall have the right to appear and defend its interests in any action through its City Attorney or outside counsel. The applicant shall not be required to reimburse the City for attorney's fees incurred by the City Attorney of the City's outside counsel if the City chooses to appear and defend itself in the litigation.

I have read and agree to all of the above.


☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT
(PLEASE PRINT NAME)
 2/13/24
☐ PROPERTY OWNER / ☐ AUTHORIZED AGENT **DATE**
(SIGNATURE)

Revised 02/06/2024

Edward Eversole
141 Low Gap Rd.
Ukiah, Ca. 95482
eversolemortuary@gmail.com
707-391-5090
2/16/2024

City of Ukiah Planning Department
300 Seminary Avenue
Ukiah, CA 95482

RECEIVED

FEB 20 2024

CITY OF UKIAH
COMMUNITY DEVELOPMENT

City of Ukiah Planning Department,

I am writing to formally request permission to change the zoning designation of the property located at 195 Low Gap Rd., Ukiah, CA from an R1 property to a C1 property. Our intention is to facilitate the establishment of a physical therapy office at this location.

We are currently in negotiations with a physical therapy office within the community. The building already features ADA-compliant bathrooms and ramps, making it suitable for accessibility purposes. However, some remodeling will be necessary to adapt the space to the specific requirements of a physical therapy office. Notably, there is currently no kitchen facility onsite.

The proposed change in zoning aligns with the city's goals of promoting commercial activity and enhancing the provision of healthcare services within the community. By allowing for the establishment of a physical therapy office at this location, we aim to contribute positively to the well-being of Ukiah residents while also revitalizing a commercial property.

We assure you that any remodeling or renovations will comply with all relevant regulations and guidelines. We are committed to working closely with the Planning Department to ensure full compliance throughout the process.

Thank you for considering our request. Should you require any further information or clarification, please do not hesitate to contact me at 707-391-5090 or eversolemortuary@gmail.com

Sincerely,



Edward Eversole

Property Description:

195 Low Gap Rd, located at the corner of Oak Street, boasts a generously sized lot of approximately 18,000 square feet. The main building spans 2,600 square feet, with setbacks of 20 feet from both the east and north sidewalks, 46 feet from the eastern property line, and 58 feet from the southern property line. Equipped with city utilities and efficient drainage systems, the property offers ample parking space for up to 31 cars. Surrounding the building are mature plants, while the front area features an empty space with signage, making it an ideal spot for various commercial ventures.

RECEIVED

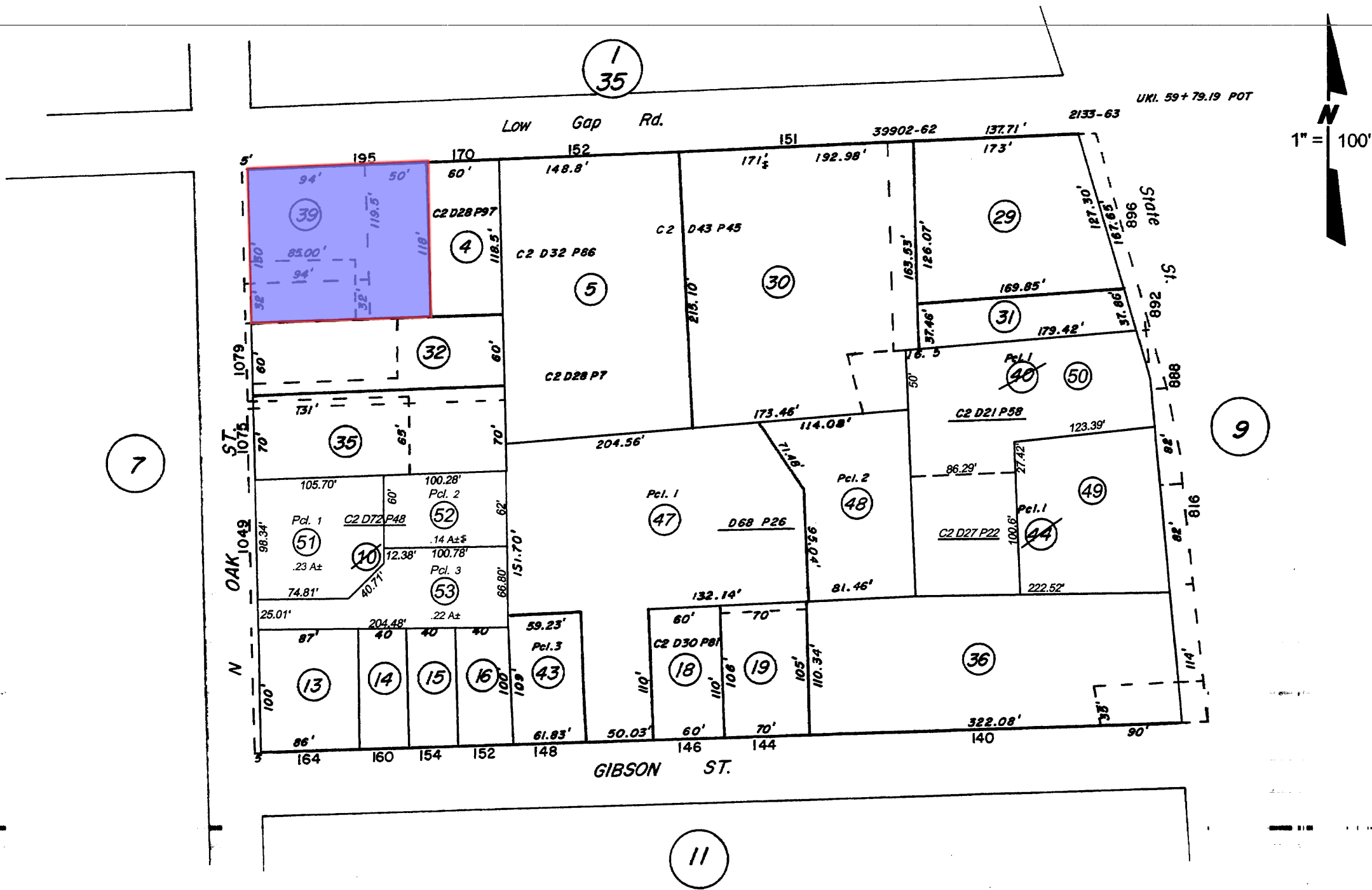
FEB 20 2024

**CITY OF UKIAH
COMMUNITY DEVELOPMENT**

UKIAH CITY

Q03-031
C-1
R-2
R-3

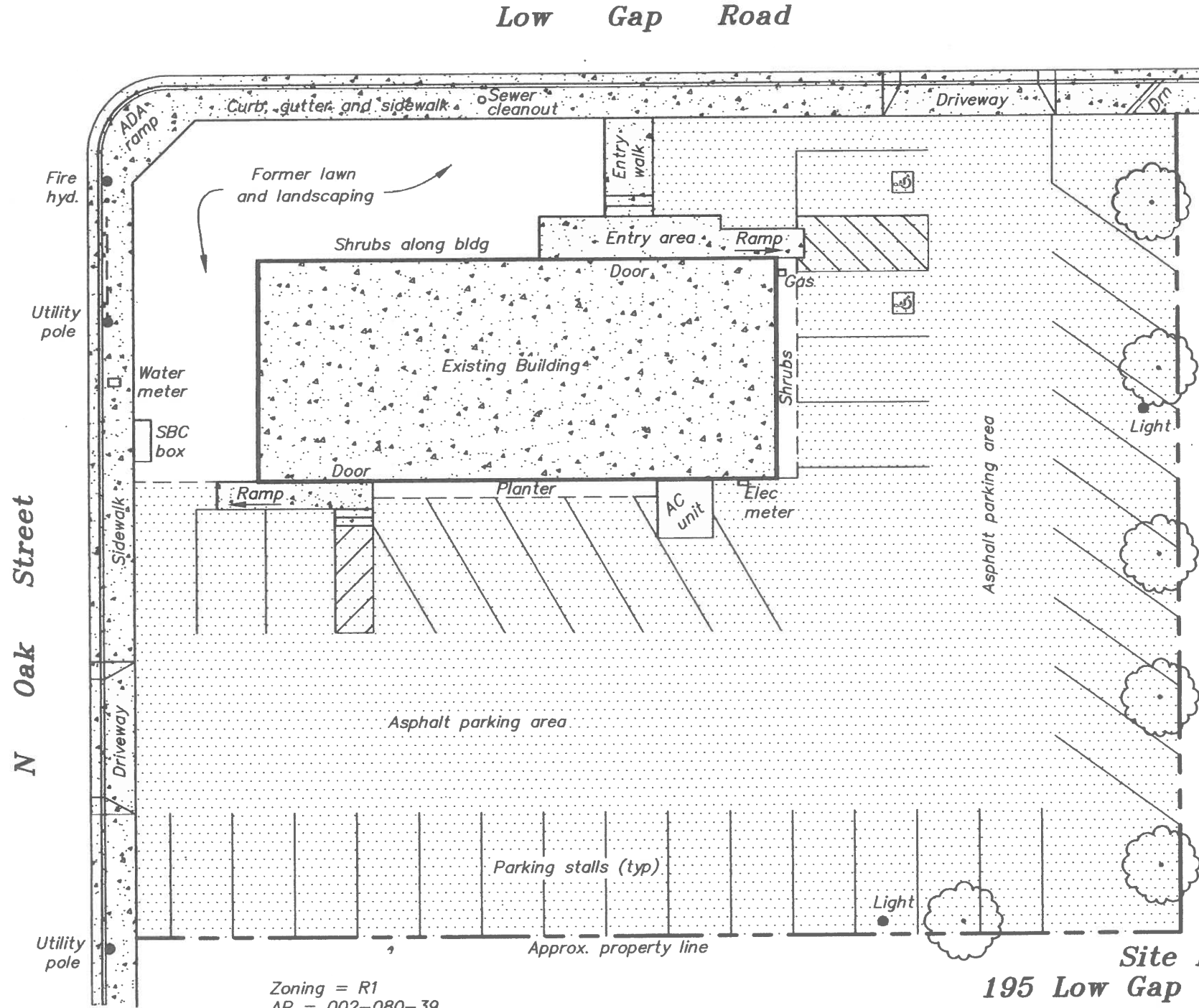
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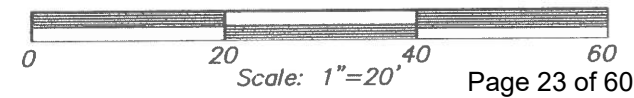
FEB 20 2024

CITY OF UKIAH
COMMUNITY DEVELOPMENT



Zoning = R1
AP = 002-080-39
Site = 195 Low Gap Road
Owner = Eversole Mortuary
Deed = Inst No 2020-16161

Site Map
195 Low Gap Road, Ukiah
AP 002-080-39 -- Feb 20, 2024

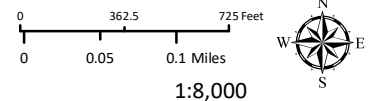




Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

CASE:
OWNER: Eversole Mortuary
APN: 002-080-39
APLCT: Eversole Mortuary
AGENT:
ADDRESS: 195 Low Gap Rd., Ukiah

— Highways (2017) - - - Driveways/Unnamed Roads
 — Public Roads — Railroads
 = = = Private Roads



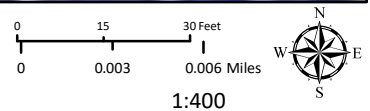
LOCATION

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



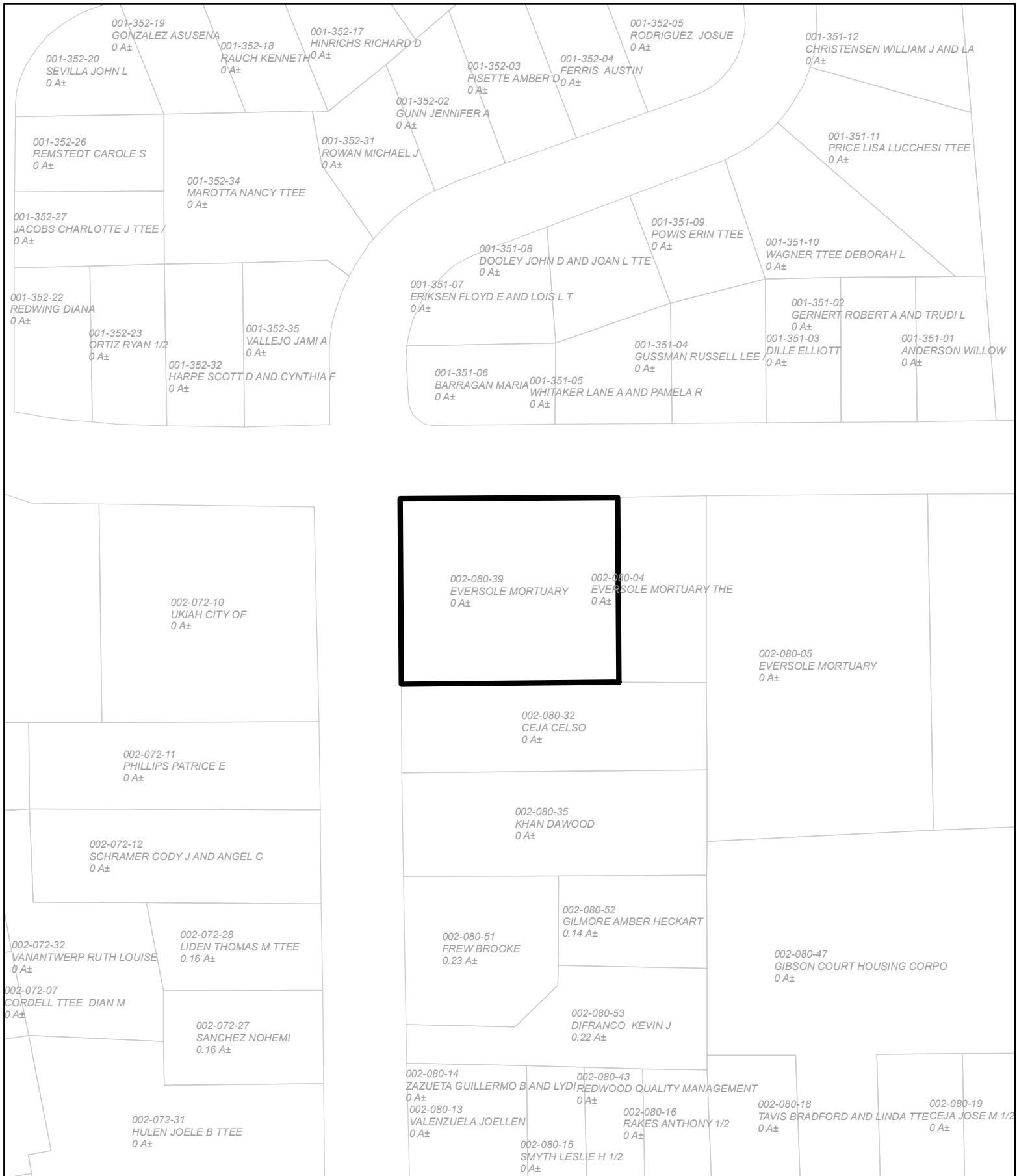
CASE:
OWNER: **Eversole Mortuary**
APN: **002-080-39**
APLCT: **Eversole Mortuary**
AGENT:
ADDRESS: **195 Low Gap Rd., Ukiah**

Public Roads



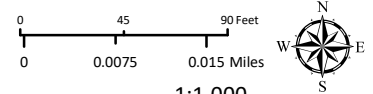
AERIAL IMAGERY

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DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



CASE:
OWNER: Eversole Mortuary
APN: 002-080-39
APLCT: Eversole Mortuary
AGENT:
ADDRESS: 195 Low Gap Rd., Ukiah

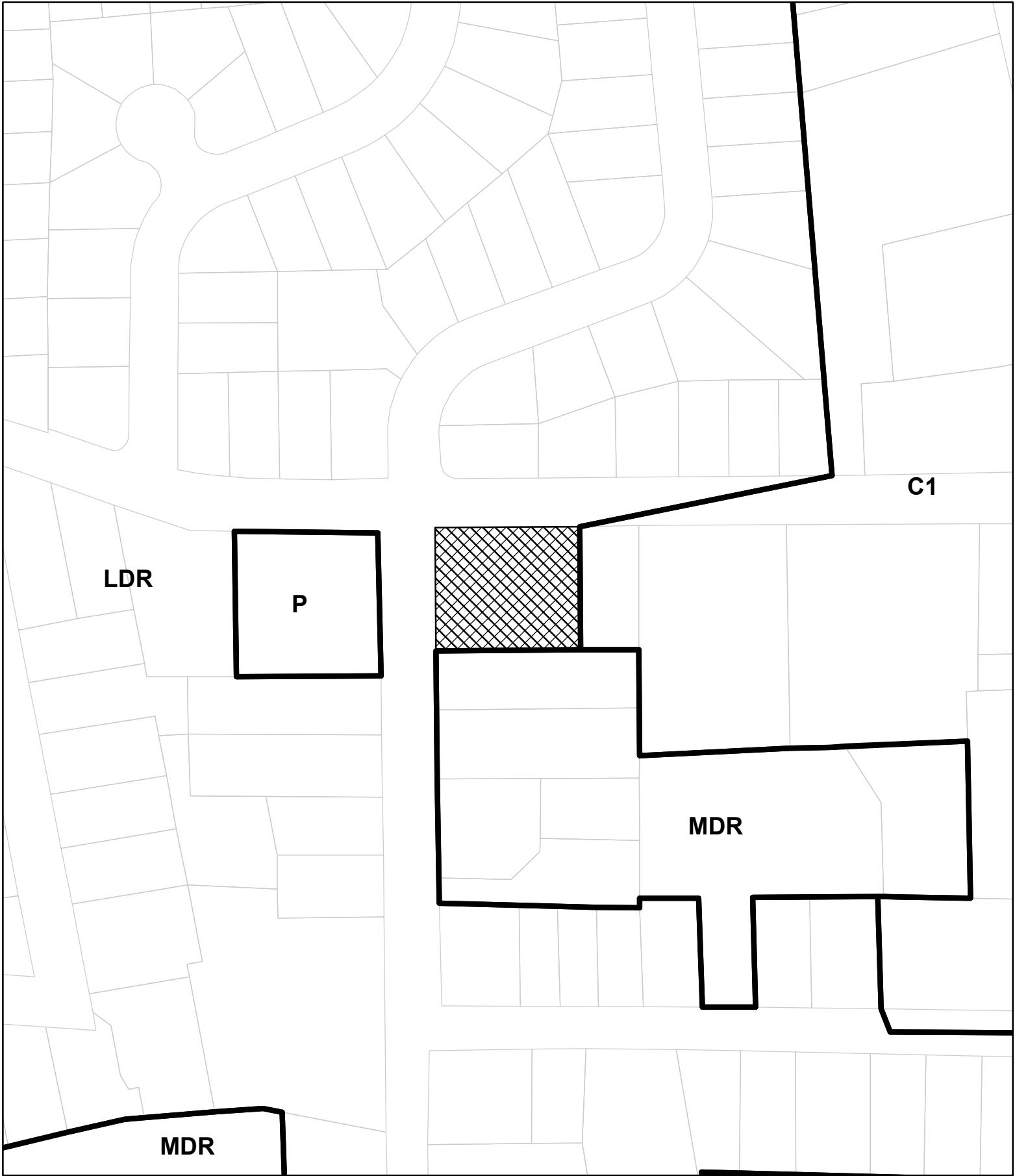
☐ Assessors Parcels



1:1,000

ADJACENT PARCELS

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DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



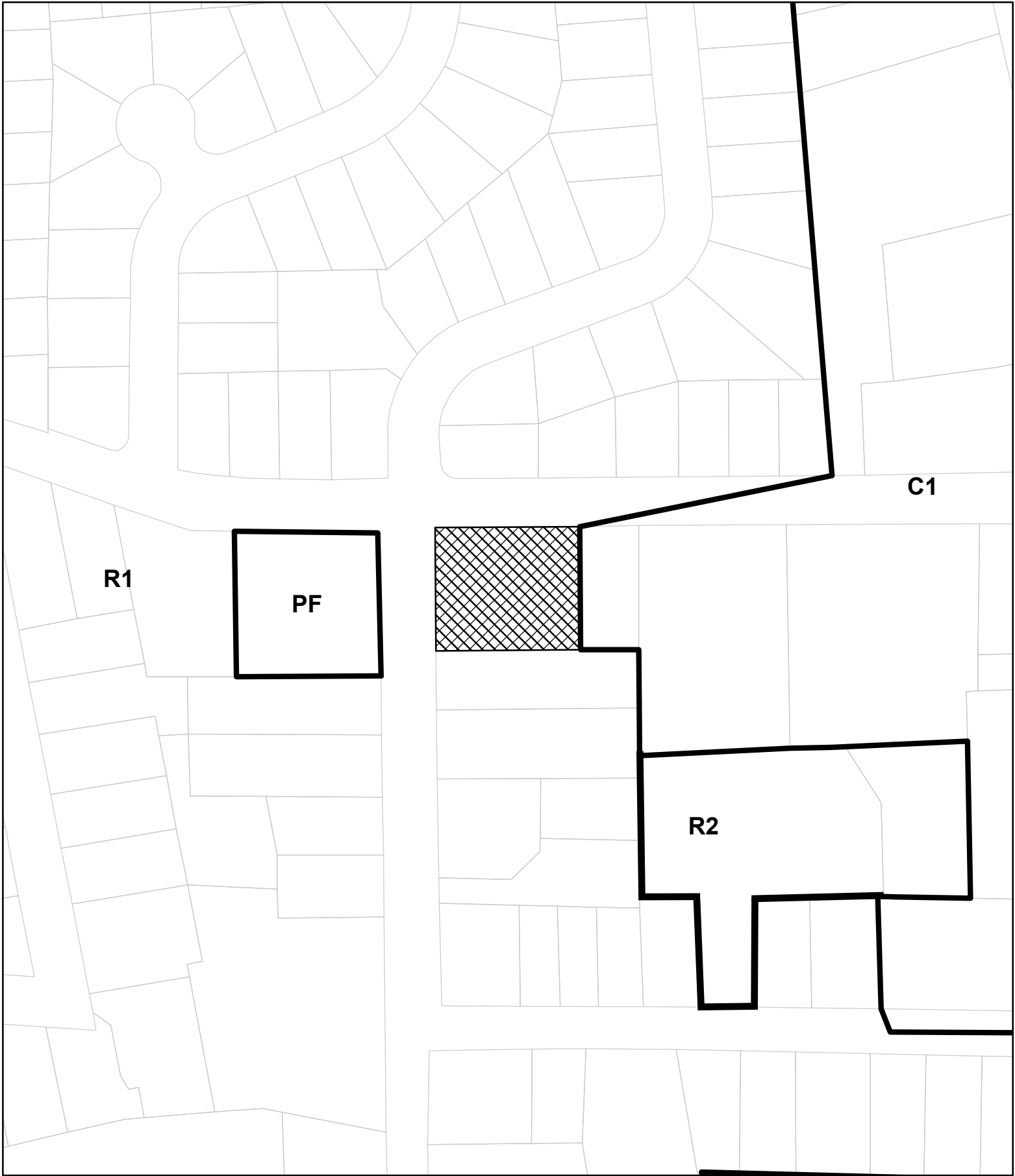
CASE:
OWNER: **Eversole Mortuary**
APN: **002-080-39**
APLCT: **Eversole Mortuary**
AGENT:
ADDRESS: **195 Low Gap Rd., Ukiah**

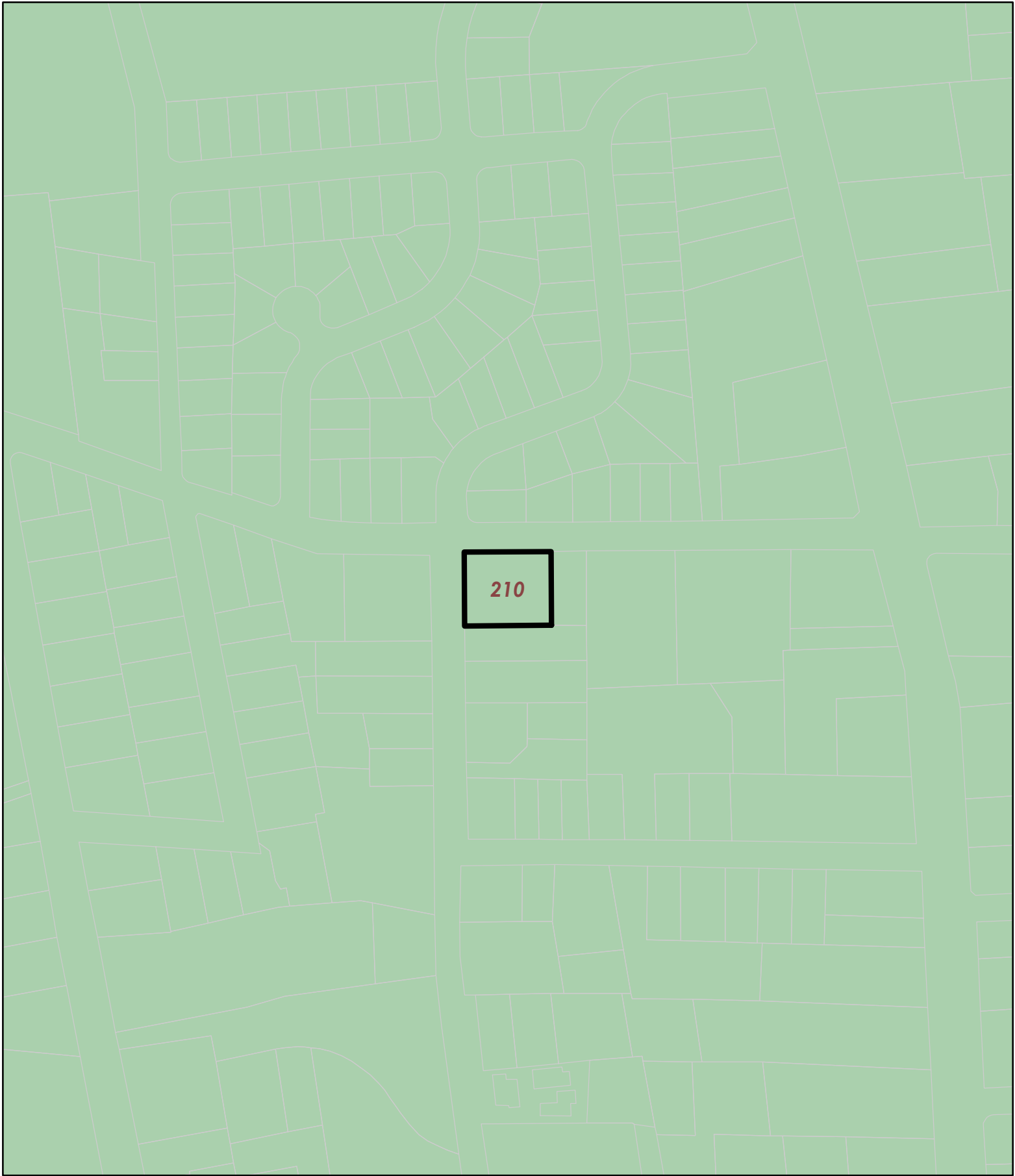
Assessors Parcels

0 65 130 Feet
0 0.01 0.02 Miles
1:1,500

N
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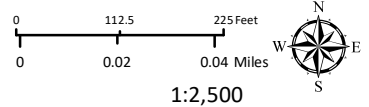
General Plan





CASE:
OWNER: Eversole Mortuary
APN: 002-080-39
APLCT: Eversole Mortuary
AGENT:
ADDRESS: 195 Low Gap Rd., Ukiah

 Assessors Parcels



1:2,500

EASTERN SOIL CLASSIFICATIONS

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES







ARTICLE 7. REGULATIONS IN COMMUNITY COMMERCIAL (C-1) DISTRICTS¹

SECTION:

[§9080 Purpose And Intent](#)[§9081 Allowed Uses](#)[§9082 Permitted Uses](#)[§9083 Building Height Limits](#)[§9084 Building Site Area Required](#)[§9085 Required Yard Setbacks](#)[§9086 Required Parking](#)[§9087 Additional Requirements](#)[§9088 Determination Of Appropriate Use](#)**§9080 PURPOSE AND INTENT**

The purpose of the Community Commercial Zoning District is to provide a broad range of commercial land use opportunities along the primary transportation corridors within the City. It is intended to promote and provide flexibility for commercial development, to encourage the establishment of community-wide commercial-serving land uses, and provide opportunities to integrate multiple-family housing and mixed-use projects. The Community Commercial (C-1) Zoning District is consistent with the commercial (C) general plan land use designation. (Ord. 1006, §1, adopted 1998; Ord. 1216, §5, adopted 2021)

§9081 ALLOWED USES

The following uses are allowed in the Community Commercial (C-1) Zoning District:

Accessory uses to any of the uses allowed in this district.

Accessory dwelling units and junior accessory dwelling units, as defined in section 9278 of this code and regulated in section 9016 of this code.

Community care facility which provides service for six (6) or fewer persons, with the residents and operators of the facility being considered a family.

Condominiums.

Emergency shelters, small.

Hotels, motels, and bed and breakfast establishments.

Low barrier navigation centers.

Multiple-family dwellings (i.e., duplexes, triplexes, fourplexes, transitional housing, supportive housing, single-room occupancies (SROs)) that comply with the design and development standards in Chapter 2, Article 5.2 of this division are permitted by right.

Personal improvement and personal service establishments.

Places of religious worship, assembly or instruction.

Professional offices and banks.

Public or private schools.

Restaurants.

Retail stores.

Second dwelling units as allowed in the R-1 districts in section 9016 of this chapter.

Small and large family child daycare homes. (Ord. 1006, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1205, §9, adopted 2020; Ord. 1216, §5, adopted 2021)

§9082 PERMITTED USES

The following uses require approval of a use permit pursuant to the provisions contained in section 9262 of this chapter:

Auto repair shop, auto body and painting shop, car wash, auto service (gas) station, and new and used car sales.

Bar, dance hall, live entertainment establishment and nightclub.

Billiard parlor, amusement arcade, and bowling alley.

Cabinet shop.

Cannabis cultivation – Processor.

Cannabis manufacturer – Packaging.

Cannabis manufacturer – Shared use.

Cannabis manufacturing – Level 1.

Cannabis microbusiness.

Cannabis nursery.

Cannabis retailer.

Cannabis testing laboratory.

Community care facility for more than six (6) persons, but not more than twelve (12) persons.

Emergency shelters, large.

Machine shop.

Mini/convenience storage.

Outdoor sales establishments that occur for no more than thirty (30) days within a twelve (12) month period may be considered by the Zoning Administrator. All other applications shall be heard by the Planning Commission.

A. All outdoor sales establishments shall comply with the following criteria:

1. Parking: Parking shall be designated for a minimum of three (3) automobiles, located off the public right-of-way with no automobile maneuvering permitted in the public right-of-way. The use permit may require additional parking, depending on the nature of sales proposed.
2. Signage: A maximum of twenty-five percent (25%) of the largest side of the vehicle or structure used in the sales operation. In addition, one sandwich board or A-frame sign pursuant to subsection 3227A5 of this code.
3. Utilities: The need for sanitary sewer, water, and electrical services shall be determined through the use permit process, and all hookups shall comply with this code.
4. Business License: Business license must be prominently displayed at all times, and the operator shall have proof of Board of Equalization sales permit.

Parking lot.

Single-family dwelling (i.e., single-family home, manufactured/modular home, transitional housing, and supportive housing). Manufactured/modular homes shall comply with the additional development standards in section 9087 of this code.

Multiple-family dwellings that do not comply with the design and development standards in Chapter 2, Article 5.2 of this division.

Mobile home parks.

Social halls and lodges.

Theater.

Veterinarian. (Ord. 1006, §1, adopted 1998; Ord. 1186, §1, adopted 2018; Ord. 1216, §5, adopted 2021; Ord. 1226, §3, adopted 2022)

§9083 BUILDING HEIGHT LIMITS

The maximum height of any building in a Community Commercial (C-1) District shall be fifty feet (50'). (Ord. 1006, §1, adopted 1998; Ord. 1216, §5, adopted 2021)

§9084 BUILDING SITE AREA REQUIRED

A. Commercial: For each building or group of buildings a minimum of six thousand (6,000) square feet in area and a minimum width of sixty feet (60') on interior lots; a minimum of seven thousand (7,000) square feet in area and a minimum width of seventy feet (70') on corner lots.

B. Residential And Mixed-Use: No minimum building site area.

C. Mobile Home Parks: Minimum of two (2) acres. (Ord. 1006, §1, adopted 1998; Ord. 1110, §1, adopted 2008; Ord. 1216, §5, adopted 2021)

§9085 REQUIRED YARD SETBACKS

In Community Commercial (C-1) Districts, yards shall be required in the following minimum widths:

A. Front Yards For Single-Story Buildings: The front setback line shall be a minimum of five feet (5') measured from the street right-of-way line fronting such lot. On corner lots, a ten foot (10') vision triangle may be required for traffic safety.

B. Front Yards For Multiple-Story Buildings: The front setback line shall be a minimum of five feet (5') measured from the street right-of-way line fronting such lot (generally being the edge of sidewalk). On corner lots, a ten foot (10') vision triangle may be required for traffic safety.

C. Rear And Side Yards: None required except where the rear or side of a lot abuts on an R-1, R-2, or R-3 district, in which case such rear or side yard shall be that of the adjoining zone. (Ord. 1006, §1, adopted 1998; Ord. 1110, §1, adopted 2008; Ord. 1216, §5, adopted 2021)

§9086 REQUIRED PARKING

The minimum parking area required in the Community Commercial (C-1) Zoning Districts shall be as follows:

A. Commercial Uses:

1. Retail Stores, Professional Offices, And Business Offices: One parking space for each three hundred (300) square feet of gross leasable floor area.
2. Personal Services And Personal Improvement Facilities: One parking space for each three hundred fifty (350) square feet of gross leasable floor area.
3. Commercial Recreation And Public Assembly: One parking space for each four (4) person capacity.
4. Restaurant: One parking space for every three (3) seats, with a minimum of four (4) spaces. An additional parking space for each two (2) employees at maximum shift.
5. Bicycle Parking: Safe bicycle parking facilities shall be provided in all commercial developments, where it is determined that the use would attract bicyclists. The number of bicycle parking spaces required shall be not less than ten percent (10%) of the number of required off-street automobile parking spaces. Such safe bicycle parking shall be located convenient to the entrance(s) to the use.

B. Downtown Parking District: All parcels within the downtown parking district No. 1 are not subject to the C-1 zoning district parking standards. These parcels shall comply with the provisions of the downtown parking improvement program.

C. Residential Uses: The minimum parking areas are required for the following residential uses:

1. Single-Family Dwelling: Two (2) on-site parking spaces per unit.
2. Duplex: One and one-half (1.5) on-site parking spaces per unit.
3. Multiple-Family Dwelling: One on-site parking space per unit.

D. Other Uses: All other uses are subject to the provisions contained in Chapter 2, Article 17 of this division.

E. Exceptions: Relief from the parking requirements in the C-1 zoning district may be approved through the discretionary review process, provided a finding is made that there is a unique circumstance associated with the use or property that results in a demand for less parking than normally expected. (Ord. 1006, §1, adopted 1998;

Ord. 1216, §5, adopted 2021)

§9087 ADDITIONAL REQUIREMENTS

The following additional requirements are applicable in the Community Commercial (C-1) Zoning District:

- A. A site development permit shall be required for development projects in the Community Commercial (C-1) Zoning District, pursuant to the requirements of subsection 9261B of this chapter, excluding multiple-family residential projects as described in section 9081 of this code that comply with the design and development standards in Chapter 2, Article 5.2 of this division.
- B. Any balcony, window, or door shall use at least one of the following development approaches to lessen the privacy impacts onto adjacent properties. These techniques include use of obscured glazing, landscaped/privacy buffer in the required setback with a minimum of five feet (5'), window placement above eye level, or locating balconies, windows, and doors facing toward the street and backyard. Trees and landscaping used as a landscaped/privacy buffer shall be planted and maintained by the property owner to preserve the privacy of adjacent property owners.
- C. Manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC section 5401 et seq.) are allowed on individual parcels subject to the following regulations:
 - 1. Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the City Building Official and designed and constructed pursuant to section 18551 of the California Health and Safety Code.
 - 2. Utilities: All utilities to the manufactured home shall be installed pursuant to City standard practices and policies.
 - 3. Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on site construction.
- D. All development projects that are not multiple-family residential projects, or that do not comply with the design and development standards in Chapter 2, Article 5.2 of this division, and that require discretionary review, shall include a proposed landscaping plan commensurate with the size and scale of the proposed development project. Landscaping plans shall be submitted as a required component of all site development and use permits at the time of application filing. Properties within the downtown master plan (DMP) area are exempt from the landscaping requirements.
 - 1. All proposed landscaping plans shall comply with the following standards:
 - a. Landscape plantings shall be those which grow well in Ukiah's climate without extensive irrigation. Native species are strongly encouraged.

- b. Deciduous trees shall constitute fifty-one percent (51%) of the trees proposed along the south and west building exposures; nondeciduous street species shall be restricted to areas that do not inhibit solar access.
 - c. Parking lots with twelve (12) or more parking stalls shall have a tree placed between every four (4) parking stalls within a continuous linear planting strip rather than individual planting wells, unless clearly infeasible. Parking lot trees shall primarily be deciduous species, and shall be designed to provide a tree canopy coverage of fifty percent (50%) over all paved areas within fifteen (15) years of planting. Based upon the design of the parking lot, a reduced number of trees may be approved through the discretionary review process.
 - d. Parking lots shall have a perimeter planting strip with both trees and shrubs.
 - e. Parking lots with twelve (12) or more parking stalls shall have defined pedestrian sidewalks or marked pedestrian facilities of no less than three feet (3') in width within landscaped areas and/or separated from automobile travel lanes. Based upon the design of the parking lot, and the use that it is serving, relief from this requirement may be approved through the discretionary review process.
 - f. Street trees may be placed on the property proposed for development instead of within the public right-of-way if the location is approved by the City Engineer, based upon safety and maintenance factors.
 - g. All new developments shall include a landscaping coverage of twenty percent (20%) of the gross area of the parcel, unless because of the small size of a parcel as determined by the Planning Director. A minimum of fifty percent (50%) of the landscaped area shall be dedicated to live plantings.
 - h. Landscaping plans shall include an automatic irrigation system and lighting plan.
 - i. All required landscaping for commercial development projects shall be maintained.
 - j. All healthy existing mature trees on development project sites shall be preserved and incorporated into the proposed landscaping plan, if feasible.
 - k. The Planning Director, Zoning Administrator, Planning Commission, or City Council shall have the authority to modify the required elements of a landscaping plan depending upon the size, scale, intensity, and location of the development project.
- E. No fence shall be constructed over three feet (3') in height in any required front yard setback area.
- F. Existing developments as of the date of this article inconsistent with the provisions listed herein shall be

considered legal nonconforming; provided, that they were legal at the time of their creation, and shall be subject to the nonconforming provisions contained in this chapter. (Ord. 1006, §1, adopted 1998; Ord. 1110, §1, adopted 2008; Ord. 1168, §3, adopted 2016; Ord. 1216, §5, adopted 2021)

§9088 DETERMINATION OF APPROPRIATE USE

Whenever a use is not listed in this article as a use permitted by right or a use subject to a use permit in the C-1 zoning district, the planning director shall determine whether the use is appropriate for the zoning district, either as a right or subject to a use permit. In making this determination, the planning director shall find as follows:

- A. That the use would not be incompatible with other existing or allowed uses in the C-1 zoning district.
- B. That the use would not be detrimental to the continuing development of the area in which the use would be located.
- C. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit, the planning director shall find that the proposed use is similar in nature and intensity to the uses listed as permitted uses. All determinations of the planning director regarding whether a use can be allowed or permitted in the community commercial (C-1) zoning district shall be final unless a written appeal to the city council, stating the reasons for the appeal, and the appeal fee, if any, established from time to time by city council resolution, is filed with the city clerk within ten (10) days of the date the decision was made. Appeals may be filed by an applicant or any interested party. The city council shall conduct a duly noticed public hearing on the appeal in accordance to the applicable procedures as set forth in this chapter. At the close of the public hearing, the city council may affirm, reverse, revise or modify the appealed decision of the planning director. All city council decisions on appeals of the planning director's actions are final for the city. (Ord. 1006, §1, adopted 1998)

¹ Ord. 793, §2, adopted 1982; Ord. 921, §2, adopted 1991; rep. by Ord. 1006, §1, adopted 1998.

ARTICLE 3. REGULATIONS IN LOW DENSITY RESIDENTIAL (R-1) DISTRICTS¹

SECTION:

[§9015 Purpose And Intent](#)

[§9016 Allowed Uses](#)

[§9017 Permitted Uses](#)

[§9018 Building Height Limits](#)

[§9019 Required Site Area](#)

[§9020 Required Yard Setbacks](#)

[§9021 Required Parking](#)

[§9022 Additional Requirements](#)

[§9023 Determination Of Appropriate Use](#)

§9015 PURPOSE AND INTENT

The purpose of the regulations in the Low Density Residential (R-1) District is to preserve, enhance, and protect the low density residential neighborhoods in the community. The R-1 zoning district is intended for residential areas characterized predominantly by single-family uses, duplexes, and with typical single-family residential subdivision lots ranging in size from six thousand (6,000) to ten thousand (10,000) square feet in size. This district is consistent with the LDR (low density residential) land use designation of the City general plan. (Ord. 1001, §1, adopted 1998; Ord. 1216, §1, adopted 2021)

§9016 ALLOWED USES

The following uses are allowed in Low Density Residential (R-1) Districts:

Accessory buildings.

Accessory dwelling units (ADU) or junior accessory dwelling units (JADU) on lots developed with a primary single-family or multifamily residence or for which a primary residence is proposed subject to the following standards/criteria:

A. The requirements of this subsection are applicable to all existing ADUs and JADUs as well as those proposed after the effective date hereof, except for legal nonconforming units, or as is otherwise specifically provided herein. Existing ADUs or JADUs as of the date hereof inconsistent with the provisions listed herein

shall be considered legal nonconforming; provided, that they were legal at the time of their creation.

B. Pursuant to California Government Code 65852.2(a)(1)(C) and 65852.22(d) and (e), ADUs and JADUs shall be deemed not to exceed the allowable density for the residential lot upon which an ADU or JADU is located, and ADUs and JADUs are deemed a residential use that is consistent with the existing general plan and zoning designation for the residential lot on which an ADU or JADU is located.

C. These regulations do not allow the division of property upon which an accessory dwelling unit is located unless all requirements of the applicable zoning district and any other requirements of this code are met.

D. The accessory dwelling unit or JADU may be used for rental purposes. The minimum term of a lease for an accessory dwelling unit or JADU shall be thirty (30) days.

E. The ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

F. For development of an ADU or JADU, the applicant shall record a deed restriction, which shall run with the land. A copy showing recordation with the Mendocino County Recorder shall be filed with the City, and shall include both of the following:

1. A prohibition on the sale of the ADU or JADU separate from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers.

2. For a JADU only, a restriction on the size and attributes of the JADU that conforms with this section.

G. Accessory dwelling units may be attached to existing single-family or multiple-family residences or detached as separate structures. Accessory dwelling units shall incorporate the same or substantially similar architectural features, height, building materials and colors as the main dwelling unit or compatible dwellings located on adjacent properties. Architecture not similar to the architecture of the principal dwelling or buildings on adjacent properties shall be subject to the use permit process.

H. Junior accessory dwelling units are installed within a legally established bedroom within the existing walls of a fully permitted single-family dwelling or proposed single-family dwelling. In the case of a legal, nonconforming single-family dwelling unit, the applicant must demonstrate adequate septic capacity for the bedroom count, if the dwelling uses a septic system, and utilize an existing, fully permitted bathroom. A separate entrance to the junior accessory dwelling unit shall be provided. A junior accessory dwelling unit may include a full bathroom, or the occupant(s) may use a full bathroom inside the remainder of the single-family dwelling. A junior accessory dwelling unit shall contain an efficiency kitchen, which shall include a cooking facility for preparation and sanitation of food with appliances (e.g., microwave, toaster oven, hot plate) and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. The efficiency kitchen must be removed when the JADU use ceases.

I. The maximum size of an accessory dwelling unit shall be one thousand two hundred (1,200) square feet. The maximum size of a junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area. If the bathroom is shared with the remainder of the single-family dwelling, it shall not be included in the square footage calculation.

J. Parking:

1. Parking requirements for the ADU shall be one off-street space (independently accessible or tandem) for each bedroom or ADU, whichever is less, in addition to the two (2) independently accessible parking spaces required for the existing single-family or multifamily residence. If the primary residence was legally constructed at a time when on-site parking was not required, then only the parking space(s) for the ADU shall be required. No off-street parking space shall be required for a JADU.

2. Off-street parking shall be permitted in setback areas in compliance with the definition of "off-street parking" found in section 9278B of this code or through tandem parking.

3. Parking standards will not be imposed for an ADU in any of the following instances:

- a. The ADU is located within one-half mile of public transit.
- b. The ADU is located within an architecturally and historically significant historic district.
- c. The ADU is part of the existing primary residence or an existing accessory structure.
- d. When on-street parking permits are required but not offered to the occupant of the ADU.
- e. When there is a car share vehicle located within one block of the ADU.

4. If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the City shall not require that those off-street parking spaces be replaced.

K. An ADU must meet all applicable building and fire codes, and shall have electric, water and sewer or septic service with the type of meter arrangement at the property owner's option. Water, sewer, and electrical services shall be available prior to the issuance of a building permit for an ADU. No new water or sewer connection fees may be required for ADUs that are contained within the existing space of a single-family or multifamily residence or accessory structure as provided in sections 3731A and 3861B of this code, unless the ADU is constructed with a new single-family home. ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence.

L. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of

applying building codes, fire codes, collection of impact fees, or the provision of water, sewer, and power, including connection fees that might otherwise be associated with the provision of those services. Junior accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

M. The ADU or JADU shall comply with all applicable requirements of this code.

N. The maximum height for ADUs shall be eighteen feet (18'), except for attached ADUs, which shall have a maximum height of thirty feet (30'), pursuant to section 9018 of this code. Taller units may be approved through the use permit process.

O. The following yard setback requirements shall apply to ADUs:

1. Front Yard: The same as the existing primary residence, but no closer than five feet (5').
2. Side Yard Or Rear Yard, Single-Story Or Two-Story: Four feet (4').
3. No setback shall be required for an existing living area, garage, or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.

P. The proposed ADUs shall have a separate front door, which, in the event of an attached unit, shall not be located along the front of the existing single-family or multifamily residence unless it is not obviously visible from the street in front of the residence.

Q. For a JADU, either the primary single-family residence or the JADU shall be occupied by the property owner. Owner occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

R. Any balcony, window or door of an ADU shall utilize techniques to lessen the privacy impacts onto adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, or locating balconies, windows and doors toward the existing on-site primary residence. In addition, trees shall be planted and maintained in a viable condition by the property owner, where appropriate, to preserve the privacy of neighboring property owners.

This requirement will not apply to an ADU that is contained within the existing space of a single-family or multifamily residence or accessory structure.

S. Driveways accessing ADUs shall be set back a minimum of five feet (5') from any structure on an adjoining lot that has a bedroom adjacent to the proposed driveway.

T. The minimum width of a driveway serving an ADU shall be twelve feet (12'), unless the City Fire Marshal determines that adequate fire protection can be provided to the ADU even though the driveway has a width less than twelve feet (12').

U. Unless otherwise indicated, relief from the above criteria and standards may be pursued through the use permit process pursuant to Chapter 2, Article 20 of this division.

V. Applications for a building permit for an ADU or a JADU shall be considered ministerially without discretionary review or a hearing within sixty (60) days after receiving the application if there is an existing primary dwelling on the lot. If the permit application to create an ADU or a JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU shall be considered without discretionary review.

W. Applications for a building permit within any zoning district where residential uses are allowed by right shall be approved ministerially to develop any of the following:

1. One ADU and one JADU per lot with a proposed or existing single-family dwelling if all of the following apply:

- a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
- b. The space has exterior access from the proposed or existing single-family dwelling.
- c. The side and rear setbacks are sufficient for fire and safety.
- d. The JADU complies with the requirements of this section.

2. One detached, new construction, ADU that does not exceed four foot (4') side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in subsection W1 of this section.

3. Multiple ADUs within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings. The number of ADUs permitted within an existing multifamily dwelling structure shall be capped at twenty-five percent (25%) of the existing units in the multifamily dwelling, or one ADU, whichever is greater.

4. Not more than two (2) ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to four-foot (4') rear and side yard setbacks.

X. For the development of ADUs and JADUs described in subsection W of this section, no additional parking or other development standards as set forth in subsections I, J, N through P, and R through U of this section shall be applied except for building code requirements.

Y. The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or JADU, the correction of nonconforming zoning conditions. For purposes of this section, "nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

Accessory uses normally incidental to single-family residences.

Community care facility, which provides service for six (6) or fewer persons, with the residents and operators of the facility being considered a family.

Fences:

A. Fences shall be limited to a maximum height of seven feet (7'). Fences exceeding seven feet (7') in height may be erected subject to the securing of a use permit.

B. No fence shall be constructed and no hedge or other screen planting shall be grown or permitted to grow, to a height exceeding three feet (3') within ten feet (10') from any property line abutting a street.

Home occupations (as defined in section 9278 of this chapter).

Manufactured homes certified under the national manufactured home construction and safety standards act of 1974 (42 USC section 5401 et seq.) are allowed on individual residential parcels subject to the following regulations:

A. Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the city building official and designed and constructed pursuant to section 18551 of the state Health and Safety Code.

B. Utilities: All utilities to the manufactured home shall be installed pursuant to city standard practices and policies.

C. Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on site construction.

Multiple-family residential dwellings in the form of duplexes, transitional housing, and supportive housing on corner lots. Multiple-family dwellings in the form of triplexes, fourplexes, single-room occupancies (SROs), and rooming and boarding houses are prohibited. Multiple-family dwellings that comply with the design and development standards in Chapter 2, Article 5.2 of this division are permitted by right.

Single-family residential dwellings, including manufactured/modular homes, transitional housing, and supportive housing. Manufactured/modular homes shall comply with the additional development standards in Section 9022 of this code.

Small and large family daycare homes. (Ord. 1001, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1168, §1, adopted 2016; Ord. 1181, §5, adopted 2017; Ord. 1205, §5, adopted 2020; Ord. 1216, §1, adopted 2021)

§9017 PERMITTED USES

The following uses may be permitted with the securing of a use permit:

Accredited public or private schools.

Bed and breakfast establishments.

Churches, chapels, and other places of religious assembly and instruction.

Community care facility for more than six (6) persons, but not more than twelve (12) persons.

Condominiums.

Multiple-family dwellings in the form of duplexes, transitional housing, and supportive housing that do not comply with the design and development standards set forth in Chapter 2, Article 5.2 of this division.

Outdoor sales establishments.

Parks, community gardens, and playgrounds.

Public buildings and places of temporary public assembly. (Ord. 1001, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1216, §1, adopted 2021)

§9018 BUILDING HEIGHT LIMITS

The following shall be the maximum limits for height of buildings in Low Density Residential (R-1) Districts:

A. For single-family dwellings, two (2) family dwellings and attached accessory dwelling units, a maximum height of thirty feet (30').

B. For accessory buildings a maximum height of twenty feet (20') or the maximum height of the main building,

whichever is less.

C. The height limits for both dwelling units and accessory structures may be exceeded with the securing of a use permit. The height limit for accessory dwelling unit may be exceeded through the use permit process, provided a finding is made that the higher structure would not adversely impact the health, safety, and general welfare of the public. (Ord. 1001, §1, adopted 1998; Ord. 1181, §5, adopted 2017; Ord. 1216, §1, adopted 2021)

§9019 REQUIRED SITE AREA

A. Interior Lots: The required site area on interior lots in the R-1 zoning district is six thousand (6,000) net square feet, and the required lot width is sixty feet (60').

B. Corner Lots: The required site area for corner lots in the R-1 zoning district is seven thousand (7,000) net square feet, and the required lot width is seventy feet (70').

C. Existing Development/Density: In existing development/density there is no minimum site area.

D. Nonconforming Lots: Development may occur on existing, nonconforming R-1 lots; a site development permit is required for existing lots four thousand five hundred (4,500) square feet and greater and a use permit is required on existing lots of less than four thousand five hundred (4,500) square feet. Minimum width in either case is forty feet (40'). (Ord. 1001, §1, adopted 1998)

§9020 REQUIRED YARD SETBACKS

The purpose of establishing yard areas in the R-1 zoning district is to ensure open spaces, and a low density appearance to single-family residential neighborhoods. In Low Density Residential (R-1) Districts, yards shall be required in the following minimum widths, as measured from the street right-of-way:

A. Front: Fifteen feet (15') for residences and accessory structures, and twenty-five feet (25') for garages.

B. Sides: Ten feet (10') for residences and five feet (5') for accessory structures.

C. Rear: Fifteen feet (15') for residences, and five feet (5') for accessory structures.

D. Corner Lots: On corner lots, there shall be a front setback line of fifteen feet (15') on each street side of a corner lot.

Except in cases where fifty percent (50%) of the same side of the block is already built out, then the average setback shall apply. The fifty percent (50%) average setback exception does not apply to accessory structures.

E. Yard Setbacks For Unique Circumstances:

1. Architectural Features: Cornices, eaves, canopies, and other similar architectural features for residential

structures and accessory structures exceeding one hundred twenty (120) square feet in area may extend up to two feet (2') into any required yard.

2. Swimming Pools: Swimming pools shall not be located in front yards, and no closer than five feet (5') to any rear or side property line.

3. Open Porches; Landing Places; Outside Stairways: Open porches, landing places or outside stairways may extend into the required front yard setback provided a minimum of fifteen feet (15') is maintained between the stairway/landing place and the front property line. Open porches, landing places or outside stairways may extend up to two feet (2') into any required side yard, and six feet (6') into any required rear yard. Such porches, landing places, and outside stairways may be roofed, but shall not be enclosed with solid siding, glass, or screening materials, or otherwise made a part of the habitable portion of the structure.

4. Trellises: Trellises providing entry into property are allowed to be located within the front yard setback provided:

- a. The trellis does not exceed a maximum height of ten feet (10').
- b. The trellis is not more than ten feet (10') wide.
- c. The trellis is not located in the public right of way.
- d. The trellis does not obscure or block vehicular traffic lines of sight.
- e. The trellis does not impede or block pedestrian circulation.
- f. The trellis does not pose a threat to the public health and safety as determined by the city building inspector.
- g. The trellis does not hinder the ability of the fire department from accessing the property with emergency equipment and providing emergency services.
- h. A building permit is secured for the construction of the trellis, if required by the city building inspector. Depending upon the height, size, and scale of the trellis, engineering calculations may be required. (Ord. 1001, §1, adopted 1998; Ord. 1082, §1, adopted 2006; Ord. 1216, §1, adopted 2021)

§9021 REQUIRED PARKING

A. The minimum parking area required in Low Density Residential (R-1) Districts is as follows:

1. Single-Family Dwelling: Two (2) on-site parking spaces per unit.

2. Duplex: One and one-half (1.5) on-site parking spaces per unit.

3. Other Uses: The parking requirements for all other allowed or permitted uses shall be subject to the provisions of section 9198 of this code.

B. Each required on-site parking space or garage space for single-family residential uses shall be a minimum of nine feet (9') in width and nineteen feet (19') in depth.

C. Each required on-site parking space or garage space for single-family residential uses shall open directly onto a driveway or aisle and be designed to provide safe and efficient ingress and egress for vehicles accessing such parking space. The maximum width for such driveways shall be twelve feet (12') for single-wide driveways, and twenty feet (20') for double-wide driveways and access lanes to parcels with no street frontage.

D. All driveways on corner lots shall be located a minimum distance of twenty feet (20') from the curb return. (Ord. 1001, §1, adopted 1998; Ord. 1181, §5, adopted 2017; Ord. 1205, §5, adopted 2020; Ord. 1216, §1, adopted 2021)

§9022 ADDITIONAL REQUIREMENTS

A. Manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC section 5401 et seq.) are allowed uses on individual residential parcels subject to the following regulations:

1. Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the City Building Official and designed and constructed pursuant to section 18551 of the California Health and Safety Code.

2. Utilities: All utilities to the manufactured home shall be installed pursuant to standards set forth in Division 4 of this code and additional City standard practices and policies.

3. Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on-site construction. (Ord. 1216, §1, adopted 2021)

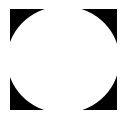
§9023 DETERMINATION OF APPROPRIATE USE

A. Whenever a use is not listed in this article as a use permitted by right or a use subject to a use permit in the R-1 zoning district, the Planning Director shall determine whether the use is appropriate for the zoning district, either as a right or subject to a use permit. In making this determination, the Planning Director shall find as follows:

1. The use would not be incompatible with other existing or allowed uses in the R-1 zoning district;

2. The use would not be detrimental to the continuing residential development of the area in which the use would be located; and
3. The use would be in harmony and consistent with the purpose of the R-1 zoning district.
4. In the case of determining that a use not articulated as an allowed or permitted use could be established with the securing of a use permit, the Planning Director shall find that the proposed use is similar in nature and intensity to the uses listed as permitted uses. (Ord. 1001, §1, adopted 1998; Ord. 1216, §1, adopted 2021. Formerly 9022)

¹ Ord. 793, §2, adopted 1982; Ord. 803-A, §1, adopted 1983; Ord. 813, §1, adopted 1983; Ord. 813, §2, adopted 1983; rep. by Ord. 1001, §1, adopted 1998.



TERRA NOVA PLANNING & RESEARCH, INC.®

MEMORANDUM

TO: Jesse Davis, AICP
Chief Planning Manager

FROM: Kelly Clark
Senior Planner

DATE: July 26, 2024

RE: CEQA Categorical Exemption, General Plan Amendment and Rezone (Eversole) - 195 Low Gap Road (APN 002-080-39)

Introduction

Terra Nova Planning & Research has undertaken a comprehensive review of the proposed General Plan Amendment, Rezone, and minor improvements proposed for 195 Low Gap Road to determine whether the Project qualifies for a Categorical Exemption under the California Environmental Quality Act (CEQA). The City has preliminarily determined that the Project is exempt as allowed by CEQA Guidelines Section 15301, Class 1, Existing Facilities. The purpose of this technical memorandum is to determine whether the exemption is appropriate in this case.

Project Location

The Project, consisting of a 0.41-acre site identified as Assessor's Parcel Number (APN) 002-080-39, is located at 195 Low Gap Road in the City of Ukiah. The site is a corner lot located at the intersection of Low Gap Road and North Oak Street, approximately 0.65 miles southwest of U.S. Route 101. (See Figure 1)

The site is bordered by Low Gap Road and single-family residential to the north, a paved lot and Evergreen Memorial Gardens to the east, single-family residential to the south, and North Oak Street and utility infrastructure to the west. (See Figure 2)

The site is currently zoned Low-Density Residential (R1) with a General Plan land use designation of Low-Density Residential (LDR).

Figure 1: Project Vicinity

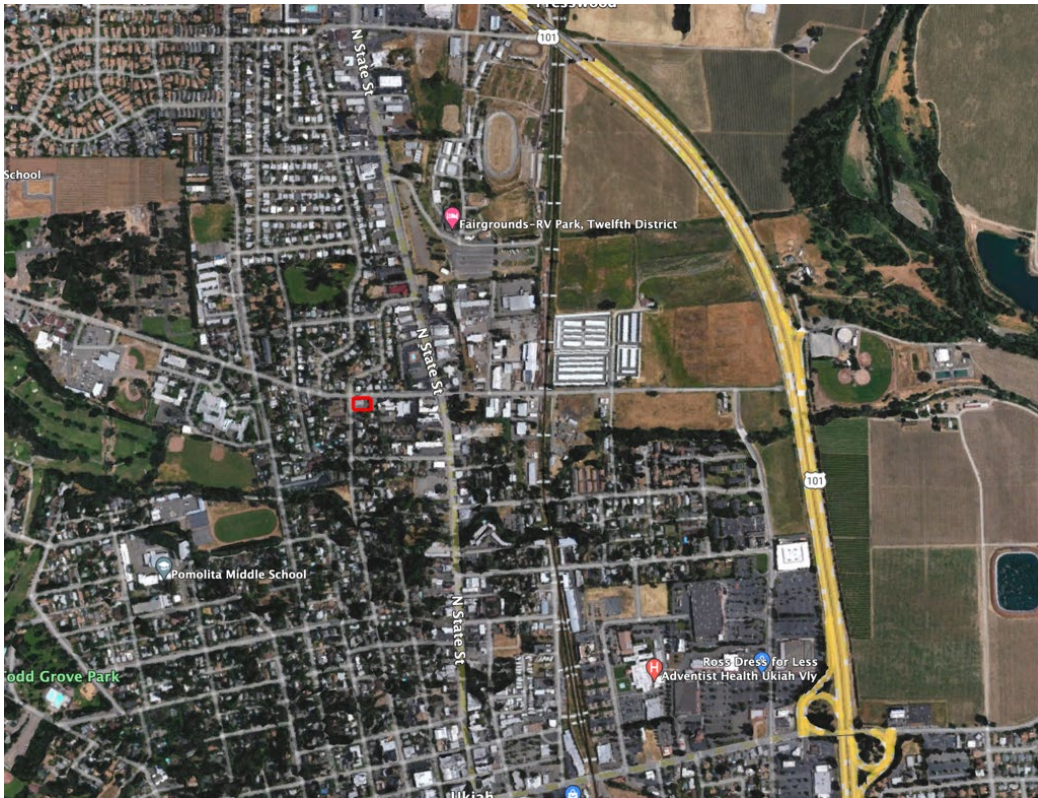
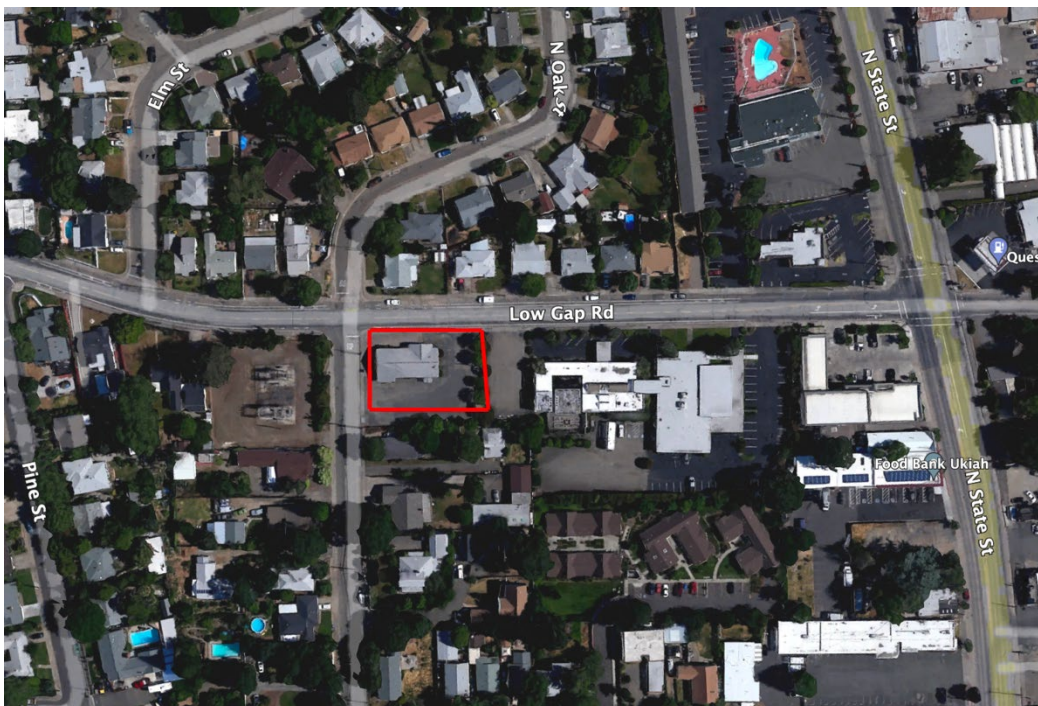


Figure 2: Project Site



Development History

The Project site was originally developed for 'Religious Assembly' in 1967 and operated as an organized religious worship and education facility until 1999. Over this period, the site underwent several minor repairs and renovations to ensure the continued functionality and usability of the structure. The existing R-1 zoning district generally discourages commercial development, uses and improvements, but does allow for 'Religious Assembly' as a permitted use.

The property was sold in 1999, and the new owners submitted a Minor Use Permit (No. 99-27) to repurpose the existing structure into a mortuary. The Minor Use Permit facilitated the internal conversion of the church into a mortuary, without necessitating major external alterations. Approval was granted under a Director's Determination, citing the operational similarities between mortuary activities and permitted uses in the R-1 zone, such as 'Religious Assembly'.

The site operated as a mortuary until 2008, when the property was reverted to use for 'Religious Assembly'. In 2018, renovation and remodeling (Permits #4383 & 3240) were issued, encompassing interior modifications, the installation of an ADA-compliant ramp, and upgrading the structure's HVAC system.

The property was sold in 2020 to the adjacent property owner and has remained vacant, but it is occasionally used as overflow parking for the adjacent mortuary and funeral home, which has historically maintained a shared parking agreement with the property.

Project Description

The Project site is currently developed with an approximately 2,500 square foot commercial structure. The property is fully improved with 33 parking spaces, including 2 ADA parking spaces, landscaping, curb, gutter and sidewalks. The existing structure and property have been vacant since 2020.

The Project proposes a General Plan Amendment from Low-Density Residential (LDR) to Community Commercial (CC) and a Rezone from Low-Density Residential (R1) to Community Commercial (C1) to allow for tenant improvements to the existing structure for use as a 'Professional Office.'

The Project applicant intends to lease the building to a physical therapy office, requiring interior remodeling and renovations to adapt the space to the business's specific requirements, including the addition of a kitchen facility. All remodeling and renovations will comply with all relevant building codes and C1 zoning regulations.

CEQA CATEGORICAL EXEMPTIONS

The California Environmental Quality Act (CEQA) requires that the City evaluate the potential environmental effects of proposed development projects and other major land use action. CEQA Guidelines section 15300 et. seq., describes Categorical Exemptions,

which are projects that have been determined not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA and its requirements for the preparation of environmental documents.

Exemption Analysis

The Project technically meets the key consideration for the Class 1, Existing Facilities Categorical Exemption, which allows for the negligible or no expansion of use with minor alterations. The following discussion considers and analyzes this exemption in relation to the Project.

15301. EXISTING FACILITIES

Per CEQA Guidelines Section 15301, Class 1 categorical exemption reads as follows:

“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

Examples include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;*
- (b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;*
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes);*
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;*
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:*
 - (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or*
 - (2) 10,000 square feet if:*
 - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and*
 - (B) The area in which the project is located is not environmentally sensitive.*

- (f) *Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;*
- (g) *New copy on existing on and off-premise signs;*
- (h) *Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);*
- (i) *Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;*
- (j) *Fish stocking by the California Department of Fish and Game;*
- (k) *Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;*
- (l) *Demolition and removal of individual small structures listed in this subdivision:*
 - (1) *One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.*
 - (2) *A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.*
 - (3) *A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.*
 - (4) *Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.*
- (m) *Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.*
- (n) *Conversion of a single family residence to office use.*
- (o) *Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.*
- (p) *Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.”*

The proposed Project is consistent with the definition of a Class 1 exemption because it consists of the permitting, repair, leasing, and minor alteration of an existing private structure, involving no expansion of existing use. The Project proposes to renovate and remodel the existing building to the requirements of a physical therapy office, including the addition of a kitchen facility. This is consistent with Class 1, example (a) *Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.*

Also, while it is assumed a small kitchen facility will be added to the interior of the existing space, additions to existing structures are permitted under this exemption provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition. Given that the existing structure is approximately 2,500 square feet, the interior addition of an office kitchen would not exceed 1,250 square feet.

Community Commercial (CC) designated lands are generally located along major corridors in the city with the intent of providing a transition between higher-intensity commercial uses along Highway 101 and residential neighborhoods on the western side of the city. The purpose of the Community Commercial (C1) zoning district is “to provide a broad range of commercial land use opportunities along the primary transportation corridors within the city. It is intended to promote and provide flexibility for commercial development, to encourage the establishment of community-wide commercial-serving land uses and provide opportunities to integrate multiple-family housing and mixed-use projects.” (Ukiah City Code Section 9080). The C1 zone allows for many commercial uses, including professional offices and banks, restaurants, general retail, personal improvement establishments, and certain residential uses.

The General Plan Amendment and Rezone of the property do not directly result in any physical change to the property or expansion of the existing use. The property has functioned as a church and a mortuary, neither of which are residential uses. The site is bordered by Community Commercial designated and zoned lands on the east and south, and the land use and zoning changes will not result in a change or expansion of use on the property.

15300.2 CEQA EXCEPTIONS TO CATEGORICAL EXEMPTIONS

CEQA Guidelines section 15300.2 establishes six (6) exceptions to categorical exemptions, listed below. Following each exception is an analysis of how it applies or does not apply to the proposed Project.

1. Location

Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant if its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

Applicability to the proposed Project: The Project is subject to Class 1, Existing Facilities, and is not subject to Classes 3, 4, 5, 6 or 11. Therefore, the Project is not subject to the location exception.

2. Cumulative Impact

All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Applicability to the proposed Project: The Project proposes renovations and the reuse of an existing non-residential building that has been in operation off and on since 1967. The proposed Rezone and General Plan Amendment would change the site's permitted uses from low density residential uses to general commercial uses, but would not change the actual operational characteristics of the site in the past. The site has operated as a quasi-commercial use, and has been considered as such in the analysis conducted for the General Plan Environmental Impact Report, as it was an existing use at the time the document was prepared. Because the site is currently developed, all impacts associated with any land disturbance impact, such as biological resources, geology or hydrology, have already occurred. The overall impact of the proposed Project will not cumulatively impact the environment. This exception does not apply to the Project.

3. Significant Effect

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Applicability to the proposed Project: This exception to categorical exemptions does not apply to the Project. The Project site has operated as a quasi-commercial use in the past, and will not substantially increase the impacts associated with the site when compared to its past use. The Project occurs on a Major Collector roadway, which is appropriate for a professional office use. The proposed Project will be subject to all of the same standards and requirements as any project in the City, and proposed renovations will adhere to all applicable C1 zoning regulations. There is no evidence that the Project would result in significant impacts, nor would significant impacts be expected from the minor alterations proposed for the existing structure. This exception does not apply to the Project.

4. Scenic Highways

A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

Applicability to the proposed Project: The Project site is not located on or near a state or county designated or eligible scenic route. The site has been developed since 1967 and does not contain any scenic resources such as rock outcroppings or trees. While the original building was constructed in 1967, several structural modifications have been

made over the years, and the building is not considered to have historic significance. This exception does not apply to the Project.

5. Hazardous Waste Sites

A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Applicability to the proposed Project: Section 65962.5 requires that the Department of Toxic Substances Control compile a list of all hazardous waste facilities, properties, disposals, release sites and abandoned sites. The Project is not located on a cleanup site according to the Department of Toxic Substances Control (DTSC) EnviroStor database. The Project is not located on a LUST cleanup, military cleanup, or any other cleanup sites listed on the Water Quality Control Board Geotracker database. This exception does not apply to the Project.

6. Historic Resources

A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Applicability to the proposed Project: The Project will not cause a substantial adverse change in the significance of a historical resource. While the original building was constructed in 1967, several structural modifications have been made over the years, and it has not been identified as having local historic significance. The existing structure underwent expansion in 1976, pursuant to an Architectural Review (77-12), adding approximately 224 square feet to accommodate supplementary bathroom and library facilities. In 2018, renovation and remodeling permits (#4383 & 3240) were issued, encompassing interior modifications, the installation of an ADA-compliant ramp, and upgrading the structure's HVAC system.

There are no resources listed on the National Register of Historic Places on, or in the vicinity of, the subject property. There are also no resources listed in the California Register of Historic Resources (Built Environment Resources Directory) on the Project site or in its immediate vicinity. This exception does not apply.

CONCLUSIONS

As described in the above analysis, the proposed Project is consistent with the terms of Class 1 exemptions under CEQA Guidelines section 15301. The exceptions to categorical exemptions detailed in CEQA Guideline section 15300.2 do not apply to the Project. Therefore, the Project is exempt from CEQA as a minor modification to an existing facility.



**NOTICE OF PUBLIC HEARING
REZONE AND GENERAL PLAN AMENDMENT
AT 195 LOW GAP RD. UKIAH; APN (002-080-39)
FILE NO. 24-9265**

NOTICE IS HEREBY GIVEN that the Planning Commission will review and consider a proposal for a General Plan Amendment from Low-Density Residential (LDR) to Community Commercial (CC) and a Rezone from Low-Density Residential (R1) to Community Commercial (C1) to allow for tenant improvements to an existing structure for use as a 'Professional Office' at 195 Low Gap Road (APN 002-080-39). The Project site is within an urbanized area, surrounded by commercial, public facility and residential development with frontage along a public road featuring other commercial uses. The subject structure is approximately 2,475 square feet in size, most recently utilized for 'Religious Assembly' and associated with a 31-space off-street parking lot. No expansion of the existing structure is requested, but tenant improvements would be facilitated to utilize the structure as a 'Professional Office'.

PROJECT IMPACTS: The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Article 19, Section 15301(a), addressing existing facilities with no expansion of use.

PUBLIC HEARING DATE/TIME: Wednesday, August 14, 2024, at 6:00 p.m., or soon thereafter.

LOCATION: This meeting will take place both in-person at the Civic Center Council Chambers, located at 300 Seminary Ave., Ukiah, CA, and via teleconference. Teleconference attendance details will be included on the agenda posted to the City website, www.cityofukiah.com/meetings/ and at the Civic Center Agenda Board no less than 72 hours prior to the meeting.

WHAT WILL HAPPEN: The Planning Commission will hold a public hearing to consider all public testimony and provide a recommendation to the City Council regarding the request. All interested parties may comment on the project. Hearing-related documents will be available for review at the Community Development Department counter and online at 10 days prior to the hearing at <http://www.cityofukiah.com/meetings/>.

IF YOU CANNOT ATTEND: Written comments may be submitted via email or mail to the Planner listed below, or in person prior to the hearing at the Community Development Department, located at 300 Seminary Avenue, Ukiah, CA 95482. Office hours: 8:00 am to 12:00 p.m. and 1:00 p.m. to 5:00 pm, Monday through Friday.

FOR MORE INFORMATION: All interested parties may contact Jesse Davis, (707) 463-6207 or jdavis@cityofukiah.com; or, visit the Community Development Department located at 300 Seminary Ave. Office hours: 8:00 am to 12:00 pm and 1:00 pm to 5:00 pm, Monday through Friday.

ADA ACCOMODATION: If you plan to attend the public hearing and need a special accommodation because of a sensory or mobility impairment/disability, or have a need for an interpreter, please contact Jesse Davis at (707) 463-6207 or Stephanie Abba at (707) 462-7921 to arrange for accommodations.