



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 28, 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 August 14, 2024, a Regular Meeting

Recommended Action: Approve the Minutes of August 14, 2024, a Regular Meeting.

Attachments:

1. August 14, 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 September 9, 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**

- 11.a. Planning Commission will receive the Community Development Director's Report and discuss any questions with Staff.

Recommended Action: Planning Commission will receive the Community Development Director's report

Attachments:

1. Planning Division Projects Report - August

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 rezone of the subject parcel from Medium Density Residential – Planned Development (R-2: PD) to Medium Density Residential (R-2); and approval of a Minor Subdivision resulting in two (2) parcels at 960-979 Marlene Street; (APNs 003-100-24 - 003-100-437); File No. #24-9277.

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 Minor Subdivision; and

4) Approve a recommendation to the City Council to rezone the subject property to apply the base R-2 Zoning Designation

Attachments:

1. Draft Findings
2. Draft Conditions of Approval
3. Application Materials
4. Agency Comments and Responses
5. Ukiah City Code – Zoning District Regulations (R-2 & PD)
6. Technical Memorandum – CEQA Exemption (Terra Nova Planning & Research)

15. **ADJOURNMENT**

Please be advised that the City needs to be notified 72 hours before a meeting if any specific accommodations or interpreter services are necessary 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 21, 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>

**August 14, 2024
6:00 p.m.**

1. CALL TO ORDER

The City of Ukiah Planning Commission held a Regular Meeting on August 14, 2024. The meeting was legally noticed on August 09, 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: None.** **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 deGrassi.

4. AB 2449 NOTIFICATIONS AND CONSIDERATIONS

No Notifications or Considerations Received.

5. APPROVAL OF MINUTES

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

Motion/Second: deGrassi/Hilliker to approve the Minutes of July 24, 2024, a Regular Meeting as submitted. 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.

6. APPEAL PROCESS

Chair Johnson stated the appeals deadline date is August 26, 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

No Reports were given.

11. **DIRECTOR'S REPORT**

Received.

12. **CONSENT CALENDAR**

No items on the Consent Calendar

13. **UNFINISHED BUSINESS**

No Unfinished Business was Agendized.

14. **NEW BUSINESS**

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.

Motion/Second: Hilliker/Phi to approve the recommendation to the City Council for a 'General Plan Amendment' to convert a property at 195 Low Gap Road; from a Low-Density Residential to a Community Commercial general plan land use designation, as well as 'Rezone' the property from a Low-Density Residential to Community Commercial with the additional Recommendation of adding a bicycle rack, increase landscaping and parking lot shade. 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 7:02

Stephanie Abba, Planning Commission Clerk



AGENDA SUMMARY REPORT

SUBJECT: Planning Commission will receive the Community Development Director's Report and discuss any questions with Staff.

DEPARTMENT: Community Development

PREPARED BY: Jesse Davis, Chief Planning Manager

PRESENTER: Craig Schlatter, Community Development Director

ATTACHMENTS:

1. Planning Division Projects Report - August

Summary: Planning Commission will receive the Community Development Director's Report and discuss any questions with Staff.

Background: Director's Reports are bi-monthly oral reports given by the Community Development Director on the status of projects of the Planning Division of the Community Development Department. Updates may include, but are not limited to, application status of major and minor discretionary permits, the implementation status of advanced planning and related 2040 General Plan programs and projects, and updates related to the activities of other divisions of the Department.

Discussion: The August 2024 Planning Division Projects Report (Attachment 1) was uploaded to the City website earlier this month. The August 2024 report and previous monthly reports are located on the Planning Division Services webpage, under "Current Planning Reports," via the following weblink:

<https://cityofukiah.com/community-development/planning-services>

Recommended Action: Planning Commission will receive the Community Development Director's report



**City of Ukiah
Submitted Planning Applications**

As of 8/12/2024

Permit #	Site Address	Date Submitted	Summary of Project	Status
24-000660	290 & 292 Seminary Ave.	6/5/24	A Minor Use Permit Application for use of an existing structure in a General Urban Zoning designation as a second hand, thrift store.	Incomplete: 06/05/24 Withdrawn: 08/06/24
17-3069	1294 N. State St.	9/13/17	Resubmitted Major Use Permit and Site Development Permit to allow for construction of two retail suites (including one drive-through), within the Community Commercial (C1) zoning district.	DRB Hearing: 4/25/24 (Recommended Approval to PC) PC Hearing: TBD
24-9265	195 Low Gap Rd.	2/20/24	A General Plan Amendment to convert the subject property from Low Density Residential (LDR) to Community Commercial (CC) land use designation, as well as a Rezone to convert the property from the Low Density Residential (R1) zoning district to the Community Commercial (C1) zoning district. If approved, the intended use of the property would be for a 'Professional Office'.	PC Hearing: 08/14/24 (Scheduled)
24-9277	960-979 Marlene St	3/14/24	Minor Subdivision of an existing 2.3± acre lot into two (2) parcels. Parcel 1 would be 1.23 acres and feature the existing condominiums; Parcel 2 would be 1.07 acres and undeveloped. Additionally, both parcels would be rezoned to R-2, removing the Planned-Development requirements of Use Permit No. 80-40.	PC Hearing: 08/28/24 (Scheduled)
24-000177	1825 Airport Rd.	7/25/24	Modificaiton of existing Use Permit to allow for Non-Storefront Retail (Type 9) of 'Cannabis Products' and On-Site Consumption of 'Cannabis Products'. The requested uses would be in addition to the existing and approved cannabis activities on-site, including 'Processing', 'Distribution' and 'Non-Volatile Manufacturing'. The applicant proposes to use existing indoor and outdoor facilities to facilitate the requested uses. Beyond limited landscaping, no permanent exterior building improvements or substantial tenant improvements are proposed. No other changes to the existing use permit are proposed	Agency Referral: 07/30/24 PC Hearing: 09/25/24 (Tentative)

City of Ukiah
Recently (Within Previous 90 Days) Approved Projects



As of 8/12/2024

Permit #	Site Address	Approved Date	Summary of Project	Comments
24-9268	1310 West Clay St.	4/25/24	Minor Subdivision of an existing .71± acre lot into two (2) parcels. Parcel 1 would be 14,424 square feet gross, while Parcel 2 would be 20,234 square feet within the Low Density Residential (R1) zoning district.	City Engineer (Approved): 4/25/24
24-9258	280 E. Standley St.	5/22/24	Major Site Development Permit to allow for the temporary installation of nine (9) single-story prefabricated modular structures (totaling approximately 1,440 square feet) to serve as supplementary counseling offices for the existing health service provider(s) requiring Major and Minor Exceptions to the Downtown Zoning Code as regulated by Ukiah City Code §9231.5. Additional site modifications include renovation of the existing parking lot, relocation of the trash enclosure, and the addition of vinyl slates to the existing perimeter fencing	DRB (Approved): 3/28/24; PC (Approved): 5/22/24
24-000501	105 North Main St.	6/12/24	Consideration of an offer of public artwork on the Mendocino County Public Library – Ukiah Branch consistent with the City's Public Art Policy.	DRB (Approved): 5/23/24; PC (Approved): 6/12/24
24-9253	734 S. State St.	6/20/24	Minor Site Development Permit to facilitate tenant improvements to a commercial structure associated with an existing gasoline station (MUP #93-10), implement new landscaping and undertake various site improvements, including new signage, fascia, and station upgrades.	DRB (Approved): 4/25/24; ZA (Approved): 6/20/24

**City of Ukiah
Advanced Planning Projects**

As of 8/12/2024

Permit #	Site Address	Approved Date	Summary of Project	Comments
N/A	Citywide	N/A	Ordinance Amendment for modifications to UCC 3016 for Demolition Permit procedures	Working with Rincon Consultants, Inc. to update and streamline Demolition Permit procedures. Funded by Local Early Action Planning (LEAP) Grant. Anticipate bringing proposed amendments forward in late-2024.
A_2022-02	Unincorporated Western Hills	N/A	Amendment of the Western Hills Annexation Area - Annexation Application.	Revised application submitted to LAFCo on 07/19/24
N/A	Citywide	N/A	Ordinance Amendment to residential zoning districts to clarify and improve existing regulations for ADUs & JADUs, in addition to complying with State law.	PC recommended approval to the CC on 07/24/24; Introduction to CC scheduled for 08/21/24.
N/A	Citywide	N/A	Ordinance - Right to Farm	Introduction to City Council (5-0) on 08/07/24; Hearing for adoption scheduled for 08/21/24
N/A	Citywide	N/A	Ordinance Amendment to encourage 'Missing Middle' housing within the City of Ukiah by amending the regulations of the R-1 & R-2 zoning districts.	PC hearing tentatively scheduled for 09/11/24



DATE: 08/04/2024
TO: Planning Commission
FROM: Jesse Davis, Planning Manager; Joshua Montemayor, Contract Planner
SUBJECT: Recommendation to the City Council for a rezone of the subject parcel from Medium Density Residential – Planned Development (R-2: PD) to Medium Density Residential (R-2); Approval of a Minor Subdivision resulting in two (2) parcels at 960-979 Marlene Street; (APNs 003-100-24 - 003-100-437); File No. #24-9277

SUMMARY

OWNER: Hin Lok And Ellen Bing Kung
APPLICANT/AGENT: Marcia Morgan Lazaro
LOCATION: 960-979 Marlene Street; (APNs 003-100-24 - 003-100-437)
TOTAL ACREAGE: ±2.30 acres
GENERAL PLAN: Medium Density Residential (MDR)
ZONING DISTRICT: Planned Development – Marlene Condominiums (PD); Medium Density Residential (R-2)
AIRPORT COMPATIBILITY: Zone 3 & Zone 6
ENVIRONMENTAL DETERMINATION: California Environmental Quality Act (CEQA) Guidelines Article 19, Section 15315, Class 15 Categorical Exemption, “Minor Land Division”
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

On March 14, 2024, a request for a Minor Subdivision of an existing 2.30± acre lot into two (2) parcels was submitted to the Community Development Department.

As proposed, Parcel 1 would be 1.23± acres in size and would retain the twenty (20) existing residential units, as well as the off-street parking structures, recreation improvements, and accessory buildings. Parcel 2 would be 1.07± acres in size and would include the existing uncovered parking area, driveway, fencing and lawn-area. Presently, no new development is proposed for either Parcel 1 or Parcel 2.

In addition to the Minor Subdivision, the Applicant requests a Rezone of the property to remove the Planned Development (PD) designation and revert the base-zoning designation of Medium

Density Residential (R-2), aligning the property with the existing MDR (Medium Density Residential) general plan land use designation.

BACKGROUND

As described in Attachment 3, on February 13, 1980, after continuing the item from a meeting on November 28, 1979, the Ukiah Planning Commission approved Use Permit No. 80-40 allowing for a condominium conversion project and Planned Development subject to the following Conditions of Approval:

1. The City Council approve the General Plan designation of Medium-High density for the subject parcel.
2. Individual electric service be provided to each unit and all wires contained within the individual unit as specified by the National Electric Code. Compliance to be inspected by the building inspector prior to approval of the final map.
3. Units be inspected by the building inspector for compliance to the Uniform Building Code as it relates to condominiums.
4. Additional paving or sidewalk for turn-around areas be provided on the east side of the carports and the RV storage area.
5. The name of the street (Doolin Court) as shown on the site plan be changed to Marlene Court.
6. Tentative map and final map to be filed to approval of the City Engineer.
7. Sidewalks to be installed to the approval of the Director of Public Works.
8. Complete landscaping plan to be submitted for the approval of the Director of Planning prior to placement. Said plan to include extensive landscaping adjacent to the freeway.
9. The location of the volleyball court and the croquet court to be reversed allowing for more landscaping along the freeway.
10. Landscaping be maintained by an automated sprinkler system.

On June 2, 1982, the City Council approved Minor Subdivision No. 82-85, allowing for the condominium subdivision with the following Conditions of Approval:

1. Complete landscaping plan be submitted for approval of the Director of Planning prior to placement, said plan to include extensive landscaping adjacent to freeway.
2. Landscaping be maintained by an automated irrigation system.
3. Sidewalks and other necessary street improvements be completed to the approval of the City Engineer for the full street frontage of the property.
4. Additional paving for turn around/backing area be provided at the east side of the carports and R.V. storage area.
5. Units be inspected by the Building Official for compliance with the Uniform Building Code as it relates to condominiums.
6. Electrical facilities to be taken from existing panel.
7. At least two streetlights be provided along the length of the property at the owner's expense.
8. The water and sewer lines indicated on the map at the northern end of the project and near the barbecue area be capped off at owner's expense, if not to be utilized for the development.
9. Capital Improvement Fees to be paid to the approval of the Director of Public Works.
10. All onsite drainage that currently flows to the freeway be contained and be taken to the creek to the approval of the Director of Public Works.

11. Dedication of an easement along the south property line for maintenance of the creek to the approval of the Director of Public Works.

On October 3, 1984, the Tentative Map was amended to replace the previously required recreational improvements/tennis courts with an open turf area, and relocate the pool to the southwestern portion of the project site residents. The tentative map was amended by Resolution No. 85-29, and carried by a unanimous roll call vote with the condition that:

1. Lawn area be landscaped and automatic irrigation system be installed.

Ultimately, after receiving an extension, the City Council adopted the final map on May 7, 1986, after all improvements were finalized and the associated covenants, conditions, and restrictions provided to Staff.

Besides minor repairs, upgrades or maintenance, there has been little project activity associated with the subject parcel or the associated structures, since they were originally constructed. That being said, since approval of the condominiums in 1986, two (2) separate Planned Developments have been facilitated to the north of the subject property, including the Marlene Estates (PD#14) and 950 Marlene Street (PD #16). While a unique Planned Development, the Marlene Condominiums are not assigned a separate PD number, and is not specifically identified on the official zoning map of the City of Ukiah.

PUBLIC SERVICES:

- Access: Marlene Street (City of Ukiah)
- Fire District: Ukiah Valley Fire Authority (UVFA)
- Water District: City of Ukiah
- Sewer District: Ukiah Valley Sanitation District (UVSD)
- School District: Ukiah Unified

LOCATION & SURROUNDING LAND USE

Location. The 2.3 -acre project site, addressed at 960-979 Marlene Street; (APNs 003-100-24 - 003-100-437), located within the City of Ukiah at the terminus of Marlene Street, adjacent to U.S. Route 101 SB. Surrounding land uses are a mixture of undeveloped land, multi-family residential and transportation infrastructure. The property comprises a single legal parcel featuring a primary frontage along Marlene Street. A summary of general plan, zoning designations and land uses directly adjacent to the site is provided below in Table 1:

Table 1, Surrounding Zoning and Land Uses

	GENERAL PLAN:	ZONING:	USE:
NORTH	Medium Density Residential (MDR)	Medium Density Residential: Planned Development (R-2:PD)	Residential
EAST	-	-	US 101
SOUTH	Medium Density Residential (MDR)	Medium Density Residential (R-2)	Residential
WEST	Low Density Residential (LDR)	Low Density Residential (R-1)	Residential

AGENCY COMMENTS

On April 16, 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 Housing Division, City of Ukiah Police Department, City of Ukiah Public Works Department/City Engineer, City of Ukiah Electric Utility Department, Ukiah Valley Fire Authority, Ukiah Valley Sanitation District, Ukiah Municipal Airport, Mendocino County Department of Planning and Building Services/Mendocino County Airport Land Use Commission, California Department of Fish & Wildlife – Northern Region, and California Department of Transportation – District 1. As required, comments are incorporated as Conditions of Approval in Attachment 2 and included in their entirety within Attachment 4 of the associated hearing packet.

STAFF ANALYSIS

General Plan and Zoning Consistency

As described in Attachment 5, the purpose of the planned development combining zone is to allow flexibility in design and development in order to promote economical and efficient use of land; to increase the level of urban amenities; to preserve the natural environment; and to provide for phased completion of development projects. It generally provides a method for deviating from standardized zoning requirements to foster well planned, creative, and quality development. The planned development combining zone may be combined with any zoning district. As reviewed, the Use Permit (#80-40) would remain in effect for Parcel 1, as it established and regulates the associated condominiums.

The site is within the Medium Density Residential (MDR) land use classification and features a base zoning designation of Medium Density Residential (R-2). The proposed subdivision is within the jurisdictional boundary of the City of Ukiah. Parcel 1 would be accessed via the existing northern driveway along Marlene Street. Parcel 2 is also provided access from Marlene Street via an existing easement to the covered carports.

The site is within the jurisdictional boundary of the Ukiah Valley Fire Protection District and is otherwise provided with all required utilities and services. No development is proposed in conjunction with the requested subdivision. The Medium Density Residential land use classification establishes no minimum lot size. As proposed, each resulting lot would be greater than 1 acre, and would conform to the general plan and zoning district standards of the (R-2) district. Therefore, the proposed subdivision request is consistent with the MDR land use classification as well as other provisions of the General Plan and associated development standards.

No development is proposed as part of the subdivision request. Existing and future land uses would be required to meet the standards of the R-2 district, including yard setbacks and address any on-site considerations, such as drainage or tree-removal, specific to that request. For the R-2 district, the minimum front yard is ten (10) feet. No minimum side or rear yard is required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of ten (10) feet for multi-family structures. Based on the tentative map provided, the existing structures would meet the minimum setback requirements.

Parking

Per Ukiah City Code Section 9036(A)(3), the minimum parking area required in the Medium Density Residential (R-2) Districts for Multiple-Family Dwellings is one (1) on-site parking space per unit. Per the submitted tentative map, there are 20 covered parking spaces that will be retained by Parcel 2 for the benefit of the existing residential units that while condominiums are under the ownership of a single entity. Staff has conditioned the request so that the required number of parking spaces are retained and that any parking spaces that have been converted for storage are reverted to parking uses.

Per City Code, each required off-street parking space or garage space for multiple-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. To ensure adequate safety and circulation, the project has been conditioned to ensure that all new parking spaces created are reviewed for circulation and access considerations.

Subdivision

UCC §8003 delegates the authority to the Planning Commission to review the design and improvement of proposed subdivisions and make a recommendation to the City Council. The City Engineer has reviewed the submitted Tentative Map and has determined that the map is correct, and the map is in compliance with §8272, of the UCC Subdivision Ordinance, and that all applicable Conditions of Approval have been met. The proposed Tentative Map is included as Attachment 3.

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, as well as Section 15315, Class 15, Minor Land Divisions.

As conveyed in Attachment 6, 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 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

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 16, 2024
- Published in the Ukiah Daily Journal on August 18, 2024;
- Provided at the City of Ukiah Community Development Department's Public Counter on August 16, 2024
- Posted on the Project site on August 16, 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 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 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 Minor Subdivision; and
- 4) Approve a recommendation to the City Council to rezone the subject property to apply the base R-2 Zoning Designation

ATTACHMENTS

1. Draft Findings
2. Draft Conditions of Approval
3. Application Materials
4. Agency Comments and Responses
5. Ukiah City Code – Zoning District Regulations (R-2 & PD)
6. Technical Memorandum – CEQA Exemption (Terra Nova Planning & Research)

**DRAFT FINDINGS
REZONE & MINOR SUBDIVISION
960-979 MARLENE STREET;
APNS 003-100-24 - 003-100-437
FILE NO: 24-9277**

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

In accordance with applicable provisions of law, the Planning Commission held a public hearing on August 18, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Categorical Exemption, and the Project. All interested persons were given an opportunity to hear and be heard regarding the Categorical Exemption and the Project.

The Planning Commission has had an opportunity to review these application and staff materials and finds that it accurately sets forth the intentions of the Planning Commission regarding the Categorical Exemption and the Project, based on the evidence and findings below:

1. The proposed Tentative Parcel Map, as conditioned, complies with the requirements of the City of Ukiah Municipal Code, Division 9, Chapter 1, Article 18 and the Subdivision Map Act.
2. The parcels established because of this Minor Subdivision are consistent with the Medium Density Residential (MDR) land use designation, which already applies to the subject parcel. This designation is intended to provide land for a range of residential densities and a variety of housing types and ownerships, including townhomes, multiple family residential development, and more urban-scale density development. Given the associated acreage, the site aligns with the allowed densities and subdivision standards for the property.
3. The proposed Minor Subdivision and Tentative Map, as conditioned, complies with the requirements of the Medium Density Residential (R-2) zoning district. In Medium Density Residential (R-2) Districts there is no required building site area.
4. The Minor Subdivision and Tentative Map will create two lots which are appropriate for the surrounding area and land uses based on the following:
 - a. Proposed parcels and use are consistent with the requirements of the Medium Density Residential (R-2) zoning district.
 - b. Proposed parcels will have access directly onto a public street and utilities are available to serve the site.
 - c. Proposed parcels will be located within a developed residential area, surrounded by residential development or similarly zoned parcels.
5. The site is located within the general Airport Influence Area and is located within Compatibility Zones 3 & 6. As such, the project is not subject to review by the Airport Land Use Commission (ALUC), as the property does not request adoption or approval of any new general plan or specific plan or any amendment thereto that affects lands within the Airport Influence Area. The project was referred to the ALUC on April 17, 2024, but no follow-up response or additional actions were required by ALUC Staff.

Public Notice. A notice of public hearing was provided in the following manner:

- Mailed to neighboring property owners on August 16, 2024
- Posted on the subject project parcel on August 16, 2024
- Posted in the glass case located at 300 Seminary Avenue on August 16, 2024
- Published in the Ukiah Daily Journal on August 18, 2024

**DRAFT CONDITIONS OF APPROVAL
REZONE & MINOR SUBDIVISION
960-979 MARLENE STREET;
APNS 003-100-24 - 003-100-437
FILE NO: 24-9277**

Approval is granted for the Minor Subdivision and Rezone based on the application submitted to the Community Development Department received March 14, 2024, and as shown on the Tentative Map dated February 26, 2024, contained therein, except as modified by the following Conditions of Approval:

City of Ukiah Special Conditions

1. All fees related to the Minor Subdivision application must be paid prior to the final approval and the recordation of the Parcel Map.
2. Prior to issuance of building permits, a copy of the recorded Parcel Map shall be provided to the Community Development Department.
3. An address assignment or address change application shall be submitted to the Community Development Department.
4. Future proposed development will be subject to Community Development Department review and will require additional planning and building permits.
5. All covered parking spaces converted to storage shall be restored as 'Parking Spaces' and all future spaces proposed shall be reviewed for circulation and access considerations with regard to Parcels 1 & 2 to ensure that a minimum of one space per unit is provided.
6. In the event that prehistoric archaeological features such as a concentration of flaked stone artifacts, or culturally modified soil (midden) or dietary shell are encountered at any time during preparatory grading or underground excavation to remove existing structures, all work should be halted in the vicinity of the discovery. A qualified archaeologist should be contacted immediately to make an evaluation and determine if the discovered material represents a definite cultural resource. If it is determined that a potentially significant feature has been revealed, a temporary suspension of earth disturbing activities should be enforced until an appropriate mitigation program can be developed and implemented to satisfy the Planning Division. An archaeological monitor shall observe all further work during construction activities that are located within or near an archaeological site area, and formal tribal consultation may be required.

City of Ukiah Standard Conditions

7. This approval is not effective until the 10-day appeal period applicable to this Minor Subdivision Map 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.
8. 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.

9. 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.
10. 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.

Public Works Department Conditions

11. Each parcel shall be served individually upon the development of the parcel with appropriate public utilities required for the type of development within the parcel.
12. Prior to construction of site improvements, a final grading and drainage plan, and an erosion and sediment control plan, prepared by a Civil Engineer, shall be submitted for review and approval by the Department of Public Works. The plan shall include the detailed design of post-construction storm water best management practices (BMPs) in compliance with the City of Ukiah's Phase I Storm Water Permit and the Low Impact Development Technical Design Manual (LID Manual), in effect at the time of development. A Standard Urban Storm Water Mitigation Plan (SUSMP) shall be provided to support the design of the proposed drainage system.
13. All parcels of the proposed subdivision are subject to payment of park fees pursuant to City Code Section 8400 et seq. of Article 21 "Park and Recreation; Dedication; Reservations; Fees." Note that park fees are applicable to residential development.
14. The tentative map shall expire twenty-four (24) months from the date of its approval or conditional approval unless extended in accordance with the City of Ukiah Subdivision Ordinance and the Subdivision Map Act.
15. A Parcel Map shall be prepared and submitted to the City Engineer for review and approval, along with payment of all parcel map processing and review fees and shall be prepared and recorded in a manner consistent with Ukiah Municipal Code requirements.
16. The Parcel Map submitted for recordation shall include all necessary easements or such easements shall be recorded by separate instrument, if deemed necessary.
17. All taxes now due, or past due, must be paid prior to the approval of the Parcel Map.

Electric Utility Department Conditions

18. All future site improvements shall be submitted to the COU Electric Utility Department for review and comment. At this time, specific service requirements, service Voltage and developer costs and requirements will be determined when proposed.
19. The newly proposed 'Parcel 1' does not currently have a COUEU connection. This parcel will have to be fed underground for any site improvements that require an electrical connection. This will require trenching, possibly across a roadway.
20. Developer is to provide EUSERC approved electrical equipment that is to be used on this project. The COU EUD EUSERC acceptability chart shall be provided to customer. EUSERC does not allow source and load power (Metered and Un-Metered) to comeingle in the same space.

21. Developer shall provide projected load calculations and detailed single line diagrams to the EUD.
22. Developer/customer shall incur all costs of this future project to include (labor, materials, equipment, engineering, and future services fees, and permit/meter fees).
23. There shall be an easement provided to the EUD for any electric service that transverses through the property or around any City owned Electric equipment.
24. If a future project includes solar, the size of the system may require a solar study before energizing. Interconnection shall not occur until study has been completed. There will be a fee for the solar study that is determined by the size of the proposed system.

THIS DIVISION OF LAND IS DEEMED COMPLETE WHEN ALL CONDITIONS HAVE BEEN MET, AND THE APPROVED PARCEL MAP IS RECORDED BY THE COUNTY RECORDER



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: Marlene Street minor subdivision and rezone					
PROJECT ADDRESS/CROSS STREETS: 960-979 Marlene Street, Ukiah				AP NUMBER(S): 003-100-24 thru 43	
APPLICANT/AUTHORIZED AGENT: Marcia Morgan Lazaro		PHONE NO: 707-972-4204		FAX NO: -	
E-MAIL ADDRESS: marcia.lazaro@coldwellbanker.com					
APPLICANT/AUTHORIZED AGENT ADDRESS: 444 N. State Street			CITY: Ukiah		STATE/ZIP: CA 95482
PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT: Ellen Bing & Hin Lok Kung		PHONE NO: 707-217-2764		FAX NO: -	
E-MAIL ADDRESS: ebkung@mindspring.com					
PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT: 1879 32nd Ave.			CITY: San Francisco		STATE/ZIP: CA 94122
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	\$	☐ 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	\$
☐ 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	\$ —
☐ LOT LINE ADJUSTMENT OR MERGER 100.0800.610.001	\$	☐ OTHER	\$	☐ OTHER	\$
COUNTY CEQA FILING FEE: \$ — MAJOR PERMIT DEPOSIT: \$ 3,000 FILING DATE: 03/14/2024					
COUNTY CEQA (NEG DEC) FEE: \$ —		MINOR PERMIT FEE: \$ -		TOTAL AMOUNT PAID: \$ 3,000	
COUNTY CEQA (EIR) FEE: \$ —		TOTAL FEE: \$ 3,000		RECEIPT NUMBER: —	
APPLICATION NUMBER(S): 24-9277					

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.

2 lot minor subdivision, rezone Parcel 1 out of PD to MDR

Project Description See Tentative map

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: 2.30 AC	Building Size:	Number of Floors:	
Use of Building (check all that apply)	Description	Square Footage	Number of Units/Suites
☐ Office (business/professional)	See Tentative Map		
☐ Office (medical/dental)			
☐ Retail			
☐ Light Industrial			
☐ Residential			
☐ Other:			
Operating Characteristics			
Days and Hours of Operation:			
Number of Shifts:	Days and Hours of Shifts:		
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) ☐ Yes ☐ No	Sales area: ☐ Yes ☐ No Square Footage:	Unloading of deliveries: ☐ Yes ☐ No Square Footage:	Storage: ☐ Yes ☐ No Square Footage:
Noise Generating Use? ☐ Yes ☐ No	Description:		

To Be Completed by Staff

General Plan Designation: MDR	Zoning District: R2	Airport Land Use Designation: Zones 3 & 6
City's Architectural & Historic Inventory: ☐ YES ☒ NO	Age of Building: Appx. 40 Years	Demolition Policy: N/A
Hillside: ☐ YES ☒ NO	Flood Designation FIRM Map: Floodway	Flood Designation Floodway Map: Floodway
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, Ellen Bing Kang Hin Lok Kang, owner authorize Marcia Lazaro 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).

Ellen Bing Kang Hin Lok Kang 3/14/2024
PROPERTY OWNER SIGNATURE DATE

I, Marcia Morgan Lazaro, 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.

Marcia Morgan Lazaro 3/14/24
☐ OWNER / ☒ AUTHORIZED AGENT DATE

INDEMNIFICATION AGREEMENT

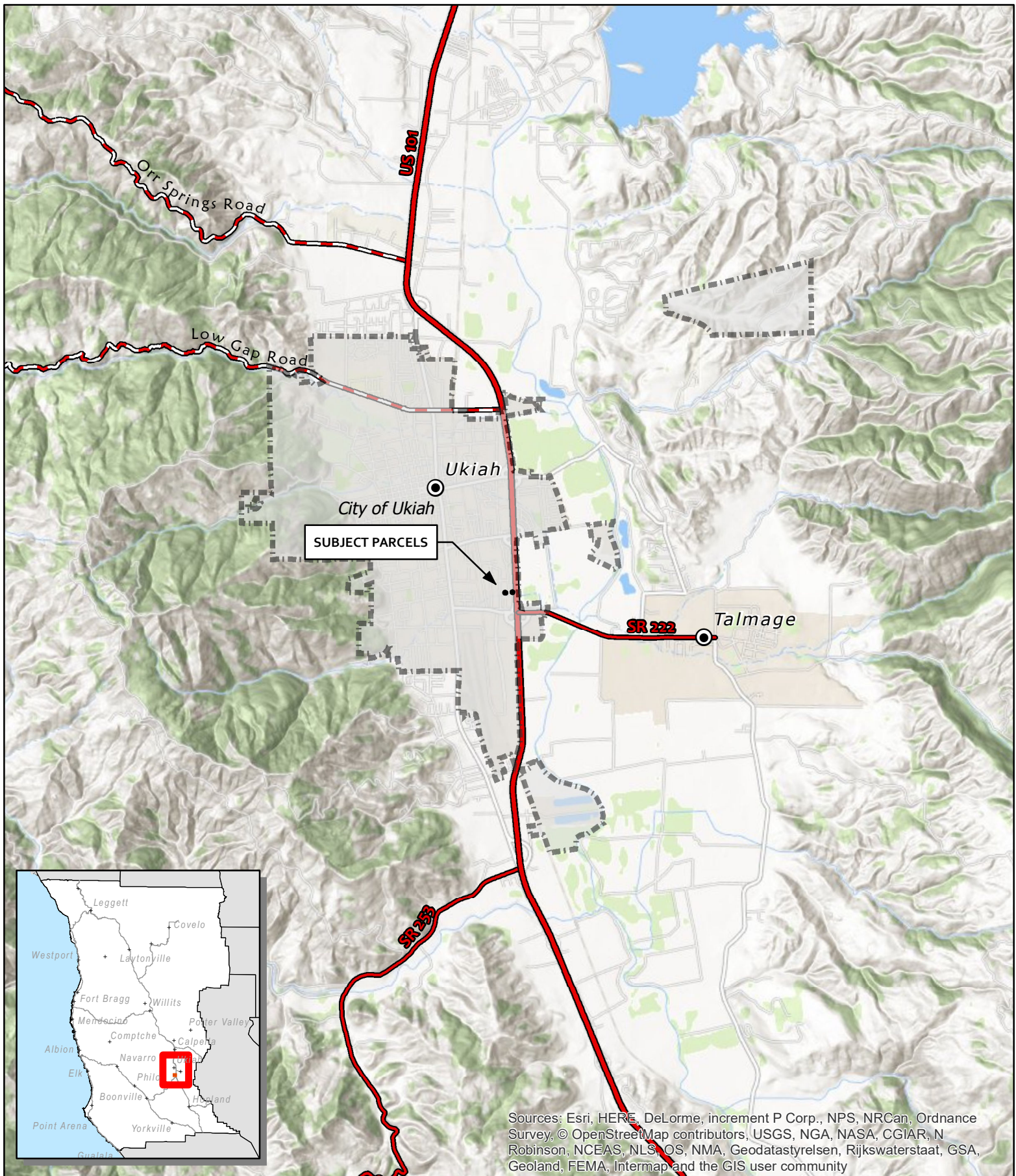
As part of this application, the applicant agrees to defend, indemnify, and hold harmless the City of Ukiah, its agents, officers, council members, employees, boards, commissions or Council from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose 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.

Ellen Bing Kang Hin Lok Kang
☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT
(PLEASE PRINT NAME)
Marcia Morgan Lazaro 3/14/24
☐ PROPERTY OWNER / ☒ AUTHORIZED AGENT DATE
(SIGNATURE)

Revised 02/06/2024



CASE:
OWNER: KUNG, Hin Lok & Ellen
APN: 003-100-24 & 43
APLCT:
AGENT:
ADDRESS: 960 & 979 Marlene St, Ukiah

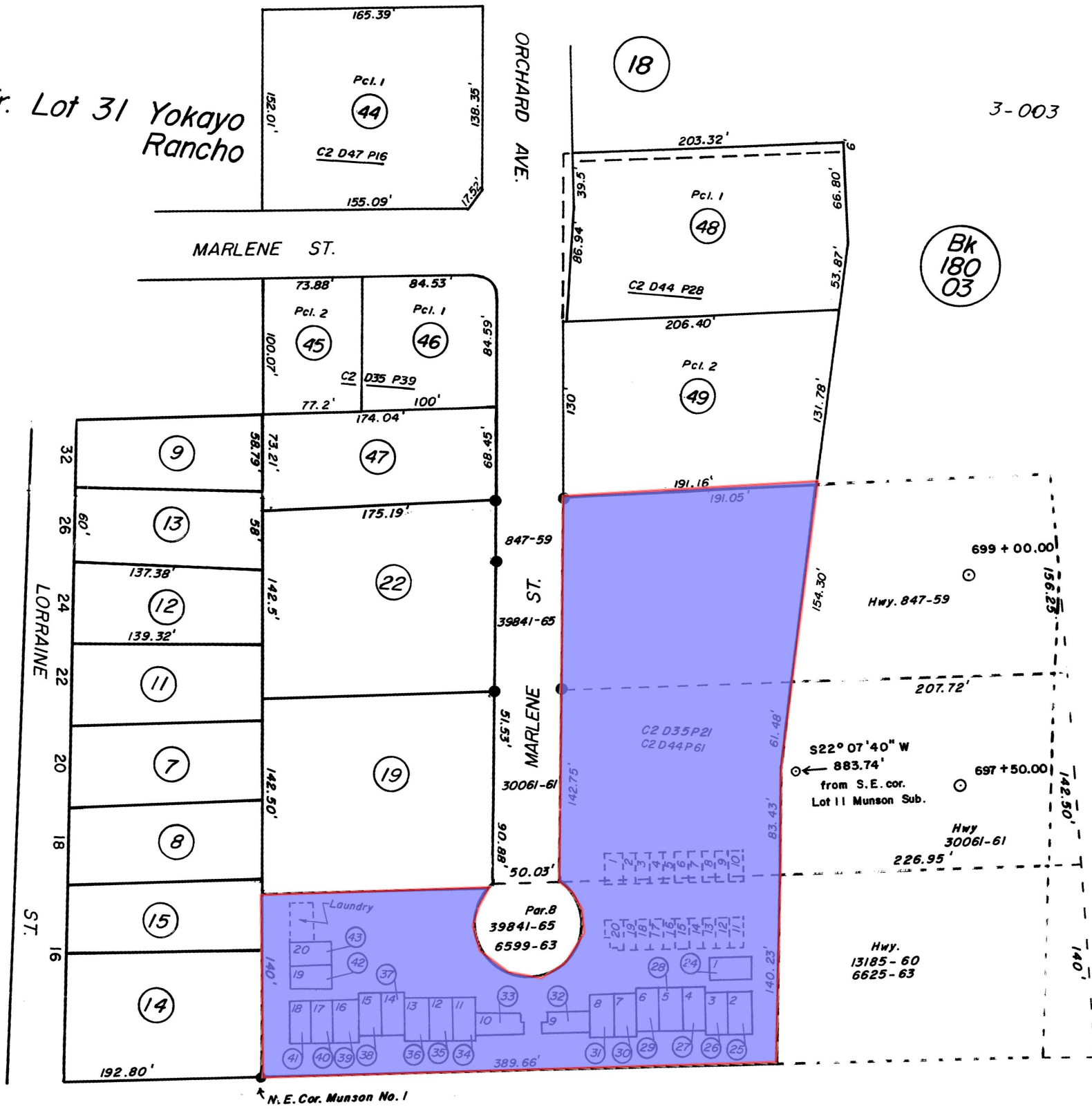
Major Towns & Places
 City Limits
 Highways
 Major Roads

0 2,800 5,600 Feet
 0 0.5 1 Miles
 1:63,360

LOCATION

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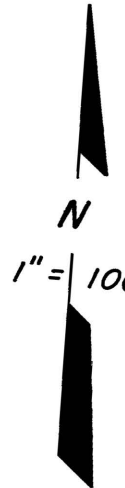
Fr. Lot 31 Yokayo
Rancho



3-003

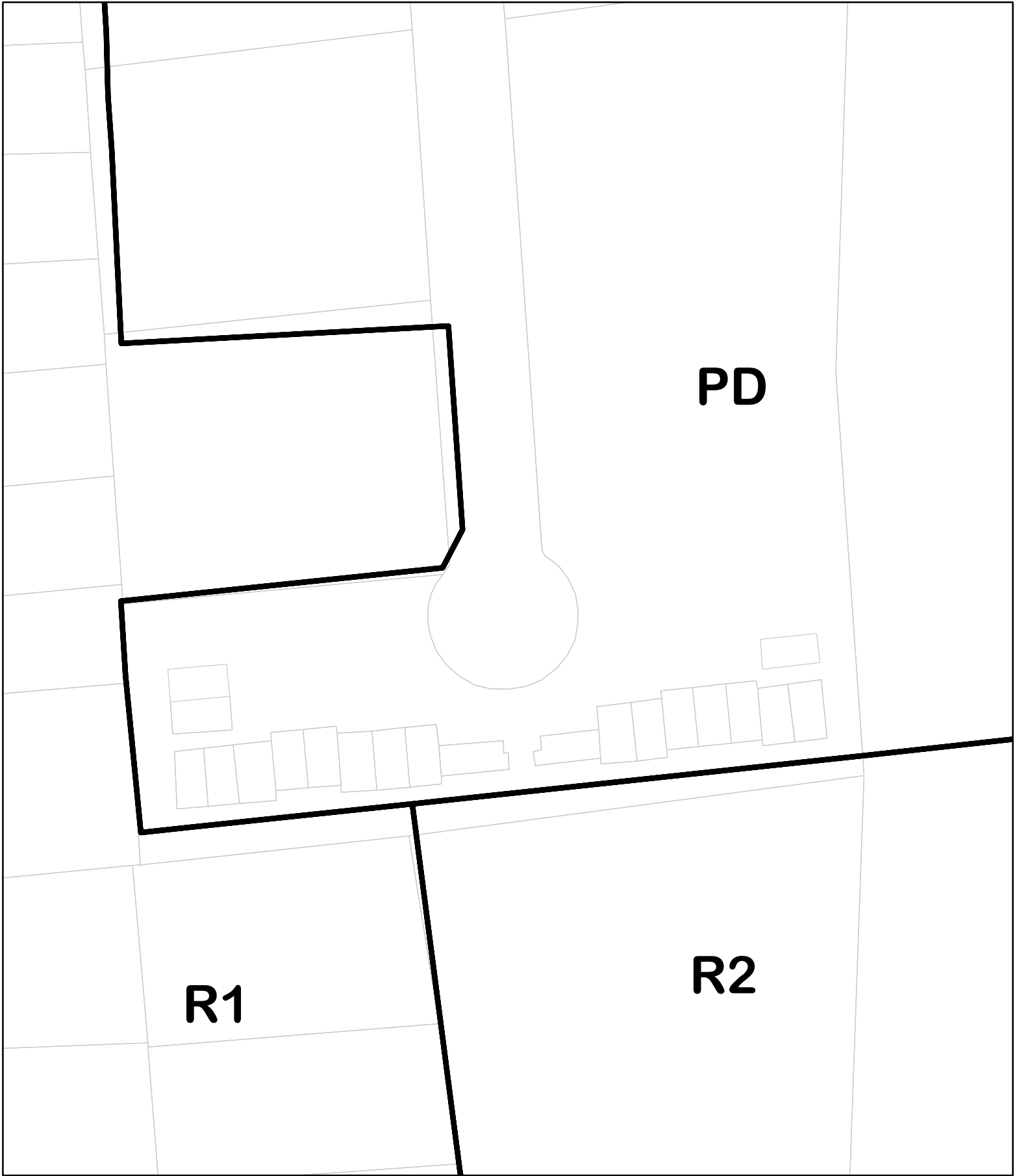
Bk
180
03

3-10



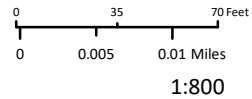
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16



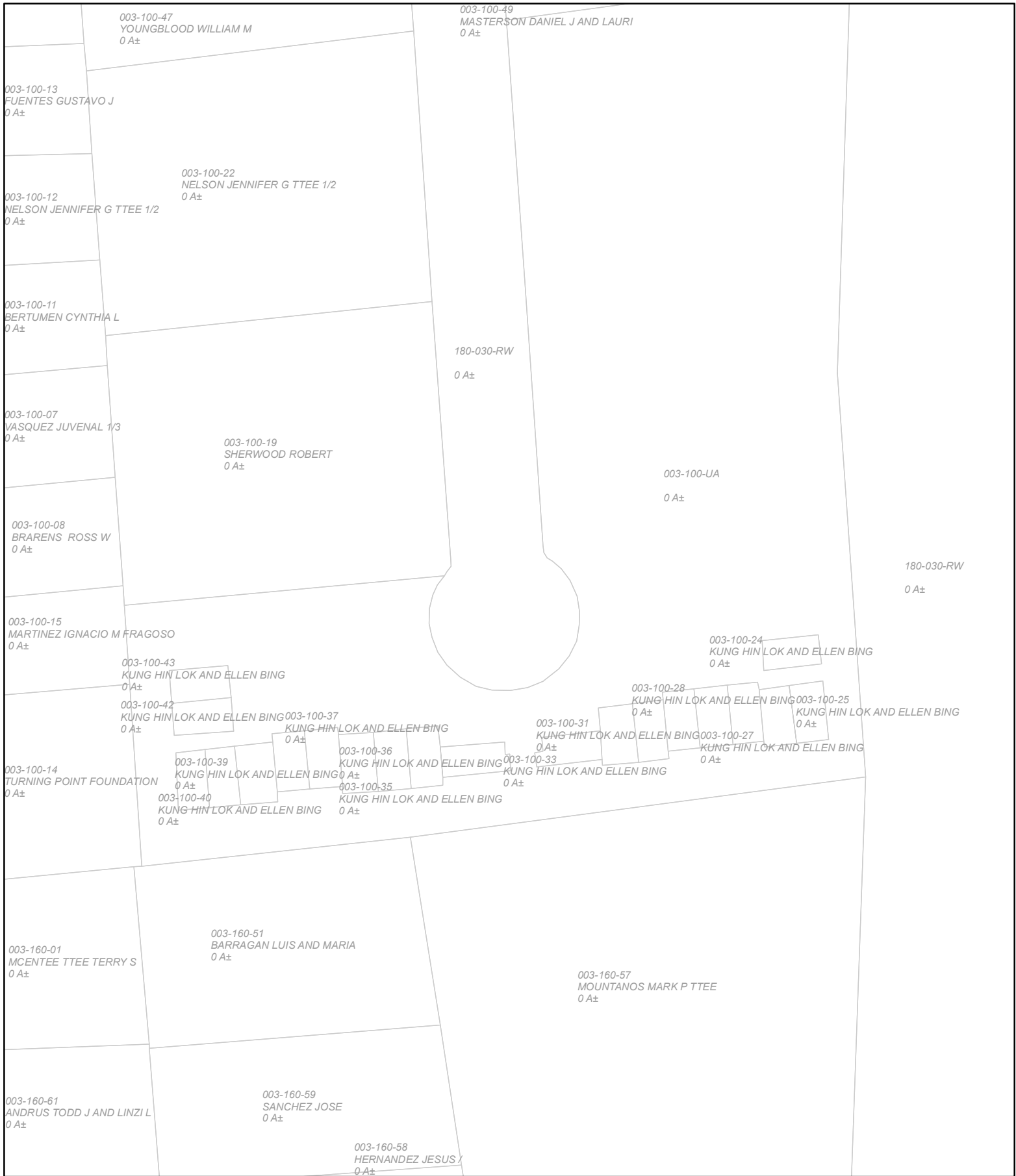
CASE:
OWNER: KUNG, Hin Lok & Ellen
APN: 003-100-24 - 43
APLCT:
AGENT:
ADDRESS: 960 & 979 Marlene St, Ukiah

 Assessor's Parcels



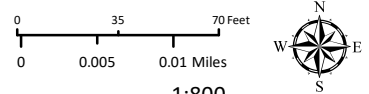
ZONING

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CASE:
OWNER: KUNG, Hin Lok & Ellen
APN: 003-100-24 & 43
APLCT:
AGENT:
ADDRESS: 960 & 979 Marlene St, Ukiah

 Assessors Parcels



ADJACENT PARCELS

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

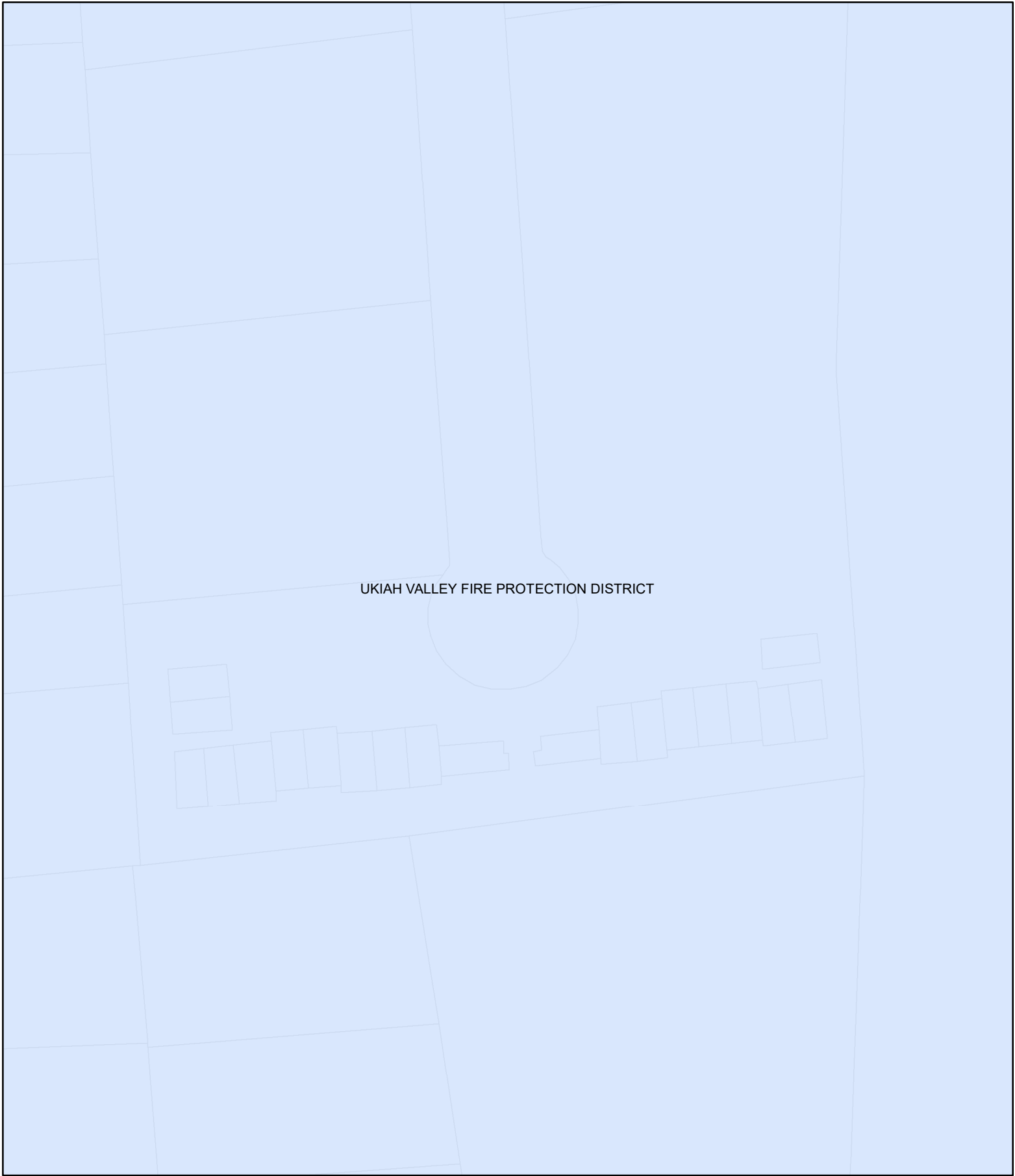
CASE:
OWNER: KUNG, Hin Lok & Ellen
APN: 003-100-24 & 43
APLCT:
AGENT:
ADDRESS: 960 & 979 Marlene St, Ukiah

Public Roads
 Assessors Parcels

0 30 60 Feet
 0 0.005 0.01 Miles
 1:692.9
 N
 W E
 S

AERIAL IMAGERY

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CASE:
OWNER: KUNG, Hin Lok & Ellen
APN: 003-100-24 & 43

APLCT:
AGENT:
ADDRESS: 960 & 979 Marlene St, Ukiah

 Assessor's Parcels

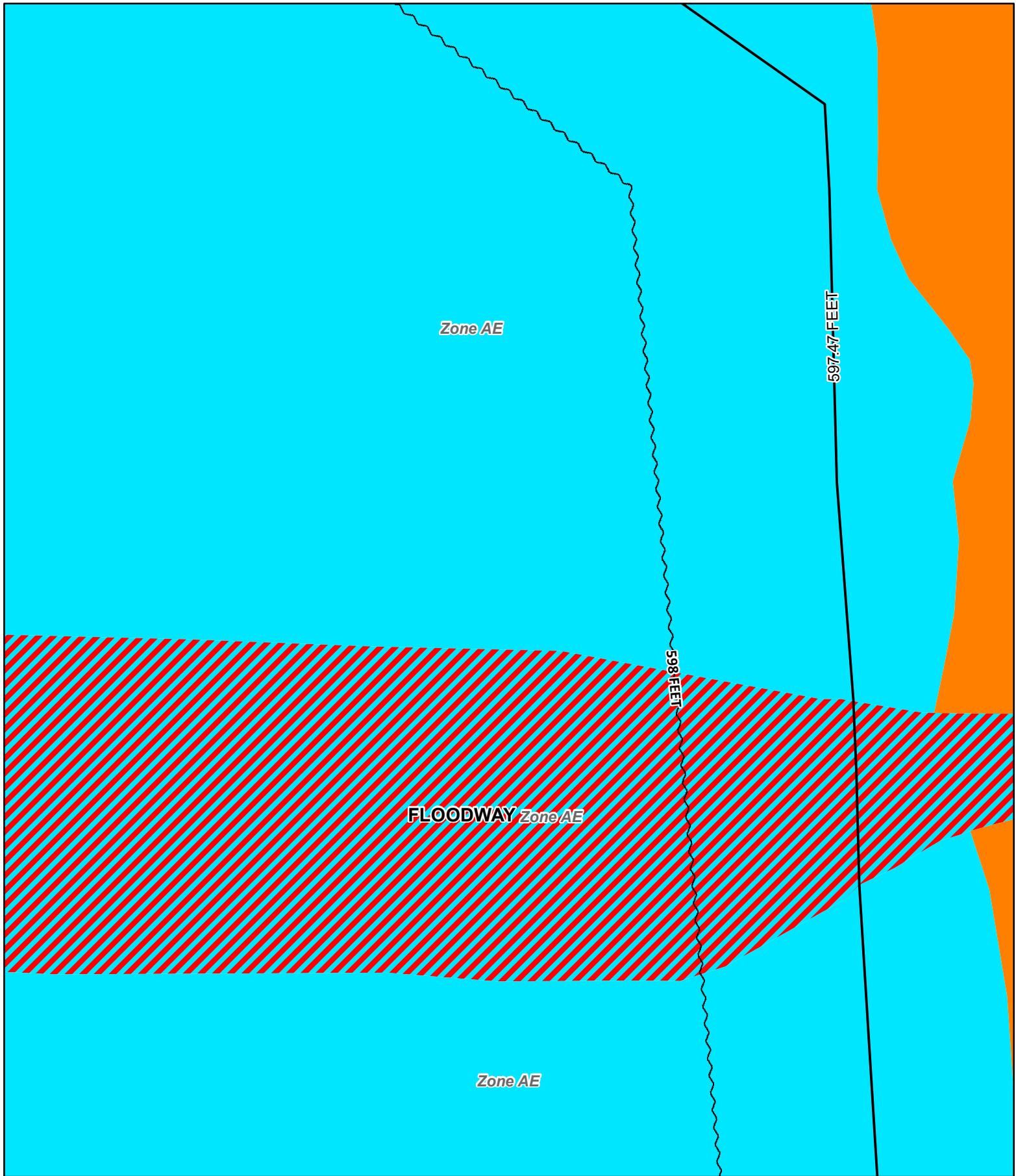
0 35 70 Feet
0 0.005 0.01 Miles



1:800

FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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CASE:
OWNER: KUNG, Hin Lok & Ellen
APN: 003-100-24 & 43
APLCT:
AGENT:
ADDRESS: 960 & 979 Marlene St, Ukiah

-  Cross-Sections
-  Base Flood Elevations
-  1% Annual Chance Flood Hazard

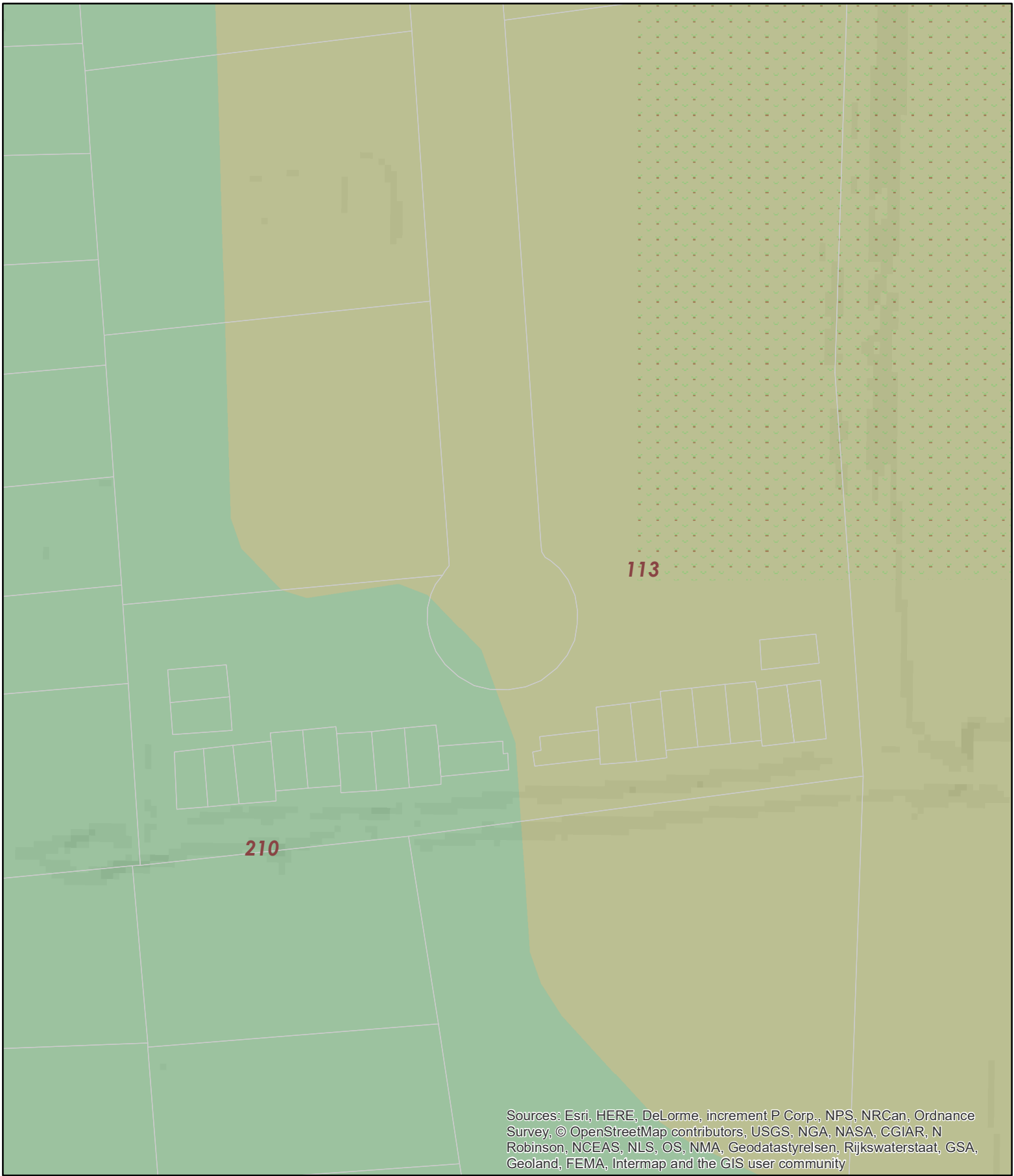
-  Regulatory Floodway
-  0.2% Annual Chance Flood Hazard
-  Assessors' Parcels

0 35 70 Feet
 0 0.005 0.01 Miles
 1:800



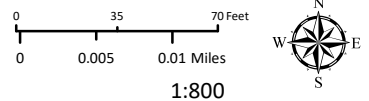
FLOOD ZONES

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CASE:
OWNER: KUNG, Hin Lok & Ellen
APN: 003-100-24 & 43
APLCT:
AGENT:
ADDRESS: 960 & 979 Marlene St, Ukiah

 Assessors Parcels
 Naturally Occurring Asbestos



EASTERN SOIL CLASSIFICATIONS

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RECORDER'S CERTIFICATE

FILED THIS 20 DAY OF May, 1986, AT 10:45 A.M. IN MAP CASE 2, DRAWER 44, PAGE 61, AT THE REQUEST OF W.R. COOTS. MARSHA A. YOUNG COUNTY RECORDER BY Ferne Bennett, DEPUTY FEE \$12.00

PLANNING COMMISSION CERTIFICATE

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF UKIAH, STATE OF CALIFORNIA, ON THE 9th DAY OF April, 1986, EXAMINED THIS MAP AND FINDS THAT SAID MAP CONFORMS WITH THE ACTION TAKEN ON THE TENTATIVE MAP THEREOF. W. W. W. CHAIRMAN OF THE PLANNING COMMISSION - CITY OF UKIAH

CITY COUNCIL CERTIFICATE

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF UKIAH, STATE OF CALIFORNIA, ON THE 7th DAY OF May, 1986, BY MOTION REGULARLY PASSED AND ENTERED IN THE MINUTES OF SAID COUNCIL, DID APPROVE THIS MAP, AND ACCEPT THE EASEMENTS OFFERED FOR DEDICATION AS SHOWN HEREON. Charles D. Myers MAYOR C. J. S. S. CITY CLERK

BOND CERTIFICATE

I, JOYCE A. BEARD, CLERK OF THE BOARD OF SUPERVISORS, OF THE COUNTY OF MENDOCINO, HEREBY CERTIFY THAT THE BOND OR DEPOSIT AS REQUIRED BY THE SUBDIVISION MAP ACT, SECTION 66464 OF THE GOVERNMENT CODE, TITLE 7, DIVISION 2, (COMMENCING WITH SECTION 66410) HAS BEEN FILED. DATED THIS 16th DAY OF May, 1986.

JOYCE A. BEARD CLERK-BOARD OF SUPERVISORS By: Virginia Spodace, Deputy

MAP FILING REPORT

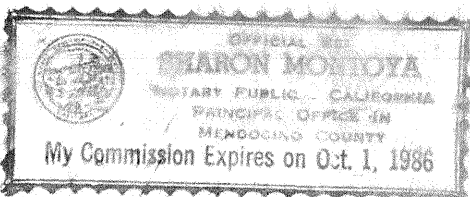
I HEREBY CERTIFY THAT THE MAP FILING REPORT MADE BY THE Redwood Empire Title Co THIS 20 DAY OF May, 1986, SHOWING A CLEAR TITLE TO THE LANDS OF THE WITHIN, CONFORMS TO THE PROVISIONS OF THE SUB-DIVISION MAP ACT AND REGULATIONS ADOPTED PURSUANT THERETO. MARSHA A. YOUNG COUNTY RECORDER BY Ferne Bennett, DEPUTY

OWNER'S CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFY THAT THEY ARE THE OWNERS OF AND HAVE THE RIGHT, TITLE AND INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP, THAT THEY ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID REAL PROPERTY AND THAT THEY CONSENT TO THE PREPARATION AND RECORDING OF SAID MAP AND TO THE SUBDIVISION AS SHOWN WITHIN THE BORDER LINES. THE UNDERSIGNED OFFER FOR DEDICATION AND DO HEREBY DEDICATE THE PUBLIC UTILITY EASEMENT, DRAINAGE EASEMENT AND DRAINAGE ACCESS EASEMENT AS SHOWN HEREON. THE UNDERSIGNED ALSO HEREBY CERTIFY THAT AS THE OWNERS THEY HAVE, OR WILL, COMPLY WITH ALL REQUIREMENTS OF SECTION 66427.1, SUBDIVISIONS (d), (b), (c) AND (d) OF THE SUBDIVISION MAP ACT. S-D PARTNERS, A LIMITED PARTNERSHIP, A GENERAL PARTNERSHIP UK. M. Partners by Stanford A. Diamond GENERAL PARTNER

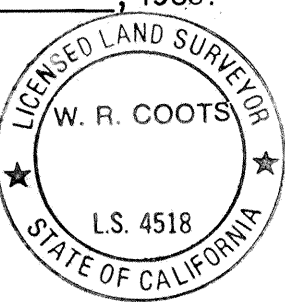
ACKNOWLEDGEMENT

STATE OF CALIFORNIA COUNTY OF MENDOCINO ss ON THIS 29 DAY OF AUGUST 1985, BEFORE SHARON MONTOYA, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, RESIDING THEREIN, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED STANFORD A. DIAMOND, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON THAT EXECUTED THIS INSTRUMENT ON BEHALF OF THE PARTNERSHIP AND ACKNOWLEDGED TO ME THAT THE PARTNERSHIP EXECUTED IT. MY COMMISSION EXPIRES OCTOBER 1, 1986



SURVEYOR'S CERTIFICATE

I, W.R. COOTS, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF CALIFORNIA, AND THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT UKIAH, CALIFORNIA THIS 18th DAY OF March, 1986. W.R. COOTS LS 4518

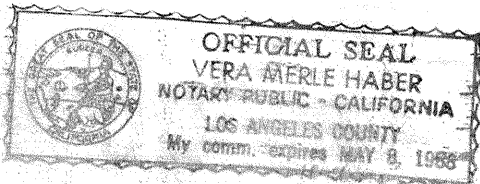
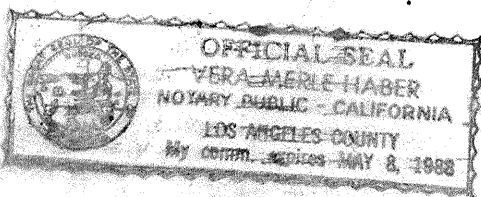


TRUSTEE'S CERTIFICATE

CONTINENTAL AUXILIARY COMPANY, A CALIFORNIA CORPORATION, TRUSTEE UNDER DEED OF TRUST AGAINST THE TRACT OF LAND HEREON SHOWN CONSENTS TO THE PREPARATION AND FILING OF THIS MAP. IN WITNESS WHEREOF, SAID CORPORATION HAS CAUSED ITS CORPORATE NAME TO BE AFFIXED THIS 12th DAY OF March, 1986. Donate C. Gable, Assistant Vice President NAME TITLE CONTINENTAL AUXILIARY COMPANY, A CORPORATION

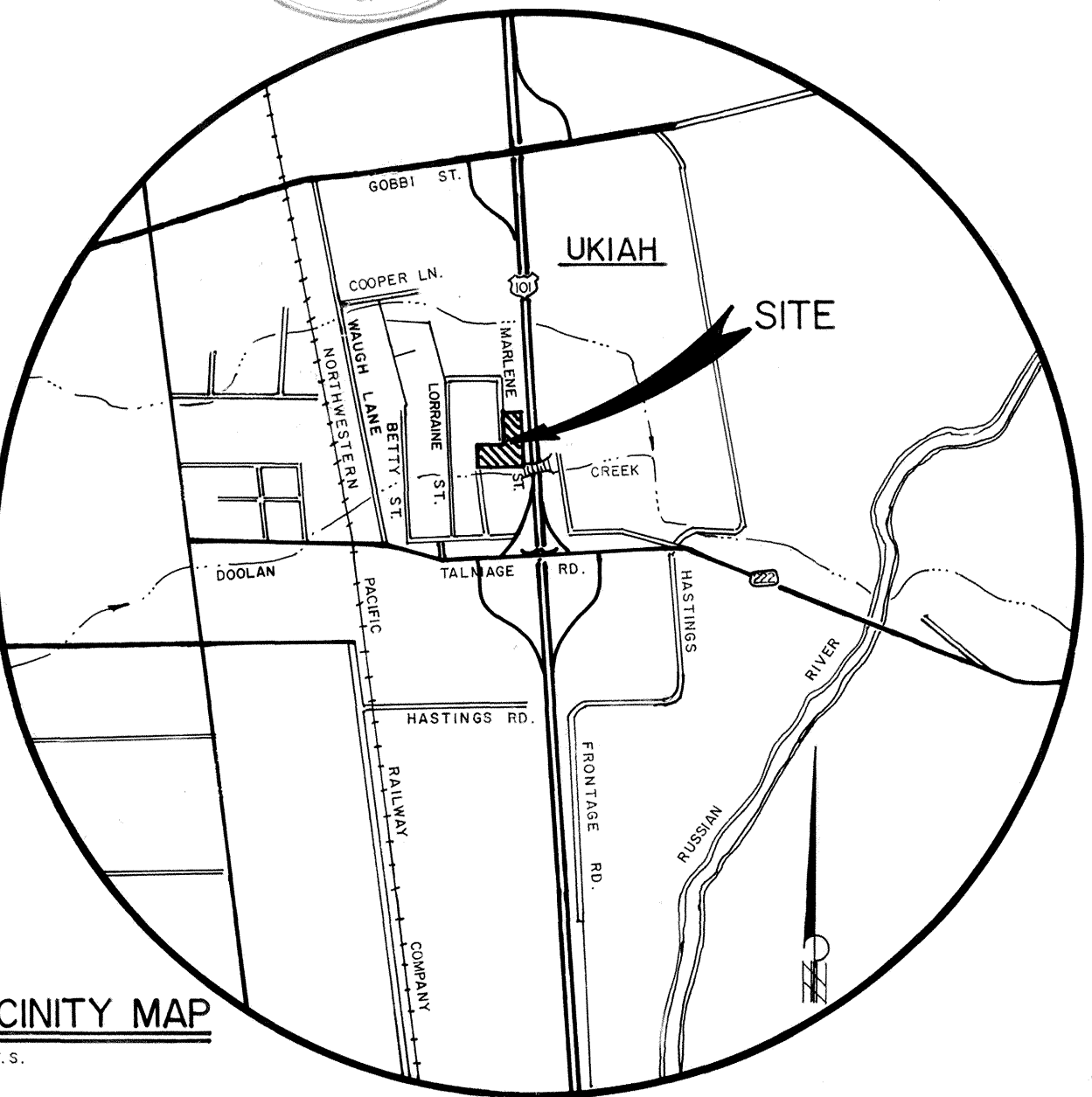
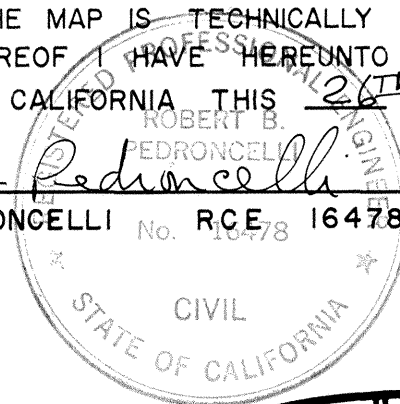
ACKNOWLEDGEMENT

STATE OF CALIFORNIA COUNTY OF LOS ANGELES ss ON THIS 12th DAY OF March, 1986, BEFORE ME VERA MERLE HABER, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, RESIDING THEREIN, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED DONATE C. GABLE, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT AS ASSIST. VICE PRES. ON BEHALF OF THE CORPORATION THEREIN NAMED AND ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED IT. MY COMMISSION EXPIRES MAY 8, 1988. Vera Merle Haber NOTARY PUBLIC IN AND FOR THE COUNTY OF LOS ANGELES STATE OF CALIFORNIA



CITY ENGINEER'S CERTIFICATE

I, ROBERT B. PEDRONCELLI, HEREBY CERTIFY THAT I HAVE EXAMINED AND CHECKED THIS FINAL MAP AND THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP OR ANY APPROVED ALTERATIONS THEREOF, AND I FURTHER CERTIFY THAT SAID MAP IS IN CONFORMANCE WITH TITLE 7, DIVISION 2, CHAPTER 2 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA AND THE UKIAH CITY CODE, AND THEREFORE I AM SATISFIED THE MAP IS TECHNICALLY CORRECT. IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT UKIAH CALIFORNIA THIS 20th DAY OF Mar, 1986. Robert B. Pedroncelli No. R.C.E. 16478 CITY ENGINEER



VICINITY MAP N.T.S.

MARLENE STREET CONDOMINIUMS A CONDOMINIUM SUBDIVISION

LYING IN LOT 31 OF THE YOKAYO RANCHO CITY OF UKIAH, COUNTY OF MENDOCINO STATE OF CALIFORNIA FEB. 1985

CASE	2
DRAWER	44
PAGE	61

See Book 1560 Page 17 for Declaration of Covenants, Conditions and Restrictions Marsha A Young County Recorder By Ferne Bennett Deputy
See Book 1579 Page 424 for certificate of planning Marsha Young County Recorder By Ferne Bennett Deputy

SCALE 1" = 40'

PARCEL 2
M.C. 2, DR. 30, PG. 64, M.C.R.

BASIS OF BEARINGS
(N 82°35'51"E) (191.05')

MARLENE STREET

U.S. HIGHWAY 101

PARCEL 1
COMMON AREA
2.30 AC. Gross

CARLILE 1112 O.R. 397

WADDINGTON
1102 O.R. 473

MATZEN
1013 O.R. 54

WILLS
1319 O.R. 654

MATTHEWS
987 O.R. 137

NOTE: THIS SUBDIVISION MAY BE SUBJECT
TO THAT 10' WIDE EASEMENT DESCRIBED
IN 321 O.R. 448.

BASIS OF BEARINGS:

BETWEEN MONUMENTS FOUND PER
M.C. 2, DR. 35, PG. 21, M.C.R.

LEGEND:

- FOUND 1/2" IRON PIPE TAGGED R.C.E. 15311 PER
M.C.2, DR.35, PG.21, M.C.R.
- () RECORD DATA PER M.C.2, DR.35, PG.21, M.C.R.
- SET 1/2" IRON PIPE TAGGED L.S. 4518

CARPORT DETAILS 1" = 20'

14.00'	10.00'	10.00'	10.00'	10.00'	10.00'	10.00'	10.00'	10.00'	10.00'
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
N 83°57'40" E									

14.00'	10.00'	10.00'	10.00'	10.00'	10.00'	10.00'	10.00'	10.00'	10.00'
C20	C19	C18	C17	C16	C15	C14	C13	C12	C11
N 83°57'40" E									

MARLENE STREET CONDOMINIUMS A CONDOMINIUM SUBDIVISION

LYING IN LOT 31 OF THE
YOKAYO RANCHO
CITY OF UKIAH, COUNTY OF MENDOCINO
STATE OF CALIFORNIA
FEB. 1985

SHEET 3 OF 4

7954
CASE 2
DRAWER 44
PAGE 61

MEMORANDUM

DATE: APRIL 25, 1986
TO: CITY MANAGER
FROM: DIRECTOR OF PLANNING
SUBJECT: FINAL SUBDIVISION MAP NO. 82-85 MARLENE STREET CONDOMINIUMS

On June 2, 1982 the City Council approved the tentative subdivision map for a 20 unit condominium conversion project at the southern terminus of Marlene Street. The developer has completed the necessary improvements and submitted the final map and the C.C. & R.'s. All conditions of the tentative map have been completed. The Planning Commission, at their April 9, 1986 meeting, approved the final map. Council approval is now appropriate. Staff concurs with the Commission's action and recommends approval of the map.

Attached for the City Council's information is a copy of:

1. Resolution for adoption.
2. Excerpt of April 9, 1986 Planning Commission meeting minutes.
3. April 1, 1986 Planning Commission staff report.

RECOMMENDATION: Recommend that the City Council adopt resolution approving Final Map for Marlene Street Condominiums.

Respectfully submitted,



Michael F. Harris
Director of Planning

MFH:bj

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RESOLUTION NO. 85-29

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
UKIAH AMENDING OPEN SPACE AND AMENITIES OF
TENTATIVE SUBDIVISION MAP NO. 82-85
MARLENE STREET CONDOMINIUMS

WHEREAS, the Planning Commission has considered and recommended approval of modifications to the location and types of amenities within Tentative Subdivision Map No. 82-85, Marlene Street Condominiums, and

WHEREAS, the City Council approved Tentative Map No. 82-85 (Resolution No. 82-73) on June 2, 1982, and

WHEREAS, the proposed tennis court will not serve the majority of the project tenants whereas open turf area will, the new location of the pool will be more convenient to the tenants and the open parking is safer.

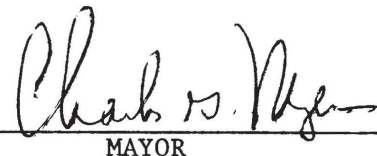
NOW THEREFORE, BE IT RESOLVED that the tennis court is eliminated from the map and replaced by open turf, the 20 uncovered parking spaces are located with a one-way drive and the swimming pool is relocated to the southwestern portion of the project, all as shown on Attached Exhibit A.

PASSED AND ADOPTED this 3rd day of October, 1984 by the following roll call vote:

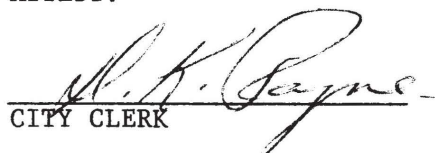
AYES: Councilmembers Henderson, Kier, Hickey, Kelley, and Mayor Myers

NOES: None

ABSENT: None


MAYOR

ATTEST:


CITY CLERK

1 RESOLUTION NO. 86-5

2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 UKIAH EXTENDING THE TENTATIVE SUBDIVISION MAP
4 NO. 82-85 FOR MARLENE STREET CONDOMINIUMS

5 WHEREAS, the City Council and Planning Commission approved Tentative
6 Subdivision Map No. 82-85 for the Marlene Street condominiums, and

7 WHEREAS, the applicant has requested a time extension to allow filing a
8 final map for this project, and

9 WHEREAS, the State Subdivision Map Act allows extensions of up to three
10 years, and

11 WHEREAS, the developer has pursued completion of the project in an
12 appropriate manner,

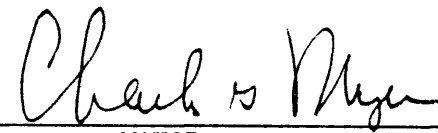
13 NOW, THEREFORE, BE IT RESOLVED, that the time for filing the final map
14 for Marlene Street condominiums in compliance with Tentative Map No. 82-85 is
15 hereby extended until June 2, 1986.

16 PASSED AND ADOPTED this 7th day of August, 1985 by the following
17 roll call vote:

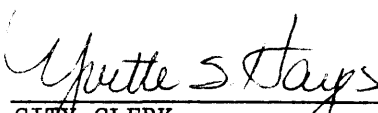
18 AYES: Councilmembers Henderson, Kelley and Mayor Myers

19 NOES: None

20 ABSENT: Councilmembers Kier and Hickey

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22
23 
24 MAYOR

25 ATTEST:

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27 CITY CLERK
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1 RESOLUTION NO. 86-42

2 RESOLUTION OF THE CITY COUNCIL OF THE
3 CITY OF UKIAH APPROVING FINAL MAP FOR
4 MARLENE STREET CONDOMINIUMS

5 WHEREAS, on February 13, 1980 Use Permit No. 80-40 for a 20 unit
6 condominium conversion project was approved by the Planning Commission, and

7 WHEREAS, on June 2, 1982 Tentative Subdivision Map No. 82-85 for the
8 same project was approved by the City Council, and

9 WHEREAS, the Planning Commission has considered and recommended approval
10 of the Final Map for the Marlene Street Condominiums with conditions being
11 consistent with the adopted Tentative Map, and

12 WHEREAS, the Director of Public Works reports that the City of Ukiah has
13 sufficient wastewater treatment capacity to handle wastewater from this
14 project without violation of the Water Quality Control Board Standards.

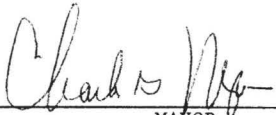
15 NOW, THEREFORE, IT IS HEREBY RESOLVED that the Final Map (Exhibit A) for
16 the aforesaid project is approved subject to the conditions noted in this
17 resolution and on the map and conditions of approval of Use Permit No. 80-40,
18 and the Mayor and City Clerk are authorized to sign said map.

19 PASSED AND ADOPTED this 7th day of May, 1986, by the following roll call
20 vote:

21 AYES: Councilmembers Henderson, Kier, Hickey, Kelley, and Mayor Myers

22 NOES: None

23 ABSENT: None

24 
MAYOR

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26 ATTEST:

27 
28 CITY CLERK

MEMORANDUM

DATE: APRIL 1, 1986
TO: PLANNING COMMISSION
FROM: DIRECTOR OF PLANNING
SUBJECT: MARLENE STREET CONDOMINIUMS
FINAL SUBDIVISION MAP/COVENANTS,
CONDITIONS AND RESTRICTIONS

RECOMMENDATION: Recommend to the City Council approval of the Final Subdivision Map and the Covenants, Conditions and Restrictions (C.C. & R's.) for the Marlene Street Condominiums.

ZONING: P.D., Planned Development Zoning District.

GENERAL PLAN DESIGNATION: Medium High Density Residential.

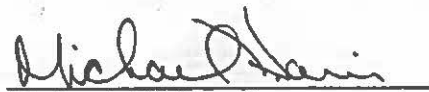
PROPOSAL: Applicant requests approval of the final subdivision map and the C.C. & R's for the condominium subdivision.

ANALYSIS: The final map is in compliance with the revised tentative map to convert the 20 units to condominium ownership as approved by the City Council in September 1984. Staff has included in your agenda packet those sections of the C.C. & R's relating to Planning considerations. We believe they are appropriate. Approval of both is recommended. A single motion can be made.

Attached for your information is a copy of:

1. Excerpt of the Feb, 13, 1980, May 12, 1982, and September 12, 1984 Planning Commission meeting minutes.
2. Section 4: Use Restrictions, and Section 5: Maintenance Obligations of the C.C. & R's.
3. Final Subdivision Map and Certificate page.

Respectfully submitted,


Michael F. Harris
Director of Planning

MFH:ar

NON-AGENDATED ITEM
REPORT FROM PLANNING COMMISSION REPRESENTATIVE
TO THE PARKING ADVISORY COMMISSION

Clyde Oakes, Planning Commission representative to the Parking Advisory Commission, reported on the following matters recently considered by the Parking Advisory Commission:

1. School/Seminary, Telephone Building: Parking meters along portions of School, Oak and Seminary Streets will be five hour meters to allow telephone employees to renew the meters during the noon hour.
2. Palace Hotel: Parking being moved to allow unloading zone and one more space in front of the hotel on State Street.
3. Parking Advisory Commission is considering the purchase of the lot at the southeast corner of Oak and Stephenson.
4. They are considering an additional parking lot on Main Street south of Perkins.
5. They are also considering a double-deck on the post office parking lot.

Commissioner Metzler thanked Mr. Oakes for his presentation and stressed the importance of this type of communication between the Planning Commission and Parking Advisory Commission.

Mr. Oakes noted he would be happy to report to the Planning Commission on items of concern or answer any questions the Commission might have on parking problems as they arise.

Planning Director Harris advised Mr. Oakes there may be some difficulties involved with the purchase of the Niderost lot on the corner of Oak and Stephenson since this is the same lot utilized by the building owned by Niderost.

USE PERMIT NO. 80-5
ARLENE HUGHEY, 602B N. STATE STREET

Planning Assistant Yarbrough presented the application for a renewal of a use permit for a period of six months. The applicant would like to enlarge an existing non-conforming single family dwelling in a C-1 district.

PUBLIC HEARING OPENED AND CLOSED WITH NO AUDIENCE PARTICIPATION.

On a MOTION by Commissioner Fowler, seconded by Commissioner Metzler, it was carried by the following roll call vote to approve the extension of Use Permit No. 80-5 subject to the following conditions:

1. Standard Conditions 1-9.

AYES: Commissioner Fowler, Kelly, Metzler and Chairman Fenter

NOES: None

ABSENT: Commissioner Gorny, Hamburg and Thomas

USE PERMIT NO. 80-40
LANCASTER INC. MARLENE STREET

Planning Director Harris presented the application to convert an existing 20 unit apartment complex to condominium units. This matter was continued from the November 28, 1979 meeting. The General Plan presently designates the area as Medium Low Density but the Planning Commission has recommended a change to Medium

High Density at their meeting on January 9, 1980. If the project in density is approved by the City Council, the project would conform to the density requirements and the proposed revised condominium ordinance.

PUBLIC HEARING OPENED - 6:49 P.M.

Letha Actkinson, co-owner of the project, urged some action be taken tonight noting the paperwork involved on the State level is very time consuming and with an indication of approval from the Planning Commission she could begin proceedings for the conversion. Further delays will increase the purchase price of the units now anticipated to be \$62,500, considerably less than other two bedroom, 1200 sq.ft. homes for sale in the community. Mrs. Actkinson also urged the Commission to consider more "O" lot line development with higher densities and noted that with lots currently selling for \$30,000 it is impossible for persons of modest means to buy or build their own homes.

Don Vandermeijer stated these condominium units at \$62,500 are the only opportunity for people to purchase affordable housing in this area this year and noted there is nothing of a comparable nature and price available in the community.

PUBLIC HEARING CLOSED - 6:42 P.M.

Commissioner Kelly indicated she could see no problem in granting the conversion for the existing units but questioned the possibility of developers building apartments and then converting them to condominiums.

Chairman Fenter noted all new construction has to meet building codes for construction and all condominiums have specific zoning code requirements which must be met.

Mrs. Atkinson noted most of the existing apartment units in town cannot meet the parking, storage and other specific requirements for condominium conversions.

On a MOTION by Commissioner Kelly, seconded by Commissioner Fowler, it was carried by the following roll call vote to approve the Negative Declaration for Use Permit No. 80-40.

AYES: Commissioner Fowler, Kelly, Metzler and Chairman Fenter

NOES: None

ABSENT: Commissioner Gorny, Hamburg and Thomas

On a MOTION by Commissioner Kelly, seconded by Commissioner Metzler, it was carried by the following roll call vote to approve the Use Permit No. 80-40 for Lancaster Inc. subject to the following special conditions:

1. The City Council approve the General Plan designation of Medium High density for the subject parcel.
2. Individual electric service be provided to each unit and all wires contained within the individual unit as specified by the National Electric Code. Compliance to be inspected by the Building Inspector prior to approval of the final map.
3. Units be inspected by the Building Inspector for compliance to the Uniform Building Code as it relates to condominiums.
4. Additional paving or sidewalk for turn-around areas be provided on the east side of the carports and the R-V storage area.
5. The name of the street (Doolin Court) as shown on the site plan be changed to Marlene Court.
6. Tentative map and final map to be filed to approval of the City Engineer.
7. Sidewalks to be installed to the approval of the Director of Public Works.
8. Complete landscaping plan be submitted for the approval of the Director of Planning prior to placement. Said plan to include extensive landscaping adjacent to the freeway.

MINUTES OF UTAH CITY PLANNING COMMISSION
PAGE 3

FEBRUARY 13, 1980

9. The location of the basketball court and the croquet court be reversed allowing for more basketball landscaping along the freeway.
10. Landscaping be maintained by an automated sprinkler system.

AYES: Commissioner Fowler, Kelly, Metzler and Chairman Fenter
NOES: None
ABSENT: Commissioner Gorny, Hamburg and Thomas

VARIANCE NO. 80-52
FIRST NATIONAL BANK OF MENDOCINO COUNTY
225 N. ORCHARD AVENUE

Planning Director Harris explained this variance from the Sign Ordinance had been discussed at the last meeting and continued at the request of the applicant. The Bank would like to place a second sign on the Orchard Avenue (west) side of the building. Staff feels that the entrance on the south wall constitutes the frontage, thus a sign has been allowed on the south face of the building and none on the west wall.

PUBLIC HEARING OPENED - 7:02 p.m.

Conrad Cox, attorney representing First National Bank, spoke on behalf of the applicant and urged a sign be allowed on the Orchard Avenue side also. Mr. Cox referred to the sections of the Sign Ordinance which are vague and noted case law does not restrict the definition of frontage to that building face with an entrance. He listed examples of various businesses along Perkins Street and in the shopping center which have multiple signs or signs on two sides of the buildings. To be consistent with past actions, the First National Bank should also be allowed signs on two sides. He noted the bank's largest frontage is actually on Orchard Avenue and according to the description in the lease it fronts on Orchard. He feels staff's interpretation that the main entrance constitutes frontage is in error and to say a second sign on Orchard is non-conforming is a staff interpretation of a vague ordinance.

Don Vandermeijer agreed this section of the Sign Ordinance is vague and asked for clarification since he may want to construct additional signing for the John Maudlin building, technically with three frontages, in the near future.

PUBLIC HEARING CLOSED - 7:20 p.m.

Planning Director Harris explained several of the businesses with multiple signs are non-conforming and have been notified their signs are to be removed by 1981. Several others have put up signs without applying for sign permits and due to the lack of staff, enforcement is impossible. Mr. Harris also noted a recent City Attorney interpretation made during consideration of the Orchard Plaza shopping center which determined that a frontage is where a business has its entrance.

Commissioner Metzler expressed both sympathy to the applicant and opposition to portions of the existing Sign Ordinance but felt approval of this variance would not be in conformance to the Ordinance. As Planning Commissioners it is their duty to uphold the ordinance regardless of their personal opinions and to approve the variance making this sign non-conforming would subject the bank to possible fines in 1981.

SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3, GENERAL
MULTIPLE RESIDENTIAL DISTRICT; GENERAL PLAN CONSISTENCY

It was the consensus of the Commission to approve Zone Change No. 82-98, Washington North, from R-1, Single Family Residential District to R-3, General Multiple District for General Plan consistency.

4P. ZONE CHANGE NO. 82-99, BEACON WAY, FROM C-2, HIGHWAY COMMERCIAL
AND RESTRICTED INDUSTRIAL DISTRICT TO R-1, SINGLE FAMILY
RESIDENTIAL DISTRICT; GENERAL PLAN CONSISTENCY

It was the consensus of the Commission to approve Zone Change No. 82-99, Beacon Way, from C-2, Highway Commercial and Restricted Industrial District to R-1, Single Family Residential District for General Plan consistency.

On a MOTION by Commissioner Kelley, seconded by Commissioner Ivey, it was carried by the following roll call vote to continue consideration of Zone Change No. 82-90, Waugh East/Gobbi-Cooper and Zone Change No. 82-92, Waugh-Betty/So. Marlene-Talmage to September 22, 1982 and to approve Zone Changes 82-91, 82-93, 82-94, 82-95, 82-96, 82-97, 82-98 and 82-99 as previously noted:

AYES: Commissioner Ivey, Kelley, Thomas, Vander Mey, Chairman Metzler
NOES: None
ABSENT: Commissioner Fenter, Velardi

Commissioner Vander Mey suggested that Washington North is an appropriate area for higher density and should be reconsidered under General Plan Amendment C. No action was taken.

SUBDIVISION MAPS

6A. SUBDIVISION NO. 82-85, LANDCASTER CONSTRUCTION
COMPANY, 960-979 MARLENE STREET

Planning Director stated the Planning Commission in February, 1980 approved the Use Permit to create a 20 unit condominium project but the use permit could not become effective until the General Plan Amendment had been adopted. Staff recommends approval of the Tentative Subdivision Map with conditions.

Letha Actkinson stated that she has notified all tenants of the proposed condominium conversion.

Bill Smith, 974 Marlene, stated, as a tenant, he had been told when he rented his apartment of the condominium conversion; he expressed concern with the shortage of apartments in the Ukiah area and noted the lack of landscaping and that laundry facilities were not kept up in the subject apartment complex.

Mrs. Actkinson stated that any landscaping would be taken care of by the homeowners association.

Mr. Smith referred to Doolin Creek and children playing in the Creek and felt a fence should be required. Mrs. Actkinson stated a rear fence will be constructed with the project.

Commissioner Vander Mey felt the pool was located too far from the units without the provision of bathrooms. Mr. Smith stated he would rather have the pool further away from the units from the standpoint of noise and would not mind walking the distance.

Commissioner Thomas made a motion to approve Subdivision Map 82-85 but it died for lack of a second.

Commissioner Vander Mey asked if the pool would be fenced? Mrs. Actkinson stated it is required.

On a MOTION by Commissioner Vander Mey, seconded by Commissioner Thomas, it was carried by the following roll call vote to approve Tentative Subdivision Map 82-85, Marlene Street Condominiums subject to the following conditions:

1. Complete landscaping plan be submitted for approval of the Director of Planning prior to placement, said plan to include extensive landscaping adjacent to freeway.
2. Landscaping be maintained by an automated irrigation system.
3. Sidewalks and other necessary street improvements be completed to the approval of the City Engineer for the full street frontage of the property.
4. Additional paving for turn around/backing area be provided at the east side of the carports and R.V. storage area.
5. Units be inspected by the Building Official for compliance with the Uniform Building Code as it relates to condominiums.
6. Electrical facilities to be taken from existing panel.
7. At least two street lights be provided along the length of the property at the owner's expense.
8. The water and sewer lines indicated on the map at the northern end of the project and near the barbecue area be capped off at owner's expense, if not to be utilized for the development.
9. Capital Improvement Fees to be paid to the approval of the Director of Public Works.
10. All onsite drainage that currently flows to the freeway be contained and be taken to the creek to the approval of the Director of Public Works.
11. Dedication of an easement along the south property line for maintenance of the creek to the approval of the Director of Public Works.

AYES: Commissioner Ivey, Kelley, Thomas, Vander Mey, Chairman Metzler
NOES: None
ABSENT: Commissioner Fenter, Velardi

Planning Director stated he would pass along Mr. Smith concerns regarding the creek to the Public Works Department for security precautions.

COUNTY REFERRALS

- 7A. COUNTY REFERRAL #R 18-82, FRANK TUNZI, TO
REZONE PROPERTY FROM C-1 TO C-2

5. PUBLIC HEARINGS

- A. Request for amendment of Use Permit No. 80-40, Marlene Street Condominiums, requesting elimination of proposed tennis court in favor of developing "open space" area, located at the southerly terminus of Marlene Street, zoned PD

Amendment to Tentative Subdivision Map for Marlene Street Condominiums, replacing tennis courts with open space area

Planning Assistant stated the proposal is to substitute a multi-purpose turf area in lieu of the tennis court area. The open space area can be enjoyed by all of the tenants of the complex whereas the tennis court would probably only benefit a few. The croquet court, volleyball court and swimming pool will still be constructed. Parking meets the code. Staff recommends approval.

PUBLIC HEARING OPENED - 7:03 P.M.

Bill Townsend, 24 Lorraine Street, stated he feels the area needs more parking and would prefer the tennis courts constructed as planned. He also expressed concern as to the possibility of more development occurring on the property.

Victor Lopes, architect for the project, displayed a color rendition of the site plan with the proposed changes and explained the reason for changes from the original site plan. He noted the tenants and prospective buyers desired the open area rather than tennis courts.

Mr. Lopes was questioned as to developer's having plans to construct more units on the property and his response was that he was not aware of plans for further development.

PUBLIC HEARING CLOSED - 7:19 P.M.

ON A MOTION by Commissioner Mason, seconded by Commissioner Schneider, it was carried by the following roll call vote to approve the revised development plan dated September 12, 1984 for Use Permit No. 80-40 with the condition that:

1. Lawn area be landscaped and automatic irrigation system be installed.

AYES: Commissioners Geronzin, Knutson, Mason, Redding, Schneider, and Chairman Ivey

NOES: None

ABSENT: Commissioner Mastin

ON A MOTION by Commissioner Mason, seconded by Commissioner Schneider, it was carried by the following roll call vote to approve the amendment to Subdivision Map for Marlene Street Condominiums to reflect the change in the open space area.



MEMO TO FILE #24-9277

From: Tim Eriksen, City Engineer

To: Jesse Davis, Chief Planning Manager

August 15, 2024

RE: Minor Subdivision resulting in two (2) parcels at 960-979 Marlene Street; (APNs 003-100-24 - 003-100-437); File No. #24-9277)

Dear Mr. Davis,

UCC §8003 delegates the authority to the Planning Commission to review the design and improvement of proposed subdivisions and make a recommendation to the City Council. As the City Engineer I have reviewed the submitted Tentative Map and have determined that the map is correct, and the map is in compliance with applicable sections of the City's Subdivision Ordinance. Applicable Conditions of Approval have been enclosed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Eriksen", is written over a light blue horizontal line.

Tim Eriksen, City Engineer

**CONDITIONS OF APPROVAL
MINOR SUBDIVISION
960-979 MARLENE STREET;
APNS 003-100-24 - 003-100-437
FILE NO. 24-9277**

Approval is granted to the Project based on the project description submitted to the Community Development Department as well as the Public Works Department, and as shown on the Tentative Map contained therein, except as modified by the following conditions of approval:

1. *Each parcel shall be served individually upon the development of the parcel with appropriate public utilities required for the type of development within the parcel.*
2. *Prior to construction of site improvements, a final grading and drainage plan, and an erosion and sediment control plan, prepared by a Civil Engineer, shall be submitted for review and approval by the Department of Public Works. The plan shall include the detailed design of post-construction storm water best management practices (BMPs) in compliance with the City of Ukiah's Phase I Storm Water Permit and the Low Impact Development Technical Design Manual (LID Manual), in effect at the time of development. A Standard Urban Storm Water Mitigation Plan (SUSMP) shall be provided to support the design of the proposed drainage system.*
3. *All parcels of the proposed subdivision are subject to payment of park fees pursuant to City Code Section 8400 et seq. of Article 21 "Park and Recreation; Dedication; Reservations; Fees." Note that park fees are applicable to residential development.*
4. *The tentative map shall expire twenty-four (24) months from the date of its approval or conditional approval unless extended in accordance with the City of Ukiah Subdivision Ordinance and the Subdivision Map Act.*
5. *A Parcel Map shall be prepared and submitted to the City Engineer for review and approval, along with payment of all parcel map processing and review fees and shall be prepared and recorded in a manner consistent with Ukiah Municipal Code requirements.*
6. *The Parcel Map submitted for recordation shall include all necessary easements or such easements shall be recorded by separate instrument, if deemed necessary.*
7. *All taxes now due, or past due, must be paid prior to the approval of the Parcel Map.*

PROJECT REVIEW REFERRAL

Please provide comments by: May 1, 2024

The City of Ukiah Community Development Department is soliciting input on the project described below for use in the staff analysis, CEQA document, and public hearing documents. Please identify any questions you have or missing information you need to complete your review, as well as suggested Conditions of Approval.

TO:	
X	City of Ukiah - Community Development Director, Craig Schlatter
X	City of Ukiah - Building Inspection & Fire Prevention Divisions, Matthew Keizer
X	City of Ukiah - Electrical Utility Department, Cindy Sauers; Scott Bozzoli; Sonu Upadhyay, Kahli Johnson
X	City of Ukiah - Public Works Department, Tim Eriksen; Jason Benson
X	City of Ukiah - Airport Manager, Greg Owen
X	City of Ukiah - Housing Division, Jim Robbins
X	City of Ukiah - Police Department, Cedric Crook; Rick Pintane; Max Brazill
X	County of Mendocino – Department of Planning & Building Services, Planner of the Day
X	County of Mendocino – Airport Land Use Commission, Steven Switzer
X	California Department of Fish & Wildlife – Northern Region
X	California Department of Transportation – District 1
FROM PROJECT PLANNER: Jesse Davis, Chief Planning Manager	

PROJECT INFORMATION:	
Project Name & Permit #:	Marlene Street Minor Subdivision & Rezone #24-9277
Site Address & APN:	960 – 979 Marlene Street; (APNs 003-100-24/43)
General Plan:	MDR (Medium Density Residential)
Zoning:	PD (Planned Development; #14 Marlene Estates)
Flood Hazards:	Doolin Creek (Floodway; Special Flood Hazard Areas)
Airport Compatibility Zone:	Zone 3 (Inner Turning Zone); Zone 6 (Traffic Pattern Zone)
Date Filed:	03/14/2024
Date Referred:	04/16/2024
Prev. Projects on Site	Subdivision No. 82-85; Use Permit No. 80-40
Applicant/Agent Name:	Marcia Morgan Lazaro; 707-972-4204; marcia.lazaro@coldwellbanker.com
Project Summary: On March 14, 2024, a request for a Minor Subdivision of an existing 2.30± acre lot into two (2) parcels was submitted to the Community Development Department. As proposed, Parcel 1 would be 1.23± acres in size and retain the twenty (20) existing residential units, as well as the off-street parking structures, recreation improvements, and accessory buildings. Parcel 2 would be 1.07± acres in size and would include the existing uncovered parking area, driveway, fencing and lawn-area. Presently, no new development is proposed for either Parcel 1 or Parcel 2. In addition to the minor subdivision, the Applicant requests a Rezone of the property from Planned Development (PD) – Marlene Estates to Medium Density Residential (R2), aligning the property with the existing MDR (Medium Density Residential) general plan land use designation, thereby clarifying future development and allow for use of considerations like the City's Objective Design & Development Standards. Background: On February 13, 1980, the Ukiah Planning Commission approved Use Permit No. 80-40 allowing for a condominium conversion project. On June 2, 1982, the City Council approved Minor Subdivision No. 82-35, allowing for the condominium subdivision. On October 3, 1984, the Tentative Map was amended to relocate or replace required recreational improvements. Ultimately, after receiving an extension, the City Council adopted the final map on May 7, 1986, after all improvements were finalized and the associated covenants, conditions, and restrictions provided to Staff.	

Please indicate whether you have comments and sign and date below. Return this Project Referral Form by the date noted above to the Project Planner listed.

Name and Affiliation/Department (please print) _____

- ☐ No Comment
- ☐ Comments / Conditions of Approval Attached

Signature

Date

Comments / Conditions of Approval:

PROJECT REVIEW REFERRAL

Please provide comments by: May 1, 2024

The City of Ukiah Community Development Department is soliciting input on the project described below for use in the staff analysis, CEQA document, and public hearing documents. Please identify any questions you have or missing information you need to complete your review, as well as suggested Conditions of Approval.

TO:	
X	City of Ukiah - Community Development Director, Craig Schlatter
X	City of Ukiah - Building Inspection & Fire Prevention Divisions, Matthew Keizer
X	City of Ukiah - Electrical Utility Department, Cindy Sauers; Scott Bozzoli; Sonu Upadhyay, Kahli Johnson
X	City of Ukiah - Public Works Department, Tim Eriksen; Jason Benson
X	City of Ukiah - Airport Manager, Greg Owen
X	City of Ukiah - Housing Division, Jim Robbins
X	City of Ukiah - Police Department, Cedric Crook; Rick Pintane; Max Brazill
X	County of Mendocino – Department of Planning & Building Services, Planner of the Day
X	County of Mendocino – Airport Land Use Commission, Steven Switzer
X	California Department of Fish & Wildlife – Northern Region
X	California Department of Transportation – District 1
FROM PROJECT PLANNER: Jesse Davis, Chief Planning Manager	

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Please indicate whether you have comments and sign and date below. Return this Project Referral Form by the date noted above to the Project Planner listed.

Name and Affiliation/Department (please print) MAX BRAZILL / UKIAH P.D.

☒ No Comment

☐ Comments / Conditions of Approval Attached

Max Brazill

Signature

4/17/24

Date

Comments / Conditions of Approval:

ARTICLE 4. REGULATIONS IN MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICTS¹

SECTION:

- §9030 Purpose And Intent**
- §9031 Allowed Uses**
- §9032 Permitted Uses**
- §9033 Building Height Limits**
- §9034 Required Site Area**
- §9035 Required Yard Setbacks**
- §9036 Required Parking**
- §9037 Additional Requirements**
- §9038 Determination Of Appropriate Use**

§9030 PURPOSE AND INTENT

The Medium Density Residential Zoning District is intended to provide land area and opportunities for a range of densities and a variety of housing types, including single-family and multiple-family residential development, and townhomes. The maximum density is one to fifteen (15) dwelling units per acre of land. The R-2 district is also intended to provide for a compatible mix of medium density residential, educational, religious, quasi-medical, and small professional office land uses. The R-2 zoning district is consistent with the MDR (medium density residential) general plan land use designation. (Ord. 1001, §1, adopted 1998; Ord. 1189, §1, adopted 2018; Ord. 1216, §2, adopted 2021)

§9031 ALLOWED USES

The following uses are allowed in Medium Density Residential (R-2) Districts:

Accessory buildings and accessory uses.

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 (maximum clients – six (6)).

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

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

Single-family dwellings, including manufactured/modular homes, transitional housing, and supportive housing. Manufactured/modular homes shall comply with the additional development standards set forth in section 9037 of this Code.

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

Small and large family child daycare homes. (Ord. 1001, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1205, §6, adopted 2020; Ord. 1216, §2, adopted 2021)

§9032 PERMITTED USES

The following uses may be permitted in Medium Density Residential (R-2) Zoning Districts subject to first securing a use permit:

Accredited public or private schools.

Bed and breakfast establishments.

Churches, chapels, and other places of religious assembly.

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

Dwelling groups.

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

Outdoor sales establishment.

Parks, community gardens, and playgrounds.

Professional office converted from a single-family residence.

Rest homes, convalescent services, and other residential medical facilities.

Single-family dwelling on a three thousand (3,000) square foot lot (one side zero lot line and one side five-foot (5') setback; provided, that zero lot lines are contiguous).

Social halls, lodges, public buildings, and places of temporary public assembly.

Temporary uses meeting the purpose and intent of the R-2 zoning district. The temporary use shall be for a maximum period of six (6) months, and shall be subject to permit renewal/time extension at the discretion of the Planning Director. (Ord. 1001, §1, adopted 1998; Ord. 1216, §2, adopted 2021)

§9033 BUILDING HEIGHT LIMITS

The following shall be the maximum limits for height of buildings in Medium Density Residential (R-2) Districts:

- A. For main buildings a maximum height of thirty-five feet (35').
- 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 main buildings and accessory structures may be exceeded with the securing of a use permit. (Ord. 1001, §1, adopted 1998; Ord. 1216, §2, adopted 2021)

§9034 REQUIRED SITE AREA

In Medium Density Residential (R-2) Districts there is no required building site area. (Ord. 1001, §1, adopted 1998; Ord. 1216, §2, adopted 2021)

§9035 REQUIRED YARD SETBACKS

In Medium Density Residential (R-2) Districts, yards shall be required in the following minimum widths, as measured from the street right-of-way:

- A. Front:

1. Single-Family Dwellings: Fifteen feet (15') for primary and accessory structures, and twenty-five feet (25') for garages.

2. Multiple-Family Dwellings: Ten feet (10') for multiple-family primary and accessory structures, and twenty-five feet (25') for garages.

B. Sides:

1. Single-Family Dwellings: Ten feet (10'), except as provided in section 9032 of this code.

2. Multiple-Family Dwellings: Five feet (5') for multiple-family dwellings except for those multiple-family projects that comply with all the design and development standards set forth in Chapter 2, Article 5.2 of this division.

C. Rear:

1. Single-Family Dwellings: Ten feet (10').

2. Multiple-Family Dwellings, Single-story: Ten feet (10').

3. Multiple-Family Dwellings, Multi-Story: Fifteen feet (15').

Except in cases where fifty percent (50%) of the same side of the block is already built out, then the average setback shall apply.

D. Corner Lots: On corner lots, there shall be a front setback line of ten feet (10') on each street side of a corner lot.

E. Special Yards And Distances Between Buildings: Minimum widths shall be as follows:

1. The distance between any structures in any dwelling group shall be a minimum of ten feet (10') for single-story and multi-story structures.

2. Any side yard providing vehicular access to single-row dwelling groups shall have a minimum width of twenty feet (20') for one-way access and twenty-five feet (25') for dual access.

3. Any inner court providing vehicular access to double-row dwelling groups shall have a minimum width of twenty feet (20'), and a minimum width of twenty-four feet (24') if bordered by parking stalls. (Ord. 1001, §1, adopted 1998; Ord. 1216, §2, adopted 2021)

§9036 REQUIRED PARKING

A. The minimum parking area required in Medium Density Residential (R-2) 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. Multiple-Family Dwelling: One on-site parking space per unit.
4. 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 off-street parking space or garage space for multiple-family residential uses shall be a minimum of nine feet (9') in width and nineteen feet (19') in depth. Thirty percent (30%) of the parking stalls in a parking lot with ten (10) or more stalls shall be compact sized (eight feet (8') in width and sixteen feet (16') in length).

C. Each required off-street parking space or garage space for multiple-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.

E. Relief from the parking requirements in the R-2 zoning district may be approved through the discretionary review process, provided a finding is made that a reduced number of spaces would not adversely impact the health, safety, or general welfare of the public. (Ord. 1001, §1, adopted 1998; Ord. 1216, §2, adopted 2021)

§9037 ADDITIONAL REQUIREMENTS

A. A site development permit is required for development of more than a single duplex. However, multiple-family residential projects described in section 9031 of this code that are in compliance with the design and development standards set forth in Chapter 2, Article 5.2 of this division are exempt from this requirement.

B. 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 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 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.

C. All development projects that are not multiple-family residential projects, or that do not comply with the design and development standards set forth 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.

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 the majority 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 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, based upon the small size of a parcel, it would be unreasonable and illogical. 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 residential development projects shall be adequately 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. (Ord. 1001, §1, adopted 1998; Ord. 1168, §3, adopted 2016; Ord. 1216, §2, adopted 2021)

§9038 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 R-2 Zoning District, the Planning Director shall determine whether the use is appropriate for the Zoning District, either as of 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 R-2 Zoning District;

B. That the use would not be detrimental to the continuing residential development of the area in which the use would be located; and

C. That the use would be in harmony and consistent with the purpose of the R-2 Zoning District.

D. 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 allowed uses. (Ord. 1001, §1, adopted 1998)

¹ Ord. 793, §2, adopted 1982; rep. by Ord. 1001, §1, adopted 1998.

ARTICLE 14. REGULATIONS IN PLANNED DEVELOPMENT (PD) COMBINING ZONE/DISTRICTS

SECTION:

§9165: Purpose And Intent

§9166: Application Of Combining Zone/District

§9167: Procedures And Process

§9168: Action On Planned Development Zoning Projects

§9169: Expiration Of Planned Development Combining Zone/District

§9165 PURPOSE AND INTENT

The purpose of the planned development combining zone is to allow flexibility in design and development in order to promote economical and efficient use of land; to increase the level of urban amenities; to preserve the natural environment; and to provide for phased completion of development projects. It generally provides a method for deviating from standardized zoning requirements to foster well planned, creative, and quality development. (Ord. 1005, §1, adopted 1998)

§9166 APPLICATION OF COMBINING ZONE/DISTRICT

A. The planned development combining zone may be combined with any zoning district.

B. A use permit for permitted land uses within the underlying zone shall not be required when a planned development zoning district and a precise planned

§9167 PROCEDURES AND PROCESS

A. Preapplication Review: Prior to application, the prospective applicant should consult with the planning department to obtain information and guidance before entering into bidding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.

B. Minimum Area: A planned development combining zone shall include a minimum area of one-half (1/2) acre, under single ownership or otherwise subject to unified planning, construction, and management, unless the subject property has all of the following characteristics, in which case there is no minimum site area requirement:

1. The property is located in the downtown master plan area as depicted in figure VI.2-KK of the Ukiah general plan.
2. The property is within easy walking distance to routine destinations such as a grocery store, medical offices, retail shopping, restaurants, etc.
3. The property is situated along a transit route or within easy walking distance to a transit stop.
4. All public services and infrastructure are available to adequately serve the project.
5. There is adequate outdoor recreation areas/yard space within the project and/or the site is in close proximity to a public park or recreation area.
6. The project includes an actual development plan and the buildings are architecturally compatible or superior in design to the surrounding existing development.

C. Application For Rezoning: Application for a planned development combining zone shall be made pursuant to article 20 of this chapter. The applicant shall include on the application or the plot plan as applicable the following information:

1. Existing topography and the approximate location of buildings, improvements, and natural or environmental features for the property and adjacent land within one hundred feet (100').
2. The current general plan land use designation, the current zoning, and the current land uses in the proposed district and adjacent land within one hundred feet

(100').

3. A general land use plan showing proposed uses to be developed on the site, supported by projected acreage, population, housing units, building floor area, employment, or related planning and development data, as determined by the planning director.

4. A general facility plan showing the approximate location of existing and proposed streets, pedestrianways, and circulation features; proposed public utility services and facilities; and proposed public or community facilities and uses.

D. Concept Development Plan: If no specific development is proposed as part of the planned development combining zone application, the applicant shall submit a concept development plan which shall contain a descriptive written statement indicating the following:

1. The manner in which the proposed development will be in accord with the general plan.

2. The architectural and environmental design qualities to be attained.

3. A general description of proposed land use regulations, site development regulations, and performance standards sufficient to govern subsequent development, including, but not limited to, the following:

a. Allowable uses.

b. Maximum and/or minimum regulations governing density and intensity of use, building floor area, height, coverage, lot size and dimensions, setbacks and open spaces, landscaping, signs, architectural design, and other features of the development.

c. Conditions, covenants, and restrictions, and proposed means of management and continued maintenance and operation of common facilities.

4. A general phasing plan and schedule, indicating the anticipated time for beginning of construction and completion of each phase of development.

5. Evidence that the applicant has sufficient control over the land to effectuate the proposed plan.

E. Precise Development Plan: If a specific development project is proposed as part of the planned development combining zone application, a precise development plan shall

be submitted. If a concept development plan was approved as part of the planned development combining zone project, a precise development plan shall be required prior to the issuance of building permits. The precise development plan shall contain the following information:

1. All the information required for a concept development plan.
2. A detailed site plan sufficient to fully illustrate the proposed project and adjoining land uses. The site plan shall also indicate the existing topography and proposed grading.
3. Elevation drawings of all proposed structures.
4. Details of the location, dimensions, and design of all proposed signs.
5. Floor plans of all proposed structures.
6. An automobile and bicycle parking plan.
7. Residential and mixed use developments shall contain on site recreation facilities commensurate with the size, scale, and scope of the project. Such facilities may include, but not be limited to, picnic areas, tot lots, open turf areas, and sport courts.
8. The location and design of all required trash and recycling facilities.
9. A clear depiction of all easements on the property.
10. A proposed landscaping and lighting plan commensurate with the size and scale of the proposed development project. Landscaping plans shall be submitted as a required component of all precise development plans accompanying planned development zoning applications at the time of application filing. All proposed landscaping plans shall comply with the following standards:
 - a. Landscaping shall be proportional to the building elevations.
 - b. Landscape plantings shall be those which grow well in Ukiah's climate without extensive irrigation. Native species are strongly encouraged.
 - c. All landscape plantings shall be of sufficient size, health and intensity so that a viable and mature appearance can be attained in a reasonably short amount of time.

d. Deciduous trees shall constitute the majority 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.

e. 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%) after ten (10) years of growth of all paved areas. Based upon the design of the parking lot, a reduced number of trees may be approved through the discretionary review process.

f. Parking lots shall have a perimeter planting strip with both trees and shrubs.

g. Parking lots shall have defined pedestrian sidewalks or marked pedestrian facilities 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.

h. 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.

i. All new developments shall include a landscaping coverage of twenty percent (20%) of the gross area of the parcel, unless based upon the small size of a parcel, it would be unreasonable and illogical. A minimum of fifty percent (50%) of the landscaped area shall be dedicated to live plantings.

j. Landscaping plans shall include an automatic irrigation system and lighting plan for both the landscaping and exterior of buildings.

k. All required landscaping for precise development plan projects shall be adequately maintained.

l. The planning commission or city council shall have the authority to modify the required elements of a landscaping and lighting plan depending upon the size, scale, intensity, and location of the development project. If the city council significantly modifies the elements of landscaping and lighting plan with major changes that were not contemplated or discussed by the planning commission, the matter may be returned by the city council to the planning commission for its review.

m. The location, height, and design of all walls and fences shall be consistent with the scale and style of the proposed development, and shall be compatible with the surrounding built environment.

11. Any other project related information requested by the planning director.

F. Criteria For Precise Development Plan: The following criteria shall be used in determining a precise development plan's consistency with the purpose and intent of this article:

1. User Impact And Needs: The design of the project shall consider the impact and needs of the user in respect to circulation, parking, traffic, utilities, public services, noise and odor, privacy, private and common open spaces, trash collection, security and crime deterrence, energy consumption, and other design concerns.

2. Relationship To Physical Features: The location of the buildings and structures shall respect the natural terrain of the site and shall be functionally integrated with any natural features of the landscape to include the preservation of existing trees, where feasible.

3. Consistency Of Architectural Style: All buildings or structures shall be harmonious and consistent with the proposed architectural style regarding roofing, exterior materials, windows, doors, textures, colors, and other exterior treatments.

4. Balance And Integration With The Neighborhood: The overall design shall be integrated and compatible with the neighborhood and shall strive to be in harmony with the scale and bulk of the surrounding built environment.

5. Building Design: The design of buildings and structures shall strive to provide innovation, variety, and creativity in the proposed design solutions. All architectural elevations shall be designed to eliminate the appearance of flat facades and box like construction.

6. Density: For residential projects, every effort shall be made to achieve the maximum density possible pursuant to the underlying zoning district. (Ord. 1005, §1, adopted 1998; Ord. 1112, §2, adopted 2008)

§9168 ACTION ON PLANNED DEVELOPMENT ZONING PROJECTS

A. Notice Of Public Hearings: Notice of planning commission and city council public hearings shall be given pursuant to subsection 9265C of this chapter.

B. Action By The Planning Commission:

1. The planning commission shall review and formulate a recommendation on the application to the city council.
2. The planning commission may request additional information from the applicant when, in its opinion, there are substantial issues or significant public concerns requiring such information in order to act on the application. In such cases, the planning commission shall continue the public hearing for such time as is reasonable for preparation of the requested information.
3. The planning commission may recommend changes in the concept development plan or precise development plan, and forward such recommended changes to the city council with its recommendation regarding establishment of the planned development combining zone.
4. In formulating their recommendation to the city council, the planning commission shall find that the proposed project is consistent with the Ukiah general plan and the purposes of this article.

C. Action By The City Council:

1. The city council may adopt an ordinance establishing a planned development combining zone if it finds that:
 - a. The proposed planned development combining zone/district, concept development plan and/or precise development plan as recommended by the planning commission, or as modified by the city council, is consistent with the general plan and with the purposes of this article. Any substantial modification to the concept development plan or precise development plan by the city council which has not been reviewed by the planning commission shall be returned by the city council to the planning commission for its review.
 - b. The proposed planned development combining zone/district and all uses therein shall be compatible and complementary to existing and potential development in the general vicinity of the project site.
2. The city council shall consider the planned development combining zone application and concept development plan or precise development plan, together with the recommendation of the planning commission.
3. An ordinance establishing a planned development combining zone, if enacted by the city council shall incorporate the concept development plan or precise

development plan for the district as approved by the city council.

4. Each planned development combining zone shall be shown on the zoning map by the letters "PD", and identified sequentially by order of enactment and reference to the enacting ordinance.

5. A precise development plan proposed subsequent to the adoption of a planned development combining zone and concept development plan shall be processed in the same manner as a site development permit, shall contain all the information required in subsection 9167E of this article, and may, in the event of approval, be conditioned by the city in the same manner as a site development permit.

In taking action on a precise development plan that has been submitted subsequent to the adoption of a planned development combining zone and concept development plan, the planning commission shall find that it is consistent with the Ukiah general plan, concept development plan, and with the criteria in subsection 9167F of this article.

A decision made by the planning commission on a precise development plan that has been submitted subsequent to the adoption of a planned development combining zone and concept development plan is final unless appealed to the city council. All appeals shall be made pursuant to section 9266 of this chapter.

6. Changes to adopted planned development combining zones/districts:

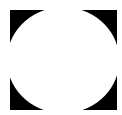
a. Concept development plans and precise development plans may be amended under the same procedures applicable to initial approval. An amendment may be initiated by staff, the planning commission, the city council, or by the original applicant or a successor thereto having a continuing controlling interest in development or management of uses within the planned development combining zone/district.

b. A precise development plan may be amended by applying for rezoning as provided in article 20 of this chapter.

c. Minor revisions or modifications not increasing the density or intensity of the project and which would not adversely affect off site property, may be approved by the planning director if it is determined that the circumstances or conditions applicable at the time of original approval remain valid and that changes would not affect any required findings. (Ord. 1005, §1, adopted 1998)

§9169 EXPIRATION OF PLANNED DEVELOPMENT COMBINING ZONE/DISTRICT

A. Any planned development combining zone/district created after the effective date of this article shall expire after three (3) years from its approval date by the city council if actual construction has not occurred. A one year extension of the three (3) year time period may be granted by the planning director if substantial progress has been made towards securing a building permit. All requests for an extension must be made in writing, and shall detail the progress made towards implementing the project and securing a building permit. If any PD combining zone/district expires, the zoning (or its current equivalent) which existed prior to the adoption of the PD district shall be in full force and effect. (Ord. 1005, §1, adopted 1998)



TERRA NOVA PLANNING & RESEARCH, INC.®

MEMORANDUM

TO: Jesse Davis
Chief Planning Manager

FROM: Kelly Clark
Senior Planner

DATE: August 19, 2024

RE: CEQA Categorical Exemption, Marlene Street Condominiums Minor Subdivision and Rezone

Introduction

Terra Nova Planning & Research has undertaken a comprehensive review of the proposed Minor Subdivision and Rezone associated with the Marlene Estates Condominiums 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 and Section 15315, Class 15, Minor Land Divisions. The purpose of this technical memorandum is to determine whether the exemption is appropriate in this case.

Project Location

The Marlene Estates Condominiums are located at 960-979 Marlene Street on a 2.3-acre site in the City of Ukiah. The northeastern 1.07 acres of the site includes an open space area and uncovered parking for the condominiums. (See Figure 1). The site is bordered by multi-family residential to the north, U.S. Route 101 and active agricultural fields to the east, single-family residential and a vacant field to the south, and single-family residential to the west. (See Figure 2)

Project History

The site is currently zoned Planned Development – Marlene Estates Condominiums (PD) with a General Plan land use designation of Medium-Density Residential (MDR). While it is a Planned Development, it is not subject to the Marlene Estates Planned Development #14, as it predated that approval. The Approval of Use Permit No. 80-40, SDP No. 80-42 included construction of 20 apartment units and a tennis court. Subdivision No. 82-85 and Use Permit modified Use Permit No. 80-40 for conversion of the 20 apartment units to individual condominiums existing today at 960-979 Marlene St. While the approval of the condominium subdivision was deferred until 1986, various resolutions extended and amended the development, including Resolution Number 85-29, which amended open space amenities by removing the proposed tennis court and adding a pool, as well as requiring the open-space area to be irrigated and landscaped

Figure 1: Project Site Vicinity



Figure 2: Project Site



Project Description

The 2.3-acre Project site is currently developed with 20 condominiums, a shared swimming pool, parking, and open space common areas, which occur primarily on the southern half of the parcel. The applicant is requesting a Minor Subdivision and Rezone of the site.

The Minor Subdivision would subdivide the 2.3-acre site into two parcels. As proposed, Parcel 1 would be 1.23 acres and retain the existing condominiums, as well as the off-street parking structures, recreation improvements, and accessory buildings associated with those units. Parcel 2 would be 1.07 acres and include the existing uncovered parking area and its driveway, fencing and open space lawn area.



The applicant also requests to remove the associated Planned Development combining zone, which was originally assigned in 1980 per Use Permit No. 80-40. Removal of this combining zone would align the property with the existing MDR (Medium Density Residential) land use designation. The R-2 zone would align with the undeveloped R-2 zoning designated parcels to the south and would be appropriate given the underlying land use designations of adjacent properties to the north and west.

No new development is proposed at this time.

General Plan Conformance

The property maintains a Medium Density Residential General Plan Designation, which is intended to provide land for a range of residential densities and a variety of housing types and ownerships, including townhomes, multiple family residential development, and more urban-scale density development. The designation features a minimum density of 15 du/ac and a maximum density of 28 du/acre. Per the Ukiah 2040 General Plan, this housing, which lies between the low end of Medium Density Residential (MDR - 1-14 units/acre) and the high end of High Density Residential (HDR- 1-28 units/acre) is often referred to as “Missing Middle” housing and can include a mix of housing types including duplexes, triplexes, fourplexes, cottage courts/clusters, and townhomes.

It is notable that the subject property has maintained a Medium Density Residential Designation since the early 1980’s.

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 actions. 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

There are two Categorical Exemptions that cover the type of project currently proposed: Class 1 and Class 15. The Project technically meets the key considerations for the Class 1, Existing Facilities Categorical Exemption, which allows for the negligible or no expansion of use. In addition, Class 15, Minor Land Divisions, allows for the division of property in urbanized areas zoned for residential use so long as the property is divided into four or fewer parcels and is in conformance with the General Plan.

The following discussion considers and analyzes these exemptions 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 a Minor Subdivision and Rezone of a property involving no expansion of existing use. The Rezone would align the site's zoning with the existing General Plan land use designation, providing for the for use of allowances in the R-2 zone, and including the City's Objective Design & Development Standards. No development is proposed at this time, and future development would require additional permits and be analyzed on a project level basis for consistency with MDR land use policies and R-2 development standards.

The existing condominiums occurring on the south half of the property will not be modified or demolished, but will remain in their current use. The density allowed under the Marlene Estates Planned Development and the R-2 zone are consistent for this parcel, and no increase in density or intensity is proposed. The division of the site into two parcels does not impact the density allowed under the General Plan's Medium Density Residential designation, which allows 15 to 28 units per acre. The Rezone allows up to 15 units per acre for both the existing units on the south parcel, and the land included in the northern parcel.

The division of the two parcels could allow additional units on the northerly parcel in the future, but as described above, would require additional analysis at the time a specific project is proposed. Significantly, additional development on this northerly parcel is allowed under the General Plan's Medium Density Residential designation, and its Rezone brings consistency between the General Plan and the Zoning ordinance, in conformance with the requirements of State law.

15315. MINOR LAND DIVISIONS

Per CEQA Guidelines Section 15315, the Class 15 categorical exemption reads as follows:

"Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent."

The Project is consistent with the definition of the Class 15 exemption because the proposed Minor Subdivision would divide the site into two parcels (less than four), and the proposed Rezone is consistent with the Medium Density Residential General Plan Designation the property has maintained since the early 1980's. No variances or exceptions are requested. All services and access to the parcels are currently available to the site, and the site was not involved in a division of a larger parcel within the last 2 years. The site has been previously graded and developed, is relatively flat, and does not have an average slope greater than 20 percent.

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 Class 15, Minor Land Divisions, 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: There is no evidence that the Minor Subdivision and Rezone would have a significant cumulative impact on the environment. The site's current General Plan land use designation is Medium Density Residential (MDR). The 2040 General Plan increased the density for MDR to 15 – 28 DU/AC, while the proposed Rezone to R-2 limits the maximum density to 15 DU/AC. Based on the analysis provided in the 2040 General Plan EIR, the Project proposes a decrease in intensity of development when compared to the site's MDR land use designation analyzed in the EIR. Therefore, future development of the site under the R-2 zone would marginally reduce traffic, air quality and greenhouse gas emissions associated with vehicle trips analyzed in the 2040 General Plan EIR. In addition, impacts associated with any land disturbance impact, such as biological resources, geology or hydrology, would be equivalent to those of any other development, because the site has been previously disturbed, and will be constructed upon regardless of the land use proposed should development be proposed in the future for the northerly parcel. The overall impact of the proposed Project will not cumulatively impact the environment.

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: There is no evidence that the Project would result in significant impacts, nor would significant impacts be expected from the Minor Subdivision or Rezone as there is no development proposed at this time. Future development will be subject to the same standards and requirements as any project in the city. As described above, the Rezone is consistent with the General Plan designation applied to the property, which was analyzed in the General Plan EIR. The Rezone imposes a density on the low range of the General Plan designation, and therefore will have moderately lesser impacts on the environment should future development be proposed on the northerly parcel. 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 is currently developed and does not contain any scenic resources such as rock outcroppings or historical resources. While the site contains trees that could be considered a scenic resource, development is not proposed at this time that would physically alter the site. 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 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. 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. The existing condominiums are not considered locally historically significant. This exception does not apply.

CONCLUSIONS

As described in the above analysis, the proposed Project is consistent with the terms of Class 1 and Class 15 under CEQA Guidelines sections 15301 and 15315, respectively. 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.