



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

September 25, 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 September 11, 2024, a Regular Meeting.

Recommended Action: Approve the Minutes of September 11, 2024, a Regular Meeting.

Attachments:

1. 2024-09-11 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 October 7, 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 - September

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. Ordinance amending Ukiah City Code to more effectively regulate 'Missing Middle Housing' consistent with the Ukiah 2040 General Plan. Modifications would be made to Ukiah City Code Division 9, Chapter 2, Article 3, Low Density Residential (R-1) District, Article 4, Medium Density Residential (R-2) District and Article 5, High Density Residential (R-3) District to incorporate changes consistent with Ukiah 2040 General Plan's density-related analysis and housing goals.

Recommended Action: Adopt the resolution providing a report and recommendation to the Ukiah City Council regarding the proposed adoption of amendments to Ukiah City Code Division 9, and the Findings of Consistency pursuant to CEQA Section 15183 related thereto the Resolution and Addendum (Exhibit A) as presented during the public hearing.

Attachments:

1. Draft Resolution
2. Exhibit A - Ordinance Amendments (Redline)
3. CEQA Guidelines Section 15183 (Findings of Significance)
4. City of Ukiah - Land Use Element (Missing Middle Housing)

- 14.b. Request to approve a Major Use Permit to allow for non-storefront retail and onsite consumption of 'Cannabis Products' in four designated 'Cannabis Consumption Area – Indoor/Outdoor' on the premises of an existing 'Cannabis-Related Business' in accordance with Ukiah City Code Sections 9174.2 & 9174.3; 1825 Airport Road; APN 180-110-07; File No. 24-000177.

Recommended Action: Approve the Major Use Permit to allow for non-retail sales and on-site consumption of 'Cannabis Products' in a designated 'Cannabis Consumption Area – Indoor/Outdoor' on the premises of an existing 'Cannabis-Related Business' in accordance with Ukiah City Code Sections 9262, 9174.2 & 9174.3; 1825 Airport Road; APN 180-110-07.

Attachments:

1. Draft Findings
2. Draft Conditions of Approval (Redline)
3. Application Materials
4. Agency Referral Responses

15. ADJOURNMENT

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available at the Civic Center 300 Seminary Ave. Ukiah, CA 95482; and online at: www.cityofukiah/meetings/ at the end of the next business day.

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

Dated: September 17, 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>

**September 11, 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>. Acting Chair A. deGrassi called the meeting to order at 6:00 p.m.

ACTING CHAIR A. deGRASSI PRESIDING

2. ROLL CALL

Roll was taken with the following **Commissioners Present:** Thao Phi, Mark Hilliker, and Acting Chair Alex de Grassi. **Commissioners Absent:** R. Johnson. **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 recited

4. AB 2449 NOTIFICATIONS AND CONSIDERATIONS

No Notifications or Considerations Received.

5. APPROVAL OF MINUTES

a. Approval of the Minutes of August 14, 2024, a Regular Meeting.

Motion/Second: Hilliker/Phii to approve the Minutes of August 14, 2024, a Regular Meeting as submitted. Motion **carried** by the following Roll Call votes: **AYES:** T. Phi, M. Hilliker, and Acting Chair A. de Grassi. **NOES:** None. **ABSENT:** R. Johnson **ABSTAIN:** None.

6. APPEAL PROCESS

Acting Chair deGrassi stated the appeals deadline date is September 23, 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**

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 I two (2) parcels at 960-979 Marlene Street; (APNs 003-100-24-003-100-437); File No. #24-9277.**

Motion/Second: Phi/Hilliker to Approve a recommendation to the City Council to adopt the Categorical Exemption, Approve the Minor Sudivision, and Approve a Recommendation to Rezone the Subject Property to apply the Base R-2 Zoning Designation. Motion **carried** by the following Roll Call votes: **AYES:** T. Phi, M. Hilliker, and Vice Chair de Grassi. **NOES:** None. **ABSENT:** R. Johnson. **ABSTAIN:** None.

14. **NEW BUSINESS**

No New Business was Agendized.

15. **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:09 P.M.

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: Craig Schlatter, Community Development Director,
Jesse Davis, Chief Planning Manager

PRESENTER: Craig Schlatter, AICP

ATTACHMENTS:

1. Planning Division Projects Report - September

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 September 2024 Planning Division Projects Report (Attachment 1) was uploaded to the City website earlier this month. This 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 9/02/2024

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 (Recommended Approval to CC) City Council: 9/04/24 (Introduction of Ordinance)
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 (Continued to Date Certain) PC Hearing: 09/11/24 (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 9/02/2024

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
N/A	Citywide	N/A	Ordinance Amendment to residential zoning districts to clarify existing regulations for ADUs & JADUs.	PC recommended approval to the CC on 07/24/24; Introduction to CC (5-0) on 08/21/24, and adoption scheduled for 09/04/24.
N/A	Citywide	N/A	Ordinance - Right to Farm	Introduced to City Council (5-0) on 08/07/24; CC adopted on 08/21/24

**City of Ukiah
Advanced Planning Projects**

As of 9/02/2024

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 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 09/25/24
N/A	Existing southern terminus of the GRT at Commerce Drive to existing municipal facilities at Plant Road	N/A	Construction of a 1.9 multi-modal trail segment of the Great Redwood Trail (GRT) in the south of Ukiah.	CEQA State Clearinghouse circulation and public commentary period in process: 8/29/24 - 9/26/24



SUMMARY

DATE: September 25, 2024

REQUEST: Ordinance Amendment to Ukiah City Code to more effectively regulate 'Missing Middle Housing' consistent with the Ukiah 2040 General Plan

LOCATION: Within the low, medium and high density residential areas of the City of Ukiah

ENVIRONMENTAL DETERMINATION: Statutory Exemption pursuant to Section 15183

RECOMMENDATION: Adopt a resolution making the Planning Commission's report and recommendation to the City Council on a proposed amendment to Ukiah City Code.

STAFF Jesse Davis, Chief Planning Manager
Katherine Schaefer, Planning Manager

INTRODUCTION

Community Development staff present a request to amend existing provisions of Ukiah City Code to more effectively regulate 'Missing Middle Housing' consistent with the Ukiah 2040 General Plan. As part of the 2040 General Plan, a goal, policies, and implementation programs were included to support the development of Missing Middle Housing within existing Ukiah neighborhoods. This housing, which lies between the higher density thresholds for the R-1 zoning district and the lower density thresholds for the R-3 zoning district, can include a mix of housing types and tenure, including duplexes, triplexes, fourplexes, cottage courts/clusters, and townhomes.

If approved, modifications would be made to Ukiah City Code Division 9, Chapter 2, Article 3, Low Density Residential (R-1) District, Article 4, Medium Density Residential (R-2) District and Article 5, High Density Residential (R-3) District to incorporate changes consistent with Ukiah 2040 General Plan's density-related analysis and housing goals, such as reduced setback, parking and lot-size requirements.

Additionally, the City proposes a stand-alone article that will allow a greater variety of housing types, including 'Dwelling Groups'. Furthermore, the City proposes to allow limited commercial uses on a discretionary basis, as well as minor consistency updates and procedural clarifications to address known consistency.

Staff will also incorporate guidelines regarding California Senate Bill 9 (2021) enacted by Government Code Section §65852.21 and §66411.7 into Article 3 to codify existing allowances. Furthermore, this Ordinance would amend Ukiah City Code to establish updated definitions in Division 9, Chapter 2, Article 21, Definitions.

PROPOSED ORDINANCE AMENDMENT & HISTORY

While housing and residential neighborhoods form the fabric that makes the City of Ukiah a cohesive community, finding adequate housing can be challenging. The City is not affordable for some prospective residents, and the range of housing types and sizes to accommodate varied households is limited. The domination of single-family neighborhoods and the trend towards building single-family homes geared toward higher-income earners has further contributed to the housing issues in the City. If approved, these modifications would further the City's efforts to support communities with a heterogeneous mix of housing types and infill capacity.

As described below, Staff proposes the following amendments to incorporate these general plan objectives, clarify existing regulations, and allow for development flexibility, as necessitated by site or building constraints:

- *Duplexes*: Clarifies that 'Duplexes' are allowed uses not subject to Article 5.2 by inserting an explicit exclusion, like the one already provided for single-family residential units. While SB 9 would allow for the application of "objective design review standards" on this type of residential unit, it is suggested that this form of housing be further streamlined within Ukiah City Code to address 'Missing Middle' considerations and further housing stock diversity across the R1, R2 and R3 zoning districts. It is understood that numerous neighborhoods within Ukiah already feature 'Duplexes' interspersed among single-family residences, and that while it is still considered a form of multifamily housing, is an increasingly appropriate way to facilitate infill development.
- *Low Barrier Navigation Centers*: Low Barrier Navigation Center in Government Code sections 65660-65668 was added in 2019 by AB 101. Low Barrier Navigation Center means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. Pursuant to Government Code section 65662 a Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses.
- *Supportive Housing and Transitional Housing*: These use types were previously listed in Ukiah City Code but require clean-up. Pursuant to Government Code sections 65650-65656, supportive housing is a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. Supportive and Transitional housing units are listed as principally permitted in all zoning districts that allow multifamily uses.
- *Accessory Carports*: May be established two feet (2') into any required setback to facilitate shade coverage for vehicle storage and allow additional area for the construction of residential structures.
- *Manufactured/Modular Homes*: The City proposes to streamline and clarify language concerning manufactured and modular homes in the R1-R3 zoning districts by removing duplicative provisions. Essentially, existing zoning regulations would no longer repeat

information already addressed by the California Building Code. No additional changes being made to the requirements beyond what is mandated by the state code, ensuring consistency with California's standards for construction, safety, and design of manufactured and modular homes.

- *Dwelling Group, Cottage*: Proposed amendments include the addition of a new zoning Article to more effectively regulate Dwelling Groups. In particular, the proposed Article will allow for 'Dwelling Group, Cottage' which is a type of infill development intended to provide small-scale, clustered housing units that are comparable in scale and intensity to single-family residential use, thereby minimizing the impact on adjacent low-density residential uses. As proposed, the minimum parcel size for the 'Dwelling Group, Cottage' shall be nine thousand (9,000) square feet and the total building square footage shall not exceed two thousand seven hundred (2,700) square feet, unless other sizes are allowed by approval of a use permit. More detailed information is contained within Article 5.5, as proposed.
- *Reducing setbacks, lot standards, and parking requirements*: Reduction of existing standards is crucial for facilitating the development of 'Missing Middle' housing in the City of Ukiah. These regulatory adjustments help to create more flexible and affordable housing options by allowing for previously approved densities in the 2040 General Plan to be applied on existing lots, reducing the barriers for property owners and developers to build diverse housing types like duplexes, triplexes, and townhomes. Staff has proposed reductions in these standards to align with existing allowances for accessory dwelling units (ADUs) and nonconforming structures as currently conveyed in various zoning articles, promoting infill development and increasing the availability of moderate-income housing. No setback is reduced by more than 5', although some requirements are consolidated to the least restrictive consideration. These changes aim to support the City's housing goals by creating more opportunities for sustainable, walkable, and diverse neighborhoods while still maintaining consistency with existing regulations.
- *SB 9*: A 2022 state law aimed at increasing housing supply by allowing property owners to subdivide single-family lots and build up to four units, has been incorporated into the City of Ukiah's Missing Middle Housing Ordinance, particularly the R-1 zoning district. While already effective, this integration aligns local zoning regulations with state mandates, facilitating the development of duplexes and small-scale multi-family housing in traditionally single-family neighborhoods. By incorporating SB 9, the City is promoting greater housing diversity and affordability while streamlining the approval process for homeowners and developers. To date, only one SB 9 subdivision has been facilitated by City of Ukiah Community Development Staff.
- *Ukiah Municipal Airport Comprehensive Land Use Plan (UKIACLUP)*: Reference is provided to the UKIACLUP to ensure awareness that all development within the R-1, R-2, and R-3 zoning districts comply with the more restrictive standards identified by the UKIACLUP to ensure compliance with the procedures and criteria applicable to airport land use compatibility planning.
- *Mom & Pop*: Allowing "Mom and Pop" grocery stores within the R-1 & R-2 districts as part

of the Missing Middle Housing Ordinance is intended to reduce trip generation and create more walkable, neighborhood-friendly environments. These small-scale markets provide convenient access to daily essentials, decreasing the need for car travel and promoting sustainability. "Mom and Pop" grocery stores are already defined within Ukiah's City Code and would be permitted through a discretionary review process, ensuring compatibility with the surrounding neighborhood.

- *Landscaping (R2 & R3)*: Minor updates to the landscaping standards included within the R2 & R3 zoning districts were updated to reflect General Plan goals. Drought resistant and native plants shall constitute the majority of plantings selected for developments that do not comply with the City's Objective Design and Development Standards. Notably, any residential construction that utilizes the City's Objective Design and Development Standards must provide landscaping commiserate with the expectations of the 2040 General Plan.
- *Minor Corrections*: Throughout the proposed ordinance, minor corrections and edits are facilitated, such as updating 'Planning Director' to 'Community Development Director'; or specifying the appropriate permit (Variance) for requested deviations from height or setback requirements rather than a Use Permit, as currently iterated.

The proposed amendments to the Ukiah City Code are strategically aligned with the 2040 Ukiah General Plan, which emphasizes sustainable development, housing diversity, and community resilience. The clarification that duplexes are exempt from specific regulations, akin to single-family residences, facilitates the integration of this 'Missing Middle' housing into established neighborhoods, supporting the General Plan's goals for varied housing options. The proposed updates for Low Barrier Navigation Centers and supportive housing reflect adherence to state legislation and the General Plan's commitment to addressing homelessness and providing transitional housing solutions. Streamlining provisions for manufactured/modular homes and accessory carports will reduce development constraints, consistent with the General Plan's aim to support residential growth and flexibility. Introducing 'Dwelling Group, Cottage' and reducing setbacks, lot standards, and parking requirements align with the General Plan's vision for compact, walkable neighborhoods and increased housing affordability. Incorporating SB 9 aligns local regulations with state mandates to facilitate multi-family developments within single-family zones, advancing the General Plan's objectives for diverse housing types.

Reference to the Ukiah Municipal Airport Comprehensive Land Use Plan ensures that all development adheres to airport compatibility standards, reflecting the General Plan's emphasis on balanced growth. Additionally, permitting small-scale "Mom & Pop" grocery stores in residential zones supports the General Plan's goal of enhancing neighborhood sustainability and reducing car dependency.

Minor corrections throughout the ordinance ensure regulatory consistency and clarity, as well as alignment with the General Plan's overarching vision. Overall, these amendments are designed to operationalize the 2040 General Plan's vision, fostering a more sustainable, diverse, and resilient community.

GENERAL PLAN CONSISTENCY

The 'Missing Middle' Ordinance aligns directly with the Ukiah 2040 General Plan policies and goals, including the following:

- Goal LU-9: To provide opportunities for housing that can accommodate the needs, preferences, and financial capabilities of current and future residents in terms of different housing types, tenures, density, sizes, and costs.
- Policy LU-9.1 Mixed Residential Neighborhoods: The City shall encourage creation of mixed residential neighborhoods through new and innovative housing types that meet the changing needs of Ukiah households and expand housing choices in all neighborhoods. These housing types include, but are not limited to, single dwelling units, multi-family dwelling units, accessory dwelling units, small and micro units, use of pre-fabricated homes, and clustered housing/cottage housing
- Policy LU-9.2 Housing Types and Designs: The City shall support housing types and designs that increase density while remaining consistent with the building scale and character present in existing neighborhoods. This includes multi-family units or clustered residential buildings that provide relatively smaller, less expensive units within existing neighborhoods.
- Policy LU-9.3: Adaptation of Existing Residential Units: The City shall encourage the adaptation of existing residential units to support multi-family use.
- Goal LU-11: To ensure high-quality site planning, landscaping, and architectural design for all new construction, renovation, or remodeling.
- Policy LU-11.3 Neighborhood Character: The City shall ensure that Zoning Code standards and design guidelines are reflective of neighborhood character and land use intensity, complement views from US 101.
- Policy LU-11.10 Water Efficient Landscaping: The City shall ensure that Zoning Code landscape standards and design guidelines reflect the most current water efficient landscape standards that include native, adaptive, and drought resistant vegetation, as well as provisions for street canopies and streetscape enhancement

The following Housing Element Implementation Programs are also addressed through this Ordinance, including:

- HE 1e: Develop standards and design guidelines for residential development in the Medium Density Residential (R-2) and High Density Residential (R-3), Community Commercial (C-1) and Heavy Commercial (C-2) zoning districts.
 - Given the significant increase in the City's RHNA over the next eight years, the City proposes to create development standards and design guidelines that would both facilitate development at the allowable densities and provide guidance and certainty in design standards to ensure quality housing is developed in the community.
- HE 3a: Research, review and amend the development standards in the zoning code for opportunities to maximize housing development. Specific areas of research and

amendments may include the following:

- Increasing maximum allowable height for new residential buildings.
 - Increasing density.
 - Reducing yard setbacks.
 - Reducing minimum site area
- HE 3b: Develop flexible parking policies for new residential development.
 - The intent of this policy is to reduce parking requirements, especially in zoning districts that allow for lower-income housing developments.

RECOMMENDATION

Adopt the resolution providing a report and recommendation to the Ukiah City Council regarding the proposed adoption of amendments to Ukiah City Code Division 9, and the Findings of Consistency pursuant to CEQA Section 15183 related thereto the Resolution and Addendum (Exhibit A) as presented during the public hearing.

ATTACHMENTS

1. Draft Resolution
2. Exhibit A - Ordinance Amendments (Redline) - Ukiah City Code Division 9, Chapter 2, Article 3, Low Density Residential (R-1) District; Article 4, Medium Density Residential (R-2) District; Article 5, High Density Residential (R-3) District; Article 5.5 (Dwelling Groups); Article 21, Definitions
3. CEQA Guidelines Section 15183 Findings of Significance
4. City of Ukiah – Land Use Element (Missing Middle Housing)

RESOLUTION NUMBER PC 2024-01

CITY OF UKIAH
 SEPTEMBER 25, 2024
 "MISSING MIDDLE ORDINANCE"

RESOLUTION OF THE PLANNING COMMISSION,
 CITY OF UKIAH, STATE OF CALIFORNIA,
 PROVIDING A REPORT AND RECOMMENDATION
 TO THE UKIAH CITY COUNCIL REGARDING THE
 PROPOSED ADOPTION OF AMENDMENTS TO
 DIVISION 9, CHAPTER 3 OF UKIAH CITY CODE

WHEREAS, on December 7, 2022, the Ukiah City Council adopted Resolution No. 2022-79 certifying the Environmental Impact Report for the City of Ukiah 2040 General Plan (State Clearinghouse No. 2022050556) (the "General Plan EIR"), which analyzed the environmental impacts of the adoption of the City's General Plan, and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations; and

WHEREAS, the City may adopt ordinances that regulate the use of land pursuant to Government Code Section 65850; and

WHEREAS, in 2023, the City of Ukiah Community Development Department (the "Department") initiated a process to revise and update the R1, R2, & R3 zoning districts of the of Ukiah City Code apprising the City of Ukiah Planning Commission and City Council during annual housing updates and informational sessions; and

WHEREAS, the Department is proposing a comprehensive update of its residential zoning district to incorporate changes consistent with Ukiah 2040 General Plan's density-related analysis and housing goals, such as reduced setback, parking and lot-size requirements; allowing a greater variety of housing types, such as 'Dwelling Groups' for which a stand-alone Article will be drafted; allowing limited commercial uses on a discretionary basis, as well as minor consistency updates and procedural clarifications to address known consistency. Staff will also incorporate guidelines regarding California Senate Bill 9 (2021) enacted by Government Code Section §65852.21 and §66411.7 into Article 3; and

WHEREAS, the Articles of the Ukiah Code proposed for amendment or inclusion are attached to this resolution as Exhibit A and incorporated herein by this reference (the "Missing Middle Ordinance"), which show the changes to the various chapters in redline and strikethrough, or indicate that articles are new or being edited; and

WHEREAS, the City of Ukiah's Land Use Element includes goals, policies, and implementation programs to support the development of 'Missing Middle Housing' within existing Ukiah neighborhoods. As conveyed, the City recognizes the growing need for diverse housing options that cater to a wide range of income levels, including housing types, such as duplexes, triplexes, and townhomes, to address the housing affordability crisis; and

WHEREAS, encouraging the development of missing middle housing and more proximate commercial development, supports the City's goal of increasing residential density in existing neighborhoods, promoting more efficient land use, and reducing the environmental impacts associated with sprawl; and

WHEREAS, the adoption of the Missing Middle Ordinance aligns with the City's commitment to inclusive growth and housing equity by providing opportunities for both homeownership and affordable rental units in walkable, transit-friendly areas; and

WHEREAS, the statutory exemption set forth in Section 15183 of the California Environmental Quality Act Guidelines (Title 14, Cal. Code Regs., section 15000 et seq; "CEQA Guidelines") applies to this action because, for the reasons set forth in the Staff Report accompanying this Resolution, the Missing Middle Ordinance does not have the potential to cause a significant effect on the environment and is therefore not subject to CEQA, as the project is consistent with the City of Ukiah 2040 General Plan.

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on September 25, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Missing Middle Ordinance and all interested persons were given an opportunity to hear and be heard regarding the Missing Middle Ordinance; and

WHEREAS, the Planning Commission considered all of the information presented to it including the Staff Report, and public testimony presented in writing and at the public hearings; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Missing Middle Ordinance.

NOW, THEREFORE BE IT RESOLVED that the City of Ukiah Planning Commission, based upon evidence in the record and oral and written testimony presented at public hearings, and all information contained in the record of proceedings related to the Missing Middle Ordinance, makes the following findings and recommendations:

1. The above recitals are true and correct, and incorporated herein by this reference.
2. The proposed changes of the Missing Middle Ordinance are consistent with the City of Ukiah 2040 General Plan. Pursuant to Government Code Section 65860, a zoning ordinance is consistent with a general plan if the City has adopted a plan and the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses and programs specified in the plan. None of the zoning district articles being modified affect the conformity with the 2040 General Plan, and the addition of components related to SB 9, creates additional conformance with State Law.
3. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). As the proposed Missing Middle Ordinance is consistent with the Ukiah 2040 General Plan, the project relies upon the General Plan EIR and is consistent with CEQA Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).
4. That the City Council find that the adoption of an ordinance adopting the Missing Middle Code Update is consistent with the City of Ukiah 2040 General Plan.
5. That the City Council adopt an ordinance making the changes shown in the Missing Middle Code Update, as shown in the attached Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission designates the City Clerk as the custodian of the document and other materials that constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the City of Ukiah Department of Community Development, 300 Seminary Avenue, Ukiah, CA 95482.

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

ATTEST:

Stephanie Abba
Planning Commission Clerk

Craig Schlatter
Director, Community Development

Rick Johnson
Chair, Planning Commission

Enclosed: Exhibit A

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

SECTION:

- §9015 Purpose ~~And &~~ Intent
- §9016 Allowed Uses
- §9017 Permitted Uses
- §9018 Building Height Limits
- §9019 Required Site Area
- §9020 Required Yard Setbacks
- §9021 Required Parking
- §9022 Additional Requirements
- §9023 Determination ~~Of of~~ Appropriate Use

§9015 PURPOSE AND INTENT

The purpose of the regulations in the Low Density Residential (R-1) District is to preserve, enhance, and protect the ~~low density~~ residential ~~qualities of Ukiah's various neighborhoods~~~~neighborhoods in the community~~. The R-1 zoning district is intended for residential areas characterized predominantly by single-family uses, duplexes, and with typical single-family residential subdivision lots ranging in size from ~~six-four~~ thousand ~~five hundred~~ (64,500) to ten thousand (10,000) square feet in size. This district is consistent with the LDR (low density residential) ~~and RR (rural residential)~~ land use designation of the City general plan. (Ord. 1001, §1, adopted 1998; Ord. 1216, §1, adopted 2021)

§9016 ALLOWED USES

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

Accessory buildings.

Accessory Dwelling Units (ADUs), as regulated by Article 5.3 of this Chapter.

Accessory uses ~~normally incidental to single family residences~~.

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

Duplex

Fences:

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

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

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

Junior Accessory Dwelling Units (JADUs), as regulated by Article 5.4 of this Chapter.

Low Barrier Navigation Center.

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

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

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

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

Multiple-family dwellings (i.e. triplexes, fourplexes, multiplex, condominiums, apartments, townhomes, courtyard building, cottage court, dwelling-groups, and single-room occupancies (SRO) etc.) that comply with the design and development standards in Chapter 2, Article 5.2 of this division are permitted by right.

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

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

Small and large family daycare homes.

Supportive housing, subject to the same density limitations and to the same regulations applicable to other residential dwellings of the same type.

Transitional housing, subject to the same density limitations and to the same regulations applicable to other residential dwellings of the same type. (Ord. 1001, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1168, §1, adopted 2016; Ord. 1181, §5, adopted 2017; Ord. 1205, §5, adopted 2020; Ord. 1216, §1, adopted 2021)

§9017 PERMITTED USES

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

Accredited public or private schools.

Bed and breakfast establishments.

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

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

Condominiums.

Cottage Dwelling Group, as regulated by Article 5.5 of this Chapter.

Mom and Pop Grocery Store.

Multiple-family dwellings (i.e. triplexes, fourplexes, multiplex, condominiums, apartments, townhomes, courtyard building, cottage court, dwelling-groups, single-room occupancies (SRO), etc.) in the form of duplexes, transitional housing, and supportive housing that do not comply with the design and development standards set forth in Chapter 2, Article 5.2 of this division, and require a Site Development Permit per Article 20 of this Chapter.

Outdoor sales establishments.

Parks, community gardens, and playgrounds.

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

§9018 BUILDING HEIGHT LIMITS

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

- A. For single-family dwellings, ~~two (2) multi--family dwellings~~ and attached accessory dwelling units, a maximum height of thirty feet (30').
- B. For non-residential accessory buildings a maximum height of twenty feet (20') or the maximum height of the main building, whichever is less.
- C. The height limits for both dwelling units and accessory structures may exceed the primary residential dwelling unit. The heights of ADUs are subject to Article 5.3 of this Chapter.
- D. The height limits for both dwelling units and non-residential accessory structures may be exceeded with the securing of a variance. ~~be exceeded with the securing of a use permit. The height limit for accessory dwelling unit may be exceeded through the use permit process, provided a finding is made that the higher structure would not adversely impact the health, safety, and general welfare of the public.~~ (Ord. 1001, §1, adopted 1998; Ord. 1181, §5, adopted 2017; Ord. 1216, §1, adopted 2021)

§9019 REQUIRED SITE AREA

- A. Interior Lots: The required site area on interior lots in the R-1 zoning district is ~~six-four~~ thousand (~~46,500~~) net square feet, and the required lot width is ~~sixty-fourty~~ feet (~~460~~').
- B. Corner Lots: The required site area for corner lots in the R-1 zoning district is seven thousand (~~76,000~~) net square feet, and the required lot width is ~~seventy-sixty~~ feet (~~670~~').
- C. Existing Development/Density: In existing development/density there is no minimum site area.
- D. Nonconforming Lots: Development may occur on existing, nonconforming R-1 lots; a site development permit is required for existing lots four thousand five hundred (4,500) square feet and less that does not already feature residential improvements. ~~greater and a use permit is required on existing lots of less than four thousand five hundred (4,500) square feet. Minimum width in either case is forty feet (40').~~ (Ord. 1001, §1, adopted 1998)

§9020 REQUIRED YARD SETBACKS

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

- A. Front: ~~Fifteen-Ten~~ feet (~~150~~') for residences and accessory structures, ~~and twenty-five feet (25') for garages.~~
- B. Sides: ~~Ten-Five~~ feet (~~105~~') for residences and ~~five feet (5') for~~ accessory structures.
- C. Rear: ~~Fifteen-Ten~~ feet (~~150~~') for residences, and five feet (5') for accessory structures.
- D. Corner Lots: On corner lots, there shall be a front setback line of fifteen feet (15') on each street side of a corner lot.

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

E. Yard Setbacks For Unique Circumstances:

1. Architectural Features: Cornices, eaves, canopies, and other similar architectural features for residential structures and accessory structures exceeding one hundred twenty (120) square feet in area may extend up to two feet (2') into any required yardsetback.
2. Swimming Pools: Swimming pools shall not be located in front yards, and no closer than five feet (5') to any rear or side property line.

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

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

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

5. Accessory Carports: May be established two feet (2') into any required setback. (Ord. 1001, §1, adopted 1998; Ord. 1082, §1, adopted 2006; Ord. 1216, §1, adopted 2021)

§9021 REQUIRED PARKING

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

1. Single-Family Dwelling: ~~Two~~ One (1) on-site parking spaces per unit.
2. Duplex: One ~~and one half~~ (1.5) on-site parking spaces per unit.
3. Other Uses: The parking requirements for all other allowed or permitted uses shall be subject to the provisions of section 9198 of this code.

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

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

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

§9022 ADDITIONAL REQUIREMENTS & ALLOWANCES

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

1. Foundation System: The manufactured home shall be attached to a permanent foundation system approved by the City Building Official and designed and constructed pursuant to section 18551 of the California Health and Safety Code.
2. Utilities: All utilities to the manufactured home shall be installed pursuant to standards set forth in Division 4 of this code and additional City standard practices and policies.
3. Permits: All applicable building, site development, and encroachment permits associated with development of residential property shall be secured prior to any on-site construction.

B. Effective January 1, 2022, Government Code § 65852.21 and § 66411.7 (enacted by Senate Bill 9, Statutes 2021) require local agencies to provide ministerial review, without discretion or hearing, of proposed two-unit housing developments and urban lot splits if the housing development or subdivision is within a single-family residential zone and a U.S. Census designated urbanized area or urban cluster and meets certain requirements. The purpose of this sub-section is to establish the applicability of Government Code § 65852.21 and § 66411.7.

1. Maximum Number of Units on a Parcel Created by an SB 9 Urban Lot Split (Government Code § 66411.7)

- a) No more than two dwelling units may be permitted on any lot created through an urban lot split.
- b) If a proposed SB 9 Urban Lot Split does not include a housing development at the time of the lot split, a note shall be recorded on the Parcel Map limiting future residential development to two dwelling units in accordance with this policy.
- c) If a proposed SB 9 Urban Lot Split requests to subdivide a vacant parcel, the owner occupancy period begins once a unit is finished and livable.

2. Maximum Number of Units on a Lot Not Created by an SB 9 Urban Lot Split (Government Code § 66411.7)

1. Up to two primary dwelling units, including existing dwelling units on a parcel and units created pursuant to Government Code § 65852.21 may be permitted.

C, Ukiah Municipal Airport Comprehensive Land Use Plan: As applicable, all development within the R-1 district must comply with the more restrictive standards identified by Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) to ensure compliance with the procedures and criteria applicable to airport land use compatibility planning. (Ord. 1216, §1, adopted 2021)

§9023 DETERMINATION OF APPROPRIATE USE

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

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

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

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 (ADUs), as regulated by Article 5.3 of this Chapter.

Community care facility, which provides service for six (6) or fewer persons. ~~(maximum clients—six (6)).~~

Duplex

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

Junior Accessory Dwelling Units (JADUs), as regulated by Article 5.4 of this Chapter.

Low Barrier Navigation Center.

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. triplexes, fourplexes, multiplex, condominiums, apartments, townhomes, courtyard building, cottage court, dwelling groups, and single-room occupancies (SRO), etc.) ~~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.

Supportive housing, subject to the same density limitations and to the same regulations applicable to other residential dwellings of the same type.

Transitional housing, subject to the same density limitations and to the same regulations applicable to other residential dwellings of the same type (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 that do not comply with the design and development standards set forth in Chapter 2, Article 5.2 of this division, and require a Site Development Permit per Article 20 of this Chapter.

Mom and Pop Grocery Store

Multiple-family dwellings (i.e. triplexes, fourplexes, multiplex, condominiums, apartments, townhomes, courtyard building, cottage court, dwelling groups, single-room occupancies (SRO), etc.) that do not comply with the design and development standards set forth in Chapter 2, Article 5.2 of this division, and require a Site Development Permit per Article 20 of this Chapter. 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 Community Development 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 non-residential 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~~ Variance.

D. The heights of ADUs are subject to Article 5.3 of this Chapter.-(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. Except in cases where fifty percent (50%) of the same side of the block is already built out, then the average setback shall apply. The 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~~ One (1) 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 (1) 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. Drought resistant and native plants shall constitute the majority of the plantings selected. Native species are strongly encouraged.

- b. Deciduous trees shall constitute the majority of the trees proposed along the south and west building exposures; non-deciduous 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~~ featuring drought resistant 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 Community Development 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.

D. Ukiah Municipal Airport Comprehensive Land Use Plan: As applicable, all development within the R-2 district must adhere to the more restrictive criteria identified by Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) to ensure compliance with the procedures and criteria applicable to airport land use compatibility planning (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 Community Development 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 Community Development 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 Community Development 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 5. REGULATIONS IN HIGH DENSITY RESIDENTIAL (R-3) DISTRICT¹

SECTION:

- §9045 Purpose ~~And &~~ Intent
- §9046 Allowed Uses
- §9047 Permitted Uses
- §9048 Building Height Limits
- §9049 Required Site Area ~~For Mobile Home Parks~~
- §9050 Required Yard Setbacks
- §9051 Required Parking
- §9052 Additional Requirements
- §9053 Determination ~~Of of~~ Appropriate Use

§9045 PURPOSE AND INTENT

The purpose of the R-3 zoning district is to implement the general plan policies for high density residential areas as a transition zone between low and medium density residential and commercial land uses with the emphasis upon residential uses. It is intended to provide opportunities for a mix of multiple-family residential development and low intensity commercial land uses. The R-3 zoning district is consistent with the HDR (high density residential) general plan land use designation. (Ord. 1001, §1, adopted 1998; Ord. 1216, §3, adopted 2021)

§9046 ALLOWED USES

The following uses are allowed in High Density Residential (R-3) Districts:

Accessory buildings and accessory uses. This shall not be construed as permitting any business use or occupation other than those specifically listed herein.

Accessory Dwelling Units (ADUs), as regulated by Article 5.3 of this Chapter.

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

Duplex

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

Junior Accessory Dwelling Units (JADUs), as regulated by Article 5.4 of this Chapter.

Low Barrier Navigation Center.

~~Public or private parking lots for automobiles, when the property is adjacent to any C N, C 1, or C 2 district, or if required to accompany any new land use.~~

Single-family dwellings, including manufactured/modular homes, transitional housing, and supportive housing. Manufactured/modular homes shall comply with the additional development standards in section 9052 of this code.

Multiple-family dwellings (i.e. triplexes, fourplexes, multiplex, condominiums, apartments, townhomes, courtyard building, cottage court, dwelling-groups, and single-room occupancies (SRO), etc.s) ~~Multiple family dwellings (i.e., duplexes, triplexes, fourplexes, condominiums, apartments, 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 daycare homes.

Supportive housing, subject to the same density limitations and to the same regulations applicable to other residential dwellings of the same type.

Transitional housing, subject to the same density limitations and to the same regulations applicable to other residential dwellings of the same type (Ord. 1001, §1, adopted 1998; Ord. 1047, §1, adopted 2003; Ord. 1205, §7, adopted 2020; Ord. 1216, §3, adopted 2021)

§9047 PERMITTED USES

The following uses may be permitted in High Density Residential (R-3) Districts subject to first securing a use permit:

Barbershops, beauty shops.

Churches, chapels, and other places of religious assembly.

Coin-operated laundromat.

Dwelling groups, as regulated by Article 5.5 of this Chapter.

Florist.

Hotels, motels, and bed and breakfast establishments.

Mobile home parks.

"Mom and ~~p~~Pop" ~~convenience~~ grocery stores, delicatessens, bakeries, and coffee shops.

Multiple-family dwellings (i.e. triplexes, fourplexes, multiplex, condominiums, apartments, townhomes, courtyard building, cottage court, dwelling-groups, single-room occupancies (SRO), etc.) that do not comply with the design and development standards set forth in Chapter 2, Article 5.2 of this division, and require a Site Development Permit per Article 20 of this Chapter.
~~Multiple-family dwellings that do not comply with the design and development standards in Chapter 2, Article 5.2 of this division.~~

Nursery schools.

Parks, community gardens, and playgrounds.

Professional offices.

Public buildings.

Public or private parking lots for automobiles

Rest homes, hospitals, pharmacies, and community care facilities serving more than six (6) persons, but not more than twelve (12) persons.

Video rentals/sales. (Ord. 1001, §1, adopted 1998; Ord. 1216, §3, adopted 2021)

§9048 BUILDING HEIGHT LIMITS

The following shall be the maximum limits for height of buildings in High Density Residential (R-3) Districts:

A. For main buildings a maximum height of fifty feet (50'), unless abutting an R-1 or R-2 lot in which case a maximum height of thirty-five feet (35').

B. For accessory buildings, a maximum height of thirty feet (30') or the maximum height of the main building whichever is less. (Ord. 1001, §1, adopted 1998; Ord. 1216, §3, adopted 2021)

§9049 REQUIRED SITE AREA ~~FOR MOBILE HOME PARKS~~

A. In High Density Residential (R-3) Districts there is no required building site area.

~~B. The required building site area for each mobile home park shall be a minimum of two (2) acres. (Ord. 1001, §1, adopted 1998; Ord. 1216, §3, adopted 2021)~~

§9050 REQUIRED YARD SETBACKS

In High Density Residential (R-3) Districts, yards shall be required in the following minimum widths, except as provided in section 9032 of this code:

A. Front:

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

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

B. Sides: Five feet (5'), except for those multiple-family dwelling projects that comply with all the design and development standards 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').~~

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

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

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').~~

~~2. Except in cases where fifty percent (50%) of the same side of the block is already built out, then the average setback shall apply. 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, §3, adopted 2021)~~

§9051 REQUIRED PARKING

A. The minimum parking area required in High Density Residential (R-3) Districts is as follows:

1. Single-Family Dwelling: ~~Two~~ One (1) 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 (1) 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-3 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, and general welfare of the public. (Ord. 1001, §1, adopted 1998; Ord. 1216, §3, adopted 2021)

§9052 ADDITIONAL REQUIREMENTS

~~A. All new construction, exterior modifications to existing buildings or on-site work shall require a site development permit pursuant to subsection 9261B of this code, excluding multiple-family residential projects, as described in section 9046 of this code, that comply with the design and development standards in Chapter 2, Article 5.2 of this division.~~

BA. 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.

CB All development projects that are not multiple-family residential projects, or do not comply with the design and development standards in Chapter 2, Article 5.2 of this division, and that require discretionary review, shall include a proposed landscaping plan commensurate with the size and scale of the proposed development project. Landscaping plans shall be submitted as a required component of all site development and use permits at the time of application filing.

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. Drought resistant and native plants shall constitute the majority of the plantings selected. Native species are strongly encouraged.
- b. Deciduous trees shall constitute fifty-one percent (51%) of the trees proposed along the south and west building exposures; non-deciduous 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~~ featuring drought resistant trees and shrubs.
- e. Parking lots with twelve (12) or more parking stalls shall have defined pedestrian sidewalks or marked pedestrian facilities of no less than three feet (3') in width within landscaped areas and/or separated from

automobile travel lanes. Based upon the design of the parking lot, and the use that it is serving, relief from this requirement may be approved through the discretionary review process.

f. Street trees may be placed on the property proposed for development instead of within the public right-of-way if the location is approved by the City Engineer, based upon safety and maintenance factors.

g. All new developments shall include a landscaping coverage of twenty percent (20%) of the gross area of the parcel, unless based upon the small size of a parcel as determined by the Planning Director. A minimum of fifty percent (50%) of the landscaped area shall be dedicated to live plantings.

h. Landscaping plans shall include an automatic irrigation system and lighting plan.

i. All required landscaping for commercial development projects shall be maintained.

j. All healthy existing mature trees on development project sites shall be preserved and incorporated into the proposed landscaping plan, if feasible.

k. The Community Development 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.

C. Ukiah Municipal Airport Comprehensive Land Use Plan: As applicable, all development within the R-3 district must adhere to the more restrictive criteria identified by Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP) to ensure compliance with the procedures and criteria applicable to airport land use compatibility planning (Ord. 1001, §1, adopted 1998; Ord. 1168, §3, adopted 2016; Ord. 1216, §3, adopted 2021)

§9053 DETERMINATION OF APPROPRIATE USE

Whenever a use is not listed in this Article as a use permitted as of right or a use subject to a use permit in the R-3 Zoning District, the Community Development 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 Community Development Planning Director shall find as follows:

A. That the use would not be incompatible with other existing or allowed uses in the R-3 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-3 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 Community Development 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; Ord. 817, §1, adopted 1983; Ord. 827, §1, adopted 1984; rep. by Ord. 1001, §1, adopted 1998.

PROPOSED - ARTICLE 5.5 REGULATIONS FOR DWELLING GROUPS

SECTION:

§9058 Purpose

§9058.1 Applicability

§9058.2 Permit Requirements

§9058 PURPOSE

This Article implements the provisions of the General Plan Housing Element that encourage new types of housing that meet a wide variety of needs and encourage infill projects on underutilized urban land. As defined, ‘Dwelling Groups’ is a group of three or more single-family residences or two or more detached duplex buildings, apartments, condominiums, and occupying a parcel of land in the same ownership and having any yard or court in common.

Cottage dwelling groups are a type of infill development intended to provide small-scale, clustered housing units that are comparable in scale and intensity to single-family residential use, thereby minimizing the impact on adjacent low-density residential uses.

§9058.1 APPLICABILITY

This section applies to dwelling groups where allowed or permitted.

1. Dwelling groups are considered a form of multi-family housing. Within the R2 (Medium Density Residential) and R3 (High Density Residential) Zoning Districts, Dwelling Groups are an allowed use if adhering to Article 5.2 (Objective Design and Development Standards for New Residential Construction).
2. Dwelling groups must meet the development criteria of the base zone.
3. Cottage dwelling groups are permitted in the R1 (Low Density Residential) Zoning District. Cottage dwelling groups must meet the development criteria of the base zone, as well as the additional standards and exceptions outlined below.
 - a. Cottage dwelling groups may not be located on any parcel already containing an accessory dwelling unit, junior accessory dwelling unit, or developed with a duplex, triplex, apartment, or condominium. A parcel containing a single-family residence may be developed as a cottage dwelling group only if the single-family residence is included in the total floor area allowance below.
 - b. Occupancy. Dwelling groups may not be rented on a transient basis (periods less than thirty (30) days).
 - c. Siting Requirements.
 - i. Airport Compatibility. The proposed site shall not be located on any parcel that features airport compatibility Zones 1 (Runway Protection Zone), 2 (Inner Approach/Departure Zone), 3 (Inner Turning Zone) or 5 (Sideline Zone).
 - ii. Minimum parcel size. The minimum parcel size shall be nine thousand (9,000) square feet.
 - iii. Setbacks. Cottage housing developments shall meet the required front and side yard setbacks of the base zone. Rear yard setbacks shall be a minimum of ten feet (10').
 - d. Parking. One (1) reserved space per unit, and (1) guest parking space for every 3 units or portion thereof.
 - e. Accessory structures that serve on-site users and are subordinate in use and scale to the cottages (e.g. accessory storage, garages, etc.) are allowed subject to setback requirements for accessory structures.

- f. Design and Development Standards. Cottage housing developments shall be subject to design review and site plan approval and meet the following additional standards and exceptions:
 - i. Density. On parcels that meet the minimum parcel size, the maximum density shall be one (1) cottage per every two thousand five hundred (2,500) square feet of lot area. When calculating the number of units allowed, fractional units shall be rounded down to the nearest whole number.
 - ii. Size. The total building square footage shall not exceed two thousand seven hundred (2,700) square feet, unless other sizes are allowed by approval of a use permit.
- g. Site Layout.
 - i. Common Open Space. Common open space shall be one (1) or more areas that are designed and maintained for recreation, gardening, and similar activities open to all residents. Common open space shall total at least two hundred (200) square feet per unit, of which up to sixty (60) square feet may be private.
 - 1. Cottages should generally be no more than twenty-five feet (25') from the common open area, measured from the facade of the cottage to the nearest delineation of the common open area.
 - 2. Orientation. Dwelling units shall be clustered around common open space that is not separated with fencing. Each unit shall have a primary entry and covered porch, generally oriented towards the common open space. Front porches are encouraged.

§9058.2 PERMIT REQUIREMENTS

All cottage housing developments are subject to a Use Permit within the R1 zoning district. A Site Development Permit is required for any 'Dwelling Group' in the R2 and R3 zoning districts that does not comply with the design and development standards as required by Chapter 2, Article 5.2.

ARTICLE 21: DEFINITIONS

SECTION:

- §9275 Purpose
- §9276 Application
- §9277 Terminology
- §9278 Definitions

§9278 DEFINITIONS

A. Any words or phrases not defined within this article shall be defined as set forth in current dictionaries. If no dictionary defines a particular term, the City Planning Director shall have the authority to define the term or equate it to a defined term that is similar in nature.

B. For purposes of this article, the words and phrases set out herein shall have the following meanings

Dwelling Group, Cottage: A form of 'Dwelling Group' that features smaller units with shared parking and common open areas within existing low- and medium-density urban residential neighborhoods.

Duplex - Stacked: A small (2 to 2.5-story), detached structure that consists of two dwelling units arranged one above the other, each with an entry from the street. This type has the appearance of a small-to-medium single-unit house

Duplex – Side-by-Side: A small (1 to 2-story), detached structure that consists of two dwelling units arranged side-by-side, each with an entry from the street.

Townhouse: A small-to medium-sized attached structure that consists of 2 to 16 multi-story dwelling units placed side-by-side. Entries are on the narrow side of the unit and typically face a street or courtyard. The street façades have entrances and avoid garages.



**Draft Findings of Consistency:
Missing Middle Ordinance
CEQA Section 15183 Statutory Exemption
September 13, 2024**

SCH No: XXXXXXXXXXXX

Prepared by:

**City of Ukiah
Community Development Department
Planning Division
300 Seminary Avenue, Ukiah, CA 95482
www.cityofukiah.com/community-development/planning-services/**

Table of Contents

I. PROJECT INFORMATION	3
II. INTRODUCTION	4
1. <i>Purpose of the 15183 Findings of Consistency</i>	4
2. <i>Ukiah 2040 General Plan EIR</i>	4
III. PROJECT BACKGROUND	5
1. <i>Project Location</i>	5
2. <i>Environmental Setting</i>	6
3. <i>Background</i>	6
4. <i>Project Elements</i>	8
IV. EVALUATION OF ENVIRONMENTAL EFFECTS	8
1. <i>Density</i>	9
2. <i>Effects</i>	9
3. <i>Impacts</i>	10
4. <i>Cumulative Impacts</i>	10
5. <i>New Information</i>	11
V. DETERMINATION	11
VI. APPENDICES	13

I. PROJECT INFORMATION

Project Title: Missing Middle Ordinance
Lead Agency Address and Phone Number: City of Ukiah Community Development Department 300 Seminary Avenue Ukiah, California 95482
CEQA Contact Person and Phone Number: Katherine Schaefer, Planning Manager City of Ukiah, Community Development Department (707) 463-6203 KSchaefer@cityofukiah.com
Applicant: City of Ukiah
Property Owner: City of Ukiah
Project Location: City-wide within the R1, R2, and R3 zoning districts
General Plan Designation: Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR)
Zoning Designation: Low Density Residential (R1), Medium Density Residential (R2), High Density Residential (R3)

II. INTRODUCTION

1. Purpose of the 15183 Findings of Consistency

California Public Resources Code section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 provide an exemption from additional environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

Section 15183 specifies that examination of environmental effects shall be limited to those effects that:

- (1) Are peculiar to the project or the parcel on which the project would be located, and were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
- (2) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (3) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Section 15183(c) further specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

2. Ukiah 2040 General Plan EIR

The Ukiah 2040 General Plan and its associated EIR (SCH# 2022050556) were certified in December 2022. Ukiah 2040 designates land uses defining the type and amount of development that can occur throughout the City and proposed annexation areas through the planning horizon year of 2040 (over approximately 18 years). Ukiah 2040 also includes increased residential densities (number of units) and building intensities (floor area ratio [FAR]) for certain land use designations compared to the existing density and intensity thresholds. Development projections for the project were determined by analyzing vacant and underutilized parcels with the buildout capacity potential that is allowed under the applicable updated land use designations, the incorporation of annexation areas being pursued by the City of Ukiah, and the development of mixed-use designated areas anticipated under Ukiah 2040. Based on the potential land use changes, the project has a maximum buildout potential of an additional 2,350 housing units and an additional 4,514,820 square feet of non-residential use. Overall, Ukiah 2040 would promote infill development; the redevelopment of abandoned, obsolete, or underutilized properties; and the adaptation of existing residential units to support multi-family use. (City of Ukiah, 2022)

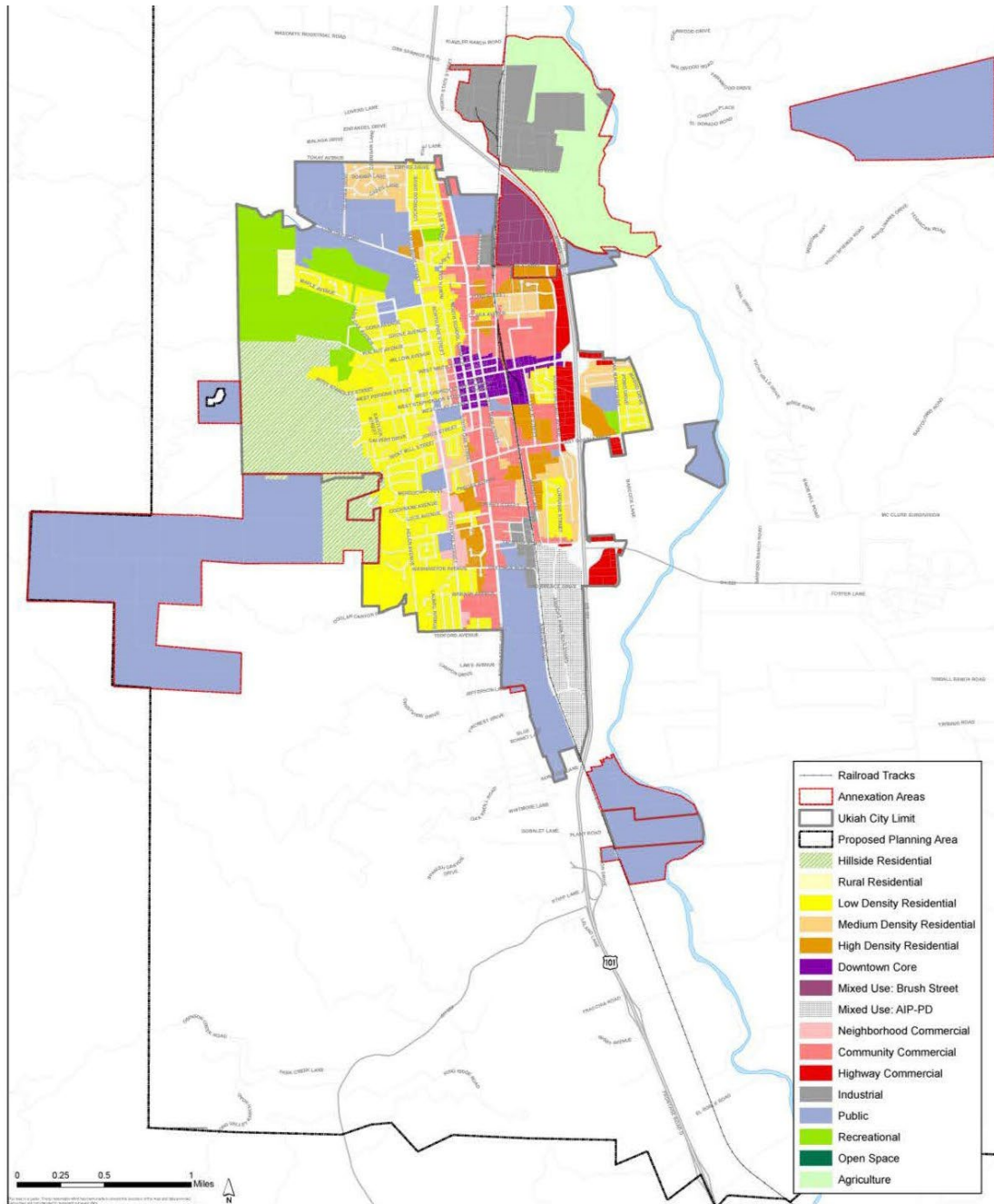
The Ukiah 2040 General Plan EIR comprehensively evaluated environmental impacts that would result from the General Plan's implementation, including information related to existing site conditions, analyses of the types and magnitude of project-level and cumulative environmental impacts, and feasible mitigation measures that could reduce or avoid environmental impacts.

III. PROJECT BACKGROUND

1. Project Location

The Missing Middle Ordinance (Heretofore known as the “Project”) includes zoning changes affecting low, medium and high density (R1-R3) zoned properties within the City of Ukiah limits. See Exhibit 1, Land Use Map.

EXHIBIT 1: City of Ukiah – Land Use Map



2. Environmental Setting

The City of Ukiah includes approximately 4.72 square miles. It serves as the County Seat of Mendocino County, as well as the county's commercial hub. Predominant land uses in the City include single family residential, multi-family residential, and commercial uses ranging from local commercial to service commercial, as well manufacturing, industrial and public facilities. Further west is undeveloped open space, and steep, densely vegetated areas interspersed with rural residential lots within the Western Hills and Mendocino County's jurisdiction.

The City of Ukiah sits in the Ukiah Valley in central Mendocino County, with elevations varying from approximately 600-feet above mean sea level up to approximately 3,000 feet in the hills surrounding the city. Ukiah is located along the Highway 101 corridor and near the east/west intersection of Highway 20, two hours north of the Golden Gate Bridge. The City of Ukiah is situated within the Coast Range geologic province. The North Coast Range is comprised of a geologic feature unique to California, the Franciscan Formation, which dictates the vegetative communities. The Franciscan Formation is comprised of serpentine, sandstone, and other sedimentary rocks. This area is characterized by a Mediterranean climate; the winters are cool and wet, and the summers are hot and dry. Annual temperatures for this region range from about 30 to 100 degrees Fahrenheit. The Ukiah Valley is located approximately 30 miles east and inland from the Pacific Ocean. It runs north-south for approximately nine miles, with a maximum width of three miles. The Russian River enters the valley at the north end and runs south along the valley floor.

3. Background

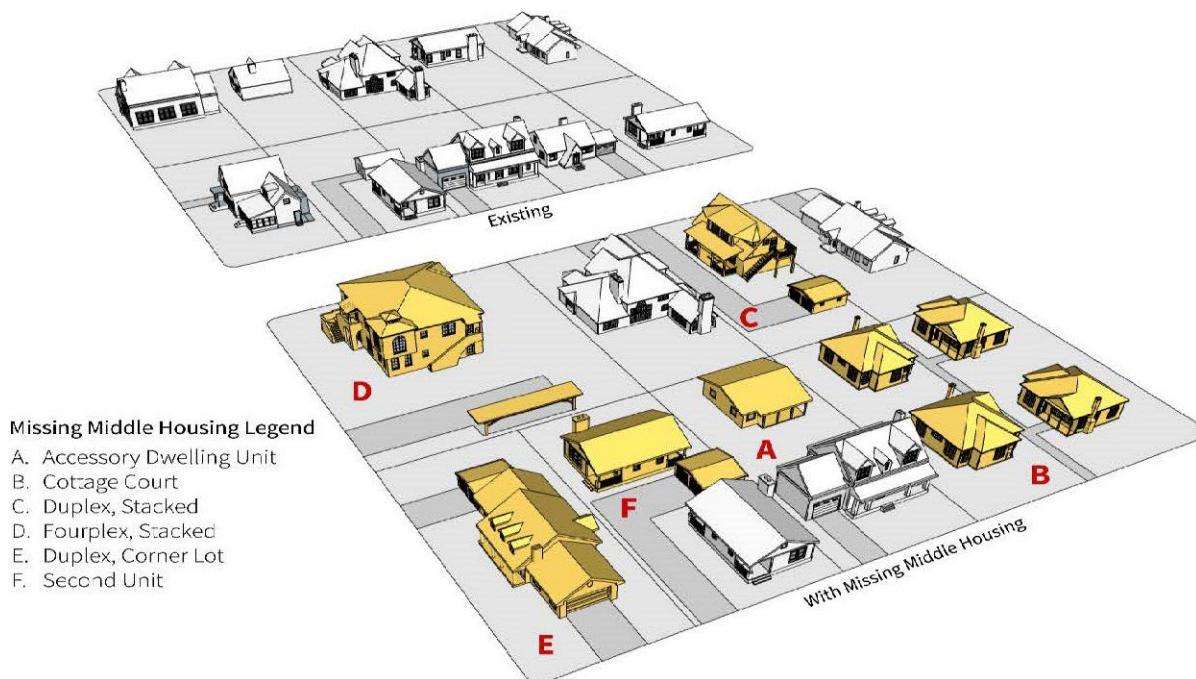
Ukiah 2040 General Plan

The Project is proposed to carry out the vision of incorporating 'Missing Middle Housing' found within the Ukiah 2040 General Plan. While housing and residential neighborhoods form the fabric that makes the City of Ukiah a cohesive community, finding a place to call home can sometimes be challenging. The City is not affordable for some prospective residents, and the range of housing types and sizes to accommodate varied households is limited. The domination of single-family neighborhoods and the trend towards building single-family homes geared toward higher-income earners has further contributed to the housing issues in the City. The State of California has been working with communities to help meet the number and affordability of housing units needed in the State. As part of the Housing Element process, the State dictates the number of units, at a variety of income levels, for which each region must plan. This process has analyzed the City of Ukiah's capacity for additional housing at 239 units, with 161 earmarked for very-low and low-income and 165 for moderate and above-moderate. To address the diversity of housing needed in Ukiah and meet the requirements of State law, the City of Ukiah strives for communities that are a heterogenous mix of housing types and price points. 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 (See **Exhibit 2, Missing Middle Housing**).

As discussed below, and part of the 2040 General Plan, a goal and policies are included to support the development of Missing Middle Housing within existing Ukiah neighborhoods. Exhibit 2 illustrates this concept using a variety of Missing Middle Housing types. In the graphic, the two blocks were laid out to be identical relative to lot lines and existing structures, with the dwelling units shaded in white being existing dwelling units in a variety of sizes, but all being single-family detached homes. The portion of the graphic on the bottom (labeled "With Missing Middle

Housing”) shows that same block with future development. The white shaded structures are those current units remaining and the gold shaded structures are new Missing Middle Housing types. Some are in addition to existing structures (“A” and “F”), one is a replacement structure on an existing lot (“C”), and two show the consolidation of two lots to create one larger lot (“B” and “D”). (City of Ukiah, 2022).

EXHIBIT 2: Missing Middle Housing (City of Ukiah 2040 General Plan)



Senate Bill 9 and Development Implications

To continue to stimulate housing, specifically Missing Middle Housing, and remove barriers by local government for expedited housing production, the State enacted Senate Bill 9 (SB 9). SB 9 creates a ministerial approval process for lot splits and duplex construction on parcels zoned for single-family uses, if the project meets specified requirements. Duplex construction or lot splits cannot demolish deed-restricted affordable housing or housing occupied by tenants in the past three years or occur in an historic district. Local governments may impose objective standards, unless they preclude the construction of two units or a lot split. Local agencies may require up to one parking space per unit, unless the parcel is within a half mile of a major transit stop or high-quality transit corridor (similar to ADU requirements).

Housing created pursuant to these provisions cannot be rented for terms shorter than 30 days (no vacation rentals). Applicants for lot splits must sign an affidavit declaring their intent to occupy one of the lots for at least three years, unless the applicant is a community land trust or nonprofit. Local agencies may deny an application for a duplex or lot split if it makes written findings of an adverse impact on public health, safety, or the physical environment. Local governments must identify units constructed pursuant to these provisions in their housing element Annual Progress Report. (City of Ukiah, 2022).

Ukiah 2040 General Plan Goals and Policies

Missing Middle Ordinance

Draft Findings of Consistency
CEQA Section 15183 Statutory Exemption
City of Ukiah

To promote the vision for Missing Middle Housing types, the Ukiah 2040 General Plan includes the following goal and policies.

Goal LU-9 To provide opportunities for housing that can accommodate the needs, preferences, and financial capabilities of current and future residents in terms of different housing types, tenures, density, sizes, and costs.

Policy LU-9.1 Mixed Residential Neighborhoods

The City shall encourage creation of mixed residential neighborhoods through new and innovative housing types that meet the changing needs of Ukiah households and expand housing choices in all neighborhoods. These housing types include, but are not limited to, single dwelling units, multi-family dwelling units, accessory dwelling units, small and micro units, use of pre-fabricated homes, and clustered housing/cottage housing

Policy LU-9.2 Housing Types and Designs

The City shall support housing types and designs that increase density while remaining consistent with the building scale and character present in existing neighborhoods. This includes multi-family units or clustered residential buildings that provide relatively smaller, less expensive units within existing neighborhoods.

Policy LU-9.3 Adaptation of Existing Residential Units

The City shall encourage the adaptation of existing residential units to support multi-family use.

4. Project Elements

The zoning code amendments proposed in the Project are consistent with the Ukiah 2040 EIR and General Plan as described above. A summary of the proposed amendments is provided in **Appendix A**. The proposed Ordinance Amendment will not require an amendment to the City of Ukiah's 2040 General Plan EIR, as discussed below under *IV. Evaluation of Environmental Impacts*. In addition, no development or physical changes to the environment are proposed.

IV. EVALUATION OF ENVIRONMENTAL EFFECTS

The following findings are made in compliance with CEQA Section 15183 – Project consistent with a Community Plan or Zoning.

Section 15183 of the State CEQA Guidelines states that a project shall qualify for an exemption if the following findings can be made:

- 1) The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.
- 2) There are no project-specific effects which are peculiar to the project or its site, and which the Ukiah 2040 EIR failed to analyze as significant effects.
- 3) There are no project-specific impacts which the Ukiah 2040 EIR failed to analyze as significant effects.
- 4) There are no potentially significant offsite and/or cumulative impacts that the Ukiah 2040 EIR failed to evaluate.

- 5) There is no substantial new information that results in more severe impacts than anticipated by the Ukiah 2040 EIR.

A discussion of staff's finding of each potential environmental effect is provided below.

1. Density

The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.

Finding

The Project is consistent with the development density established by the Ukiah 2040 General Plan.

Discussion

Article 4 (R1) Low Density Residential District

In the Low Density Residential Zone, the minimum lot size is proposed to be reduced to 4,500sf (from 6,000sf). The total area for Low Density Residential zoning within the City of Ukiah is 626 acres, or 23.7% of the City area. The maximum density allowance in the Ukiah 2040 General Plan for Low Density Residential is 15 dwelling units per acre. The density incurred by the change from 6,000 sf to 4,500 sf is shown below. As 9.68 still falls well below the maximum density of 15 dwelling units/acre, this proposed change remains consistent with the development density of the Ukiah 2040 General Plan.

**Table 1
Maximum Density in the R1 Zone**

	Lot Size (sf)	Max Density (du/ac)
Current R1 Zoning Density	6,000	7.26
Proposed R1 Zoning Density	4,000	9.68

The introduction of 'Missing Middle Housing' in the form of 'cottage dwelling groups' and duplexes in the Low Density Residential Zone would not increase density, as they would be held to the same density standards as single-family homes, as illustrated in Exhibit 2.

The remainder of the zoning ordinance amendments offer no changes to density. In the Medium Density Residential Zone, a remnant phrase that accorded to the prior General Plan "The maximum density is one to fifteen (15) dwelling units per acre of land" has been removed. The remaining language enables this zoning category to be consistent with the Ukiah 2040 General Plan.

2. Effects

There are no project-specific effects which are peculiar to the project or its site, and which the Ukiah 2040 EIR failed to analyze as significant effects

Finding

All potential impacts from the Project were evaluated with the Ukiah 2040 EIR. The proposed ordinance has no unique features that were not evaluated within the General Plan EIR.

9

Missing Middle Ordinance

Draft Findings of Consistency
CEQA Section 15183 Statutory Exemption
City of Ukiah

Discussion

The language changes and minor additions, rearrangements and deletions within Appendix A are directly applicable to the Ukiah 2040 General Plan vision of incorporating a more heterogeneous mix of housing types and price points within the City's residential zoning districts. For example, the inclusion of duplexes and multiple-family dwellings as an allowed use, pursuant to applicable design and development standards, removes barriers for low and moderate-income households to be more easily established in zoning designed for traditional single-family housing. In addition, the incorporation of landscaping standards in the Medium Density Residential and High Density Residential districts accord directly with the Ukiah 2040 EIR LU-11.10 Water Efficient Landscaping goal, *The City shall ensure that Zoning Code landscape standards and design guidelines reflect the most current water efficient landscape standards that include native, adaptive, and drought resistant vegetation, as well as provisions for street canopies and streetscape enhancement.* (City of Ukiah, 2022)

3. Impacts

There are no project-specific impacts which the Ukiah 2040 EIR failed to analyze as significant effects

Finding

There is no new information as a result of the proposed ordinance amendments that would result in more severe impacts. The amendments are consistent with the Ukiah 2040 General Plan density and land use designations for Low Density Residential, Medium Density Residential and High Density Residential. All potential impacts were evaluated with the General Plan EIR.

Discussion

Even though changes to height and setbacks are not specifically mentioned by name in the Ukiah 2040 General Plan goals and policies for 'Missing Middle' housing, these changes are implied within Policy LU-9.1 and LU-9.3 in the ability to expand housing choices and increasing density while maintaining the building scale and character present in existing neighborhoods. The setback and height modifications are minor and would more easily allow the implementation of LU-9.1 and LU-9.3.

To the same point, Low Barrier Navigation Centers are also included as allowed pursuant to Government Code sections 65660-65668, and even though not expressly discussed within the Ukiah 2040 General Plan, these and would follow the same density, regulations, and land use patterns of the other housing types in each residential zone.

4. Cumulative Impacts

There are no potentially significant offsite and/or cumulative impacts that the Ukiah 2040 EIR failed to evaluate

Finding

There are no potentially significant offsite and/or cumulative impacts as a result of the proposed ordinance amendments.

Discussion

The Project is consistent with the density and use characteristics of the development considered by the Ukiah 2040 EIR. The EIR considered the incremental impacts of introducing 'Missing Middle' housing and no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.

5. New Information

There is no substantial new information that results in more severe impacts than anticipated by the Ukiah 2040 EIR

Finding

There is no substantial new information that results in more severe impacts than anticipated by the Ukiah 2040 EIR.

Discussion

There is no new information as a result of the proposed ordinance that would result in more severe impacts. This zoning amendments are consistent with the Ukiah 2040 General Plan density and Land Use element. All potential impacts were evaluated with the Ukiah 2040 General Plan EIR.

Reducing setbacks, lot standards, and parking requirements

Reduction of existing standards is crucial for facilitating the development of 'Missing Middle' housing in the City of Ukiah. These regulatory adjustments help to create more flexible and affordable housing options by allowing for previously approved densities in the 2040 General Plan to be applied on existing lots, reducing the barriers for property owners and developers to build diverse housing types like duplexes, triplexes, and townhomes. Staff has proposed reductions in these standards to align with existing allowances for accessory dwelling units (ADUs) and nonconforming structures as currently conveyed in various zoning articles, promoting infill development and increasing the availability of moderate-income housing. No setback is reduced by more than 5', although some requirements are consolidated to the least restrictive consideration. These changes aim to support the City's General Plan housing goals by creating more opportunities for sustainable, walkable, and diverse neighborhoods while still maintaining consistency with existing regulations.

Landscaping (R2 & R3):

Minor updates to the landscaping standards included within the R2 & R3 zoning districts were updated to reflect Ukiah 2040 General Plan goals as discussed above. Drought resistant and native plants shall constitute the majority of plantings selected for developments that do not comply with the City's Objective Design and Development Standards. Notably, any residential construction that utilizes the City's Objective Design and Development Standards must provide landscaping commiserate with the expectations of the 2040 General Plan.

V. DETERMINATION

Summary of Findings: Section 15378 of the California Environmental Quality Act (CEQA) defines a "Project" as an activity that (1) is a discretionary action by a governmental agency; and

11

Missing Middle Ordinance

Draft Findings of Consistency
CEQA Section 15183 Statutory Exemption
City of Ukiah

(2) will either have a direct or reasonably foreseeable indirect impact on the environment. (Pub. Res. Cod, § 21065). “Project” means the whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.

The Project includes zoning code amendments to the City of Ukiah’s Municipal Code in order to enact the goal and policies of the Ukiah 2040 EIR and General Plan regarding ‘Missing Middle Housing’. In implementing this housing type, the amendments are designed to also aid in meeting the City’s Regional Housing Needs Allocation (RHNA) by removing barriers (increasing maximum height, decreasing minimum site area, decreasing setbacks, parking) incurred by the existing residential zoning codes to promote a range of housing types and sizes to accommodate varied households.

While the Project is intended to facilitate housing development within the City of Ukiah, it does not include specific development designs or proposals, nor does it grant any entitlements for development. Development could also result in impacts to the physical environment depending on location, intensity, and other siting factors. However, the location, intensity, siting, and timing of such development is unknown.

All future development associated with the proposed zoning code amendments would be in residential or zoning districts where housing development is already generally allowed by right, or with an approved use permit and/or site development permit. Development could also result in impacts to the physical environment depending on location, intensity, and other siting factors. All future development would be analyzed on a project level basis for consistency with land use policies and development standards and would be subject to Building Permits for consistency with building and safety codes. In addition, depending on the type of development, location, and zoning district, future development could also require discretionary and environmental review of their individual and cumulative environmental impacts, as applicable.

In accordance with CEQA Guidelines Section 15183, the Project qualifies for an exemption because the following findings can be made:

- 1) The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.**
- 2) There are no project-specific effects which are peculiar to the project or its site, and which the Ukiah 2040 EIR failed to analyze as significant effects.**
- 3) There are no project-specific impacts which the Ukiah 2040 EIR failed to analyze as significant effects.**
- 4) There are no potentially significant offsite and/or cumulative impacts that the Ukiah 2040 EIR failed to evaluate.**
- 5) There is no substantial new information that results in more severe impacts than anticipated by the Ukiah 2040 EIR.**



Signature

9/13/2024

Date

Katherine Schaefer, Planning Manager
Community Development Department
City of Ukiah
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VI. APPENDICES

Appendix A

Summary of Proposed Ordinance Amendments

Summary of Proposed Ordinance Amendments

PROPOSED ZONING CODE AMENDMENTS				
	Zoning District			
Development Standard	Article 3 (R1)	Article 4 (R2)	Article 5 (R3)	Article 5.5 (Dwelling Groups)
Density	Change wording to include density as consistent with RR (rural residential) along with LDR of the City general plan.	Conform the allowed density for the R-2 Zoning District to the 2040 MDR Land Use Designation (Remove 15 du/acre limit; thereby allowing conformance with the 2040 UKGP of 15 – 28 du/acre)	No change	Same as base zone
Allowed/ Permitted Uses	Remove language qualifying accessory uses as normally incidental to single-family residences Remove language qualifying residents and operators of community care facilities being considered a family Allow the securing of a variance for Fences over 7' as an alternative for a use permit, if a use permit is not required. Remove duplicative language regarding manufactured homes Allow Low Barrier Navigation Centers subject to the same density and regs as residential dwellings of the same type pursuant to Gov. Code 65660-65668 Include triplexes, fourplexes, multiplexes, condominiums, apartments, townhomes, courtyard buildings, cottage courts, dwelling-	Include duplexes as an allowed use Include Transitional and Supportive housing allowed subject to same density and regs as residential dwellings of same type (Ord. 1216) Allow Low Barrier Navigation Centers subject to the same density and regs as residential dwellings of the same type pursuant to Gov. Code 65660-65668 Include Mom and Pop Grocery Store as permitted (UP) Include Dwelling Groups as permitted (miUP) Include triplexes, fourplexes, multiplexes, condominiums, apartments,	Remove language qualifying residents and operators of community care facilities being considered a family Include duplexes as an allowed use Include Transitional and Supportive housing allowed subject to same density and regs as residential dwellings of same type (Ord. 1216) Allow Low Barrier Navigation Centers subject to the same density and regs as residential dwellings of the same type pursuant to Gov. Code 65660-65668	Dwellings groups not meeting the design and development standards in R2 and R3 must obtain a Site Development Permit. Include Cottage Dwelling Groups as permitted (UP) in R1 meeting the development criteria in Article 5.5. A Site Development Permit is required in R2 and R3 for any Dwelling Group that does not comply with the design and development standards as required by Chapter 2, Article 5.2 Include Cottage Dwelling Groups as not allowed on a parcel already containing an ADU/JADU, or developed with a duplex, triplex, apartment, or condominium. Include a parcel containing a single-family residence may be developed as a cottage dwelling group only if the single-family residence is included in the total floor area allowance of 2700 square feet.

PROPOSED ZONING CODE AMENDMENTS				
	Zoning District			
Development Standard	Article 3 (R1)	Article 4 (R2)	Article 5 (R3)	Article 5.5 (Dwelling Groups)
	groups, and single-room occupancies in the definition of 'multiple-family dwellings' as allowed if compliant with design and development standards of Chapter 2, Article 5.2 Include Condominiums, Cottage Dwelling Groups, and Mom and Pop Grocery Stores as permitted (UP) Require multiple-family dwellings to obtain a Site Development Permit if they do not comply with Chapter 2, Article 5.2	townhomes, courtyard buildings, cottage courts, dwelling-groups, and single-room occupancies in the definition of 'multiple-family dwellings' as allowed if compliant with design and development standards of Chapter 2, Article 5.2 Remove requirement for a permitted UP on a SFD on a 3,000 square foot lot	Include community care facilities as a permitted use, serving between 6-12 people Require multiple-family dwellings to obtain a Site Development Permit if they do not comply with subsection 9261B Include public/private parking lots as a permitted use	
Building Height Limits	Change to restrict non-residential accessory buildings to a height of 20' or maximum height of main building. Change to allow residential accessory buildings to exceed the height of the primary residential building. Include language referencing heights of ADUs and JADUs as codified in Chapter 2 Article 5.3 and Article 5.4. Change to allow dwelling and non-residential accessory structures to exceed height limits by securing a variance (not a Use Permit)	Change to restrict non-residential accessory buildings to a height of 20' or maximum height of main building. Change to allow residential accessory buildings to exceed the height of the primary residential building. Change to allow dwelling and non-residential accessory structures to exceed height limits by securing a variance (not a Use Permit)	Change to restrict non-residential accessory buildings to a height of 30' or maximum height of main building.	Same as allowed in base zone (R1, R2, or R3)

PROPOSED ZONING CODE AMENDMENTS				
	Zoning District			
Development Standard	Article 3 (R1)	Article 4 (R2)	Article 5 (R3)	Article 5.5 (Dwelling Groups)
Required Site Area	Reduce minimum lot sizes from 6,000 square feet to 4,500 square feet; Reduce corner lot width down to 6,000 (from 7,000) and width down to 60' (from 70') Interior lot width down to 40' (from 60') Clarification that a (minor) site development permit (not a Use Permit) is required for existing lots 4,500 square feet and less Remove site development permit requirement for existing lots 4,500 square feet and greater Remove requirement that nonconforming lots must be at least 40' in width.		Remove qualification of building site area	Minimum lot size 9,000 square feet. Maximum one cottage/2,500 square feet of lot area 2,7000 total building square footage
Required Yard Setbacks	Front: Change to 10' for residences (from 15') and accessory structures, remove requirement for garages Sides: Change to 5' for residences (from 10') Rear: Change to 10' for residences (from 15') Corner lots: Change to 10' (from 15') Corner lots: Include accessory structures in the exception if 50% of the same side of the block is already	Change in wording to include all primary and accessory structures, reducing front to 10', side to 5', and rear to 10' Insert exception to corner lot 10' front setback if 50% of the same side of the block is already built out, then average setback should apply	Front: Change to 10' for residences (from 15'), remove requirement for garages and accessory structures Sides: Remove requirement for garages and accessory structures Rear: Remove qualifications for different setbacks for amount of stories	Same as allowed in base zone (R1, R2, or R3). Rear yard min. 10'

PROPOSED ZONING CODE AMENDMENTS				
	Zoning District			
Development Standard	Article 3 (R1)	Article 4 (R2)	Article 5 (R3)	Article 5.5 (Dwelling Groups)
	built out, then average setback should apply Accessory Carports may be established 2' into any required setback			
Parking	SFD: Reduce to 1 on-site space (from 2) Duplex: Reduce to 1 on-site per unit (from 1.5)	SFD: Reduce to 1 on-site space (from 2) Duplex: Reduce to 1 on-site per unit (from 1.5) Multi-Family: Remove duplicative off-street parking standards		1/unit, 1 guest space/3 units. Accessory structures allowed per accessory structure setback requirements in base zone.
Other	Insert SB 9 language and requirements Insert requirement that all development must comply with additional or more restrictive criteria of the Ukiah Municipal Airport Land Use Compatibility Plan	Include drought resistant and native plants as constituting the majority of planting selected to align with water efficiency and native plant selection criteria of the Ukiah 2040 General Plan Insert requirement that all development must comply with additional or more restrictive criteria of the Ukiah Municipal Airport Land Use Compatibility Plan	Include drought resistant and native plants as constituting the majority of planting selected to align with water efficiency and native plant selection criteria of the Ukiah 2040 General Plan Insert requirement that all development must comply with additional or more restrictive criteria of the Ukiah Municipal Airport Land Use Compatibility Plan	Dwelling groups may not be rented less than 30 days Dwelling groups not allowed in airport compatibility zones 1, 2, 3, 5 200 square feet/unit of Common Open Space required, up to 60 sf may be private Dwelling units shall be clustered around common open space, not separated by fencing. Primary entry/covered porch encouraged. -Dwelling Group, Cottage -Duplex, Stacked -Duplex, Side by Side -Townhome Included in Ukiah City Code Ch. 2 Article 21 Definitions



2 Land Use Element



2.1 Land Use Diagram and Designations

The 2040 General Plan designates land uses defining the type of development planned to occur throughout the city through the planning horizon year of 2040 (approximately 20 years).

Development projections for the General Plan were determined by analyzing vacant and underutilized parcels within the city and the realistic level of development potential based on what is allowed under the applicable land use designation factoring for known physical constraints and/or regulatory requirements, such as

provisions in Division 9, Chapter 2 - Zoning of the Ukiah City Code. The development projections include the development potential of the land within the City limits as well as areas identified for future annexation. The core of the Land Use Element is the land use diagram and description of land use designations that classify and distinguish the various land uses in the City. Corresponding levels of intensity, density, and allowable uses are defined in this section, as required by Government Code Section 65302(a).

Important Note

It is common for the Land Use Diagram to be updated over time. Please check with the Ukiah Community Development Department to ensure you have the current version.

Land Use Diagram

Figure 2-1, the General Plan Land Use Diagram, shows the distribution of the land use designations allowed within the City's Planning Area. There are a total of 16 residential, commercial, mixed-use, public/quasi-public uses and agricultural land use designations that depict the types of land uses that will be allowed within the Planning Area.

The Land Use Diagram is largely implemented through the City's zoning regulations. Each land use designation has corresponding compatible zoning districts. Whereas the land use designations are intentionally broad, the zoning designations are more detailed and provide specific development standards, including permitted and conditional uses, building heights, setbacks, lot coverage, and parking requirements. While the Land Use Diagram guides zoning, it is not the same as the City's Zoning Map.

Land Use Designations

Table 2-1 describes the land use designations along with their corresponding density/intensity standards using the following columns:

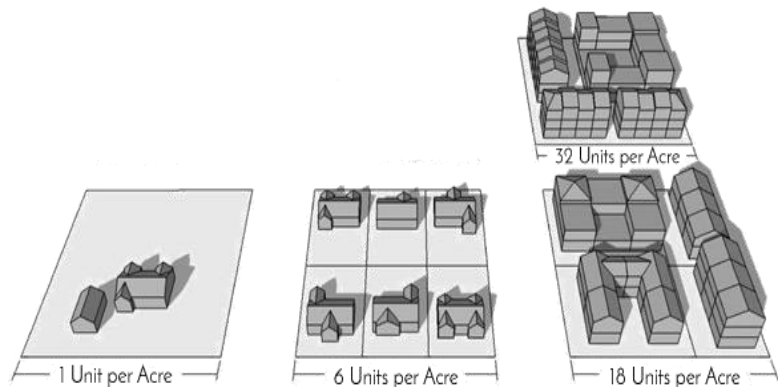
- **Designation.** This column provides the name of each designation and the acronym used when referring to the designation.
- **Color.** To the right of each designation name is the color that is assigned to this designation on the Land Use Diagram (Figure 2-1).
- **Description.** This column contains a description of the purpose and application of each designation. The City's Zoning regulations provide further detail about uses allowed and permitted in zoning districts that implement the land use designation. Not all allowed and permitted land uses may be appropriate for specific properties due to location, adjacent uses, site-specific constraints, and other applicable General Plan policies.
- **Density/Intensity Standards.** This column describes allowable development density or intensity. Designations allowing residential uses include a minimum and maximum density, expressed as dwelling units per acre (du/ac). Residential designations also include maximum lot coverage. Non-residential uses

include a maximum building intensity standards, expressed as Floor Area Ratio (FAR), which is defined below. Most non-residential land use designations also allow residential uses and include density standards as well.

Residential Density

Residential development is categorized by allowed density range (minimum and maximum) measured in dwelling units per acre (du/ac). Residential density is calculated by dividing the number of dwelling units on the site (excluding accessory dwelling units) by the gross acreage of the site. The image to the right shows prototypical examples of different residential densities for one-acre properties.

State planning law requires general plans to include standards for measuring population density. Population density is determined by multiplying the maximum number of dwelling units allowed in a given land use designation by the average number of persons per household (as determined by the California Department of Finance).



Non-Residential Building Intensity (FAR)

The intensity of non-residential development, which can be regulated by total building size and lot coverage, is measured by Floor Area Ratio (FAR). FAR means the gross floor area of a building or buildings on a parcel divided by the area of the parcel. Floor area means the entire enclosed area of all floors that are more than four (4) feet above the existing or proposed grade, measured from the outer face of exterior walls or in the case of shared walls from the centerline. The maximum FAR standard limits the overall size of development on a parcel. As an example, a maximum FAR of 0.75 would allow 75,000 square feet of building floor area on a 100,000-square foot lot. The 75,000 square feet could be developed in one building, or more buildings, and include one of more stories. (Source: *Land Use Alternatives Memorandum*)

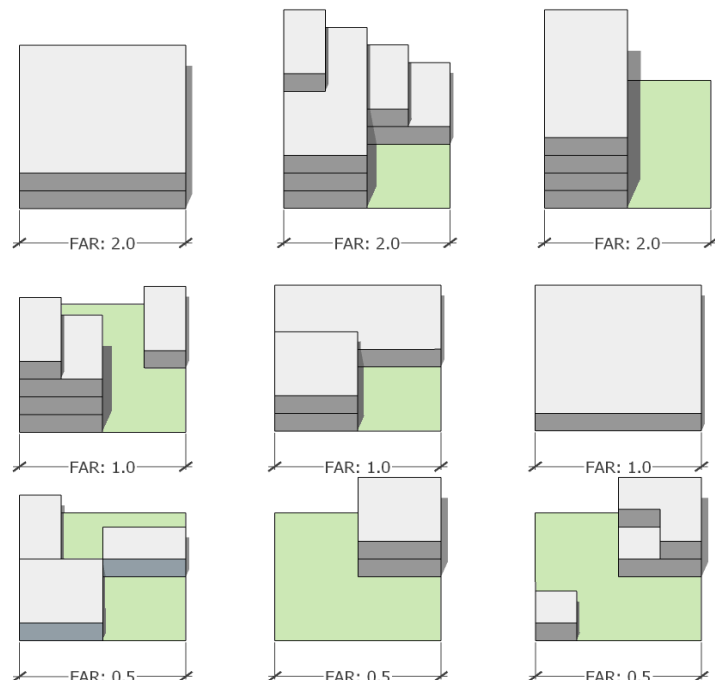


Table 2-1 General Plan Land Use Designations

Designation	Description	Density / Intensity
Residential Designations		
Hillside Residential HR	Purpose and Application: This designation replaces existing Rural Residential areas in the hillsides west of Highland Avenue and Park Boulevard, with a maximum allowable density of one dwelling unit per gross acre. The intent of this designation is to allow for single-family residential at a lower density to align with the goal of reducing development in designated High Fire Hazard Areas. Typical Uses: - Single-family detached dwellings - Accessory dwelling units	Minimum Density: N/A Maximum Density: 1 du/ac Floor Area Ratio: N/A
Rural Residential RR	Purpose and Application: This designation allows for single-family residential development at a density of up to two units per gross acre. This designation shall be reserved for those lands that are on the fringe of the community, have already been divided into lot sizes that are one-half acre or larger, or are required to "buffer" an industrial, agricultural, or public use. Development in this category is required to connect to the City's wastewater collection system and water system. The City may also require new projects to install infrastructure, such as sidewalks, curbs/gutters, or streetlights. Typical Uses: - Single-family detached dwellings - Accessory dwelling units - Compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools)	Minimum Density: N/A Maximum Density: 2 du/ac Floor Area Ratio: N/A
Low Density Residential LDR	Purpose and Application: This designation is intended to provide land for attached and detached single-family residential uses. This designation is the traditional suburban style or City neighborhood style development density. The LDR classification is for lands within the City, the Sphere of Influence, Master Plan Areas, and within Rural Communities, or large subdivisions or planned unit developments. Typical Uses: - Single family detached dwellings - Mobile home parks - Compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools)	Minimum Density: N/A Maximum Density: 15 du/ac Floor Area Ratio: N/A
Medium Density Residential MDR	Purpose and Application: 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, mobile home parks, and more urban-scale density development. Lands classified MDR shall be located within the incorporated City, Ukiah Sphere of Influence, Master Plan areas, or Rural Communities. MDR lands are intended to be located in proximity to parks, schools, and public services.	Minimum Density: 15 du/ac Maximum Density: 28 du/ac Floor Area Ratio: n/a

Designation	Description	Density / Intensity
	Typical Uses: - Single-family detached dwellings - Small-lot multifamily dwellings, including duplexes, triplexes, fourplexes, apartments, townhomes, and mobile homes - Compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools)	
High Density Residential HDR	Purpose and Application: This designation is intended for high-density apartment or townhome projects to meet the diverse needs of the population in terms of mixed types and affordability of housing. The HDR classification is permitted within the incorporated City and Sphere of Influence. This designation is also permitted as a part of a planned unit development or Master Plan Area. This designation is also intended to provide opportunities for limited neighborhood-directed commercial development that is designed to serve the needs of a residential area. - Single-family detached dwellings - Multi-family dwellings, including duplexes, triplexes, fourplexes, apartments, townhomes, and mobile homes - Neighborhood commercial - Compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools)	Minimum Density: 28 du/ac Maximum Density: 40 du/ac Floor Area Ratio: n/a
Mixed Use / Commercial / Industrial		
Downtown Core DC	Purpose and Application: This designation is applied to the central core of Ukiah, generally extending along East Perkins Street and State Street that currently comprises parcels with the Downtown Zoning District. This designation is intended to establish and promote Downtown Ukiah as the central gathering place in the community for commercial, entertainment, hospitality, and urban living. Development in the Downtown Core is meant to establish a walkable, infill-oriented environment, focusing on multi-modal transportation and overall connectivity to the remainder of the city. This designation allows for a combination of higher-density residential, mixed-use, office, and commercial uses. Projects in this designation are required to comply with the design standards and guidelines as specified in the Downtown Zoning Code. Typical Uses: - Multi-family dwellings - Mixed-use multi-family, commercial, retail, live/work, office - Entertainment venues - Hotels and lodging establishments - Restaurants and similar hospitality uses - Large and small format retail sales - Personal service/repair, medical, and office uses - Administrative and professional offices - Central gathering spaces, plazas, and paseos	Minimum Density: 28 du/ac Maximum Density: 40 du/ac Floor Area Ratio: 2.5
Mixed Use: Brush Street	Purpose and Application:	Minimum Density:

Designation	Description	Density / Intensity
MUBST	This designation is intended to allow two to three story mixed-use development with commercial uses encouraged at street level. Uses may be mixed vertically or horizontally (stacked or linearly) on the site. Mixed-use (MU) development shall combine two or more of the permitted uses listed below along with some form of public open space, and single use development shall be prohibited by implementing zoning. Typical Uses: - Single- and multi-family (MFR) dwellings - Retail commercial and light industrial - Mixed-use multi-family, commercial, retail, live/work, office, medical related uses such as clinics and hospitals	SFD: 5 du/ac MFR/MU: 9 du/ac Maximum Density: SFD: 9 du/ac MFR/MU: 20 du/ac Floor Area Ratio: Min: 0.3 Max: 1.0
Mixed Use: AIP-PD AIP-PD	Purpose and Application: This designation replaces the Master Plan Area designation for the Airport Industrial Park Planned Development (AIP-PD) area in southern Ukiah along Highway 101. The AIP-PD was originally approved in 1981, and the Ordinance regulating current land uses was first adopted in 2013; lands within this area are currently governed by AIP-PD Ordinance No. 1213 which was adopted in 2021. Since adoption of the 1995 General Plan this area is almost completely built out with a variety of commercial, industrial, and mixed-use development. Land Use within this area is further broken down into seven land use categories: Highway Commercial; Industrial; Industrial Auto; Commercial; Light Manufacturing Mixed Use; Open Space; Professional Office; and Retail Commercial (as shown on the AIP-PD land use designation map). Each designation contains a set of development standards (setbacks, height, design, land use, landscaping, etc.). While the AIP-PD notes that residential density is limited to 60 people per acre, and commercial development is subject to 40 percent maximum lot coverage, due to its proximity to the airport, the AIP-PD relies on density restrictions noted within UKIALUCP. Typical Uses: - Large format retail sales - Restaurants - Light industrial/manufacturing - Personal service/repair, medical, and office uses - Administrative and professional offices - Highway-oriented uses - Automotive commercial - Open Space	Floor Area Ratio: 1.0
Neighborhood Commercial NC	Purpose and Application: This designation identifies areas generally located within existing neighborhoods in the city, primarily adjacent to single-family areas along South Dora Street. The intent of this designation is meant to provide enhanced neighborhood serving uses that are compatible with and limit conflict with adjacent residential areas. In an effort to stimulate additional housing opportunities in the city, this designation supports the inclusion of single- and multi-family dwelling types, specifically walkable infill development, including mixed-use development (both horizontal and vertical formats). This designation focuses development of small format retail and personal services that serve the everyday needs of the immediate neighborhood.	Minimum Density: 8 du/ac Maximum Density: 15 du/ac Floor Area Ratio: 1.0

Designation	Description	Density / Intensity
	Typical Uses: - Small format retail sales - Restaurants - Personal service/repair, medical, and office uses - Single- and multi-family dwellings - Mixed-use (multi-family, commercial, retail, live/work, office)	
Community Commercial CC	Purpose and Application: This designation identifies areas generally located along major corridors in the city including State Street, East Gobbi Street, and Talmage Road, with the intent of providing a transition between higher-intensity commercial uses along Highway 101 and residential neighborhoods on the western side of the city. In an effort to stimulate additional housing opportunities in the city, this designation supports the inclusion of higher-density multi-family dwellings, including mixed-use development (both horizontal and vertical formats). This designation focuses development for small and large format retail, shopping centers, chain restaurants, and personal services that provide for the community as well as consumers outside the city. Typical Uses: - Large format retail stores, with a focus on national and regional chains - Hotels and lodging establishments - Restaurants - Personal services and office uses - Multi-family dwellings - Mixed-use (multi-family, commercial, retail, live/work, office)	Minimum Density: 15 du/ac Maximum Density: 28 du/ac Floor Area Ratio: 1.5
Highway Commercial HC	Purpose and Application: This designation identifies areas generally located adjacent to Highway 101 on the far eastern side of the city. This designation focuses development of more auto-oriented uses, visitor-serving uses, and large format retail that are typically associated with highway users. The intent is to limit the impact of such auto-oriented uses on established residential areas and neighborhood-focused commercial centers, including Downtown. Typical Uses: - Large format retail - Hotels and lodging establishments - Restaurants and supporting hospitality uses, including drive-thru establishments - Gas stations and vehicle fueling stations, including vehicle repair - Guidance services and professional offices	Minimum Density: 28 du/ac Maximum Density: 40 du/ac Floor Area Ratio: 1.0
Industrial I	Purpose and Application: This designation is intended to identify those areas of the General Plan where manufacturing and major employment uses may occur. The Industrial classification applies to lands suited for industrial uses where public facilities and services (transportation systems, utilities, fire protection, water, and sewage disposal) exist or can be efficiently	Minimum Density: N/A Maximum Density: Live/work: 20 du/ac

Designation	Description	Density / Intensity
	provided. Industrial uses may be sited where there can be the least impact to proximate uses and where the potential for environmental disruption is minimal or can be adequately controlled. Industrial uses may be managed through individual zoning districts to ensure a level of land use compatibility that reflects site specific conditions and requirements. New Industrial lands are intended to be located in the City limits, the Sphere of Influence, or Master Plan Areas. Typical Uses: ▪ Manufacturing, processing, fabrication and assembly, and warehousing ▪ Public facilities, places of assembly ▪ Business centers, business parks, office parks, mixed commercial, office, and industrial sites. ▪ Limited live-work uses ▪ Agriculture	Floor Area Ratio: 1.0

Public / Quasi-Public			
Public P		Purpose and Application: This designation is intended to identify lands owned by public agencies including the City, County, School districts, and special districts, as well as quasi-public utilities such as Pacific Gas & Electric and internet and telephone service providers. Public land uses identify facilities that are unlikely during the life of the General Plan to be considered surplus property because of the extent or nature of the existing facility. The P classification is the equivalent of the County's Public Lands and Public Services classification. Typical Uses: ▪ Government buildings ▪ Libraries ▪ Water, wastewater, and drainage facilities ▪ Transportation and utility facilities ▪ Compatible public buildings ▪ Natural resource areas	Minimum /Maximum Density: n/a Floor Area Ratio: 1.0
Recreational REC		Purpose and Application: This designation is intended to identify recreation facilities with generally unrestricted access. REC lands apply to public parks and recreation facilities, quasi-public recreation facilities within residential development, and private parks or recreation facilities such as campgrounds or private golf courses. Typical Uses: ▪ Campgrounds, trails, parks, baseball fields, soccer fields, BMX tracks, RV parks, golf courses, country club facilities.	Minimum /Maximum Density: n/a Floor Area Ratio: n/a
Open Space OS		Purpose and Application: This designation is intended to identify lands not suited for development or to land most valuable in its undeveloped state. Factors limiting the development of land would include such constraints as unstable soils, high fire hazard, remote location, poor access, or susceptibility to flooding. Valuable natural areas could include rare and endangered species and habitat, wildlife corridors, riparian vegetation zones, areas with creeks or water features, or designated scenic resources. The OS classification is the equivalent of the County's Open Space classification. Typical Uses: • Agriculture, conservation and development of natural resources • Mineral extraction • Recreation • Essential utility installations	Minimum /Maximum Density: n/a Floor Area Ratio: n/a

Other			
Agriculture AG		Purpose and Application: This designation is intended to apply to lands which are suited for and are used for production of crops, commercially cultivated lands under agricultural preserve contracts, land having present or future potential for agricultural production, and contiguous or intermixed smaller parcels on which non-compatible uses could jeopardize the agricultural use of agricultural lands. Lands within the AG classification with agricultural commodities, excluding cannabis, are protected from encroachment of incompatible uses by the "Right to Farm" provisions of the Agriculture Element. Agriculture lands are intended to include both the growing, raising, and harvesting of agricultural produce, fruit, or livestock. Typical Uses: - Single-family dwellings - Farm labor housing - Crop production, grazing, livestock raising facilities, dairies - Packing houses, feed/grain storage - Natural open space areas - Agriculturally related industries, wineries, food processing	Minimum Density: n/a Maximum Density: 1 du/40 ac Floor Area Ratio: n/a

Table 2-2 General Plan Land Use Designation Summary Table

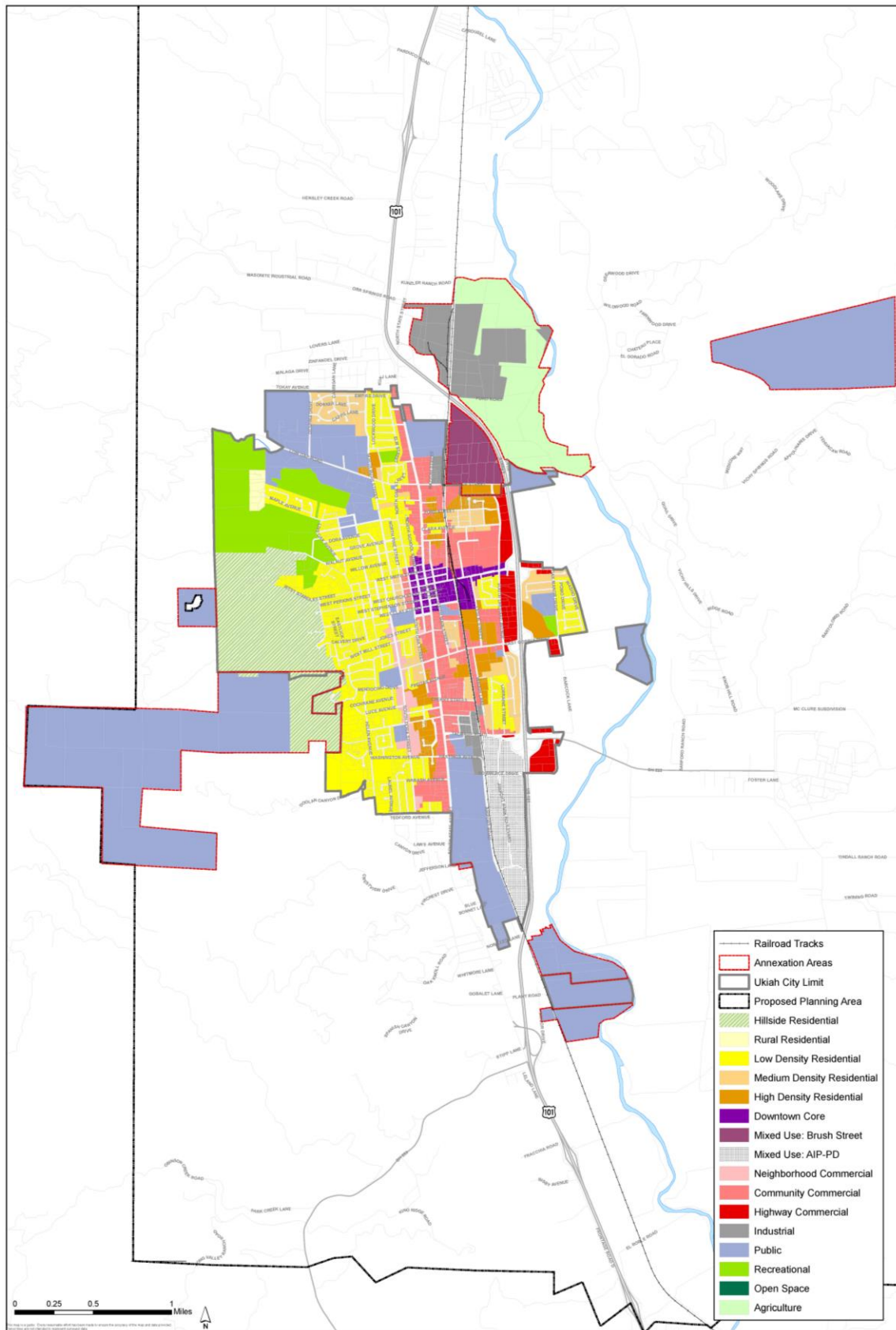
Land Use Designation		Density Range (units/acre)	Floor Area Ratio	Compatible Zoning Districts
HR	Hillside Residential	1 du/ac	N/A	Low Density Residential-Hillside Overlay (R1-H)
RR	Rural Residential	2 du/ac	N/A	Low Density Residential (R1)
LDR	Low Density Residential	15 du/ac	N/A	Low Density Residential (R1)
MDR	Medium Density Residential	15 - 28 du/ac	N/A	Medium Density Residential (R2)
HDR	High Density Residential	28 - 40 du/ac	N/A	High Density Residential (R3)
DC	Downtown Core	28 - 40 du/ac	2.5	All Downtown Zoning Code districts
MUBST	Mixed Use: Brush Street	SFD: 5 - 9 du/ac MFR: 9 - 20 du/ac	0.3-1.0	All existing and future zoning districts that meet the intent of the MUBST
AIP-PD	Mixed Use: AIP-PD	N/A	1.0	All AIP-PD zoning districts, as well as Commercial, Manufacturing, and Industrial zoning districts that meet the intent of the AIP-PD
NC	Neighborhood Commercial	8 - 15 du/ac	1.0	Neighborhood Commercial (CN)
CC	Community Commercial	15 - 28 du/ac	1.5	Community Commercial (C1);

				Heavy Commercial (C2)
HC	Highway Commercial	28 - 40 du/ac	1.0	Community Commercial (C1); Heavy Commercial (C2)
I	Industrial	Live Work: 20 du/ac	1.0	Industrial; Manufacturing; Agricultural Combining
P	Public	N/A	1.0	Public Facilities; Agricultural Combining; Open Space
REC	Recreational	N/A	N/A	Public Facilities; Agricultural Combining; Open Space
OS	Open Space	N/A	N/A	Public Facilities; Agricultural Combining; Open Space
AG	Agriculture	1 du/40 ac	N/A	Public Facilities; Agricultural Combining; Open Space



For parcels that fall within a designated Airport Compatibility Zone, refer to Chapter 3 of the UKIALUCP which lists restrictions for each land use within each Compatibility Zone related to height, density (both residential and non-residential), land use, noise, and open land.

Figure 2-1 2040 Land Use Diagram



LU-8.3 Infill Development

The City shall encourage population and employment growth toward infill development sites within the city. *(Source: New Policy)*

LU-8.4 Reuse of Underutilized Property

The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth. *(Source: New Policy)*

LU-8.5 Historic Preservation

The City shall strive to preserve residential and commercial structures of historic value to the community. *(Source: New Policy)*

LU-8.6 Historic Resource Maintenance

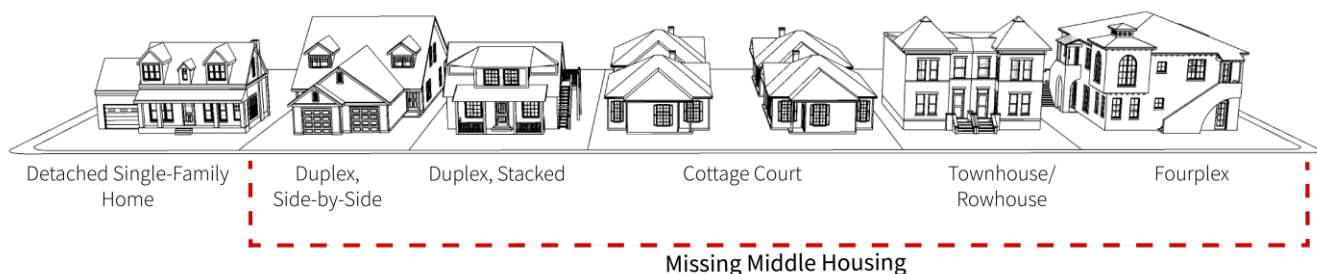
The City shall encourage property owners to maintain these structures in accordance with local, state and federal standards. *(Source: New Policy)*

2.4 Missing Middle Housing

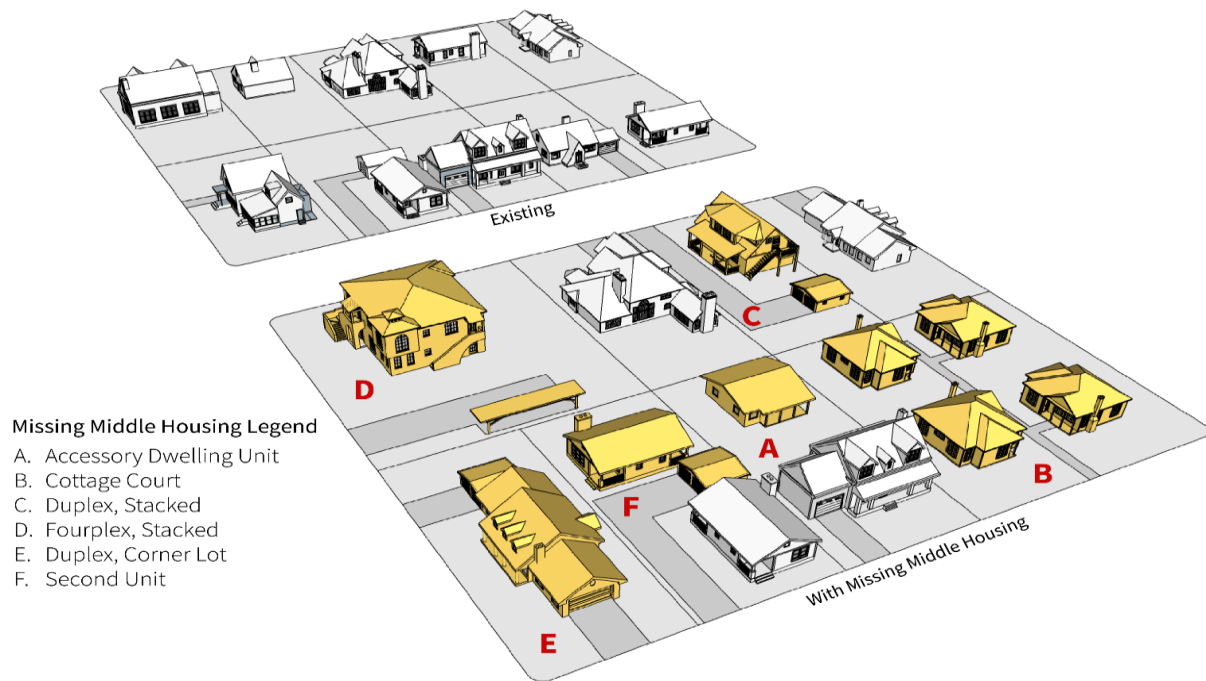
Meeting the Housing Needs of Ukiah

While housing and residential neighborhoods form the fabric that makes the City a cohesive community, finding a place to call home in Ukiah can sometimes be challenging. The City is not affordable for some prospective residents, and the range of housing types and sizes to accommodate varied households is limited. The domination of single-family neighborhoods and the trend towards building single-family homes geared toward higher-income earners has further contributed to the housing issues in the City.

These housing issues are not unique to Ukiah and are seen throughout many communities in California. The State of California has been working with communities to help meet the number and affordability of housing units needed in the State. As part of the Housing Element process, the State dictates the number of units, at a variety of income levels, for which each region must plan. For Ukiah, this covers the sixth cycle housing element which covers an eight-year cycle (2019-2027).



To address the diversity of housing needed in Ukiah and meet the requirements of State law, the City will look beyond the current process used to plan for housing. The Ukiah planning process has predominantly focused on detached single-family homes, leaving many priced out of the local housing market. To meet the diverse needs of the community, Ukiah, like other communities nationwide, intends to strive for communities that are a heterogeneous mix of housing types and price points. 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 (illustrated below). Through design, these units are expected to be compatible in form and appearance with detached single-family homes.

As part of the 2040 General Plan, a goal, policies, and implementation programs are included to support the development of Missing Middle Housing within existing Ukiah neighborhoods. The image below illustrates this concept using a variety of Missing Middle Housing types. In the graphic below, the two blocks were laid out to be identical relative to lot lines and existing structures, with the dwelling units shaded in white being existing dwelling units in a variety of sizes, but all being single-family detached homes. The portion of the graphic on the bottom (labeled “With Missing Middle Housing”) shows that same block with future development. The white shaded structures are those current units remaining and the gold shaded structures are new Missing Middle Housing types. Some are in addition to existing structures (“A” and “F”), one is a replacement structure on an existing lot (“C”), and two show the consolidation of two lots to create one larger lot (“B” and “D”).

This illustration is designed to show potential ideas for how to incorporate a range of housing types and sizes into an existing neighborhood. In addition to different types, the Missing Middle Housing concepts would also support the production of a variety of unit sizes in the 500 to 1,000 square-foot range.

Senate Bill 9 and Development Implications

To continue to stimulate housing, specifically Missing Middle Housing, and remove barriers by local government for expedited housing production, the State enacted Senate Bill 9 (SB 9). SB 9 creates a ministerial approval process for lot splits and duplex construction on parcels zoned for single-family uses, if the project meets specified requirements. Duplex construction or lot splits cannot demolish deed-restricted affordable housing or housing occupied by tenants in the past three years or occur in an historic district. Local governments may impose objective standards, unless they preclude the construction of two units or a lot split. Local agencies may require up to one parking space per unit, unless the parcel is within a half mile of a major transit stop or high-quality transit corridor (similar to ADU requirements).

Housing created pursuant to these provisions cannot be rented for terms shorter than 30 days (no vacation rentals). Applicants for lot splits must sign an affidavit declaring their intent to occupy one of the lots for at least three years, unless the applicant is a community land trust or nonprofit. Local agencies may deny an application for a duplex or lot split if it makes written findings of an adverse impact on public health, safety, or the physical environment. Local governments must identify units constructed pursuant to these provisions in their housing element Annual Progress Report.

Goals and Policies

LU-9 *To provide opportunities for housing that can accommodate the needs, preferences, and financial capabilities of current and future residents in terms of different housing types, tenures, density, sizes, and costs. (Source: New Goal)*

LU-9.1 **Mixed Residential Neighborhoods**

The City shall encourage creation of mixed residential neighborhoods through new and innovative housing types that meet the changing needs of Ukiah households and expand housing choices in all neighborhoods. These housing types include, but are not limited to, single dwelling units, multi-family dwelling units, accessory dwelling units, small and micro units, use of pre-fabricated homes, and clustered housing/cottage housing. (Source: New Policy)

LU-9.2 **Housing Types and Designs**

The City shall support housing types and designs that increase density while remaining consistent with the building scale and character present in existing neighborhoods. This includes multi-family units or clustered residential buildings that provide relatively smaller, less expensive units within existing neighborhoods. (Source: New Policy)

LU-9.3 **Adaptation of Existing Residential Units**

The City shall encourage the adaptation of existing residential units to support multi-family use. (Source: New Policy)



DATE: September 25, 2024

TO: Planning Commission

FROM: Katherine Schaefer, Planning Manager; Jesse Davis, Chief Planning Manager

SUBJECT: Request to approve a Major Use Permit to allow for non-storefront retail and on-site consumption of 'Cannabis Products' in four designated 'Cannabis Consumption Area – Indoor/Outdoor' on the premises of an existing 'Cannabis-Related Business' in accordance with Ukiah City Code Sections 9174.2 & 9174.3; 1825 Airport Road; APN 180-110-07; File No. 24-000177.

SUMMARY

OWNER: Gary Breen

APPLICANT & AGENT: Emerald Sun Manufacturing, LLC (Dean Schlesinger)

LOCATION: 1825 Airport Road, Ukiah (APN: 180-110-07)

TOTAL ACREAGE: ±8.72 acres

GENERAL PLAN: Mixed Use (AIP-PD)

ZONING DISTRICT: Planned Development (PD)

CEQA DETERMINATION: Categorical Exemption pursuant to Section 15061 (b)(3)

RECOMMENDATION: Conditional Approval, based on the Findings in Attachment 1 and Conditions of Approval in Attachment 2.

EXISTING CONDITIONS

The project site is presently developed with a 'Cannabis-Related Business (Microbusiness)' within an existing structure approximately 63,655.32 square feet in size. The subject property also includes an associated water treatment facility approximately 9,324.84 square feet in size, a driveway/parking area of approximately 12,1607 square feet, a 1,730 square foot loading dock, and a 150 square foot trash enclosure.

On June 6, 2019, the Zoning Administrator approved Minor Use Permit (File No. 18-4173) to allow the operation of a cannabis 'Processing', 'Distribution (Type 11)' and 'Non-Volatile Manufacturing (Type 6)' facility at 1825 Airport Road. The facility itself was approved by the Planning Commission in 1995 for a manufacturing/industrial use, and previously housed the Mendocino Brewing Company.

Prior to 2022, Cannabis Related Business Use Permits had a one-year term from the time they were issued, after which they could be renewed subject to staff review and approval by the Zoning Administrator. On August 27, 2020, and then again on September 28, 2021, the Zoning Administrator approved an application for annual renewal. Two previous amendments to the Use

Permit were approved by the Zoning Administrator: 1) on February 18, 2020 (File No. 19-5062), allowing the expansion of use for storage and processing to ±15,000 sf within the southern portion of the building; and 2) on February 18, 2020 (File No. 19-5062), allowing the expansion of use for storage, drying and processing to ±9,990 sf into the northern portion of the existing building.

On August 3, 2022, the City Council adopted Ordinance No. 1226 which reduced the number of use permit renewals required to only one renewal after the first year of operation of the cannabis-related business. Since this time, no additional renewals or modifications to Minor Use Permit No. 18-4173 have been proposed.

REGULATORY BACKGROUND

On September 7, 2022, written and oral comment was provided to the Ukiah City Council requesting that the City Council evaluate an ordinance amendment to allow for on-site consumption. Thereafter, the City Council requested that the Cannabis Ad-Hoc Committee review considerations provided during public expression in conjunction with staff.

Subsequently, Community Development Staff facilitated a meeting of the Cannabis Ad-Hoc on October 19, 2022, and then addressed questions via email with members of the Ad-Hoc to develop a recommendation for modification of Ukiah City Code that addressed the public expression provided.

On February 6, 2023, the Planning Commission unanimously adopted a resolution making the report and recommendation that the City Council adopt a proposed amendment to the City's Municipal Code, finding that the actions to allow on-site consumption were categorically exempt pursuant to Section 15061 (b)(3) of the CEQA Guidelines.

On March 15, after consideration of public input, the City Council voted to introduce an Ordinance Amending various sections of Ukiah City Code to permit on-site consumption at cannabis dispensaries and microbusinesses featuring retail.

On April 5, 2023, the City Council voted to adopt an ordinance amending various sections of Ukiah City Code to permit onsite consumption at cannabis dispensaries and microbusinesses featuring retail.

Since 2018, the State of California has allowed for on-site consumption where locally authorized. To facilitate on-site consumption of cannabis products on a non-event basis, a State Retail license is required from the Department of Cannabis Control (DCC), even if the primary undertaking is not commercial retail, but an associated activity, such as a cannabis manufacturer that wants to facilitate an on-site consumption area. As a Cannabis Microbusiness, Emerald Sun Manufacturing maintains licenses to operate as a Commercial Distributor, Cultivation Processor, and a Type 6 Manufacturer (Lic. No. C11-0000087-LIC, CCL19-0001190, and CDPH-10003158).

Pursuant to California Business and Professions Code Section 26200, a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness per the following requirements:

- (1) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.*
- (2) Cannabis consumption is not visible from any public place or non-age-restricted area.*
- (3) Sale or consumption of alcohol or tobacco is not allowed on the premises.*

PROJECT DESCRIPTION

On July 25, 2024 City of Ukiah Planning Division Staff received a request from Emerald Sun LLC, heretofore known as the “Applicant” for a Use Permit to allow for Non-Storefront Retail (Type 9) of ‘Cannabis Products’ and On-Site Consumption of ‘Cannabis Products’.

Pursuant to Ukiah City Code §9261(D)(5)(a), a cannabis retailer is considered a major use, and therefore a Major Use Permit will be applied to the project and reflected in the project’s updated Conditions of Approval. Major use permits for a cannabis-related business shall be subject to review after the first year of operation. 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. The project comprises the following main components (See Attachment 3, for application, project description and plans):

- Retail sales exclusive to delivery, the premises will be closed to the public, and the customers served would be primarily those on-site.
- Sale of on-site consumables limited to amounts consistent with personal possession and use limits allowed by Applicant staff.
- Two outside consumption areas, accessed by a pathway from the parking lot to authorized customers, well-ventilated and obscured by trees and proposed hedges.
- Two indoor consumption areas with controlled access, limited to non-smoke producing products.
- Alcohol and tobacco use is and would continue to be prohibited on the premises.

SURROUNDING USES AND ZONING

The project parcel is located approximately 0.82-mile south of Talmage Road and adjacent (east) of the Ukiah Municipal Airport. It is accessible via Airport Road or Airport Park Boulevard. The project is adjoined to the north by commercial uses including Costco. A vineyard is located to the south. To the west the subject property is bounded by the railroad tracks and Ukiah Municipal Airport. State Highway 101 runs along the eastern boundary of the project parcel. A summary of surrounding land uses is provided below in Table 1, an aerial image of the site is provided in Figure 1, and a zoning designation map is provided in Figure 1.

TABLE 1: SURROUNDING USES AND ZONING		
	ZONING:	USE:
NORTH	Planned Development – Commercial; Light Manufacturing/Mixed Use, Open Space and Retail Commercial (Airport Industrial Park PD)	Commercial
EAST	N/A Outside of City limits	Agriculture
SOUTH	Planned Development – Commercial; Light Manufacturing/Mixed Use, Open Space and Retail Commercial (Airport Industrial Park PD)	Vacant, Agriculture

WEST	PF Public Facilities	Ukiah Municipal Airport
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The project is consistent with the siting requirements below for a ‘Cannabis Related-Business’, as it is not within the restricted distance to residences, schools, youth-oriented facilities, or other cannabis related business. A ‘Location Map’ is included within Attachment 3. As detailed, below:

- The proposed consumption area is not within six hundred feet (600 ft) of a school, and;
- The proposed consumption area is not within two hundred fifty feet (250 ft) of a youth-oriented facility, and;
- The proposed consumption area is not within or proximate to any residential zoned parcel or primary land use, and;
- The proposed consumption area is not adjacent to or within 250’ of another cannabis-related business.

Figure 1: Location Map



AGENCY CONSIDERATIONS & REFERRAL

On July 30, 2024, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project (See Table 2). Comments received by responding departments and agencies are included in Attachment 4 and are reflected within the Conditions of Approval, as appropriate. In addition, commentary received from the Project’s previous minor use permit will remain in effect as displayed in the Conditions.

TABLE 2: AGENCY COMMENTS	
Agency	Comment
City Building Official	Response – Building permits required

City Public Works Department	No Response
Ukiah Valley Sanitation District	No Response
Ukiah Valley Fire Authority	Response – Fire permits required
City Electrical Utility Department	No Response
Ukiah Police Department	No Comment
Ukiah Airport Manager	No Response
County of Mendocino, Airport Land Use Commission	No Comment

STAFF ANALYSIS

Facilitating an on-site consumption ordinance could address reasonable concerns that without designated areas, increased consumption will occur in public places where it is prohibited. This increase in consumption, especially in multi-unit housing, presents risks to vulnerable groups such as children and the elderly from second-hand smoke. It also increases risks related to unnecessary policing and displacement of low-income and minority residents for cannabis use in their rental units or other public situations, which engenders potential criminal justice disparities.

Allowing and regulating on-site cannabis consumption at an existing facility with a successful operational history is both technically sound and aligned with current zoning and land use considerations. The facility's established track record of compliance with local and state regulations demonstrates its ability to operate responsibly and maintain compliance with procedural requirements. The absence of nearby residential or sensitive uses further mitigates potential concerns related to nuisance or negative externalities, thereby reinforcing the suitability of the site for on-site consumption activities.

From a technical perspective, on-site cannabis consumption aligns with regulatory frameworks similar to those governing wineries, breweries, and other value-added processing facilities. These establishments often include on-site consumption components, such as tasting rooms, which are integrated into their business models without adverse impacts on surrounding areas. Implementing similar considerations for cannabis ensures consistency in how value-added facilities are regulated and supports opportunities across various industries.

Moreover, integrating on-site cannabis consumption into the facility's operations enhances the establishment's ability to offer a comprehensive customer experience, comparable to those provided by wineries and breweries and create additional economic resilience for the business.

General Plan Consistency: The Economic Development Element of the City's 2040 General Plan contains the following goals and policies that would support consideration of an ordinance amendment to facilitate on-site consumption at cannabis-retailers upon modification or approval of their associated Use Permit:

- **Goal ED-4:** To attract visitors and provide them with the amenities and services to make their stay in Ukiah enjoyable.
- **Goal ED-6:** To maintain a supportive business climate and a healthy economy that leads to the expansion of existing businesses and the attraction of new ones.

- **Policy ED-6.1: Regulatory Environment:** The City shall promote business-friendliness in the regulatory and permitting process through collaboration, innovation, exchange of ideas and best practices.
- **Goal ED-10:** To foster a robust and diversified local economy that provides quality employment and attracts stable businesses.
- **Policy ED-10.4: Local-Serving Retail:** The City shall encourage the establishment and expansion of commercial businesses that increase local spending within Ukiah and provide needed goods and services to residents and businesses.

The proposed project aligns with the City's intention to encourage and facilitate the development of local-serving retail that is more resilient, in this case from the market fluctuations associated with the cannabis industry, while offering visitors with the amenities and services that makes their stay in Ukiah more enjoyable. Accordingly, Visit Mendocino has identified the cannabis tourism sector as an important area for future tourism and growth.

Finally, it is recognized that on-site consumption considerations are increasingly common across California, and that the County of Mendocino has allowed for on-site consumption with associated retail entities since 2018 with no notable issues, nuisances or concerns. Presently, within the City of Ukiah's Sphere of Influence (SOI), five (5) cannabis retailers or microbusiness facilitate on-site consumption in conjunction with their business, in addition to one (1) cannabis retailer within the City boundaries. County regulations do not require the discretionary review of cannabis retail or on-site consumption on commercial properties, but rather a Cannabis Facility Business License (CFBL) via a Zoning Clearance from the Departments of Planning and Building Services (PBS) and Environmental Health (EH), as well as conformance with the State's Business and Professions Code 26200.

Airport Compatibility: The project site carries a Zoning Designation of Planned Development (PD) for the Airport Industrial Park (AIP). The purpose of the AIP-PD is to provide for a coordinated development of compatible industrial, office, and commercial land uses within the AIP area. Originally approved by City Council Resolution No. 81-59 on March 4, 1981, the AIP-PD has been amended several times since. Most recently, Ordinance No. 1213, adopted by the City Council on April 7, 2021, amended the AIP-PD to rezone specific parcels. Ordinance No. 1213 supersedes all past versions. However, changes adopted with Ordinance No. 1213 do not affect the Project parcels.

The site is designated Industrial within the AIP-PD. Industrial lands are intended to identify those areas of the General Plan where manufacturing and major employment uses may occur. Examples include large format retail sales, restaurants, light industrial/manufacturing, personal service/repair, professional offices and automotive commercial. The project meets the development standards of the AIP-PD, as an existing facility with no expansion proposed.

ENVIRONMENTAL DOCUMENTATION

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 Class 1, Existing Facilities which *"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 use beyond that existing at the time of the lead agency's determination. 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 an existing use.

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances."

Based on the following, the proposed project is eligible to use this exemption.

- The site is developed with an existing building and parking lot, and utilities and services are already available at the site.
- No expansion of the existing building footprint is proposed as part of the project; and
- The location is not environmentally sensitive and does not include any drainage courses or bodies of water (such as creeks or streams).

NOTICE

Notice of the Public Hearing was provided in the following manner, in accordance with UCC §9264:

- Published in the Ukiah Daily Journal on September 15, 2024;
- Posted on the Project site on September 13, 2024;
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing; and
- Mailed to property owners within 300 feet of the Project parcels, as well as emailed to public agencies having jurisdiction on September 13, 2024.

RECOMMENDATION

Staff recommends that the City of Ukiah Planning Commission:

- 1) Conduct a public hearing; and
- 2) Approve the Major Use Permit to allow for non-retail sales and on-site consumption of 'Cannabis Products' in a designated 'Cannabis Consumption Area – Indoor/Outdoor' on the premises of an existing 'Cannabis-Related Business' in accordance with Ukiah City Code Sections 9262, 9174.2 & 9174.3; 1825 Airport Road; APN 180-110-07.

ATTACHMENTS

1. Draft Findings
2. Draft Conditions of Approval (Redline)
3. Application Materials
4. Agency Referral Responses

**DRAFT FINDINGS
FOR A USE PERMIT
AT 1825 Airport Road; APN 180-110-07;
FILE NO. 24-000177**

The following findings are supported by and based on information contained within this staff report, the application materials and documentation, and the public record, in accordance with UCC Sections 9262 and 9174.

1. The project, as conditioned, is consistent with the goals and policies of the General Plan for commercial and economic development.
2. The project, as conditioned, is consistent with Division 9, Chapter 2, Article 15.7, Section 9174.2 and 9174.3 of the Ukiah City Code as described in the staff report.
3. Pursuant to City Code Section 9174.3, the proposed modification was reviewed by Planning staff and the Police Department; it has been determined that the criteria for modification of the cannabis-related business permit has been met.
4. The Use Permit is determined to be compatible with surrounding land uses and will not be detrimental to the public's health, safety and general welfare.
5. The proposed project is subject to the California Environmental Quality Act (CEQA). The project has been reviewed by City staff in accordance with CEQA Guidelines to determine if implementation would create significant environmental impacts. The City has determined that the establishment on-site consumption at this commercial cannabis businesses does not meet any of the thresholds that would trigger a significant environmental impact, and thus according to the "general rule exemption" (Section 15061 (b)(3) of the CEQA Guidelines, no further environmental analysis is required.
6. A notice of public hearing was provided in accordance with UCC §9262.

**DRAFT CONDITIONS OF APPROVAL FOR
~~RENEWAL OF THE EXISTING OPERATION OF THE~~ EMERALD SUN MANUFACTURING,
 LLC
 CANNABIS RELATED- BUSINESS USE PERMIT
 AT 1825 AIRPORT ROAD; APN 180-110-07
 FILE NO. ~~24-00017721-6387~~**

This ~~Major Use Permit annual renewal~~ of a cannabis-related business ~~Use Permit~~ is granted to ~~Dean Schlesinger~~ Gary Breen, dba Emerald Sun Manufacturing, LLC. The Conditions of Approval from the original approved Use Permit (File No.18-4173), Minor Amendment (File No.19-5062 and 20-5650), and previous annual renewals (File No. 20-5398 and No. 21-6387), shall be applicable to ~~this Major Use Permit the renewal~~ and will remain in effect.

The Use Permit shall be subject to renewal one year after the 'Cannabis Consumption Areas' have become operational per UCC Section 9174.3(c)(5)(b).

From the Planning Division

1. Approval is granted to allow the operation of a manufacturing (non-volatile), processing, and distribution operation as described in the application and operational documents approved by the Zoning Administrator on June 6, 2019 and February 18, 2020. Approval is additionally granted to allow "Non-Storefront Retail" (Type 9) of 'Cannabis Products' and "On-Site Consumption" of 'Cannabis Products' as described in the application and operational documents approved by the Planning Commission on September 25, 2024. Any modifications to the plans contained within the previously approved documents may require an amendment to this Use Permit, as determined by the Community Development Director and the Chief of Police.

City of Ukiah Special Conditions

2. The Applicant shall maintain proof of State license to operate the cannabis related business, and after one (1) year of operation submit a renewal to the City of Ukiah Zoning Administrator to evaluate the "On-Site Consumption" per UCC Section 9174.3(c)(5)(b).
3. Access to the area where cannabis consumption is allowed shall be restricted to persons 21 years of age or older.
- 2.4. No cultivation shall occur on-site. If the applicant wishes to include it at a later date, the applicant shall contact the Community Development Department to determine which planning permits are required.
- 3.5. Only cannabis products purchased on-site can be consumed within the designated 'Cannabis Consumption Areas'. This permit restricts the sale of cannabis and cannabis products on site. If the applicant wishes to include retail at a later date, the

~~applicant shall contact the Community Development Department and obtain all required permits.~~

~~4.6. Consumption of cannabis and cannabis-related products shall occur within the existing indoor and outdoor facilities as approved by the Planning Commission on September 25, 2024. No consumption of cannabis or cannabis-related products shall occur on-site.~~

~~5.7. No special events are permitted on-site. If the applicant wishes to host events, they must contact the Community Development Department, and obtain any necessary permits.~~

~~6.8. The facility shall operate in compliance with City Ordinance Numbers 1176, 1182, 1188 and 1190, and is subject to annual review, inspection, and revocation as outlined therein.~~

~~7.9. Wine storage is limited to the areas specified on the approved Site Plan and must be separate and distinct from the cannabis activity areas, in compliance with state regulations. Alcohol consumption and sales are prohibited on site.~~

~~8.10. Prior to issuance of building permits and commencing operations, the applicant shall submit proof of State licensure to operate each of the cannabis related businesses.~~

~~9.11. Prior to issuance of building permits or commencing operations, the applicant and all employees shall successfully complete a Live Scan background and provide proof of such completion.~~

~~12. No persons will live on-site. If the applicant wishes to have a live-in manager in the future, they shall consult with the Community Development Department and obtain any necessary permits.~~

~~10.~~

City of Ukiah Standard Conditions

~~11.13.~~ This approval is not effective until the 10-day appeal period applicable to this Permit 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.

~~12.14.~~ All Conditions of Approval shall be printed on all sets of building permit project plans pertaining to any site preparation work or construction associated with the development of the ancillary site improvements approved by the ~~Minor~~ Use Permit.

~~13.15.~~ All use, construction and the location thereof, or occupancy, shall conform to the application and to any supporting documents submitted therewith, including any maps, sketches, or plot plans accompanying the application or submitted by applicant in support thereof.

~~14-16.~~ 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.

~~15-17.~~ 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.

~~16-18.~~ The Applicant shall obtain all required Sign Permits, in compliance with Division 3, Chapter 7, Signs, of the UCC.

~~17-19.~~ 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.

Department of Public Works Conditions

~~18-20.~~ Sidewalks will be required when a retail component to this project is applied for or other building permit requirements. Those sidewalks should be part of the consideration of the paved parking area that is required at this time. Plans are not required for sidewalks at this time.

~~19-21.~~ All areas of circulation shall be paved with a minimum of 2" of AC on 6" of Base or other suitable all-weather surface approved by the City Engineer. This includes the proposed driveways and parking areas. If heavy truck traffic is anticipated from the solid waste company, delivery trucks, or other heavy vehicles, the pavement section shall be calculated appropriately to ensure that it can withstand the loading.

~~20-22.~~ Should improvements exceed 10,000 square feet of new or replaced impervious surface, post-construction storm water mitigation measures may be required.

Electric Utility Department Conditions

~~21-23.~~ This property is currently served from existing underground primary/secondary facilities and a dedicated 3-phase Pad Mount Transformer that serves the existing address/buildings at 1825 Airport Road. Should the project need to upgrade to a larger panel or increase the electric load in the future, they will need to contact the COU Building Department and the Electric Utility Department.

~~22-24.~~ Developer is to provide EUSERC approved electrical equipment compatible with the City of Ukiah's EUSERC Acceptability Chart before the panel can be used on this project.

~~23-25.~~ All future site improvements shall be submitted to the Electric Utility Department for review and comment. At that time, specific service requirements, service Voltage and developer costs and requirements will be determined.

~~24-26.~~ Developer/customer shall incur all costs of this future project to include (labor, materials, equipment and future services).

~~25-27.~~ 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.

Building Division Conditions

~~26-28.~~ Submit plans and building permit application. Please submit three complete plan sets, two wet stamped and signed.

~~27-29.~~ The design and construction of all site alterations shall comply with the 20~~22~~196 California Building Code, 20~~22~~196 Plumbing Code, 20~~22~~196 Electrical Code, 20~~22~~196 California Mechanical Code, 20~~22~~196 California Fire Code, 20~~22~~196 California Energy Code, 20~~22~~196 Title 24 California Energy Efficiency Standards, 20~~22~~196 California Green Building Standards Code and City of Ukiah Ordinances and Amendments.

~~28-30.~~ It is possible the proposed work will change the occupancy of the building, or section of the building. Per 2016 CBC 3408, "No change shall be made in the character of occupancies or use of any building unless such building is made to comply with all current code requirements." This may be an extensive remodel and we recommend you hire an Architect or Engineer and a Casp to review your building for code compliance before you commit to a change of occupancy.

Ukiah Police Department Conditions

Prior to Building Permit Final and for the Duration of the Use:

~~29-31.~~ The business permittee shall provide the Police Department with the current name and primary and secondary telephone numbers of at least one 24-hour on-call manager to address and resolve complaints and to respond to operating problems or concerns associated with the business.

~~30-32.~~ The business permittee shall provide the City with the current name and primary and secondary telephone numbers of at least one manager to communicate with the surrounding neighborhoods and businesses. The business shall make good faith efforts to encourage neighborhood residents to call this person to solve problems, if any, before any calls or complaints are made to the City or Police Department.

~~31-33.~~ The business permittee shall immediately report to the City Police Department all criminal activity occurring on the business site.

~~32-34.~~ The business permittee shall only manufacture cannabis in a fully enclosed building and not allow cannabis or cannabis products on the manufacturing site to be visible from the public right of way, the unsecured areas surrounding the buildings on the site, or the site's main entrance and lobby.

~~33-35.~~ Video from the security surveillance cameras must be recording at all times (24 hours a day, seven days a week) and the recording shall be maintained for at least 90 days. In the event of a crime on site or anywhere within range of the dispensary's

security cameras, the dispensary shall provide the Chief of Police with a useable digital copy of the security video upon request or at the earliest convenience. Duration of Use: Security system shall be equipped with at least 24 hours of continued operation time in case of power failure.

- ~~34-36.~~ A copy of all applicable state and local licenses or permits shall be submitted to the City prior to issuance of permit and prior to operation. All applicable state and local licenses or permits be displayed in the lobby or waiting area of the main entrance to the building.
- ~~35-37.~~ All perimeter fencing and gates shall be constructed of decorative tubular steel, no climb type.
- ~~36-38.~~ All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
- ~~37-39.~~ Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.
- ~~38-40.~~ Report any graffiti to UPD @ 463-6262. After reporting, clean-up/paint over as soon as possible. Spray on graffiti remover can be purchased at hardware supply stores.
- ~~39-41.~~ Property shall be kept free of debris/garbage.
- ~~40-42.~~ Applicant shall install a "Knox Box" to allow Police Department emergency access to the interior and exterior areas of the property after hours.
- ~~41-43.~~ Height markers shall be installed on the interior doorways and front door entrance.
- ~~42-44.~~ Building shall be equipped with UL compliant security system including Video Assessment Surveillance System (VASS), Intrusion Detection System with private security response and emergency panic alarms. Security system must be monitored by UL listed monitoring company and installed via a UL certified installer.
- ~~43-45.~~ Any proposed revisions to the approved Security Plan shall be made in writing and subject to approval.
- ~~44-46.~~ An inspection shall be conducted by the Department in order to confirm compliance with approved Security Plan prior to building permit final.

Ukiah Valley Fire Authority Conditions

47. Within one year after the 'Cannabis Consumption Areas' have become operational per UCC Section 9174.3(c)(5)(b):

- All Fire operational permits shall be obtained.
- An annual inspection for the Fire Prevention Division shall be scheduled.
- All Building and Fire permits for construction shall be completed.
- All final inspections shall be completed.

- ~~45-48.~~ All exit doors shall be equipped with lighted exit signage and emergency lighting with a battery backup.
- ~~46-49.~~ Main entry door must swing in direction of egress travel "out".
- ~~47-50.~~ Egress doors shall be readily openable from the inside without the use of key or special knowledge. CFC 1010.1.9.3
- ~~48-51.~~ There may be other minor Fire Code additions when plans are submitted, ie. Address location, and the need for additional fire extinguishers.
- ~~49-52.~~ New and existing buildings shall have approved address numbers placed in a position to be plainly legible from the street or road fronting the property, CFC 505.1. Address number shall be placed on the South facing exterior and East facing wall at corner of main building. Fire Marshal can verify with contractor.
- ~~50-53.~~ Fire extinguishers shall be required. Fire Marshal can assist with location and number of required extinguishers.
- ~~51-54.~~ Fire hydrant systems shall be subject to periodic testing, inspection and maintenance as required by the fire code official. CFC 507.5
- ~~52-55.~~ Fire sprinkler system shall be maintained and modified as necessary.
- ~~53-56.~~ It is highly recommended that all exits be clearly marked. Means of egress shall be illuminated when the building space is occupied, CFC 1008.2.
- ~~54-57.~~ Exit signs shall be internally or externally illuminated at all times; signs shall be connected to an emergency power system that provides illumination for not less than 90 minutes in case of primary power loss. CFC 1013.3 & 1013.6.3.
- ~~55-58.~~ In the event of power supply failure, an emergency electrical system shall automatically illuminate the means of egress. CFC 1008.3.
- ~~56-59.~~ A "Knox Box" key security safe shall be required, and mounted on the exterior at a location specified by the Fire Marshall.
- ~~57-60.~~ Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible. CFC 509.1
- ~~58-61.~~ The use of a third-party Engineer shall be utilized/required to assure compliance with code requirements of the California Fire Code and NFPA 1.
- ~~59-62.~~ The Office of the Fire Marshal shall participate and attend the third-party Engineer with all on-site inspection processes that shall be required.
- ~~60-63.~~ Emergency contact information shall also be provided to the Fire Department.

Mendocino County Air Quality Management District Conditions

61-64. The applicant may be required to obtain an Authority to Construct permit from the District prior to beginning construction and demolition.

62-65. Diesel Engines – Stationary and Portable Equipment and Mobile Vehicles:

- Any stationary onsite diesel IC engines 50 horsepower or greater (i.e. large power generators or pumps) or any propane or natural gas engines 250 horsepower or greater may require a permit from the District.
- Portable diesel-powered equipment that may be used during the proposed project are required to be registered with the state Portable Equipment Registration Program (PERP) or obtain permits from the District.
- Projects located adjacent to sensitive receptors (schools, child care facilities, health care facilities, senior facilities, businesses, and residences, etc.) during the construction phase of this project have the potential for exposure to diesel particulate.
- Heavy duty truck idling and off-road diesel equipment or other diesel engine idling is limited to less than 5 minutes.

63-66. Demolition/Renovation Projects- All Commercial Buildings, Government Buildings, Schools, Multi-Family Dwellings are subject to the requirements of Mendocino County Air Quality Management District Regulation 1, Rule 492, National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Asbestos.

- Prior to receiving a Demolition / Renovation Permit from the Planning & Building Agency the applicant is required to:
 - 1) Have an Asbestos Survey conducted by a licensed Asbestos contractor for the presence of asbestos containing materials,
 - 2) Submit a completed Asbestos Demolition/Renovation form, all test results and applicable notification fees to the District at least 10 days prior to beginning the project,
 - 3) Have any Asbestos containing materials abated by a licensed abatement contractor prior to beginning any demolition or renovation activities.
 - 4) Obtain written authorization from the District indicating that all requirements have been met prior to receiving.



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: EMERALD SUN																							
PROJECT ADDRESS/CROSS STREETS: 1825 AIRPORT RD, UKIAH CA 95482				AP NUMBER(S): 180-110-07																			
APPLICANT/AUTHORIZED AGENT: DEAN SCHLESINGER		PHONE NO: 914-715-5761	FAX NO:	E-MAIL ADDRESS: DEAN@EMERALDSUN.COM																			
APPLICANT/AUTHORIZED AGENT ADDRESS: 1825 AIRPORT RD			CITY: UKIAH		STATE/ZIP: CA, 95482																		
PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT: GARY BREEN		PHONE NO: 510-206-4500	FAX NO:	E-MAIL ADDRESS: GARY@GMBREALTY.CO M																			
PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT 13601 OLD RIVER RD			CITY: HOPLAND		STATE/ZIP: CA 95449																		
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	\$ 3000																		
☐ 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) 10023100.41153	\$	☐ 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	\$																		
<table border="1"> <tr> <td>COUNTY CEQA FILING FEE: CHECK PAYABLE TO MENDOCINO CO.</td> <td>\$ 50</td> <td>MAJOR PERMIT DEPOSIT:</td> <td>\$ 3,000</td> <td>FILING DATE:</td> <td>07/25/2024</td> </tr> <tr> <td>COUNTY CEQA (NEG DEC) FEE: CHECK PAYABLE TO MENDOCINO CO.</td> <td>\$ N/A</td> <td>MINOR PERMIT FEE:</td> <td>\$ N/A</td> <td>TOTAL AMOUNT PAID:</td> <td>\$ 3,000</td> </tr> <tr> <td>COUNTY CEQA (EIR) FEE: CHECK PAYABLE TO MENDOCINO CO.</td> <td>\$ N/A</td> <td>TOTAL FEE:</td> <td>\$ Cost-Recovery</td> <td>RECEIPT NUMBER:</td> <td></td> </tr> </table>						COUNTY CEQA FILING FEE: CHECK PAYABLE TO MENDOCINO CO.	\$ 50	MAJOR PERMIT DEPOSIT:	\$ 3,000	FILING DATE:	07/25/2024	COUNTY CEQA (NEG DEC) FEE: CHECK PAYABLE TO MENDOCINO CO.	\$ N/A	MINOR PERMIT FEE:	\$ N/A	TOTAL AMOUNT PAID:	\$ 3,000	COUNTY CEQA (EIR) FEE: CHECK PAYABLE TO MENDOCINO CO.	\$ N/A	TOTAL FEE:	\$ Cost-Recovery	RECEIPT NUMBER:	
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APPLICATION NUMBER(S): FILE #: 24-000177																							

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

Project Description See Attached

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

Environmental Review and Reports

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

Use Information

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

Description of Building & Site			
Parcel Size:	Building Size:	Number of Floors:	
Use of Building (check all that apply)	Description	Square Footage	Number of Units/Suites
☐ Office (business/professional)			
☐ Office (medical/dental)			
☐ Retail			
☐ Light Industrial	Delivery / On-site Consumption	2,000 sq.ft.	1
☐ Residential			
☐ Other:			
Operating Characteristics			
Days and Hours of Operation: Monday - Friday ; 7:00am-5:00pm			
Number of Shifts: 1	Days and Hours of Shifts: Monday-Friday 7:00am-5:00pm		
Number of Employees/Shift: 3			
Loading Facilities: ☒ Yes ☐ No	Type/Vehicle Size: Ram Pro-Master		
Deliveries: ☒ Yes ☐ No	Type: Delivery	Number (day/week/month): Monday-Friday	Time(s) of Day: 7:00AM-5:00PM
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: 1100
Noise Generating Use? ☐ Yes ☒ No	Description: Non-storefront Retail / Onsite Consumption		

To Be Completed by Staff

General Plan Designation: Planned Development	Zoning District: Manufacutring	Airport Land Use Designation: Zones 4 & 6
City's Architectural & Historic Inventory: ☐ YES ☒ NO	Age of Building: N/A	Demolition Policy: N/A
Hillside: ☐ YES ☒ NO	Flood Designation FIRM Map: N/A	Flood Designation Floodway Map: 500 Year Flood Plain
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, Gary Breen, owner authorize Emerald Sun 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).

GMB

07/15/2024

PROPERTY OWNER SIGNATURE

DATE

I, GARY BREEN, 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.

GMB

07/15/2024

☒ 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.

GARY BREEN

DEAN SCHLESINGER

☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT

(PLEASE PRINT NAME)

GMB

Dean Schlesinger

07/15/2024

☒ PROPERTY OWNER / ☐ AUTHORIZED AGENT

DATE

(SIGNATURE)

Revised 08/19/2019

CITY OF UKIAH PROJECT DESCRIPTION

EMERALD SUN
1825 Airport Rd.
UKIAH, CALIFORNIA
95482

Page Omitted By Staff

EMPLOYMENT HISTORY

Dean Schlesinger

Emerald Sun Manufacturing, LLC ; CCO

TAX HISTORY

No previous issues with any business licenses; no revocations; no suspensions.

MANAGEMENT INFORMATION

Sandy Haymann Marks

6269 Alpha Rd

Dallas, TX 75240

Brett Schlesinger

1825 Airport Rd.

Ukiah, CA 95482

Dean Schlesinger

1825 Airport Rd.

Ukiah, CA 95482

CRIMINAL BACKGROUND

-Livescan Completed with Ukiah PD

EMPLOYEE INFORMATION

Staffing Plan

Emerald Sun plans to hire part-time and full-time employees. Final number of hires will be determined by operational needs, and will be in relation to the growth of the business. In accordance with City law, all potential employees must pass an electronic background check. Emerald Sun anticipates hiring individuals from the surrounding community and will market its hiring campaigns in order to accomplish this goal. In addition to the planned full-time employees, part-time employees will also be required to ensure that all shifts are covered.

In accordance with the regulations, all employees will be over the age of 21 per state and local requirements.

Estimated Number of Employees
Non-Storefront Retailer (Delivery):

- 2-5 Employees

On-Site Consumption:

- 2-5 Employees

PLAN OF OPERATIONS

Emergency Contact Information

Name: Dean Schlesinger

Telephone: (914) 715-5761

Address: 1825 Airport Rd, Ukiah CA, 95482

Operating Hours

Non-Storefront Retailer - Hours

Estimated shifts will be from 7:00 AM to 5:00 PM, Monday through Friday. Specific shift times are still to be determined, and will depend upon the type of operation employee(s) are hired for. The current operating hours are estimations, and the final implementation will be determined by employee numbers and operational necessities.

Consumption Area - Hours

Operating hours of the consumption areas will be limited to those by appointment only. During the initial phase, the consumption area will not be open to the public, and only accessible through reservations.

Access

No minors will be allowed on the premises. Signs will be posted near the entrance indicating that no one under the age of 21 (or 18 with a valid physician's recommendation) will be allowed to enter. Individuals shall be granted access to the consumption area only after confirmation of the individual's age and identity.

Signage

Business identification signage shall be limited to that needed for identification and advertisement. All signage shall comply with section 3227 of the Ukiah City Code and any other City Code provisions regulating signage. The facility will have signs on the North, South, and East facade.

Record Retention Plan

Emerald Sun will keep and maintain all records related to any commercial cannabis activity. These records relate to; all financial records including bank statements, sales invoices, receipts, tax records, and all other records required by the California Department of Tax and Fee Administration. Personal records, including each employee's full name, social security or individual taxpayer identification number. Contracts with other licensees regarding commercial cannabis activity. Permits including license and other local authorizations to conduct commercial cannabis activity, and all other records relating to cannabis activity. Security Logs identifying dates and times of employee and delivery operations.

These records will be stored in a secured area, within an office, where the records are protected from debris; moisture; contamination; hazardous waste; fire; and theft. Records will also be stored electronically as a back up.

All Records shall be disclosed for inspection by any City officer or official for purposes of determining compliance with the requirements of this article.

Product Management and Storage

Cannabis inventory will be kept in a restricted-access area. All products will be accounted for in the inventory control system. The storage area is of a suitable size to maintain the quantities of cannabis that Emerald Sun intends to manufacture and distribute, and it has sufficient lighting and ventilation to support the desired temperature and humidity conditions to maintain high-quality cannabis products. All products will be sorted into appropriate containers that will facilitate a first-in first-out distribution method.

WRITTEN PROJECT DESCRIPTION

State of California: Non-Storefront Retailer (Delivery)

City of Ukiah: Non-Storefront Retailer (Delivery) & Onsite Consumption Area

Emerald Sun proposes to operate a commercial cannabis operation, which includes a *Non-Storefront Retailer* (delivery) license, and an *on-site consumption area*. All licenses will operate within the existing building space located at 1825 Airport Rd in Ukiah, California. The Applicant proposes no building additions to the exterior of the existing building at this time.

Non-Storefront Retailer (Delivery)

Emerald Sun will allocate a restricted area within the facility for a Non-Storefront Retailer license. A Non-Storefront Retailer licensee shall be authorized to conduct retail sales exclusively by delivery, and shall comply with all the requirements applicable to retailer licensees, except for those provisions related to public access to the licensed premises and the retail area. The licensed premises of a Non-Storefront Retailer licensee shall be closed to the public.

On-site Consumption

Emerald Sun will install and designate a small area outside and inside the facility as a cannabis consumption lounge. Emerald Sun has four proposed consumption areas. Two of these areas are located outside, and two are located within the interior of the facility. The interior consumption areas are located in designated zones where cannabis is not being stored or manufactured. The consumption area's are secured and designed in a way to prevent access to non-eligible individuals.

Depending on its location on the premise, the consumption areas will allow for smoking, vaping, and ingesting edible products. All subject to local and state laws.

1. Visibility

Two consumption areas will be located outside on the East end of the property, on and near the patio of the front entrance. The consumption area's will be accessed via a pathway leading from the parking lot, to the patio and consumption entrance. Access will only be granted to authorized customers. As the area is outside, it will be well ventilated, and hedges will be installed to prevent any visibility from the public or adjacent properties. The area will be designed in a way to prevent the flow of smoke to any other area or adjacent property.

The consumption area is obscured by trees, and has limited to no visibility to any public access or highway. The leaves and branches of the trees, as well as the location of the consumption area itself, prevent any visibility of smoke from inhalable products. Because of the obscured visibility, the outdoor consumption area cannot be viewed from Airport Road. Furthermore, small privacy hedges will be set up along the perimeter of the outdoor consumption area to further conceal the area from public view.

Two consumption areas will be located inside the facility. One on the ground floor, in an area previously designed as a visitor section/waiting area, and one upstairs in the mezzanine. Both interior consumption areas are not accessible without authorization, and are not located in areas where cannabis is stored or manufactured. In order to access these areas, guests will be required to sign in, and then be escorted by staff to the designated consumption areas.

2. Access

Access to all of the consumption areas will be restricted to guests that have previously booked a reservation. The consumption area is not open to the public, and all reservations will be made in accordance with Emerald Sun policy before any use of the consumption areas can be authorized.

The consumption areas will adhere to the following rules and regulations:

- Access to the consumption lounge will be limited to customers who are 21 years of age or older;
- All customers will have their identification checked and validated before entering the consumption area.
- Per state and local regulations, only primary caregivers, and qualified patients or persons over the age of 21 shall be allowed in the designated consumption area.
- No alcohol beverages shall be permitted anywhere in the consumption areas.
- And per state and local laws, smoking tobacco products shall be prohibited on the premises, including within or near the outdoor consumption area.

3. Anti-Smoking Ordinance Appeasement

As stated, the consumption area will be located in a way that will prevent smoke or odor from flowing into adjacent properties. Furthermore, all operations will be in compliance with the City of Ukiah's smoking ordinance:

- Division 5, Chapter 7, Article 4 Section 4504 REGULATION OF SMOKING IN PLACES OF EMPLOYMENT, A: Smoking will only occur outdoors in a non-enclosed area which would constitute a smoke-free workplace for all employees.

No tobacco or alcohol in any form may be consumed onsite.

4. Consumption Limits & Restrictions

Per state regulation, Emerald Sun will only sell cannabis or cannabis products to an individual in an amount consistent with personal possession and use limits allowed by the State. Staff will be trained to identify over-intoxication and will take necessary measures to ensure public safety and the safety of patrons. Emerald Sun will help facilitate this by providing patrons with information to local taxis in the area, and other ride sharing services.

The Department of Cannabis Control oversees the legal cannabis market in California, as well as consumption and possession restrictions.

- Adults in California can purchase up to 28.5 grams of non-concentrated cannabis, 8 grams of concentrated cannabis, and 6 immature cannabis plants per day.

- Medical marijuana patients can purchase 8 ounces of medical cannabis per day

****Staff members will enforce that cannabis limitations will be adhered to, by only allowing patrons to consume products that are purchased directly from Emerald Sun. This will ensure that each product is safe for consumption, and contains all state required labeling, including certificate of analysis results to help indicate the dosage and potency of the product. No outside cannabis will be allowed on the premises.**

Proposed Building Plans

The exterior and interior of the building will remain unchanged. No renovations will be proposed at this time.

Odor Control and Air Quality Plan

If necessary to minimize odors, the Emerald Sun proposes installing a carbon air filtration system. Fans will create air circulation to avoid stagnant areas where odors can collect. A carbon filter is a round, hollow device with a membrane that contains activated charcoal (carbon). Dirty air passes through the carbon filter and clean, odorless air exits the other side. Carbon filters are the most popular odor control option on the market because they are highly effective, widely available, low priced, and low maintenance. The air filtration system will be properly maintained to ensure air quality.

Emergency Access Information

Security measures shall be designed to ensure emergency access is in compliance with the California Fire Code and Ukiah Valley Fire Authority standards. The proposed project site has limited access points. All Emergency access points from the facility will be accessible by employees or guests in the case of an emergency. The facility has multiple egress points throughout the building, and on the North, South, East and West sides.

SECURITY PLAN

(See attachment for completed plan)

Emerald Sun has an extensive security plan, which is intended to prevent theft or diversion of any cannabis, as well as to discourage loitering, crime, and illegal or nuisance activities. The security plan includes a locked and secured facility and site, exterior and interior video surveillance, safety plans and procedures for employees, and a limited access key card entry system that will track employee movement within the facility. Detailed security plans will be provided to the Planning Department, to be reviewed by the Police Department and to remain confidential and out of public view for building security purposes.

Emerald Sun has installed a professionally monitored robbery alarm system that has been maintained in good working condition. The camera surveillance system has also been maintained in good working condition, and Emerald Sun will maintain surveillance videos for 90 days. Management will require that employees follow necessary procedures to ensure that cannabis and any related by-products from the project site are not visible or accessible to the public.

1. Building Security and Access Controls

Emerald Sun has installed a variety of security devices to ensure the entire retail facility is fully monitored and that only authorized personnel have access to any location where cannabis is stored. This will ensure that employees are safe and that the premises are secure.

The proposed project site has limited access points. All access points from outside of the facility will have both locks and alarms. All perimeter windows and hatches will remain closed and locked with tamper-proof security devices. All external doors will potentially require two (2) levels of security verification to open—something known and something held. This security process means that employees will need a key along with a unique access code to unlock the front doors. In the event of any theft or loss of cannabis, these devices will also provide a security log of who accessed the doors for any ensuing investigations.

All doors will also be equipped with an alarm that will sound if they are opened without code and key or if they are damaged. Arming and disarming the security system will require an access code. Both the entry alarm and surveillance alarm will notify the monitoring service if a failure is detected in the system, which will be corrected as soon as possible. If the failure prevents security systems from operating, the facility will take additional security measures until it is fixed.

Alarm systems can also be triggered if an employee presses a panic or distress button. These buttons will be installed in strategic locations only accessible to employees. The panic button should be pressed when there is a theft or breach and the employee or other people would not be placed in danger by a loud alarm. The distress button will still notify authorities just like a typical alarm, but not make any sound. These security devices will allow employees who are threatened to signal an alarm without escalating the situation.

2. Security Surveillance System

Emerald Sun has a comprehensive surveillance system. All cameras are located strategically throughout the facility and have a resolution to adequately capture images of people and

movement throughout the premises. The extensive surveillance system will be run and monitored by an outside agency. There is a computer and access center onsite with a video printer to allow local control and to produce a clear still photo from any live or recorded video on demand to provide to law enforcement, in the event of a security breach.

The video surveillance system is configured to allow for the exporting of still images in a variety of standard formats so that they can be digitally transferred. Digital images will also have data protection that prevents digital alteration and allows for a date/time stamp of both the image and the file creation to be authenticated. Video or still images exported from the system can be viewed on any standard computer operating system, such as Windows or Mac. The onsite system will be in a secure office area that only the GM and security personnel will be able to access. The images from all cameras will have a date/time stamp to allow verification of video integrity.

3. Electronic Security System

In addition to the surveillance system, Emerald Sun has implemented a comprehensive electronic security system, including off-site third party monitoring of all surveillance and alarms, intrusion detection electronic alarms, and panic/distress buttons at strategic locations within the facility. The intrusion detection system will use appropriate methods (such as pressure sensitivity, lasers, etc.) to determine if any entrance, exit, or window has been breached without authorization. The distress and panic buttons will be placed in several locations throughout the building.

4. Failure Notification System

The security system will include a failure notification system to provide an audible, visual and text notification of any failure in the surveillance or alarm system. The audible and visual notifications will be onsite at the equipment monitoring station. A text alert will go out to designated agents within five minutes after the failure, including the Principal Officers, General Manager (GM), and any shift leaders. These notifications will be in both text message and email form. The message will include the time of failure, type of failure, cause of failure (if identified), extent of systems malfunctioning, and contact information for the security company.

5. Surveillance Recording Access Controls

Only authorized security and appropriate management personnel will be allowed to access the surveillance monitoring and recording area. The details of this will be provided in the confidential security plan provided to the City.

6. Inventory Control

All inventory will be monitored and tracked in accordance with the state's track and trace system. Additionally, there will be secured rooms where raw materials and products will be stored, and only limited personnel will have access to these areas.

7. Loss Documentation Procedures

All employees will be trained to report loss or theft of product to the Principal Officers or GM who will, in turn, promptly document the loss and report the loss or theft to local police by phone and mail.

8. Fencing

No changes are proposed to the existing fencing along the back and sides of the facility. Should additional fencing be required by the City of Ukiah or state law, the Applicant will obtain all the necessary permits prior to installation.

9. Waste Disposal and Trash Containment

Outside, trash (non-cannabis plant matter) and recycling will be stored in an existing enclosure located in the storage area in back of the building. The trash area will be locked at all times, except to allow for trucks to unload and haul away rubbish once per week. A camera and additional lighting in this area will provide for increased security. Inside, trash (including cannabis materials) will be stored in a restricted waste storage area. Plant material and organic waste will be hauled away to an offsite disposal facility or, depending on the material, composted onsite. All deliveries and pickups will be pre scheduled and credentials will be checked prior to admission into the building.

FLOOR PLAN

(see attachment)

SITE PLAN

(see attachment)

ACCESSIBILITY EVALUATION

This is a commercial facility that has previously been evaluated, and conforms to city and state accessibility standards. The building has multiple access points on the exterior. All entry points are monitored with security measures, and only one point of entry will be utilized by employees or visitors within the facility. The main entrance, available to employees and guests, is located on the North side of the building, and is accessible via a pathway from the parking lot area. The pathway is a flat surface with no gradient, and is easily approachable from the parking area. The employee/guest entrance will be locked at all times and require a key card or other personal identifiable measures in order to access.

NEIGHBORHOOD CONTEXT MAP

(see attachment)

LIGHTING PLAN

(see attachment)

Lighting

The current lighting plan and diagram portray existing lighting retrofits. Emerald Sun participated in the city of Ukiah's LED upgrade program- interior and exterior lights were all changed to LED. An overview floor plan, and detailed list are attached. The current plan is a final representation of the lighting layout, and any additions or final lighting schemes will be done in full compliance with all City lighting design and installation standards.

All access points, windows, back and sides of the building, and the parking area will be well-lit. The Applicant will work with the Building Department to ensure that all lighting upgrades to the exterior of the building are compliant with City codes. Any proposed lighting will be downcast and shielded, and all lighting will be energy efficient and dark sky compliant.

SECTION 3. ON-SITE CONSUMPTION

The cannabis consumption area will be located outside, in a designated space, so consumption is not visible from any public roadway or adjacent properties. It will be designed in a way to prevent the flow of smoke to any adjacent property, and the area will be secured to prevent access by any individuals not eligible for entry.

Outdoor consumption area will adhere to the following rules and regulations:

- Access to the consumption lounge will be limited to customers who are 21 year of age or older;
- All customers will have their identification checked and validated before entering the consumption area. Per state and local regulations, only primary caregivers, and qualified patients or persons over the age of 21 shall be allowed in the designated consumption area.
- No alcohol beverages shall be permitted anywhere in the consumption areas.
- Per state and local laws, smoking tobacco products shall be prohibited on the premises, including within or near the outdoor consumption area.

Security

The cannabis consumption area will be set behind a privacy fence or hedge, and will include adequate security cameras and lighting to ensure all safety measures are adhered to.

- Team members will be responsible for following all safety protocols in case of an emergency.
- Team members will be responsible for monitoring all cameras and preventing any unauthorized activities. This includes periodic walkthroughs of the consumption area, as well as perimeter checks.
- In case of an emergency, staff members have access to panic alarms, and will have the ability to call police or fire authorities.

Staffing

- The consumption area will be supervised via cameras by a member of the staff to ensure all guests are safe and observing the rules and regulations outlined above.
- Staff will verify identification of a guest, and provide them authorization signifying their entrance into the area.
- Staff will be trained in various emergency medical response procedures, such as CPR.

Consumption Limits

Per state regulation, Emerald Sun will only sell cannabis or cannabis products to an individual in an amount consistent with personal possession and use limits allowed by the State.

Staff will be trained to identify over-intoxication and will take necessary measures to ensure public safety and the safety of patrons.

- Emerald Sun will help facilitate this by providing patrons with information to local taxis in the area, and other ride sharing services.

The Department of Cannabis Control oversees the legal cannabis market in California, as well as consumption and possession restrictions.

- Adults in California can purchase up to 28.5 grams of non-concentrated cannabis, 8 grams of concentrated cannabis, and 6 immature cannabis plants per day.
- Medical marijuana patients can purchase 8 ounces of medical cannabis per day

Staff members will enforce that cannabis limitations will be adhered to, by only allowing patrons to consume products that are directly purchased from Emerald Sun.

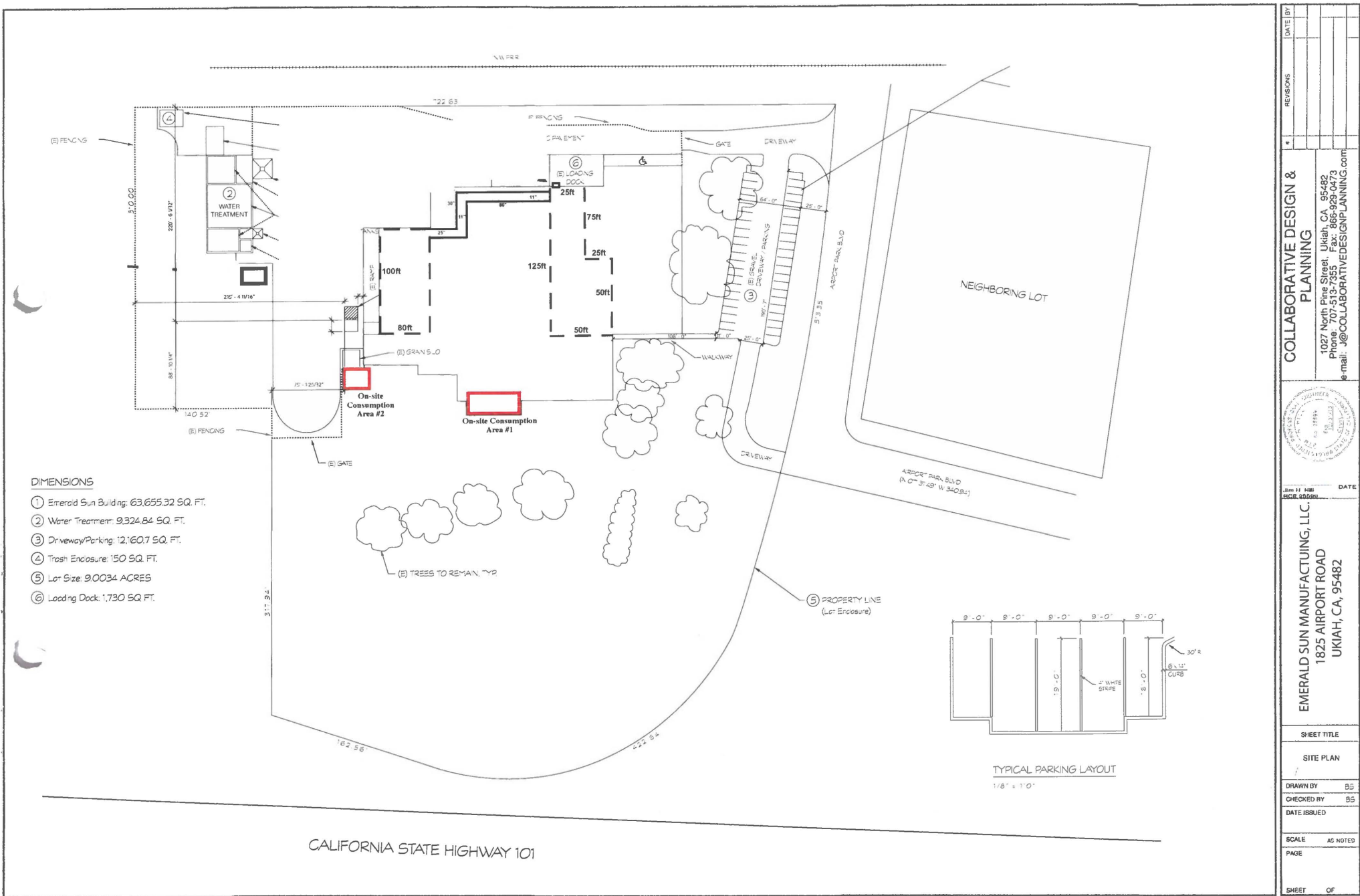
- This will ensure that each product is safe for consumption, and contains all state required labeling, including certificate of analysis results to help indicate the dosage and potency of the product.

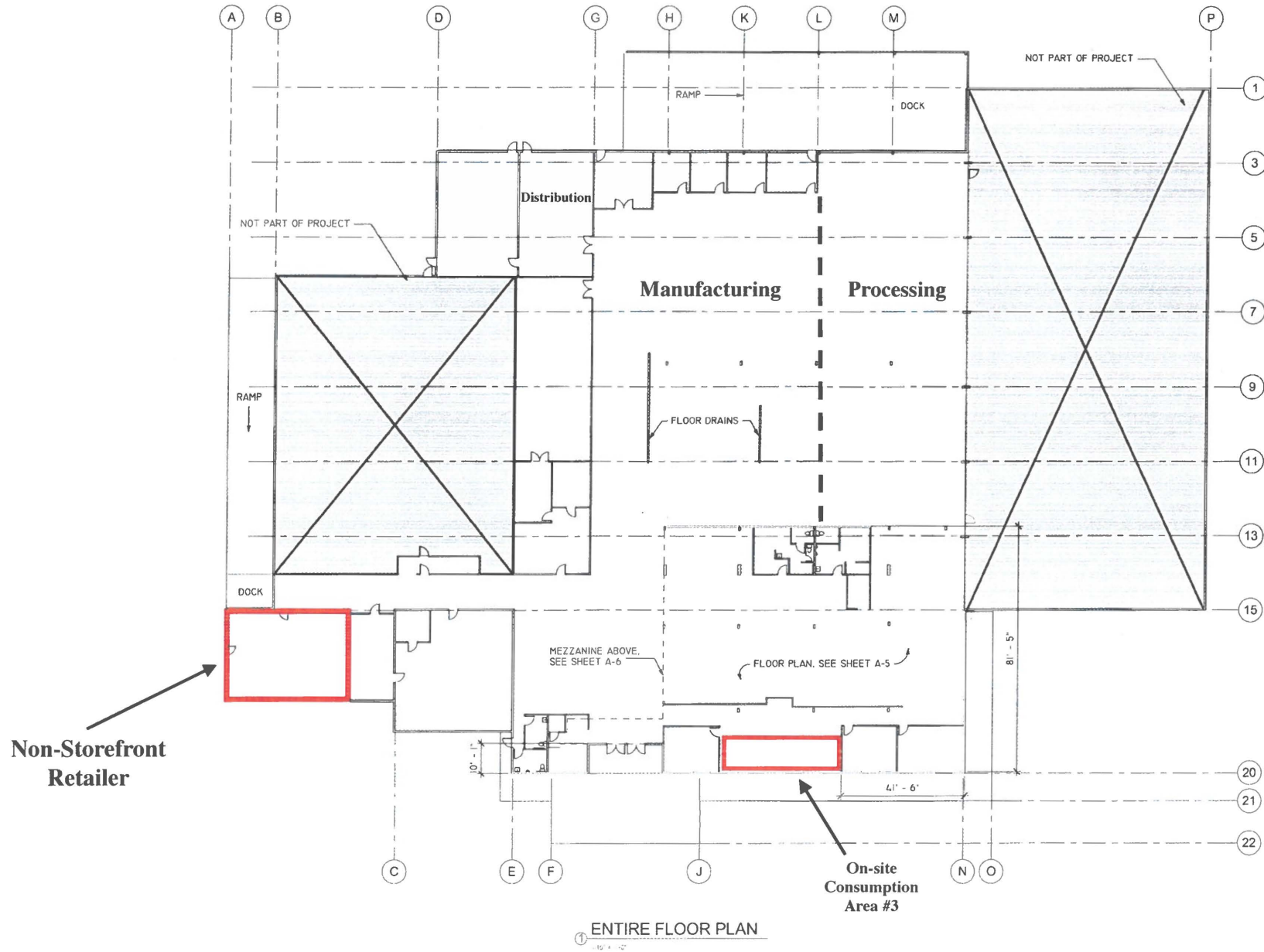
Nuisance Prevention

As stated, the consumption area will be located in a way that will prevent smoke or odor from flowing into adjacent properties.

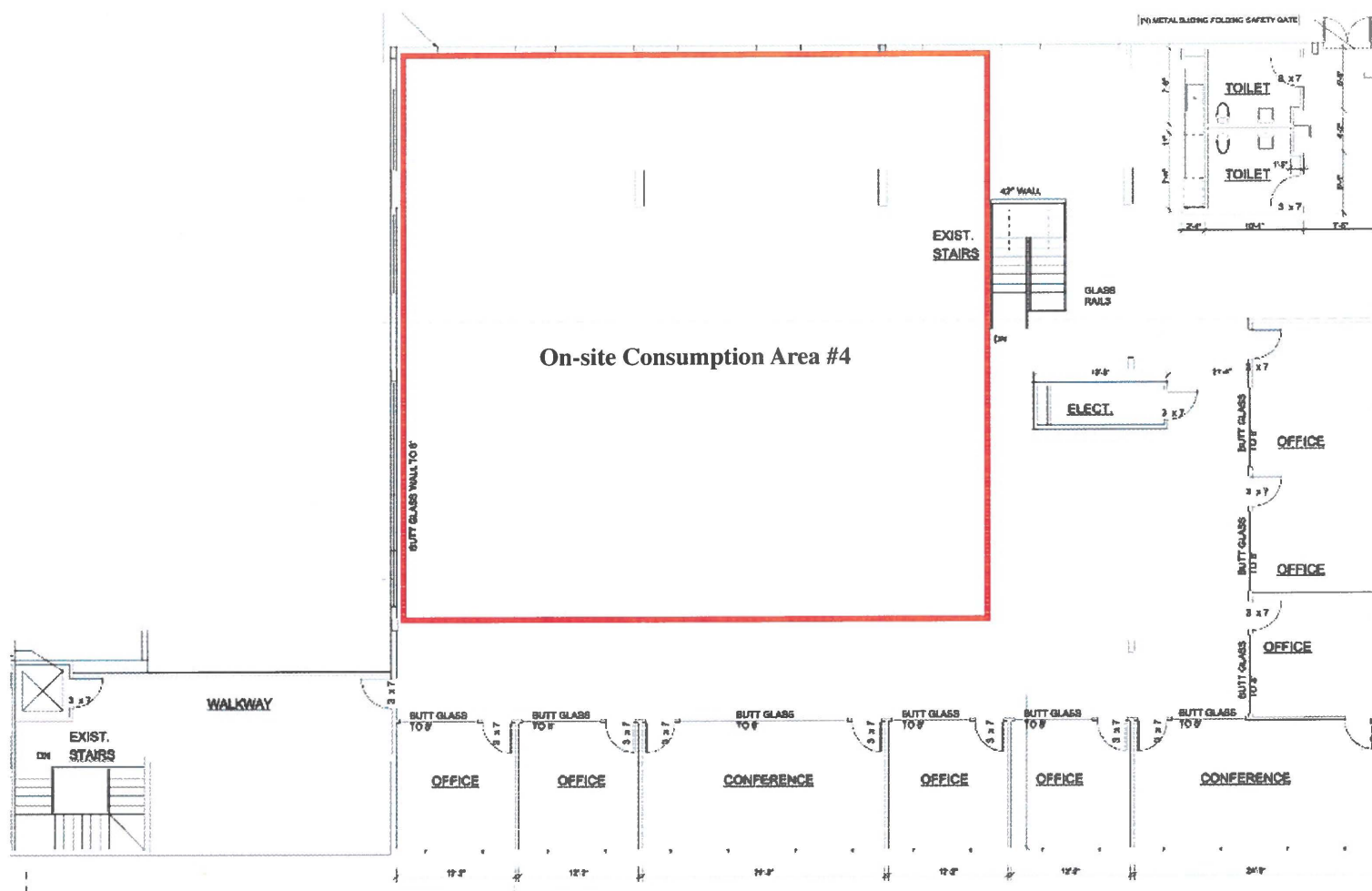
Furthermore, all operations will be in compliance with the City of Ukiah's smoking ordinance:

- Division 5, Chapter 7, Article 4 Section 4504 REGULATION OF SMOKING IN PLACES OF EMPLOYMENT, A: Smoking will only occur outdoors in a non-enclosed area which would constitute a smoke-free workplace for all employees.





DATE BY	
REVISIONS	
RUFF + ASSOCIATES ARCHITECTURE PLANNING DEVELOPMENT 100 WEST STANLEY STREET, LINCOLN, CA 95822 PHONE: 707-472-0525 F: 7-472-0527 E-MAIL: RICHARD@RUFF.COM COPYRIGHT © BY RUFF + ASSOCIATES. ALL RIGHTS RESERVED.	
CA LICENSE # 00760 RICHARD RUFF 	
BUILDING REMODEL FOR: EMERALD SUN, LLC 1601 A STREET RD UKIAH, CA 95482	
SHEET TITLE	
ENTIRE FLOOR PLAN	
DRAWN BY	
CHECKED BY	
DATE CREATED 10/12/18	
DATE REVISED	
SCALE 1/8" = 1'-0"	
PAGE	
A-4 SHEET OF	





**Ukiah Use Permit
Neighborhood Map
600ft. / 1,200ft.
1601 Airport Rd.
Ukiah, CA 95482**

APN: 180-110-01



Emerald Sun ext. consumption areas from Airport Rd.

Exterior Site 1 approx 300 ft. from Airport Rd.

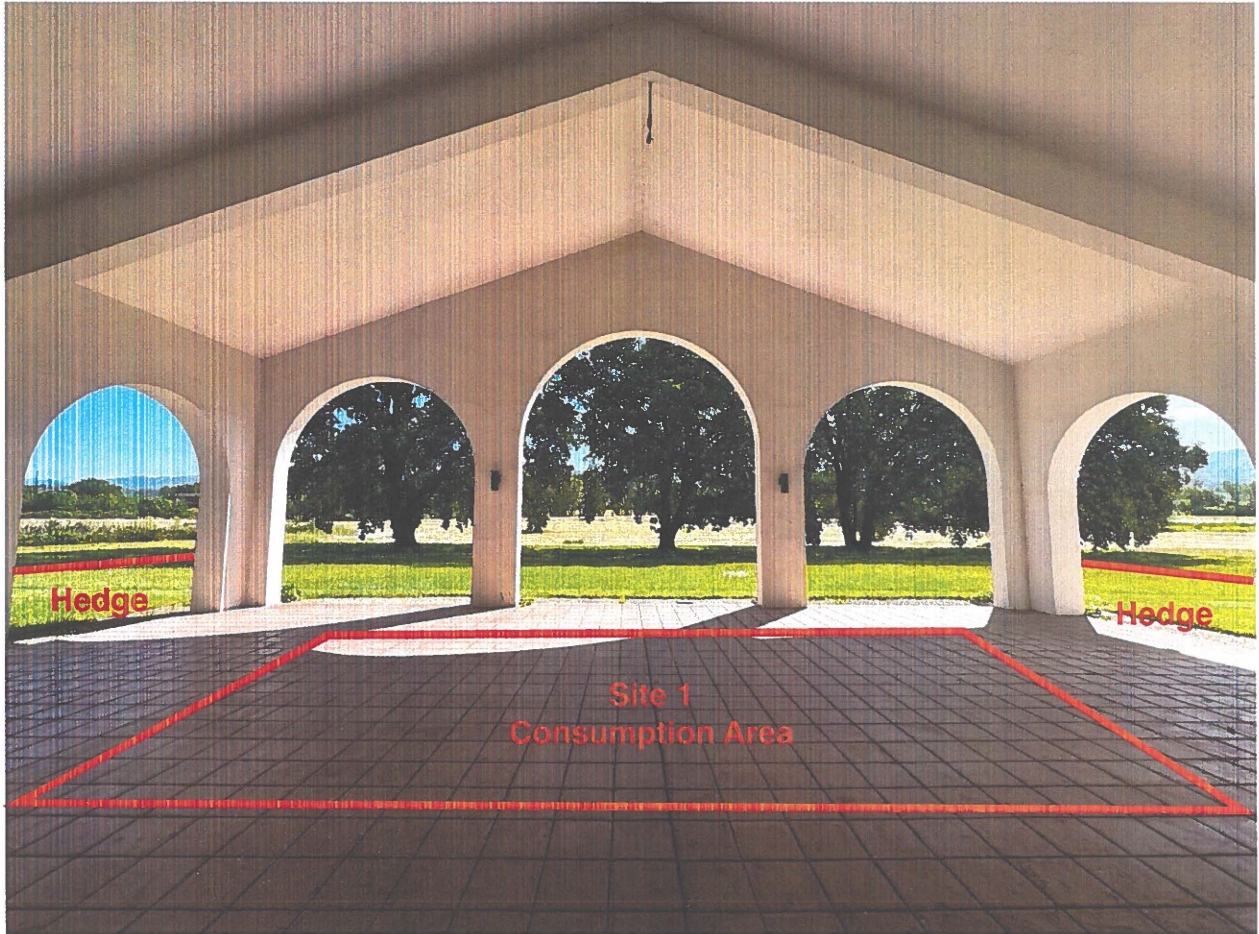
Exterior Site 2 approx 450 ft. from Airport Rd.



Emerald Sun ext. consumption areas from Hwy 101 (Additional Treeline not in view)

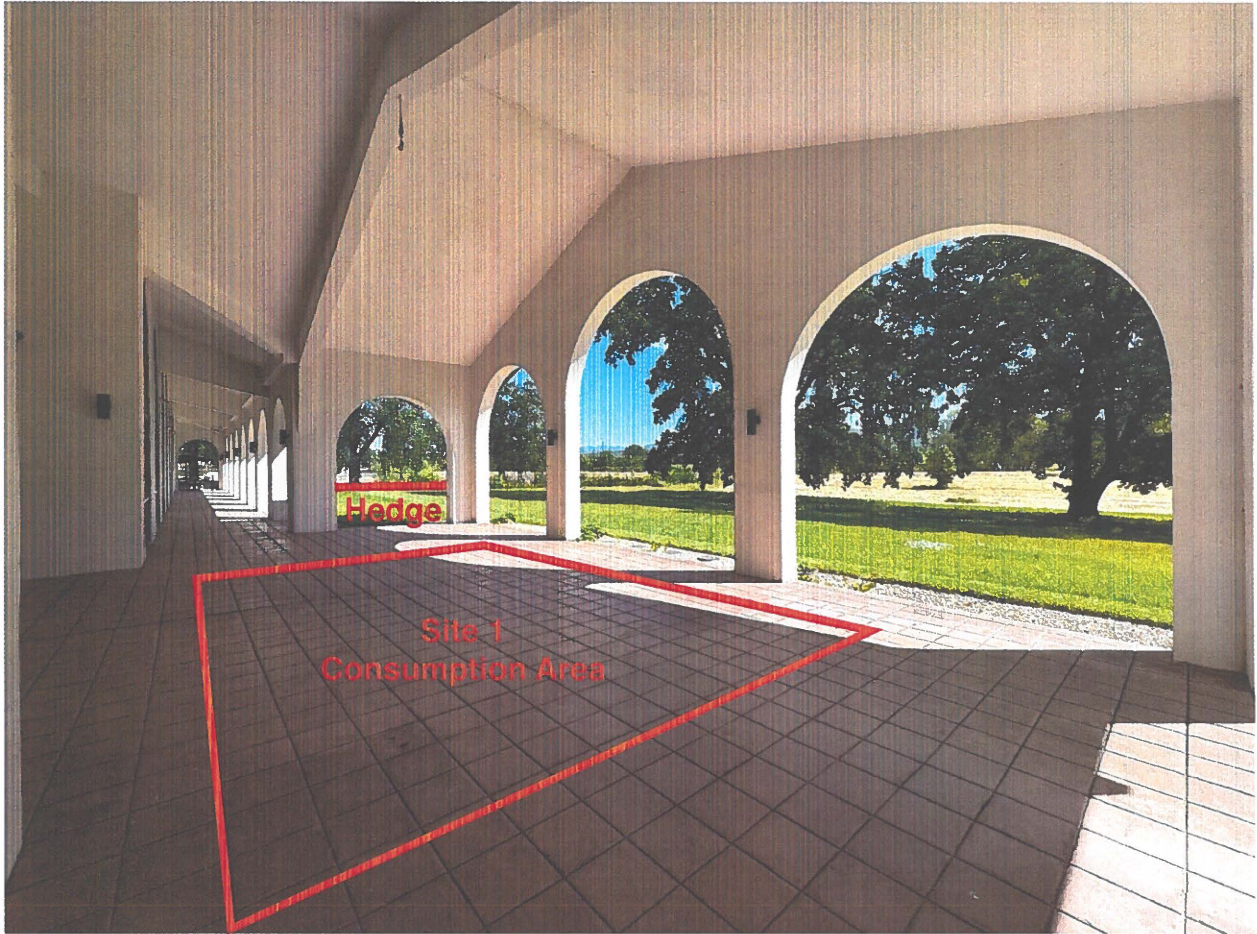
Exterior Site 1 approx 500 ft. from Hwy 101

Exterior Site 2 approx 500 ft. from Hwy 101



Emerald Sun consumption area Site 1

Approx 500 ft. from Highway 101, approx. 300 ft. from Airport Rd.



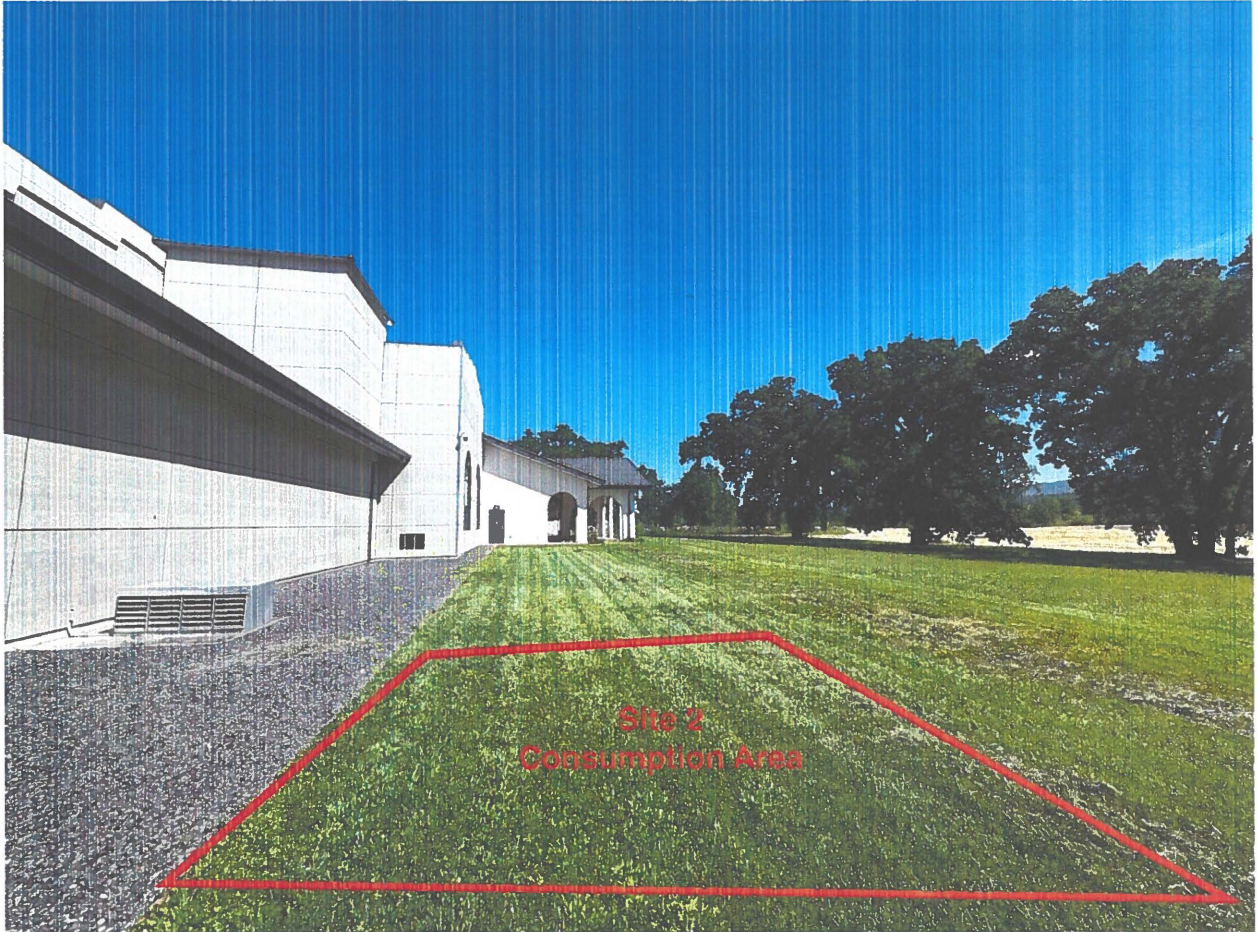
Emerald Sun consumption area Site 1

Approx 500 ft. from Highway 101, approx. 300 ft. from Airport Rd.



Emerald Sun consumption area Site 2

Approx 500 ft. from Highway 101, approx. 450 ft. from Airport Rd.



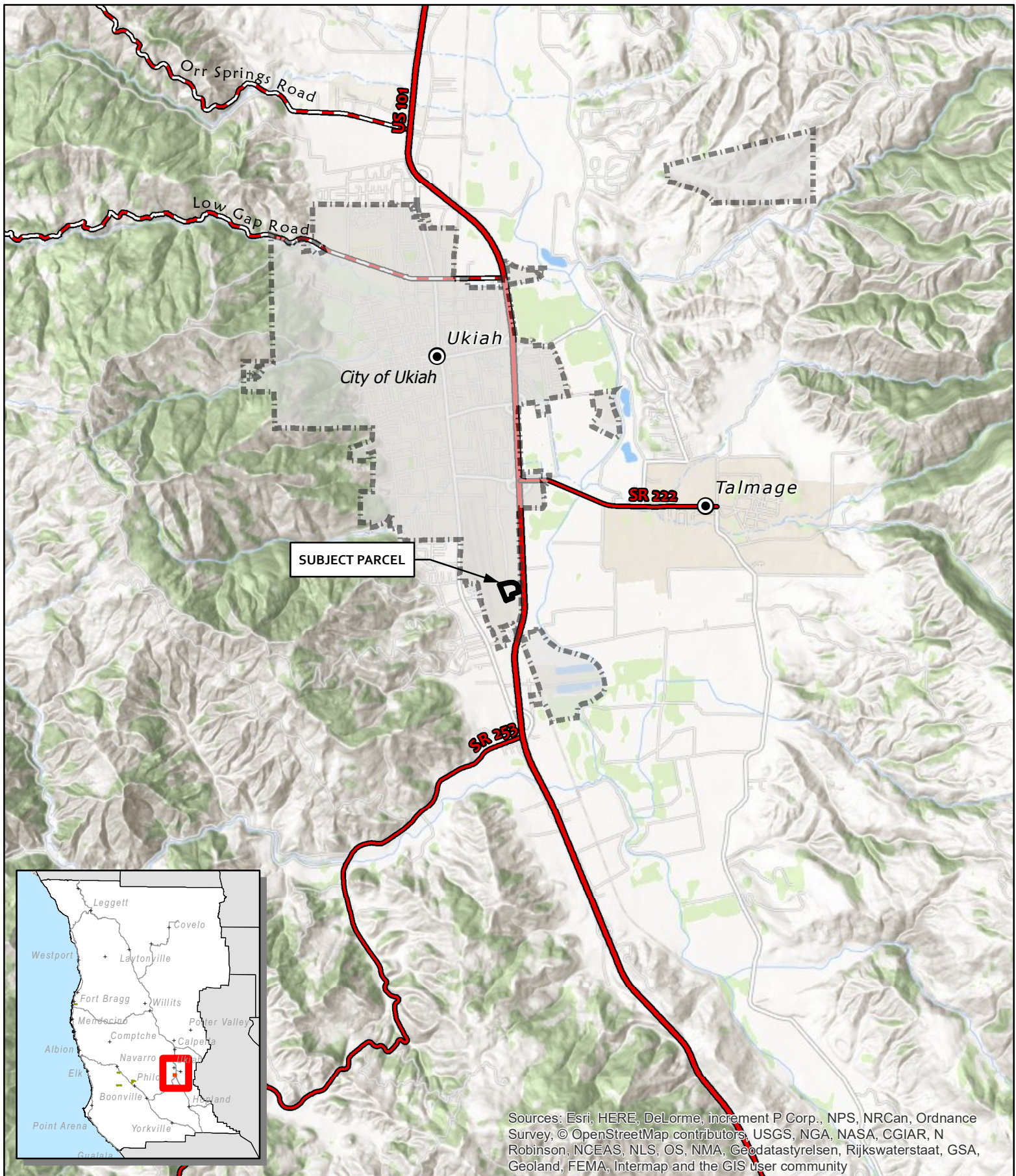
Emerald Sun consumption area Site 2

Approx 500 ft. from Highway 101, approx. 450 ft. from Airport Rd.



Emerald Sun consumption area Site 2

Approx 500 ft. from Highway 101, approx. 450 ft. from Airport Rd.



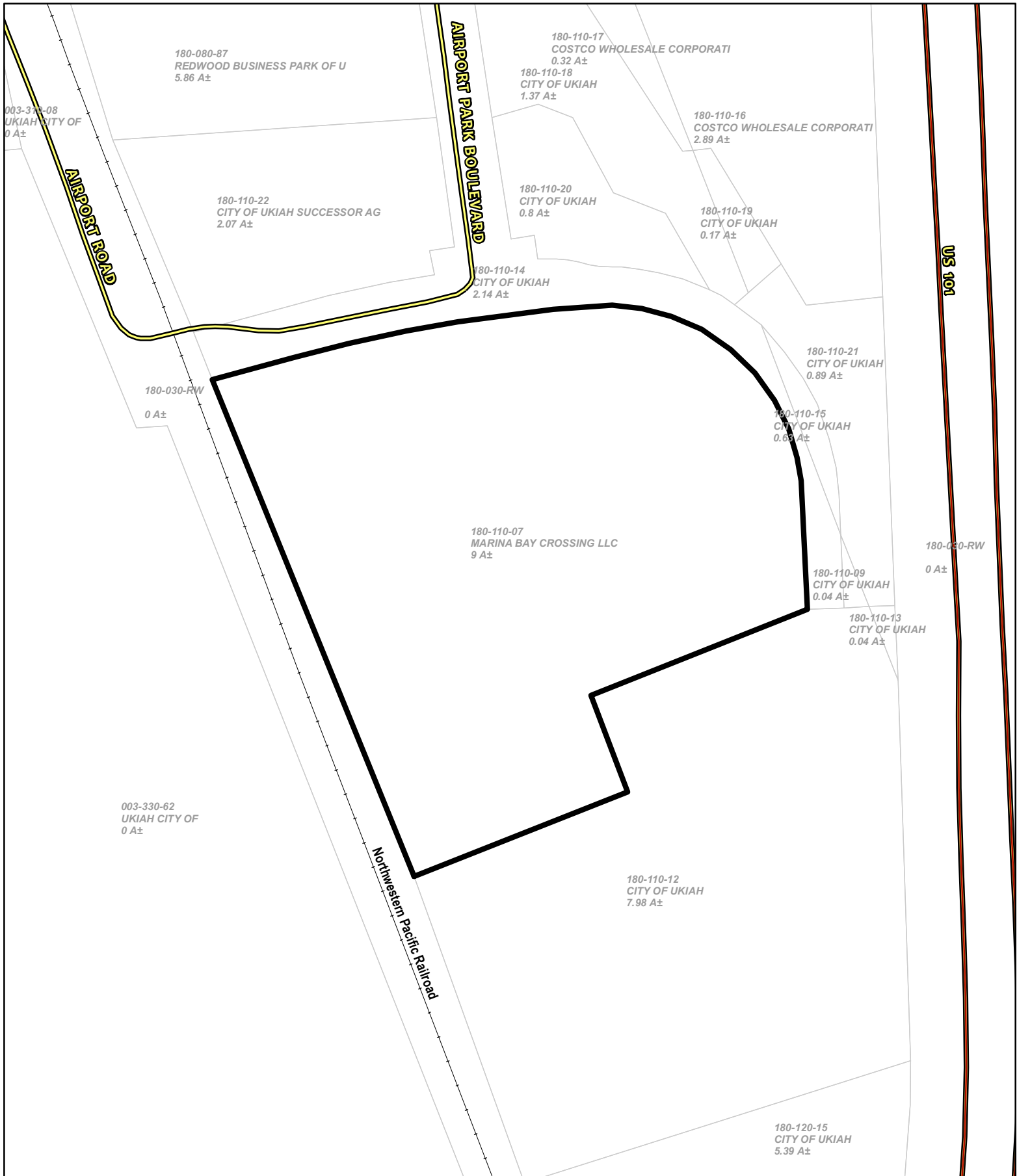
CASE: MaUP File No. 24-000177
OWNER: Marina Bay Crossing, LLC
APN: 180-110-07
APLCT: Emerald Sun Manufacturing, LLC
AGENT: Dean Schlesinger
ADDRESS: 1825 Airport Rd., Ukiah

Major Towns & Places
 City Limits
 Highways
 Major Roads

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 0 0.5 1 Miles
 1:63,360

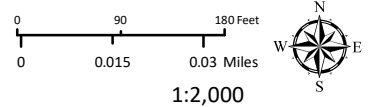
LOCATION

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— Highways (2017) □ Assessors Parcels
 — Public Roads
 — Railroads



ADJACENT PARCELS

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

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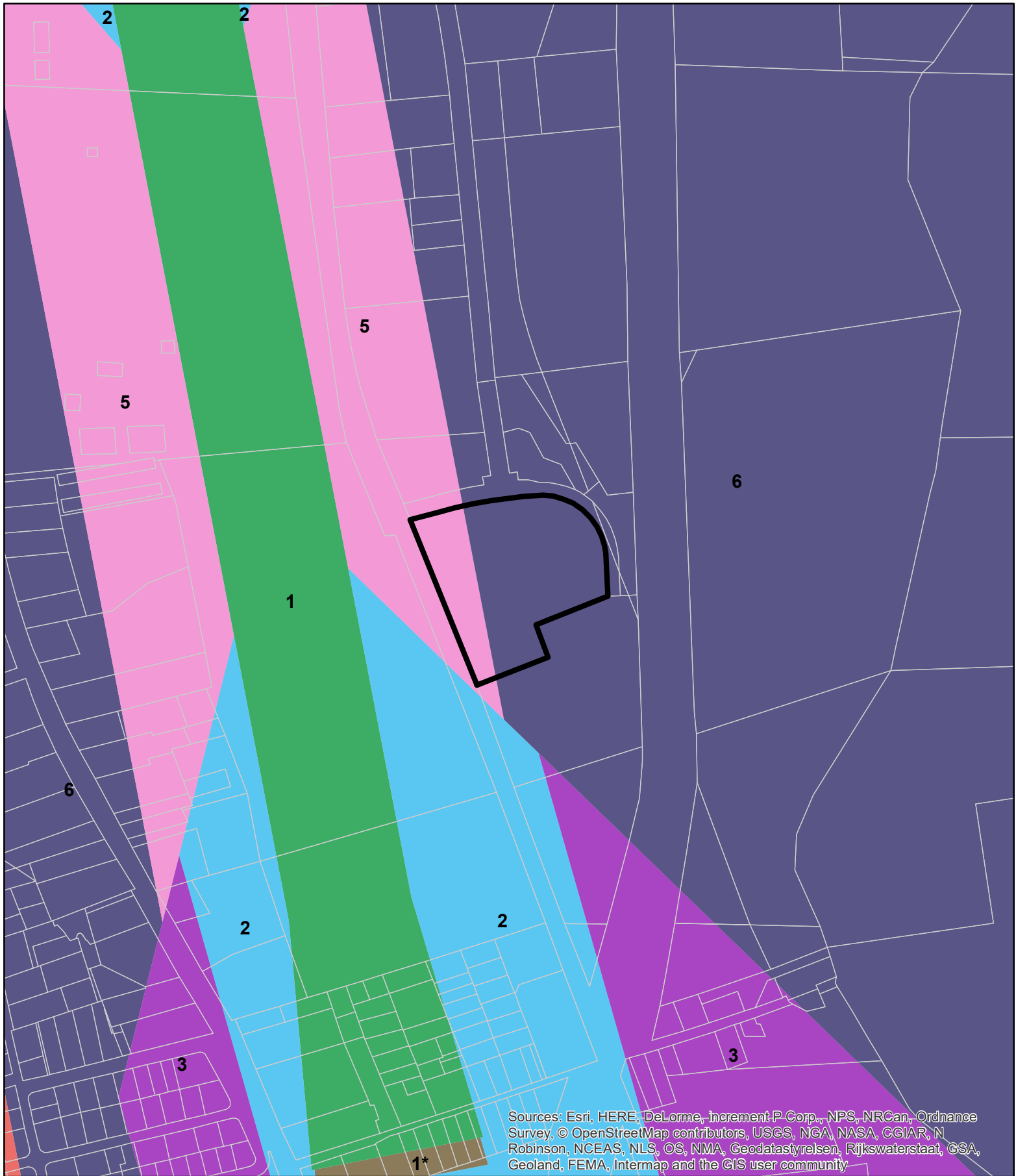
Public Roads
Railroads

0 55 110 Feet
0 0.01 0.02 Miles
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AERIAL IMAGERY

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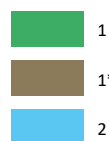
AGENT: Dean Schlesinger

ADDRESS: 1825 Airport Rd., Ukiah

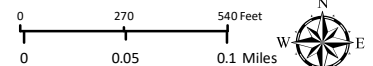
Assessors Parcels

Ukiah Airport Zones

ZONE



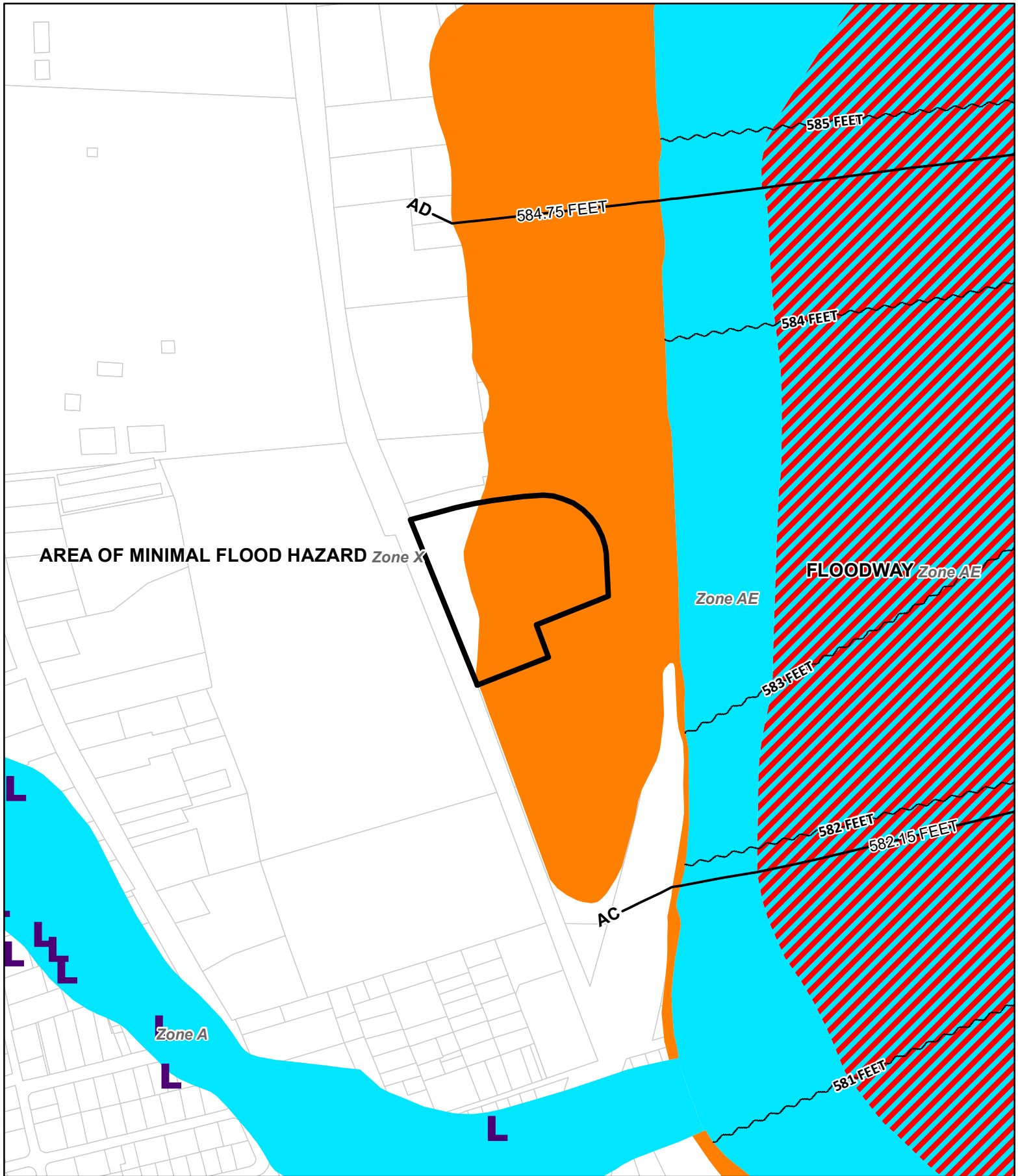
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1*
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6



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UKIAH AIRPORT ZONES

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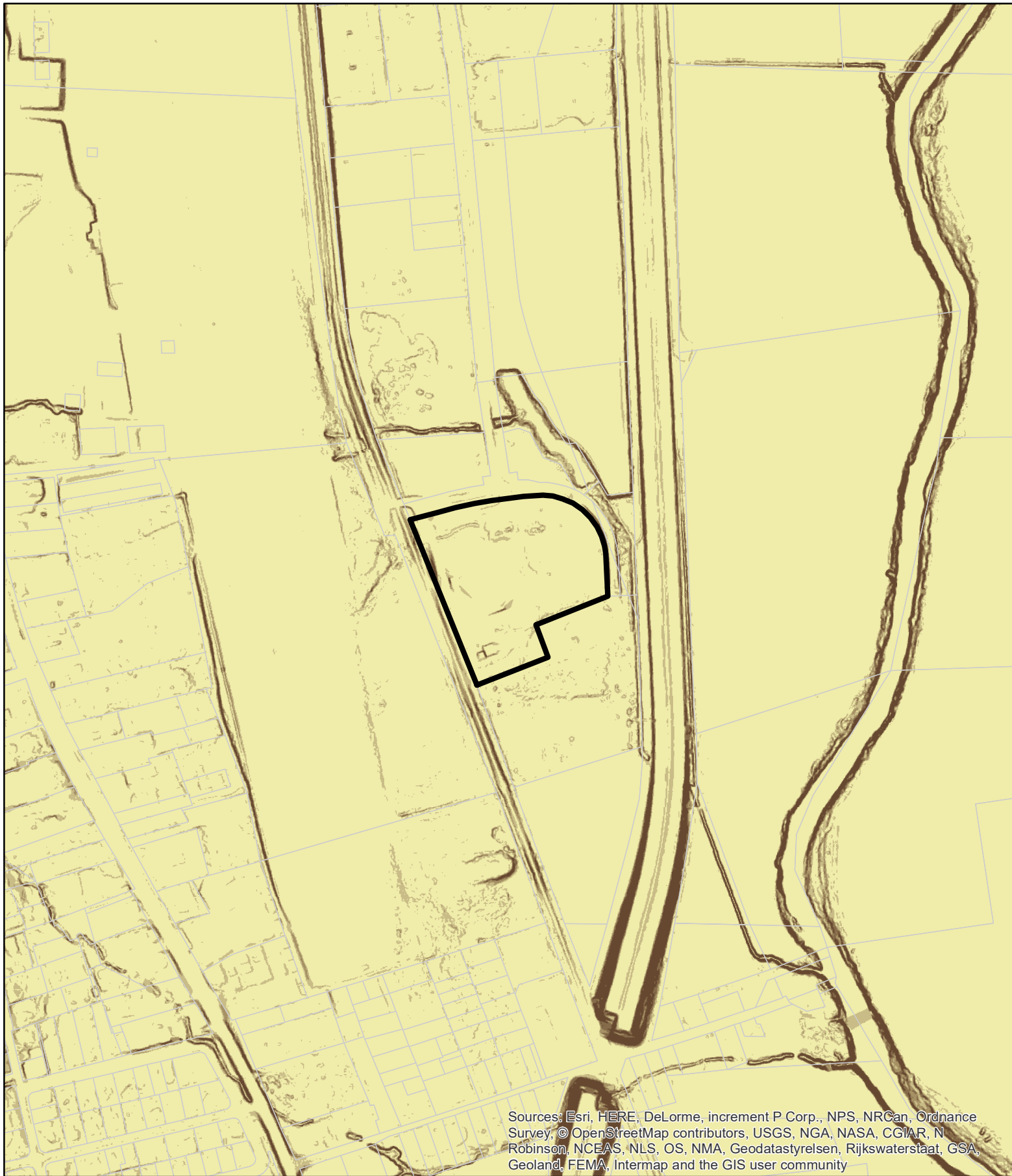


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FLOOD ZONES

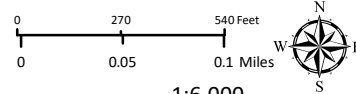
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Sources: Esri, HERE, DeLorme, increment P Corp., NPS, NRCAn, Ordnance Survey, © OpenStreetMap contributors, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

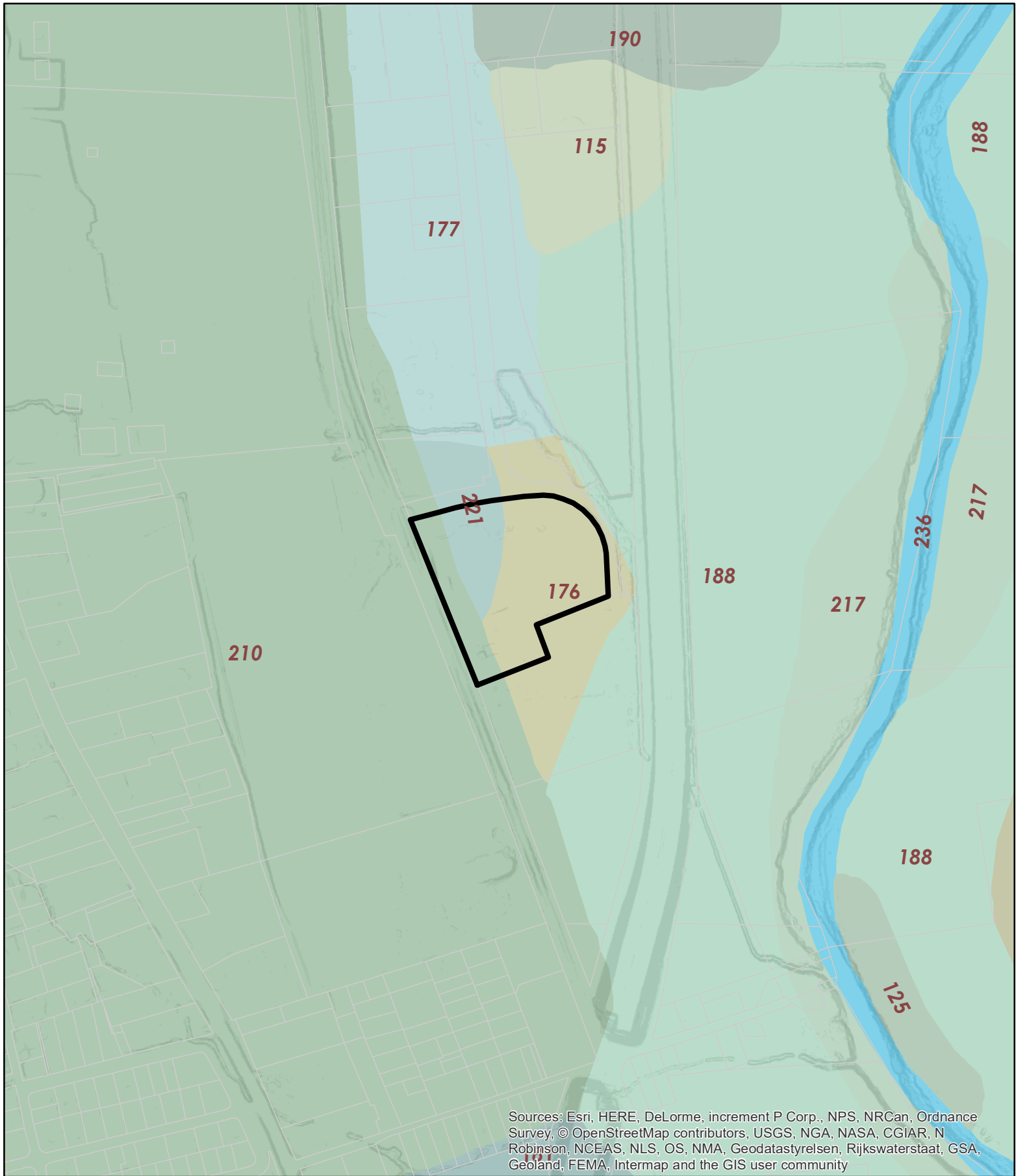
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ADDRESS: 1825 Airport Rd., Ukiah

	Assessors Parcels		20% - 30%
	0 - 10%		30% - 40%
	10% - 20%		40% - 50%



1:6,000
ESTIMATED SLOPE

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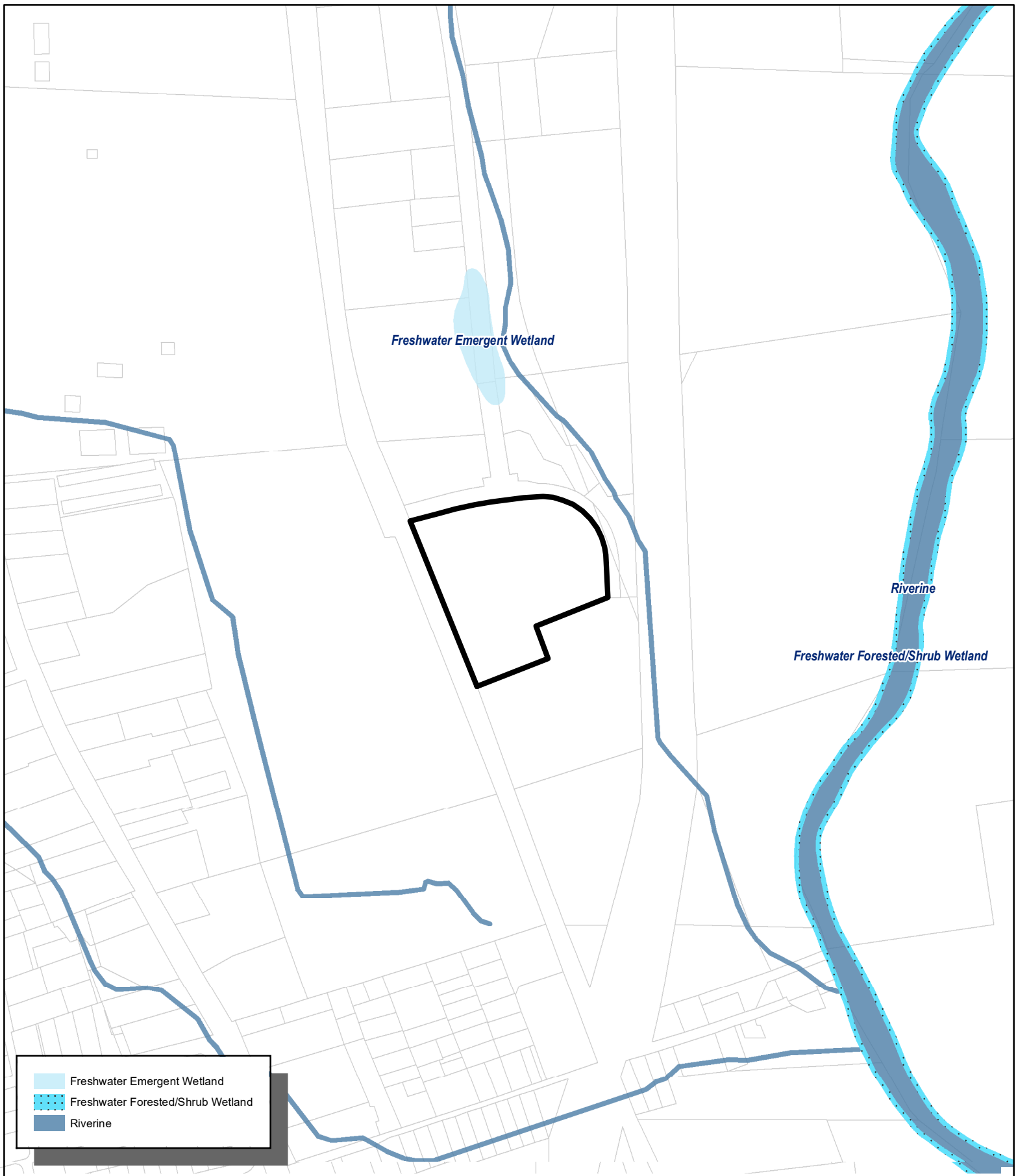
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 Assessors Parcels

0 270 540 Feet
 0 0.05 0.1 Miles
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EASTERN SOIL CLASSIFICATIONS

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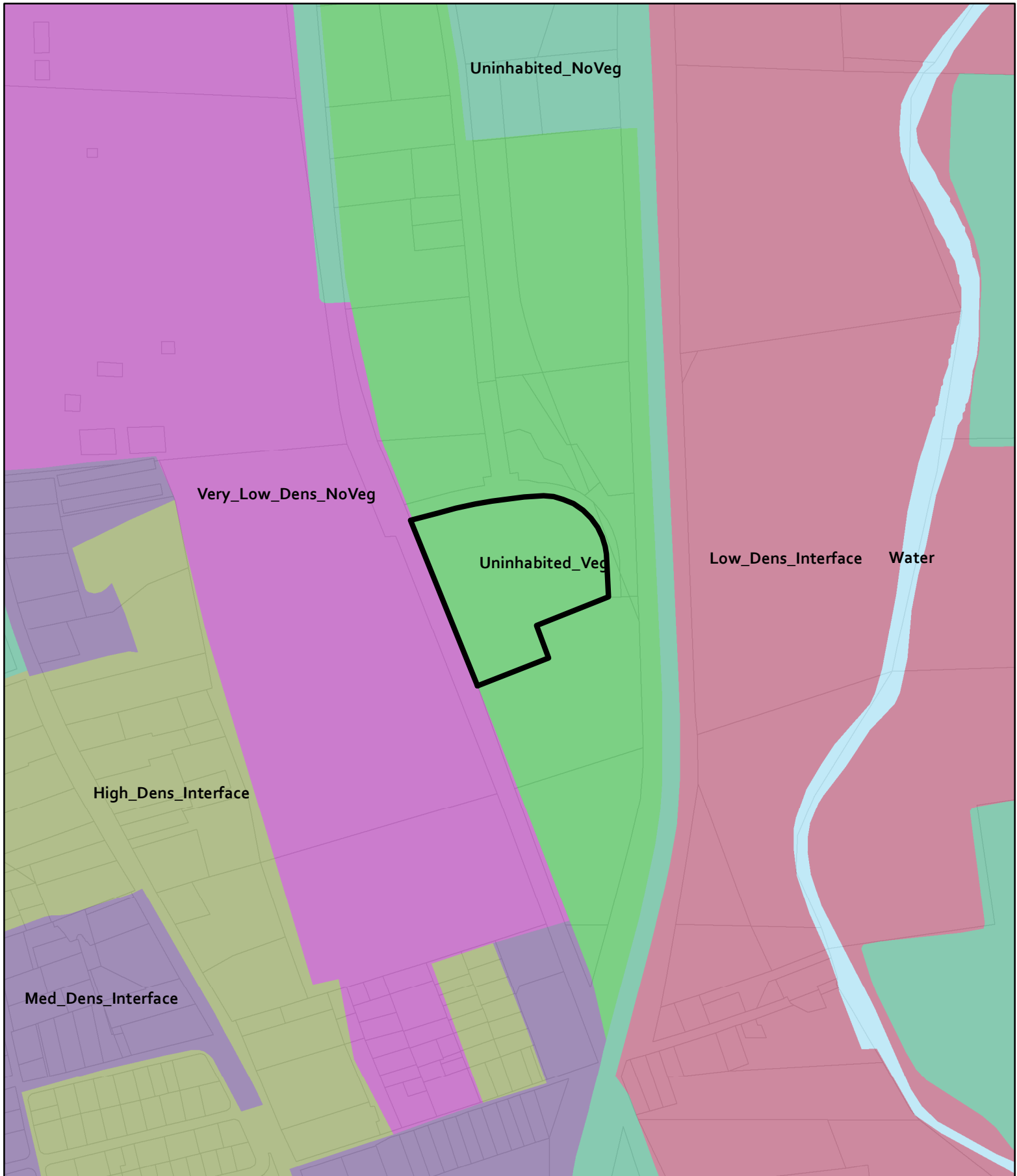
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Assessors' Parcels

1:6,000

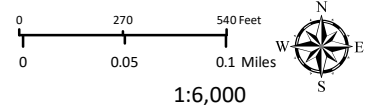
WETLANDS

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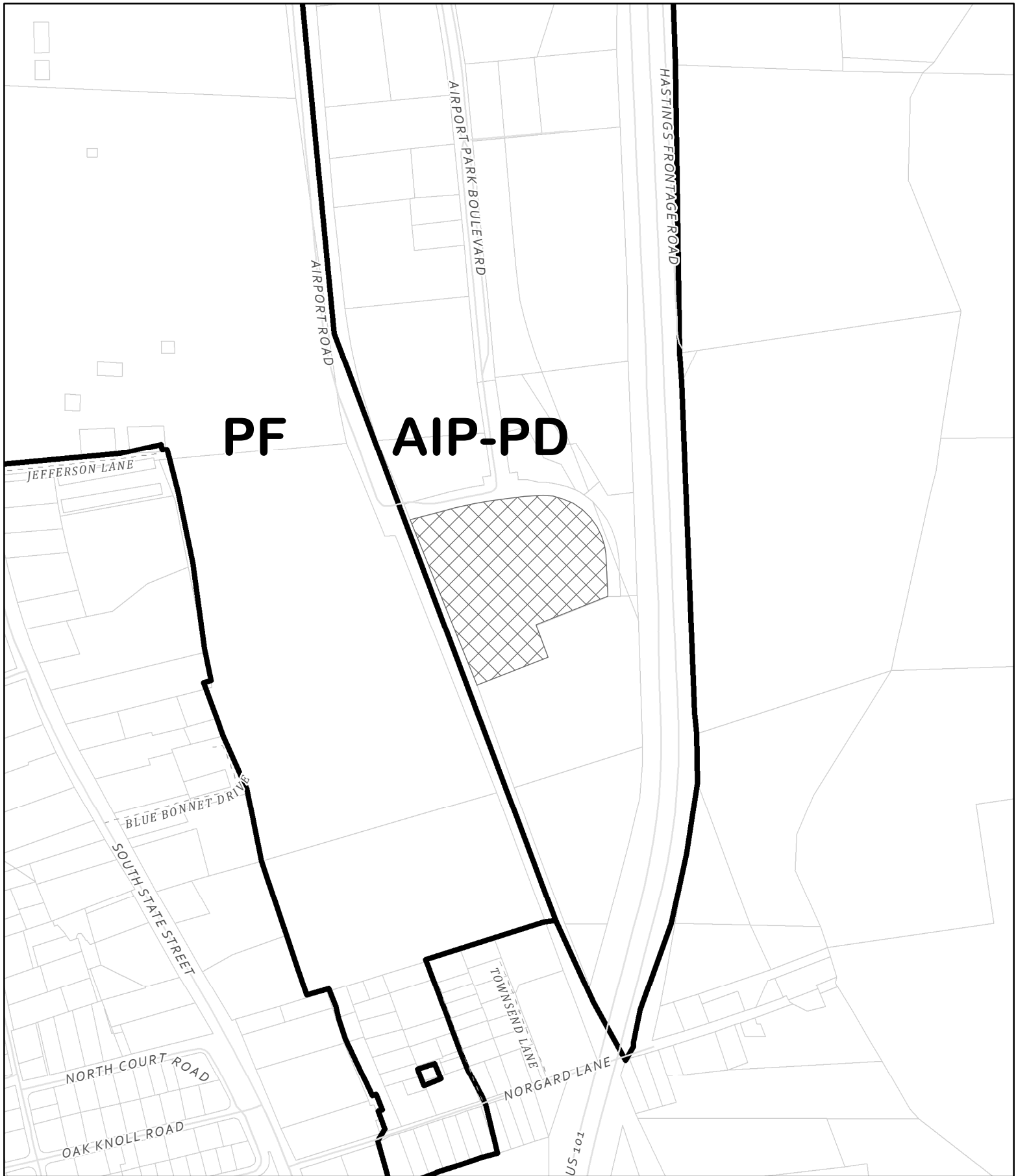
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 Assessors Parcels



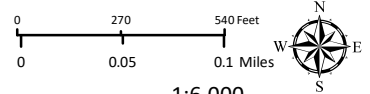
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WILDLAND URBAN INTERFACE

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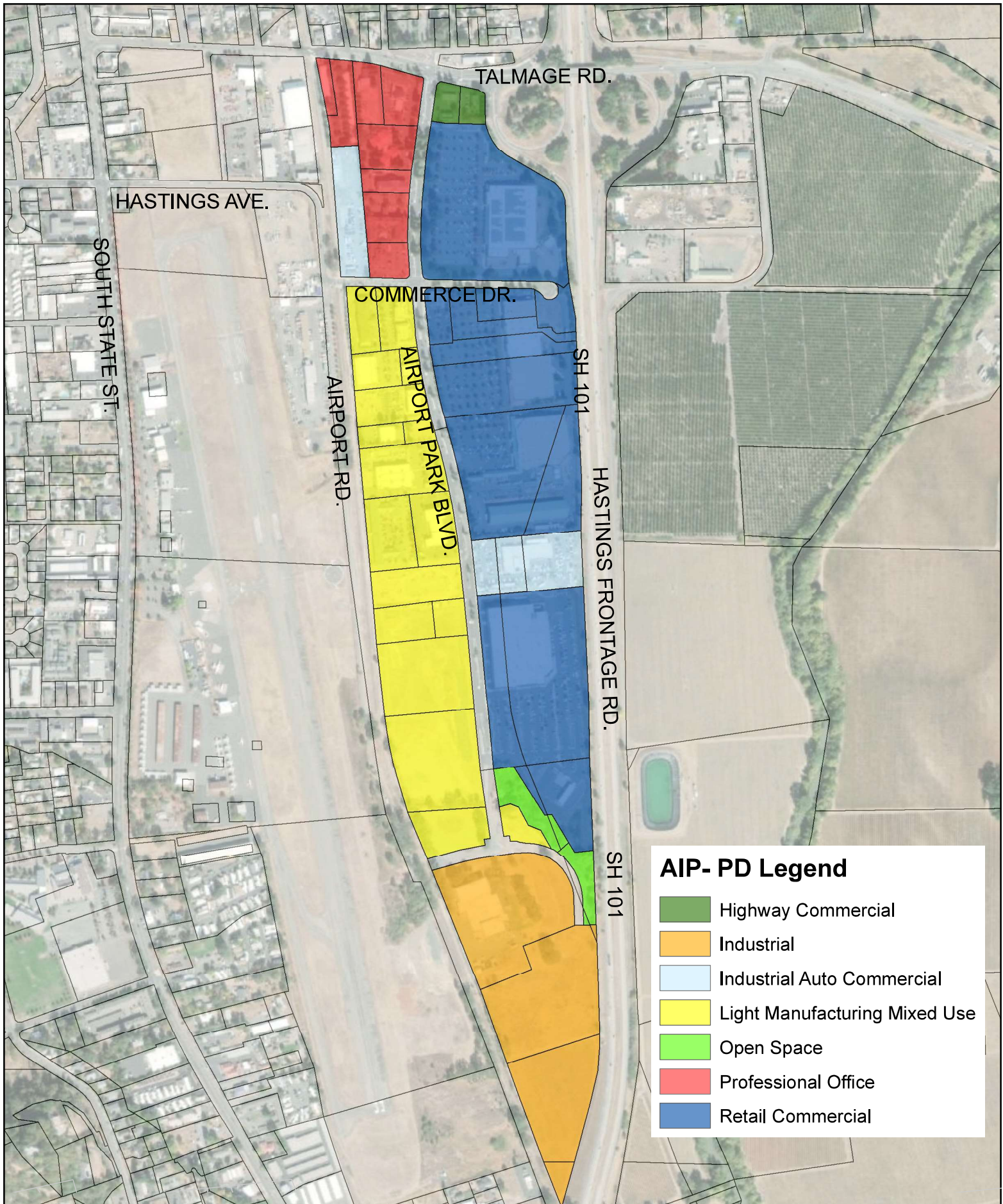
— Public Roads
 - - - Private Roads
 □ Assessors Parcels



1:6,000

ZONING

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AIP- PD Legend

- Highway Commercial
- Industrial
- Industrial Auto Commercial
- Light Manufacturing Mixed Use
- Open Space
- Professional Office
- Retail Commercial

OWNER: Marina Bay Crossing, LLC
APN: 180-110-07
APLCT: Emerald Sun Manufacturing, LLC
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ADDRESS: 1825 Airport Rd., Ukiah

Assessors Parcels



AIP- PD Designations

Page 123 of 132

**FINAL CONDITIONS OF APPROVAL FOR
RENEWAL OF THE EXISTING EMERALD SUN MANUFACTURING, LLC
CANNABIS RELATED- BUSINESS USE PERMIT
AT 1825 AIRPORT ROAD; APN 180-110-07
FILE NO. 21-6387**

This annual renewal of a cannabis-related business Use Permit is granted to Gary Breen, dba Emerald Sun Manufacturing, LLC. The Conditions of Approval from the original approved Use Permit (File No.18-4173), Minor Amendment (File No.19-5062 and 20-5650), and previous annual renewal (File No. 20-5398), shall be applicable to the renewal and will remain in effect.

The cannabis-related business Use Permit is valid for one-year, expiring on September 28, 2022, and is subject to the following Conditions of Approval.

From the Planning Division

1. Approval is granted to allow the operation of a manufacturing (non-volatile), processing, and distribution operation as described in the application and operational documents approved by the Zoning Administrator on June 6, 2019 and February 18, 2020. Any modifications to the plans contained within the previously approved documents may require an amendment to this Use Permit, as determined by the Community Development Director and the Chief of Police.

City of Ukiah Special Conditions

2. No cultivation shall occur on-site. If the applicant wishes to include it at a later date, the applicant shall contact the Community Development Department to determine which planning permits are required.
3. This permit restricts the sale of cannabis and cannabis products on site. If the applicant wishes to include retail at a later date, the applicant shall contact the Community Development Department and obtain all required permits.
4. No consumption of cannabis or cannabis-related products shall occur on-site.
5. No special events are permitted on-site. If the applicant wishes to host events, they must contact the Community Development Department, and obtain any necessary permits.
6. The facility shall operate in compliance with City Ordinance Numbers 1176, 1182, 1188 and 1190, and is subject to annual review, inspection, and revocation as outlined therein.
7. Wine storage is limited to the areas specified on the approved Site Plan and must be separate and distinct from the cannabis activity areas, in compliance with state regulations. Alcohol consumption and sales are prohibited on site.
8. Prior to issuance of building permits and commencing operations, the applicant shall submit proof of State licensure to operate each of the cannabis related businesses.

9. Prior to issuance of building permits or commencing operations, the applicant and all employees shall successfully complete a Live Scan background and provide proof of such completion.
10. No persons will live on-site. If the applicant wishes to have a live-in manager in the future, they shall consult with the Community Development Department and obtain any necessary permits.

City of Ukiah Standard Conditions

11. This approval is not effective until the 10-day appeal period applicable to this Permit 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.
12. All Conditions of Approval shall be printed on all sets of building permit project plans pertaining to any site preparation work or construction associated with the development of the ancillary site improvements approved by the Minor Use Permit.
13. All use, construction and the location thereof, or occupancy, shall conform to the application and to any supporting documents submitted therewith, including any maps, sketches, or plot plans accompanying the application or submitted by applicant in support thereof.
14. 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.
15. 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.
16. The Applicant shall obtain all required Sign Permits, in compliance with Division 3, Chapter 7, Signs, of the UCC.
17. 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.

Department of Public Works Conditions

18. Sidewalks will be required when a retail component to this project is applied for or other building permit requirements. Those sidewalks should be part of the consideration of the

paved parking area that is required at this time. Plans are not required for sidewalks at this time.

19. All areas of circulation shall be paved with a minimum of 2" of AC on 6" of Base or other suitable all-weather surface approved by the City Engineer. This includes the proposed driveways and parking areas. If heavy truck traffic is anticipated from the solid waste company, delivery trucks, or other heavy vehicles, the pavement section shall be calculated appropriately to ensure that it can withstand the loading.
20. Should improvements exceed 10,000 square feet of new or replaced impervious surface, post-construction storm water mitigation measures may be required.

Electric Utility Department Conditions

21. This property is currently served from existing underground primary/secondary facilities and a dedicated 3-phase Pad Mount Transformer that serves the existing address/buildings at 1825 Airport Road. Should the project need to upgrade to a larger panel or increase the electric load in the future, they will need to contact the COU Building Department and the Electric Utility Department.
22. Developer is to provide EUSERC approved electrical equipment compatible with the City of Ukiah's EUSERC Acceptability Chart before the panel can be used on this project.
23. All future site improvements shall be submitted to the Electric Utility Department for review and comment. At that time, specific service requirements, service Voltage and developer costs and requirements will be determined.
24. Developer/customer shall incur all costs of this future project to include (labor, materials, equipment and future services).
25. 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.

Building Division Conditions

26. Submit plans and building permit application. Please submit three complete plan sets, two wet stamped and signed.
27. The design and construction of all site alterations shall comply with the 2019~~6~~ California Building Code, 2019~~6~~ Plumbing Code, 2019~~6~~ Electrical Code, 2019~~6~~ California Mechanical Code, 2019~~6~~ California Fire Code, 2019~~6~~ California Energy Code, 2019~~6~~ Title 24 California Energy Efficiency Standards, 2019~~6~~ California Green Building Standards Code and City of Ukiah Ordinances and Amendments.
28. It is possible the proposed work will change the occupancy of the building, or section of the building. Per 2016 CBC 3408, "No change shall be made in the character of occupancies or use of any building unless such building is made to comply with all current code requirements." This may be an extensive remodel and we recommend you hire an Architect or Engineer and a Casp to review your building for code compliance before you commit to a change of occupancy.

Ukiah Police Department Conditions

Prior to Building Permit Final and for the Duration of the Use:

29. The business permittee shall provide the Police Department with the current name and primary and secondary telephone numbers of at least one 24-hour on-call manager to address and resolve complaints and to respond to operating problems or concerns associated with the business.
30. The business permittee shall provide the City with the current name and primary and secondary telephone numbers of at least one manager to communicate with the surrounding neighborhoods and businesses. The business shall make good faith efforts to encourage neighborhood residents to call this person to solve problems, if any, before any calls or complaints are made to the City or Police Department.
31. The business permittee shall immediately report to the City Police Department all criminal activity occurring on the business site.
32. The business permittee shall only manufacture cannabis in a fully enclosed building and not allow cannabis or cannabis products on the manufacturing site to be visible from the public right of way, the unsecured areas surrounding the buildings on the site, or the site's main entrance and lobby.
33. Video from the security surveillance cameras must be recording at all times (24 hours a day, seven days a week) and the recording shall be maintained for at least 90 days. In the event of a crime on site or anywhere within range of the dispensary's security cameras, the dispensary shall provide the Chief of Police with a useable digital copy of the security video upon request or at the earliest convenience. Duration of Use: Security system shall be equipped with at least 24 hours of continued operation time in case of power failure.
34. A copy of all applicable state and local licenses or permits shall be submitted to the City prior to issuance of permit and prior to operation. All applicable state and local licenses or permits be displayed in the lobby or waiting area of the main entrance to the building.
35. All perimeter fencing and gates shall be constructed of decorative tubular steel, no climb type.
36. All solid core exterior doors shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
37. Broken or damaged exterior lighting shall be repaired or replaced within 48 hours of being noted.
38. Report any graffiti to UPD @ 463-6262. After reporting, clean-up/paint over as soon as possible. Spray on graffiti remover can be purchased at hardware supply stores.
39. Property shall be kept free of debris/garbage.
40. Applicant shall install a "Knox Box" to allow Police Department emergency access to the interior and exterior areas of the property after hours.
41. Height markers shall be installed on the interior doorways and front door entrance.

42. Building shall be equipped with UL compliant security system including Video Assessment Surveillance System (VASS), Intrusion Detection System with private security response and emergency panic alarms. Security system must be monitored by UL listed monitoring company and installed via a UL certified installer.
43. Any proposed revisions to the approved Security Plan shall be made in writing and subject to approval.
44. An inspection shall be conducted by the Department in order to confirm compliance with approved Security Plan prior to building permit final.

Ukiah Valley Fire Authority Conditions

45. All exit doors shall be equipped with lighted exit signage and emergency lighting with a battery backup.
46. Main entry door must swing in direction of egress travel "out".
47. Egress doors shall be readily openable from the inside without the use of key or special knowledge. CFC 1010.1.9.3
48. There may be other minor Fire Code additions when plans are submitted, ie. Address location, and the need for additional fire extinguishers.
49. New and existing buildings shall have approved address numbers placed in a position to be plainly legible from the street or road fronting the property, CFC 505.1. Address number shall be placed on the South facing exterior and East facing wall at corner of main building. Fire Marshal can verify with contractor.
50. Fire extinguishers shall be required. Fire Marshal can assist with location and number of required extinguishers.
51. Fire hydrant systems shall be subject to periodic testing, inspection and maintenance as required by the fire code official. CFC 507.5
52. Fire sprinkler system shall be maintained and modified as necessary.
53. It is highly recommended that all exits be clearly marked. Means of egress shall be illuminated when the building space is occupied, CFC 1008.2.
54. Exit signs shall be internally or externally illuminated at all times; signs shall be connected to an emergency power system that provides illumination for not less than 90 minutes in case of primary power loss. CFC 1013.3 & 1013.6.3.
55. In the event of power supply failure, an emergency electrical system shall automatically illuminate the means of egress. CFC 1008.3.
56. A "Knox Box" key security safe shall be required, and mounted on the exterior at a location specified by the Fire Marshall.
57. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the fire department. Approved signs required to identify fire protection equipment and equipment

location shall be constructed of durable materials, permanently installed and readily visible. CFC 509.1

58. The use of a third-party Engineer shall be utilized/required to assure compliance with code requirements of the California Fire Code and NFPA 1.
59. The Office of the Fire Marshal shall participate and attend the third-party Engineer with all on-site inspection processes that shall be required.
60. Emergency contact information shall also be provided to the Fire Department.

Mendocino County Air Quality Management District Conditions

61. The applicant may be required to obtain an Authority to Construct permit from the District prior to beginning construction and demolition.
62. Diesel Engines – Stationary and Portable Equipment and Mobile Vehicles:
 - Any stationary onsite diesel IC engines 50 horsepower or greater (i.e. large power generators or pumps) or any propane or natural gas engines 250 horsepower or greater may require a permit from the District.
 - Portable diesel-powered equipment that may be used during the proposed project are required to be registered with the state Portable Equipment Registration Program (PERP) or obtain permits from the District.
 - Projects located adjacent to sensitive receptors (schools, child care facilities, health care facilities, senior facilities, businesses, and residences, etc.) during the construction phase of this project have the potential for exposure to diesel particulate.
 - Heavy duty truck idling and off-road diesel equipment or other diesel engine idling is limited to less than 5 minutes.
63. Demolition/Renovation Projects- All Commercial Buildings, Government Buildings, Schools, Multi-Family Dwellings are subject to the requirements of Mendocino County Air Quality Management District Regulation 1, Rule 492, National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Asbestos.
 - Prior to receiving a Demolition / Renovation Permit from the Planning & Building Agency the applicant is required to:
 - 1) Have an Asbestos Survey conducted by a licensed Asbestos contractor for the presence of asbestos containing materials,
 - 2) Submit a completed Asbestos Demolition/Renovation form, all test results and applicable notification fees to the District at least 10 days prior to beginning the project,
 - 3) Have any Asbestos containing materials abated by a licensed abatement contractor prior to beginning any demolition or renovation activities.
 - 4) Obtain written authorization from the District indicating that all requirements have been met prior to receiving.



PROJECT REVIEW REFERRAL

Please provide comments by: August 30, 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:	
☒	Community Development (Craig Schlatter; Katherine Schaefer)
☒	City Manager's Office (Shannon Riley)
☒	Building Inspection (Matthew Keizer)
☒	Public Works Dept. (Tim Erikson; Jason Benson)
☒	Ukiah Valley Sanitation District (General Manager)
☒	Ukiah Valley Fire Authority (Matthew Keizer; Waylon Hockemier)
☒	Electric Utility Dept. (Cindy Sauers; Scott Bozzoli; Sonu Upadhyay; Kahli Johnson)
☒	Ukiah Police Department (Max Brazill and Josie Castanon)
☒	Ukiah Airport (Greg Owen)
☒	County of Mendocino, Airport Land Use Commission (Planner of the Day)
FROM PROJECT PLANNER: Jesse Davis, Chief Planning Manager	

PROJECT INFORMATION:	
Project Name & Permit #:	Emerald Sun – Non-Storefront Retail & On-Site Consumption
Site Address & APN:	1825 Airport Road, Ukiah, CA (APN: 180-110-07)
General Plan:	Airport Industrial Park - Planned Development (AIP-PD)
Zoning:	Planned Development – Manufacturing (M)
Airport Compatibility Zone:	Zone 5 & Zone 6
Date Filed:	07/25/2024
Date Referred:	07/30/2024
Prev. Projects on Site (include file #)	2021: #21-6387 Renewal & #21-6350 Minor Amendment; 2020: #20-5398 Renewal and # 20-5658 Minor Amendment; 2019: #19-5062 Minor Amendment and #18-4173 Minor Use Permit
Applicant/Agent Name:	Emerald Sun, LLC (Dean Schlesinger)
Phone:	914-715-5761
Email:	dean@emeraldsun.com
Project Summary: A requested modification to an existing Use Permit to allow for Non-Storefront Retail (Type 9) of 'Cannabis Products' and On-Site Consumption of 'Cannabis Products' at 1825 Airport Road. The requested uses would be in addition to existing and approved cannabis related undertakings on-site, including 'Processing', 'Distribution' and 'Non-Volatile Manufacturing'. The Applicant proposes using existing indoor and outdoor facilities to facilitate the request. Beyond limited landscaping, no permanent exterior building improvements or substantial tenant improvements are proposed. No other changes to the existing use permit are proposed.	

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) UKIAH POLICE DEPT.



No Comment



Comments / Conditions of Approval Attached

Max Brazill
Signature

8/20/24
Date

PROJECT REVIEW REFERRAL

Please provide comments by: August 15, 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	Community Development (Craig Schlatter; Katherine Schaefer)
X	City Manager's Office (Shannon Riley)
X	Building Inspection (Matthew Keizer)
X	Public Works Dept. (Tim Erikson; Jason Benson)
X	Ukiah Valley Sanitation District (General Manager)
X	Ukiah Valley Fire Authority (Matthew Keizer; Waylon Hockemier)
X	Electric Utility Dept. (Cindy Sauers; Scott Bozzoli; Sonu Upadhyay; Kahli Johnson)
X	Ukiah Police Department (Max Brazill and Josie Castanon)
X	Ukiah Airport (Greg Owen)
X	County of Mendocino, Airport Land Use Commission (Planner of the Day)
FROM PROJECT PLANNER: Jesse Davis, Chief Planning Manager	

PROJECT INFORMATION:	
Project Name & Permit #:	Emerald Sun – Non-Storefront Retail & On-Site Consumption
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General Plan:	Airport Industrial Park - Planned Development (AIP-PD)
Zoning:	Planned Development – Manufacturing (M)
Airport Compatibility Zone:	Zone 5 & Zone 6
Date Filed:	07/25/2024
Date Referred:	07/30/2024
Prev. Projects on Site (include file #)	2021: #21-6387 Renewal & #21-6350 Minor Amendment; 2020: #20-5398 Renewal and # 20-5658 Minor Amendment); 2019: #19-5062 Minor Amendment and #18-4173 Minor Use Permit
Applicant/Agent Name:	Emerald Sun, LLC (Dean Schlesinger)
Phone:	914-715-5761
Email:	dean@emeraldsun.com
Project Summary: A requested modification to an existing Use Permit to allow for Non-Storefront Retail (Type 9) of 'Cannabis Products' and On-Site Consumption of 'Cannabis Products' at 1825 Airport Road. The requested uses would be in addition to existing and approved cannabis related undertakings on-site, including 'Processing', 'Distribution' and 'Non-Volatile Manufacturing'. The Applicant proposes using existing indoor and outdoor facilities to facilitate the request. Beyond limited landscaping, no permanent exterior building improvements or substantial tenant improvements are proposed. No other changes to the existing use permit are proposed.	

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) Mendocino County - Planning Department



No Comment



Comments / Conditions of Approval Attached

7/31/2024

Signature

Date

From: [Matthew Keizer](#)
To: [Katherine Schaefer](#)
Subject: Emerald Sun COA
Date: Wednesday, September 11, 2024 8:46:08 AM
Attachments: [image001.png](#)
[image002.png](#)

1. Apply and obtain Fire operational permits.
2. Schedule an annual inspection for the Fire Prevention Division.
3. Confirm all Building and Fire permits for construction are completed and final inspections have been done.

Regards,



Matt Keizer, CBO, MCP, CFM
Chief Building Official
Chief Code Enforcement Officer
UVFA Fire Code Official

Email: mkeizer@cityofukiah.com

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Inspection 707-463-6739

<http://www.cityofukiah.com/community-development/>

<http://www.cityofukiah.com/uvfa/>