



## Design Review Board

### Regular Meeting **AGENDA**

**Civic Center ♦ 300 Seminary Avenue, Conf. Rm. #3 ♦ Ukiah, CA 95482**

To participate virtually, go to the following link: <https://us06web.zoom.us/j/87803999530>

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: 878 0399 9530

• Raise hand: After being recognized, Enter \*9

• To Speak after being recognized: enter \*6 to unmute yourself

**March 27, 2025 - 3:00 PM**

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The Design Review Board serves as an advisory body to City staff, Zoning Administrator, Planning Commission and City Council to make site design recommendations consistent with the City's Design Review Guidelines. The Design Review Board works with staff and applicants to review proposed site development permit applications, planned development applications and precise development plans, and make recommendations concerning architecture, site design layout, landscaping, parking, signage, exterior lighting and other aspects of urban design to City staff, Zoning Administrator, Planning Commission and City Council as appropriate.

The Design Review Board encourages applicants and/or their representatives to be available at the meeting to answer questions so that no agenda item need be deferred to a later date due to a lack of pertinent information.

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1. **CALL TO ORDER**

2. **ROLL CALL**

3. **CORRESPONDENCE**

4. **APPROVAL OF MINUTES**

4.a. Approval of the February 27, 2025 - Regular Meeting Minutes

**Recommended Action: Approve the Regular Meeting Minutes of February 27, 2025**

Attachments:

1. Regular Meeting Minutes - February 27, 2025

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

The Design Review Board (DRB) welcomes input from the audience that is within the subject matter jurisdiction of the DRB . 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.

6. **NEW BUSINESS**

- 6.a. A Minor Site Development Permit at 105 Pomeroy Street (APN 002-247-02) to renovate and repurpose an existing commercial structure within its current footprint and utilization of its previously approved signage allowance for a continued restaurant use. The project includes the addition of a drive-through component, as permitted under Ukiah City Code (UCC) §9081, and in compliance with the off-street parking requirements of UCC §9198(D).

**Recommended Action: Staff requests that the Design Review Board (DRB) evaluate the project for consistency with zoning standards, land use objectives, and the discretionary Site Development Permit findings and provide a recommendation to the Zoning Administrator.**

Attachments:

1. Application Materials
2. Agency Referral Responses

- 6.b. Discussion and Possible Nomination and Appointment of a Chair and Vice Chair of the Ukiah Design Review Board (DRB) for one (1) year.

**Recommended Action: Discuss, nominate, and appoint a new Chair and Vice Chair of the City of Ukiah Design Review Board for one (1) year.**

Attachments:

1. Ukiah City Code - Design Review Board (Rules & Regulations)

## 7. MATTERS FROM THE COMMISSION

## 8. MATTERS FROM STAFF

## 9. ADJOURNMENT

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

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

Kristine Lawler, CMC/CPMC

Dated: 3/24/25

**CITY OF UKIAH  
DESIGN REVIEW BOARD REGULAR MEETING MINUTES  
Held in person and via Zoom teleconference February 27, 2025  
3:00 p.m.**

**1. CALL TO ORDER**

The meeting was held in person and virtually via Zoom teleconference. Chair Tom Liden called the Design Review Board meeting to order at approximately 3:11 p.m.

Chair Tom Liden presiding.

**2. ROLL CALL**

Design Review Board Members: Hawkes (Delayed Arrival), Meaux, Liden and Akin; Gordon-Absent by Pre-Arrangement

Staff: Katherine Schaefers (Virtual), Planning Manager; Jesse Davis, Chief Planning Manager

**3. CORRESPONDENCE**

No Correspondence was received

**4. APPROVAL OF MINUTES**

Motion/Second: Meaux/Akin made a motion to approve the minutes of the November 21, 2024, DRB minutes.

Motion carried by the following roll call votes: AYES: Meaux, Liden and Akin NOES: None

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

No public comments on non-agenda items.

**6. NEW BUSINESS**

- a. *Request for Review and Recommendation to the Planning Commission for an Ordinance Amendment to Ukiah City Code to Update the City's Sign Provisions.*

Chief Planning Manager J. Davis presented the item.

Staff addressed multiple questions and provided clarifications for the Design Review Board regarding the proposed changes to the City's Sign Regulations.

Public comment period was opened, but no comments or members of the public were present.

Following discussion, on a Motion from Member Meaux and a Second from Member Akin, the DRB unanimously voted to recommend the approval of the proposed project to the Planning Commission, with the following considerations for the consideration of Staff and the Planning Commission [Edited for Readability]:

- 1) *Recommendation to amend the assigned hearing body from the Zoning Administrator the Design Review Board for 'Mural Permits'*
- 2) *Strengthen the regulations related to 'Maintenance and Repair' – UCC 3230; 'Abandoned Signs' – UCC 3231; and 'Sign Removal' – UCC 3232;*

Motion carried by the following roll call votes: AYES: Hawkes, Meaux, Liden and Akin NOES: None

#### **7. MATTERS FROM THE BOARD**

- Chair Liden requested that Staff agendize an item for the Design Review Board to identify and elect a new Chair.
  - o Staff conveyed this request could be agendized for the regular meeting of March 27, 2025.

#### **8. MATTERS FROM STAFF**

- Staff provided an overview of construction updates for various developments within the City of Ukiah, including work being undertaken at 205 South State Street to repair and restore an original building façade from 1917.

#### **9. ADJOURNMENT**

- There being no further business, the meeting adjourned at approximately 4:13 p.m

DRAFT

**TO:** Design Review Board

**FROM:** Jesse Davis, Chief Planning Manager

**DATE:** March 27, 2025

**SUBJECT:** Request for review and recommendation to the Zoning Administrator for a Minor Site Development Permit to renovate and repurpose an existing commercial structure within its current footprint and utilization of its previously approved signage allowance for a continued restaurant use. The project includes the addition of a drive-through component, as permitted under Ukiah City Code (UCC) §9081, and in compliance with the off-street parking requirements of UCC §9198(D).

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## **DESIGN REVIEW BOARD BACKGROUND**

The City of Ukiah Design Review Board (DRB) serves as an advisory body to the Zoning Administrator on Use and Site Development Permits. The Board represents a cross section of the community and a range of experience relevant to its functions, such as architecture, landscape architecture, building design, community, city planning, construction, engineering, historical or cultural preservation, and environmental planning.

## **PROJECT LOCATION**

The ±0.78-acre project site (APN 002-247-02) is located at 105 Pomeroy Street, adjacent to the southbound corridor of U.S. Highway 101, immediately southeast of the intersection of East Perkins Street and Pomeroy Street. The site is situated within a commercially developed area that includes a variety of retail, restaurant, and visitor-serving uses. The subject parcel features an open parking lot and a vacant, single-story, ±3,100-square-foot commercial structure, formerly operated as a full-service restaurant. The building remains in its original configuration, incorporating a commercial kitchen, dining area, and associated utility infrastructure. Site access is provided via existing encroachments from Pomeroy Street. The property includes approximately 71 off-street parking spaces, as currently striped, as well as existing signage infrastructure.

## **PROJECT DESCRIPTION**

On March 10, 2025, the applicant, UK 105 Investments, LLC, formally applied to renovate and reuse the existing commercial structure at 105 Pomeroy Street. The structure, originally constructed in 1969, has historically operated as a Formula Restaurant – Eating & Drinking Establishment. The most recent tenant vacated the structure in 2023, and it has remained unoccupied since.

The Applicant proposes to renovate and reuse the existing 3,100-square-foot structure within its current footprint for continued restaurant use as a ‘Habit Burger’, incorporating a drive-through component as allowed under Ukiah City Code (UCC) §9081 – (Allowed Uses – C1) and

in compliance with UCC §9198(D) (Off-Street Parking – Drive Through).

A Minor Site Development Permit is requested to facilitate façade updates, expand landscaping, and reconfigure parking and site circulation. The reconfiguration will accommodate the proposed drive-through while incorporating bicycle storage and storage infrastructure per UCC §9086(A)(5): Required Commercial Use - Parking. As requested, there are no changes to the proposed parking lot lighting, beyond the replacement of illuminated signage.

Please refer to the project description and design details submitted by the applicant in Attachment 1 for more information. Attachment 1 also includes the site plan, architectural plans and elevations, landscaping plan, and site improvement plans.

Specific project considerations for the renovation and reuse of the subject property include:

- Renovation of the existing restaurant structure;
- Integration of a drive-through component, located in an underutilized portion of the existing parking lot, with a double-wide queuing area capable of accommodating 13 vehicles;
- Reconfiguration of parking and site layout to comply with City off-street parking standards for drive-through/takeout restaurants, requiring 21 parking spaces based on the anticipated seating capacity (48 seats) and employee count (maximum shift of 10 employees).
  - The revised layout provides 46 parking spaces, including compact and EV charging stations. The circulation pattern is reoriented to improve traffic flow on Pomeroy Street. This is a reduction from the approximately 71 off-street parking spaces, as currently striped.
- Preservation of existing ingress and egress points, maintaining a 24-foot-wide drive aisle for vehicular circulation, and updating on-site circulation to accommodate installation of drive-through component;
- Enhanced pedestrian and bicycle access, including:
  - Long-term and short-term bicycle parking (UCC §9086(A)(5))
  - A striped pedestrian path of travel from the rear parking area to the restaurant entrance and from the restaurant to the trash enclosure.
- Façade and site improvements, including:
  - Modernization of the building exterior;
  - A proposed landscaping plan commensurate with the size and scale of the proposed project to increase landscaping coverage to 20%;
  - Installation of new landscaping along the perimeter and within the parking area to enhance site aesthetics;

## **BACKGROUND**

The existing 3,100-square-foot commercial structure at 105 Pomeroy Street was originally

constructed as a Denny's restaurant, approved under Building Permit No. 251 on August 6, 1968. Over the years, multiple building permits were issued for minor additions, repairs, and renovations to support continued restaurant operations, including the following discretionary permits:

- Site Development Permit (SDP) No. 89-45 – Approved the installation of a 75-foot freeway-oriented pole sign, replacing a prior sign with an internally illuminated sign within 600 feet of U.S. Highway 101.
- Site Development Permit (SDP) No. 95-201 – Authorized a 112-square-foot expansion, including ADA-compliant restroom upgrades and a full interior renovation, as well as replacement of the existing pole signage.

Denny's operated continuously from 1969 until 2023; however, staff notes that building conditions began to significantly deteriorate in 2019. On September 27, 2019, a violation was issued by the City's Building Inspection Division due to unpermitted remodeling and repairs, as well as concerns related to dry rot and parapet deterioration along the roof.

Restaurant operations ceased in 2023, and since that time, the structure has remained vacant.

## **ZONING CODE & LAND USE DESIGNATION**

**General Plan Land Use Designation – Highway Commercial:** The project site at 105 Pomeroy Street is designated Highway Commercial (HC) under the 2040 Ukiah General Plan. This designation is intended to accommodate commercial development along major transportation corridors, providing a transition between higher-intensity commercial uses along U.S. Highway 101 and nearby residential or Community Commercial uses. The Highway Commercial designation is intended to support a range of activities, but the General Plan cites large-format retail, shopping centers, restaurants, lodging establishments, and other visitor-services, like fueling stations or EV charging hubs.

The proposed renovation repurposes the existing restaurant and adds a drive-through, aligning the requested use with the Highway Commercial designation. The project site's adjacency to the U.S. Highway 101 corridor and existing commercial infrastructure makes it a suitable location for continued restaurant use and appears consistent with identified economic and land use policies and goals of the 2040 General Plan.

**Zoning Designation – Community Commercial (C1):** The subject property is zoned Community Commercial (C1) under the City of Ukiah Zoning Ordinance (UCC Chapter 9, Article 7). The C1 zoning district is intended to accommodate commercial uses that serve both the local and regional population, including retail establishments, eating and drinking establishments, personal services, and offices.

Unlike other sections of the Ukiah City Code, the C1 zoning district does not distinguish between types of eating and drinking establishments and is understood to allow all restaurant specific activities (e.g. Fast-Food Restaurant (Quick-Service Restaurant - QSR), Full-Service Restaurant (Sit-Down Dining), Café / Coffee Shops, etc. are allowed. Nearly all drive-through

businesses within the City are located within the C1 zoning district, with the exception of those within the Airport Industrial Park.

Per UCC §9081 (Restaurants), eating and drinking establishments (including formula restaurants) are allowed by right in the C1 zoning district. However, the addition of a drive-through facility requires compliance with UCC §9198(D) (Drive-In, Drive-Through, and Takeout Restaurants), which establishes specific requirements related to vehicle queuing and off-street parking.

**Site Development Permit Requirement:** Based on staff review, the proposed project and use are allowed under the C1 zoning designation but require a Site Development Permit per UCC §9261(B). Although the project does not modify the building footprint, it includes façade changes that modernize the structure’s architectural character and appearance. Given the limited scope of these modifications, the Site Development Permit qualifies as minor under UCC §9263(A) and will be scheduled for a public hearing before the Zoning Administrator.

**ASSOCIATED DEFINITIONS**

**RESTAURANT:** A place in which the preparation and retail sale of food and beverages takes place, including incidental sale of alcoholic beverages. Typical uses include sandwich shops, coffee shops, dinner houses, delicatessens, ice-cream stores, and similar establishments.

**RESTAURANT, FAST FOOD:** A restaurant that specializes in the rapid preparation and service of food, which may include a drive-in component.

**SIMILAR APPLICATIONS**

Burger King (C-1) – In 2015, a Site Development Permit was approved to facilitate renovation and expansion of the existing 3,397 square foot Burger King Restaurant located at 711 East Perkins Street, APN 179-061-34; 179-061-00, within a (C-1) Community Commercial zoned area). The restaurant also features a drive-through component. The request was reviewed at the level of a major site development permit, due to the expansion of the existing footprint.

**ZONING ANALYSIS**

All development projects 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.

As submitted, Staff notes compliance with the following ‘Additional Requirements’ identified per UCC §9087(D) as documented in the ‘Landscaping Plan’ per Table 1, below:

**TABLE 1: §9087(D) ADDITIONAL REQUIREMENTS (LANDSCAPING)**

#	Description	Conformance Evaluation
1a	Landscape plantings shall be species that grow well in Ukiah’s	While the proposed plant species are drought-tolerant and suitable for Ukiah’s climate, the plan



#	Description	Conformance Evaluation
	climate without extensive irrigation; native species are encouraged.	does not primarily feature native or regionally sourced plantings. However, species selection has been carefully considered based on the specific cultivars identified. Staff encourages further review of the Community Services Department's recommendations (Attachment 2) to better align with City objectives but notes that in general the landscape plantings appear well-suited for the Ukiah climate.
1b	Deciduous trees shall make up 51% of trees along south and west exposures; non-deciduous species restricted where they inhibit solar access.	Conforms, per Attachment 1. The proposed plan incorporates a balanced mix of tree species that meet this requirement and ensures no obstruction to solar access.
1c	Parking lots (12+ stalls) shall have a tree every four stalls within a continuous linear strip unless infeasible; trees must provide 50% canopy coverage over paved areas within 15 years.	<p>The existing parking lot, originally designed in 1969, lacks sufficient tree coverage and currently provides little shade. The applicant estimates an increase in tree coverage over parking areas (excluding driveways and aisles) to 64%; however, full compliance with the 50% shading requirement over all <i>paved</i> areas is not projected.</p> <p>Given site constraints, staff acknowledges these limitations while recognizing that the project represents a net improvement over existing conditions. Additionally, off-site redwood trees located on APN 002-247-03 provide supplementary shade not otherwise demarcated. Based on the parking lot design, and the desire to accommodate larger vehicles, such as buses, strict compliance with tree well requirements could negatively impact maneuverability and site functionality.</p>
1d	Parking lots shall have a perimeter planting strip with both trees and shrubs.	Conforms, per Attachment 1. The applicant has committed to installing and maintaining perimeter landscaping, enhancing compliance with zoning requirements.
1e	Parking lots (12+ stalls) shall have pedestrian sidewalks or marked pedestrian facilities (min. 3' width) within landscaped areas or separated from travel lanes; discretionary review may allow relief.	Due to the parking lot design, incorporating sidewalk infrastructure within the proposed perimeter landscaping would restrict on-site circulation. Instead, the applicant will provide internal striped pedestrian lanes to enhance parking lot safety. Discretionary relief is requested, considering the existing site layout



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 Department of Community Development  
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 Ukiah, CA 95482  
 planningdivision@cityofukiah.com

#	Description	Conformance Evaluation
		and parking constraints, along with the proposed internal pedestrian improvements. Additionally, public sidewalks are already in place along Pomeroy Street and Perkins Street frontages.
1f	Street trees may be placed on the property instead of in the public right-of-way, subject to City Engineer approval.	Staff suggests further discussion. Given multiple encroachments along Pomeroy Street, Planning Division staff supports City Engineer approval to allow trees within the off-street landscaping rather than the public right-of-way. Additionally, staff recommends working with the Community Services Department to facilitate the placement of an appropriate tree in the existing public landscape planter along Pomeroy Street.
1g	New developments must have 20% landscaping coverage of gross parcel area (unless determined infeasible due to small size by Planning Director); 50% of landscaped area must have live plantings.	Conforms, per Attachment 1. The project meets the 20% landscaping coverage requirement (7,040 sq. ft.), achieving compliance with the objective standard.
1h	Landscaping plans must include an automatic irrigation system and lighting plan.	Conforms, per Attachment 1. The submitted plans to the Building Inspection Division will include an automatic irrigation system and plant selection in coordination with MWELo standards. No substantial changes to existing exterior lighting are proposed beyond sign illumination.
1i	All required landscaping for commercial development projects must be maintained.	Conforms, per Standard Conditions of Approval. Ongoing maintenance requirements will be incorporated into the project conditions.
1j	All healthy, mature trees on development sites shall be preserved and incorporated into the landscaping plan, if feasible.	Conforms, per Attachment 1. The mature redwood trees are located offsite and are not impacted by the project.
1k	The Planning Director, Zoning Administrator, Planning Commission, or City Council may	Given the adaptive reuse nature of the project and existing site constraints, achieving full compliance



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**AGENDA ITEM NO. 6a**  
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#	Description	Conformance Evaluation
	modify landscaping plan requirements based on project scale, intensity, and location.	would require major reconfiguration of the lot and related project considerations. Staff acknowledges that strict adherence to all standards may not be feasible or appropriate given the project scope and nexus of proportionality. As conveyed, the project represents a significant landscaping enhancement compared to existing conditions.

Given the site's existing layout and the C-1 zoning district standards, the proposed improvements still enhance aesthetic appeal, environmental benefits, and functionality, while maintaining essential parking capacity, improving landscaping, and optimizing site circulation.

**DESIGN GUIDELINES**

The Design Guidelines for projects outside the Downtown Design District are evaluated for conformance with the associated Project Review Checklist below.:

TABLE 2			
COMMERCIAL PROJECTS OUTSIDE DOWNTOWN DESIGN DISTRICT			
Yes	No	N/A	
X			<b>Site Features:</b> Site design is compatible with the natural environment, and incorporates the major existing features ( <i>trees, landscaping, city creeks, riparian habitat, lot shape, size, relationship to surrounding area</i> ).
X			<b>Coordination:</b> Facilities are shared and coordinated with adjacent properties.
X			<b>Coordination:</b> Setbacks are compatible with character of adjacent frontages.
X			<b>Coordination:</b> Setbacks are minimized to enhance the pedestrian environment.
X			<b>Pedestrian Access:</b> Site has pedestrian orientation, consistent with uses, design, and architecture.
X			<b>Pedestrian Access:</b> Pedestrian elements are attractive and functional ( <i>walkways link parking to building entrances and other walkways; planters, street furniture, outdoor seating, pedestrian oriented signs, low level lighting provided</i> ).
		X	<b>Pedestrian access:</b> Parking areas with 12 or more stalls: defined sidewalk or marked pedestrian facilities in landscaped areas or separated from traffic lanes required.
X			<b>Parking lots:</b> Decrease visual prominence and reduce heat island effect ( <i>locate behind buildings, divide into smaller lots, avoid large unbroken expanses of paving; emphasize screening, shading, landscaping</i> ).



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**AGENDA ITEM NO. 6a**  
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X			<b>Landscaping:</b> Scale and nature of landscape materials is appropriate to the site and structures.
X			<b>Landscaping:</b> 20% of gross lot area landscaped / 50% live plantings; landscape redevelopment or reuse projects to extent feasible ( <i>Plants are of type, spacing and sizing to reach maturity within reasonable time. Hardy, drought tolerant, low maintenance species adapted to Ukiah climate are emphasized, parking lots trees also withstand heat, pollutants. Deciduous trees used on south and west. Automatic irrigation required for new commercial development</i> )
		X	<b>Landscaping:</b> Parking areas with 12 or more stalls: 1 tree per 4 stalls within continuous linear strips. Perimeter planting strips use trees and shrubs. Focus on deciduous trees achieving 50% shading within 10 years
X			<b>Landscaping:</b> Parking lots generally: Perimeter planting strips, Street trees selected from Ukiah Master Tree List required
X			<b>Signs:</b> Signs are compatible with architectural character of buildings ( <i>signage does not dominate site, uses compatible colors and material, lighting is restrained and harmonious, sandwich boards are creative/subdued co/or/minimal copy</i> ).
		X	<b>Lighting:</b> Lighting harmonizes with site, building design, architecture and landscaping ( <i>lighting form, function, character, fixture styles, design and placement; lighting does not interfere with pedestrian movement</i> ).
		X	<b>Energy Conservation:</b> Active and passive solar and other renewable energy design and devices are used ( <i>building orientation, landscaping, lighting, heating and cooling, photovoltaic system-ready or installed</i> ).
X			<b>Energy Conservation:</b> Devices are unobtrusive and complement design ( <i>solar panels flush with roof</i> ).
X			<b>Visual Appearance:</b> Buildings are visually cohesive, compatible and complementary ( <i>scale, proportion, design, style, heights, mass, setbacks</i> ).
X			<b>Visual Appearance:</b> Buildings exhibit variety and distinctiveness ( <i>but avoid overly obtrusive or overly monotonous designs, or strong contrast with adjacent buildings, creative use of natural and recycled materials; metal discouraged unless creative and consistent with Guidelines</i> )
X			<b>Visual Appearance:</b> Variety of architectural features encouraged tied to comprehensive design theme ( <i>arches, raised parapets, cornices, eaves, windows, balconies, entry insets, roof angles and pitches, wall relief features</i> ).
X			<b>Visual Appearance:</b> Building exteriors compatible with surrounding properties ( <i>compatible materials, colors, quality, coordinated but not the same as surrounding properties, avoid strong or vivid colors unless they fit within local context, concrete block/exposed concrete on visible waifs finished in aesthetic manner</i> ).
		X	<b>Visual Appearance:</b> Visible fences compatible with project and visually attractive ( <i>compatible colors, materials, styles; wire fences, high barriers and use for advertising discouraged</i> ).



X			<b>Visual Appearance:</b> Site and buildings are visually attractive from neighboring properties, traffic and corridors, and public spaces ( <i>service areas and devices screened, integrated and compatible with site features; common mailboxes architecture consistent and located close to building; above criteria is applied to areas visible to public view; rear and side views are visually interesting, coordinated and well-maintained</i> ).
X			<b>Maintenance:</b> Demonstrate consideration of site and building maintenance.
X			<b>Walkable and bikeable communities:</b> The project provides connections for walkers and bicyclists to the surrounding community ( <i>provides walking/biking facilities on the site, connects to nearly walking/biking facilities, provides shortcuts for walkers/bikers, project is located within ¼ or ½ of other places to walk</i> ).
X			<b>Walkable and bikeable Communities:</b> Sidewalks provide are convenient and safe access ( <i>sidewalks sufficiently wide, without obstruction; curbs, shade, lighting provided; buffers between walkers and traffic provided; safe and direct street crossings for walkers</i> ).
X			<b>Walkable and bikeable communities:</b> Entrances provide convenient access ( <i>entrances adjacent to street, minimal setback, routes and accessways are well marked, sidewalks provided uninterrupted access to entrances, safe bike parking is located close to entrances</i> ).
X			<b>Green Building:</b> Sustainable site
X			<b>Green Building:</b> Water efficiency
		X	<b>Green Building:</b> Energy
		X	<b>Green Building:</b> Materials and resources
		X	<b>Green Building:</b> Indoor environmental quality
X			<b>Visitability and Universal Design:</b> The site and its elements are accessible to people at differing stages, ages and circumstances: accessible primary and interior entrance and routes, accessible kitchen and bath space and devices, for dwellings accessible bedroom, common room, and devices).

**AGENCY CONSIDERATIONS & REFERRAL**

TABLE 3: AGENCY COMMENTS	
Agency	Comment
City of Ukiah, Community Development Director	None
City of Ukiah, Building Inspection Division	None
City of Ukiah, Fire Prevention Division	None
City of Ukiah, Electrical Utility, Department	Comment – Condition of Approval
City of Ukiah, Public Works Department	Comment Response
California Department of Transportation (District 1)	None
Mendocino County Air Quality Management District	Comment – Condition of Approval



COMMUNITY DEVELOPMENT DEPARTMENT

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Ukiah Police Department	No Comment
City of Ukiah, Code Enforcement Division	None
Ukiah Valley Fire Authority	None
City of Ukiah, City Manager’s Office	None
City of Ukiah, Water and Sewer	None
Community Services Director	Comment Response

**SIGNGE**

The proposed Habit Burger Grill at 105 Pomeroy Avenue (APN 002-247-02) seeks to utilize the existing pole sign associated with the former restaurant at the site. Per Ukiah City Code Section 3227(A)(12), businesses catering to the traveling public along U.S. 101—located within 600 feet of the freeway centerline and 300 feet of an intersecting street—may have a single freestanding sign up to 50 feet in height, subject to Planning Commission approval of a Site Development Permit.

However, signage for this location was previously approved under Site Development Permit (SDP) No. 89-45, which authorized the installation of a 75-foot freeway-oriented pole sign to replace a prior internally illuminated sign within 600 feet of U.S. Highway 101.

Staff confirms that the existing pole sign, or a new sign up to 75 feet in height, is allowable under SDP No. 89-45, given that the entitlement was never revoked or expired, and reinforced by the consideration that pole signage was replaced as part of Site Development Permit (SDP) No. 95-201. As part of this application (Attachment 1), the applicant has proposed reusing the existing pole sign infrastructure. Staff recommends conditioning approval on the submission of a Master Sign Plan to be reviewed and approved by the Community Development Director prior to the issuance of building permits to ensure compliance with city standards, as similar to other permit approvals -.

**SITE DEVELOPMENT PERMIT**

Pursuant to Zoning Ordinance Section 9261(b), a Minor Site Development Permit was determined as the appropriate level of review, due to the negligible changes in existing footprint. Below, Table 3 shows the specific findings that are required before the Site Development Permit can be approved along with staff consistency analysis:

<b>Table 4: Project Consistency - Site Development Permit Findings</b>	
<b>Site Development Permit Findings</b>	<b>Staff Analysis</b>
The proposal is consistent with the goals, objectives, and policies of the City General Plan.	The proposed renovation and reuse of the existing restaurant at 105 Pomeroy Street, including the addition of a drive-through, is consistent with the 2040 Ukiah General Plan. The site’s Highway Commercial designation supports restaurants and drive-through uses to serve both local and regional populations. The project aligns with Land Use Policy LU-8.4: Reuse of Underutilized Property, which encourages revitalization of abandoned or



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	<p>underutilized sites. By repurposing a degrading and vacant commercial space, the project supports economic development and provides an appropriate location for a quick-service restaurant along a major corridor.</p>
<p>The location, size, and intensity of the proposed project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.</p>	<p>The location, size, and intensity of the proposed project will not create hazardous or inconvenient vehicular or pedestrian traffic patterns. The site has historically operated as a Denny's restaurant for over 50 years, primarily serving breakfast, which likely generated higher peak-hour traffic volumes than the proposed use. The existing off-street parking spaces, driveways, and circulation aisles were originally designed to support restaurant operations. The proposed drive-through is strategically integrated into an underutilized portion of the site and includes a 13-vehicle queuing area, minimizing potential traffic conflicts. Existing pedestrian sidewalks along Pomeroy Street ensure safe pedestrian access to and from the site. Additionally, the bi-directional traffic lane and parallel parking spaces along the north side of the structure will be removed, with traffic circulation redirected to a one-way flow, improving overall site efficiency and safety onto Pomeroy.</p>
<p>The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.</p>	<p>The accessibility of off-street parking areas and their relation to traffic on adjacent streets will not create a hazardous or inconvenient condition for surrounding uses. Unlike the former Denny's, which allowed bidirectional traffic flow, the proposed project will improve circulation by establishing a controlled, one-way traffic pattern from Pomeroy Street. This will reduce potential vehicle conflicts and enhance on-site efficiency. Additionally, internal pedestrian improvements, including designated crosswalks and striping, will enhance safety within the parking area, ensuring clear separation between vehicular and pedestrian movement.</p>
<p>Sufficient landscaped areas have been reserved for purposes of separating or screening the proposed structure(s) from the street and adjoining building sites and breaking up and screening large expanses of paved areas.</p>	<p>Sufficient landscaped areas have been reserved to increase screening from the street, highway, and adjoining properties to mitigate the visual impact of paved areas. The project includes new perimeter landscaping, complementing the existing mature redwoods off-site, which help screen the property. The installation of the drive-through and additional landscaping will break up the expansive parking lot</p>



COMMUNITY DEVELOPMENT DEPARTMENT

**AGENDA ITEM NO. 6a**  
 Department of Community Development  
 300 Seminary Ave.  
 Ukiah, CA 95482  
 planningdivision@cityofukiah.com

	<p>that has remained largely unchanged for over 50 years. Regular maintenance of the landscaping will be necessary to ensure long-term effectiveness in screening and aesthetic enhancement.</p>
<p>The proposed development will not restrict or cut out light and air on the property, or on the property in the neighborhood; nor will it hinder the development or use of buildings in the neighborhood or impair the value thereof.</p>	<p>The proposed development does not restrict or cut off light and air to the property or surrounding neighborhood, as it is adjacent to the US 101 and other commercial undertakings. The project involves an existing building with no substantial modifications to the footprint. Given the current state of disrepair following the previous tenant's departure, the improvements will enhance—not hinder—the surrounding area. Concerns about potential impacts on neighboring properties are unfounded, as this is a long-established commercial site.</p>
<p>The improvement of any commercial or industrial structure will not have a substantial detrimental impact on the character or value of an adjacent residential zoning district.</p>	<p>The proposed improvements to the existing commercial structure and project site will not negatively impact the character or value of any adjacent residential zoning district. This site has long been developed for commercial use, and the proposed updates will help revitalize the property rather than detract from surrounding areas. Given the current state of disrepair, investment in the site will only serve to enhance its compatibility with the broader community.</p>
<p>The proposed development will not excessively damage or destroy natural features, including trees, shrubs, creeks, and the natural grade of the site.</p>	<p>This finding is not particularly applicable, as the site is already developed and contains no significant natural features to preserve. There are no creeks, significant tree stands, or undisturbed natural grades that would be impacted by the project. Any minor landscaping updates will only improve the site's appearance and functionality. No substantial grading or earthwork is required or requested within Attachment 1.</p>
<p>There is sufficient variety, creativity, and articulation to the architecture and design of the structure(s) and grounds to avoid monotony and/or a box-like uninteresting external appearance.</p>	<p>The refreshed commercial façade will enhance the structure's appearance with an updated and visually appealing design. The elevations in Attachment 1 illustrate a well-articulated design that avoids a box-like or monotonous appearance, ensuring the site remains an attractive and functional part of the commercial corridor. The proposed improvements incorporate a mix of colors, materials, and textures.</p>

**ENVIRONMENTAL DOCUMENTATION**



COMMUNITY DEVELOPMENT DEPARTMENT

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300 Seminary Ave.  
Ukiah, CA 95482  
planningdivision@cityofukiah.com

The proposed project at 105 Pomeroy Street is subject to the California Environmental Quality Act (CEQA) and qualifies for a categorical exemption under CEQA Guidelines, Article 19, Class 1, Section 15301 (Existing Facilities) (a), which covers minor interior or exterior alterations.

Additionally, the project is consistent with existing zoning and planning regulations, including the 2040 General Plan, Ukiah City Code requirements, and other relevant local policies, aligning with the City's established land-use activities for the site. Upon review, it has been determined that the project will not impact sensitive environmental resources, such as habitats for endangered species, geologically sensitive areas, or sites of historical or archaeological importance.

### **STAFF REQUEST**

Staff requests that the Design Review Board (DRB) evaluate the project for consistency with zoning standards, land use objectives, and the discretionary Site Development Permit findings conveyed above, and provide a recommendation to the Zoning Administrator.

### **ATTACHMENTS**

1. Application; Project Description; Site Plan; Landscape and Photometric Plan; Color and Materials Board; Architectural Details & Elevations; Maps; Photographs
2. Agency Referral Responses



City of Ukiah

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

## Planning Permit Application

PROJECT NAME: 105 Pomeroy Street - Ukiah					
PROJECT ADDRESS/CROSS STREETS: 105 Pomeroy St, Ukiah, CA 95482				AP NUMBER(S): 002-247-02-00	
APPLICANT/AUTHORIZED AGENT: <b>UK 105 Investments, LLC</b>		PHONE NO: (916)761-5602	FAX NO:	E-MAIL ADDRESS: victor@letapgroup.com	
APPLICANT/AUTHORIZED AGENT ADDRESS: <b>4302 Redwood Hwy, Suite 200,</b>			CITY: San Rafael		STATE/ZIP: CA, 94903
PROPERTY OWNER IF OTHER THAN APPLICANT/AGENT:		PHONE NO:	FAX NO:	E-MAIL ADDRESS:	
PROPERTY OWNER ADDRESS IF OTHER THAN APPLICANT			CITY:		STATE/ZIP:
HAS YOUR PROJECT RECEIVED A PRELIMINARY REVIEW? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
<input type="checkbox"/> AIRPORT LAND USE COMM. DETERMINATION REFERRAL 100.0800.611.003	\$	<input type="checkbox"/> REZONING – PLANNED DISTRICT 100.0800.611.001	\$	<input type="checkbox"/> USE PERMIT – AMENDMENT 100.0400.449.001	\$
<input type="checkbox"/> ANNEXATION 100.0800.611.001	\$	<input type="checkbox"/> SITE DEVELOPMENT PERMIT – AMENDMENT 100.0400.449.001	\$	<input type="checkbox"/> USE PERMIT – MAJOR 100.0400.449.001	\$
<input type="checkbox"/> APPEAL 100.0400.449.001	\$	<input type="checkbox"/> SITE DEVELOPMENT PERMIT – MAJOR 100.0400.449.001	\$	<input type="checkbox"/> USE PERMIT – MINOR 100.0400.449.001	\$
<input type="checkbox"/> GENERAL PLAN AMENDMENT 100.0800.611.001	\$	<input checked="" type="checkbox"/> SITE DEVELOPMENT PERMIT – MINOR 100.0400.449.001	\$ <b>\$1,000</b>	<input type="checkbox"/> VARIANCE – MAJOR 100.0400.449.001	\$
<input type="checkbox"/> MURAL PERMIT 100.0400.449.001	\$	<input type="checkbox"/> SPECIFIC/MASTER PLAN 100.0800.611.003	\$	<input type="checkbox"/> VARIANCE – MINOR 100.0400.449.001	\$
<input type="checkbox"/> PRE-DEVELOPMENT MEETING 100.0800.611.003	\$	<input type="checkbox"/> MINOR SUBDIVISION/TENTATIVE PARCEL MAP (4 OR FEWER LOTS) 100.0800.610.001	\$	<input type="checkbox"/> ZONING AMENDMENT MAP OR TEXT 100.0800.611.001	\$
<input type="checkbox"/> STAFF RESEARCH (MORE THAN 1 HOUR) 10023100.41153	\$	<input type="checkbox"/> MAJOR SUBDIVISION/TENTATIVE SUBDIVISION MAP (5 OR MORE LOTS) 100.0800.610.001	\$	<input type="checkbox"/> REZONING 100.0800.611.001	\$
<input type="checkbox"/> LOT LINE ADJUSTMENT OR MERGER 100.0800.610.001	\$	<input type="checkbox"/> OTHER	\$	<input type="checkbox"/> OTHER	\$
COUNTY CEQA FILING FEE: CHECK PAYABLE TO MENDOCINO CO.	\$		\$	FILING DATE: <b>03.10.25</b>	
COUNTY CEQA (NEG DEC) FEE: CHECK PAYABLE TO MENDOCINO CO.	\$	MINOR PERMIT FEE:	\$ <b>1000</b>	TOTAL AMOUNT PAID: \$ <b>1000</b>	
COUNTY CEQA (EIR) FEE: CHECK PAYABLE TO MENDOCINO CO.	\$	TOTAL FEE:	\$ <b>1000</b>	RECEIPT NUMBER:	
APN 002-247-02-00			<b>APPLICATION NUMBER(S):</b>		<b>#PA25-000007</b>

**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 - Enclosed

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
<input type="checkbox"/> Office (business/professional)			
<input type="checkbox"/> Office (medical/dental)			
<input type="checkbox"/> Retail			
<input type="checkbox"/> Light Industrial			
<input type="checkbox"/> Residential			
<input checked="" type="checkbox"/> Other:	Restaurant	3,100 SF	
Operating Characteristics			
<b>Days and Hours of Operation:</b> Monday-Sunday 10:30am-10:00pm; Drive Thru Monday-Sunday 10:30 am-11:00pm			
<b>Number of Shifts:</b> 2 (opening & closing)	<b>Days and Hours of Shifts:</b> opening -- Monday-Sunday: 9am-4pm / closing -- Monday-Sunday: 4pm-12pm		
<b>Number of Employees/Shift:</b> 8-10 employees per shift (approx. 25-30 employees total)			
<b>Loading Facilities:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Type/Vehicle Size:</b>		
<b>Deliveries:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Type:</b> Food/Restaurant supplies	<b>Number (day/week/month):</b> 2-3 deliveries per week	<b>Time(s) of Day:</b> 9am
<b>Outdoor areas associated with use?</b> (check all that apply) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Sales area:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Unloading of deliveries:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Storage:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<b>Square Footage:</b>	<b>Square Footage:</b>	<b>Square Footage:</b>
<b>Noise Generating Use?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Description:</b>		

### To Be Completed by Staff

<b>General Plan Designation:</b> <b>HC</b>	<b>Zoning District:</b> <b>C1</b>	<b>Airport Land Use Designation:</b> <b>Zone 6</b>
<b>City's Architectural &amp; Historic Inventory:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>Age of Building:</b> <b>56</b>	<b>Demolition Policy:</b> <b>N/A</b>
<b>Hillside:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>Flood Designation FIRM Map:</b> <b>N/A</b>	<b>Flood Designation Floodway Map:</b> <b>N/A</b>
Tree Policies		
<b>General Plan Open Space Conservation</b> <input type="checkbox"/> NO <input type="checkbox"/> YES GOAL/POLICY #:	<b>Community Forest Management Plan</b> <input type="checkbox"/> NO <input type="checkbox"/> YES GOAL/POLICY #:	
<b>Landscaping and Streetscape Design Guidelines</b> <input type="checkbox"/> NO <input type="checkbox"/> YES GUIDELINE #:	<b>Commercial Development Design Guidelines</b> <input type="checkbox"/> NO <input type="checkbox"/> YES GUIDELINE #:	
<b>Tree Protection and Enhancement Policy</b> <input type="checkbox"/> NO <input type="checkbox"/> YES NOTES:	<b>Tree Planting and Maintenance Policy</b> <input type="checkbox"/> NO <input type="checkbox"/> YES NOTES:	
<b>UCC: Street Tree Policy, Purpose and Intent</b> <input type="checkbox"/> NO <input type="checkbox"/> YES NOTES:	<b>Other:</b>	
Notes		

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

*Chirayu Patel*

2/28/2025

**PROPERTY OWNER SIGNATURE**

**DATE**

I, \_\_\_Chirayu Patel\_\_\_\_\_, 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.

*Chirayu Patel*

2/28/2025

**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.

**Chirayu Patel**

**PROPERTY OWNER** /  **AUTHORIZED AGENT**

(PLEASE PRINT NAME)

*Chirayu Patel*

2/28/2025

**PROPERTY OWNER** /  **AUTHORIZED AGENT**

(SIGNATURE)

**DATE**

Revised 08/19/2019



## **105 Pomeroy Street, Ukiah**

### **Project Description/Justification**

The proposed project is for a commercial use on 0.78 acres at the corner of Pomeroy Street and E. Perkins Street in Ukiah at APN 002-247-02-00. The parcel is currently zoned C1 Commercial and the land use is Highway Commercial. Located on the site is an existing 3,100 square foot restaurant building, trash enclosure, freeway height sign post and on site parking.

The proposed project is for a remodel of an existing 3,100 square foot add a drive-through to the existing restaurant building in an area of extra parking at the back of the building. Add a large double wide drive-through queuing area is proposed to provide ample vehicle stacking with room for about 13 ± vehicles. according to the city of Ukiah code, for drive-through/takeout restaurants, one parking space per three dining room seats. The proposed facility will have 48 seats and it is anticipated that the maximum shift will have 10 employees. The required parking would be  $48/3 + 10/2 = 21$  parking spaces. The proposed modifications to the site will provide 46 parking spaces; all parking spaces standard size except for six compacts along the drive thru. The parking spaces around the perimeter will have a two-foot overhang into the landscape strip, making these standard spaces. The site will retain the wide ingress and egress entries and maintain a twenty-four foot wide drive aisle.

To bring the site into conformance with city code, propose both long term and short-term bicycle parking, provide a striped pedestrian path of travel from the rear parking area to the restaurant and from the restaurant to the trash enclosure, add landscape planters in and around the perimeter to accommodate tree planting that will break up the existing sea of asphalt and improve the circulation and feel of what is currently there.

We feel the proposed use for this site is ideal because of location. It is located right off the busy US 101 freeway with easy access and visibility. The project will provide a use that is beneficial to most in an under-utilized parcel of land with a vacant building. Based on the site size, shape, and location, the proposed use will be the perfect addition to the City of Ukiah for this area.

Morton & Pitalo, Inc.  
Civil Engineering \*Land Surveying\*Land Planning  
600 Coolidge Drive, Suite 140, Folsom, CA 95630  
(916) 927-2400

E. PERKINS STREET

105 POMEROY STREET

SITE PLAN

APN 002-247-02-00
PARCEL SIZE: 0.78 ACRES
OWNER/APPLICANT
UK 105 INVESTMENTS, LLC
4302 REDWOOD WHY, SUITE 200
SAN RAFAEL, CA 94903
916-7614-5602

EXISTING ZONING: C1 COMMERCIAL
PROPOSED ZONING: C1 COMMERCIAL
EXISTING GENERAL PLAN: HIGHWAY COMMERCIAL
PROPOSED GENERAL PLAN: HIGHWAY COMMERCIAL

USE: RESTAURANT, ALLOWED USE
MAX. BUILDING HEIGHT: 50 FEET
SETBACKS:
FRONT: 5' R/W; 10 CORNER LOTS
REAR AND SIDE: NONE

PARKING:
DRIVE-THROUGH/TAKEOUT RESTAURANTS
(1/3 SEATS)

RESTAURANT
REQUIRED: 20 SPACES
(48 SEATS + EMPLOYEES)
PROVIDED: 46 SPACES
STACKING AREA FOR DRIVE-THROUGH
REQUIRED: 8 SPACES
PROVIDED: 13 SPACES
PARKING STANDARDS: (90 DEGREE)
STALL WIDTH: 9 FEET
STALL LENGTH: 19 FEET
AISLE WIDTH: 24 FEET (TWO WAY)
AISLE WIDTH: 18 FEET (ONE WAY)
STALL WIDTH: 8.5 FEET (COMPACT)
STALL LENGTH: 16 FEET (COMPACT)

PROJECT DESCRIPTION
LOCATED ON THE SITE IS AN EXISTING 3,100 SQUARE FOOT RESTAURANT BUILDING, TRASH ENCLOSURE, FREEWAY HEIGHT SIGN POST AND ON SITE PARKING.

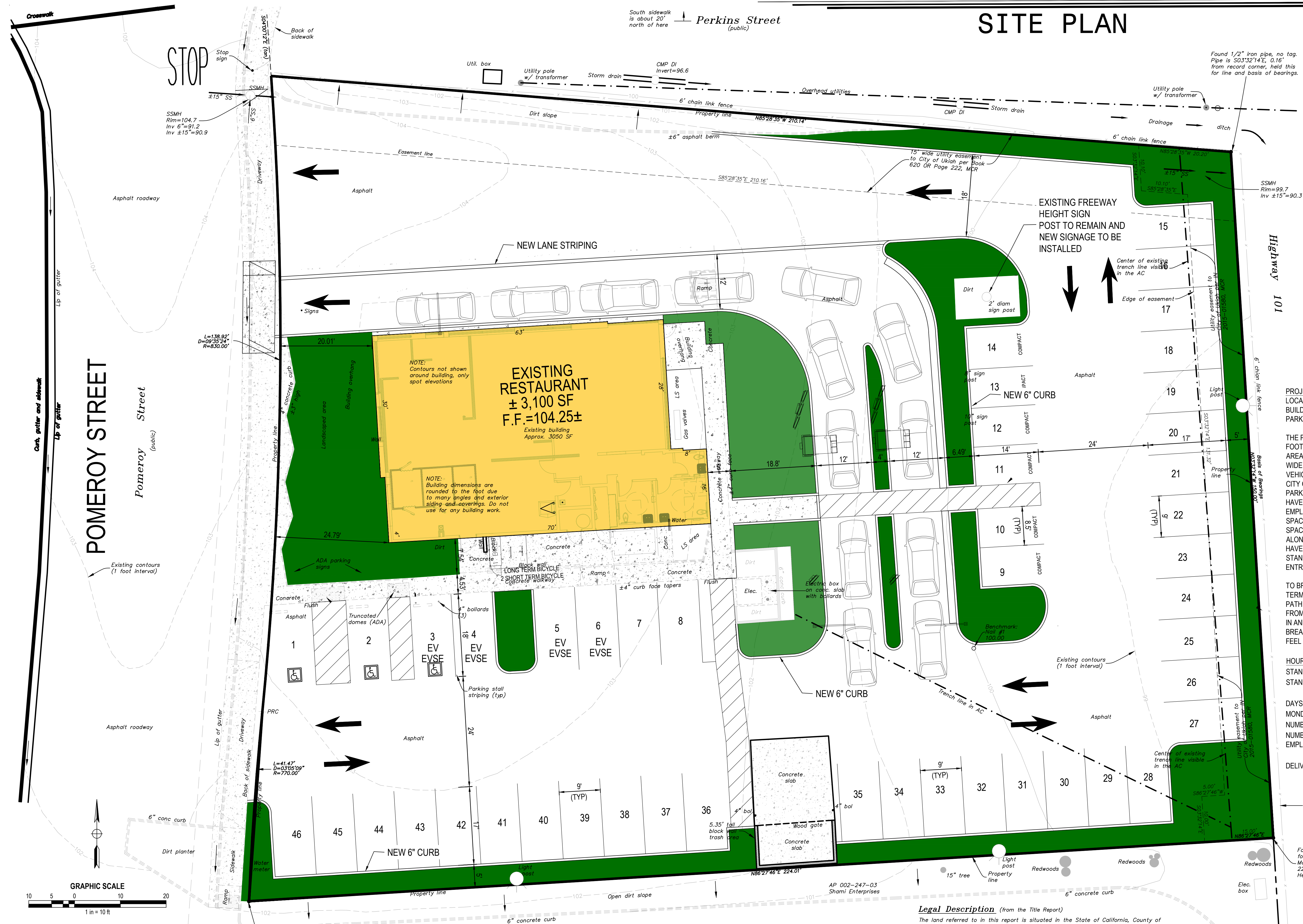
THE PROPOSED PROJECT IS FOR A REMODEL OF AN EXISTING 3,100 SQUARE FOOT ADD A DRIVE-THROUGH TO THE EXISTING RESTAURANT BUILDING IN AN AREA OF EXTRA PARKING AT THE BACK OF THE BUILDING. ADD A LARGE DOUBLE WIDE DRIVE-THROUGH QUEUING AREA IS PROPOSED TO PROVIDE AMPLE VEHICLE STACKING WITH ROOM FOR ABOUT 13 ± VEHICLES. ACCORDING TO THE CITY OF UKIAH CODE, FOR DRIVE-THROUGH/TAKEOUT RESTAURANTS, ONE PARKING SPACE PER THREE DINING ROOM SEATS. THE PROPOSED FACILITY WILL HAVE 48 SEATS AND IT IS ANTICIPATED THAT THE MAXIMUM SHIFT WILL HAVE 10 EMPLOYEES. THE REQUIRED PARKING WOULD BE 48/3 + 10/2 = 21 PARKING SPACES. THE PROPOSED MODIFICATIONS TO THE SITE WILL PROVIDE 46 PARKING SPACES; ALL PARKING SPACES STANDARD SIZE EXCEPT FOR SIX COMPACTS ALONG THE DRIVE THRU. THE PARKING SPACES AROUND THE PERIMETER WILL HAVE A TWO-FOOT OVERHANG INTO THE LANDSCAPE STRIP, MAKING THESE STANDARD SPACES. THE SITE WILL RETAIN THE WIDE INGRESS AND EGRESS ENTRIES AND MAINTAIN A TWENTY-FOUR FOOT WIDE DRIVE AISLE.

TO BRING THE SITE INTO CONFORMANCE WITH CITY CODE, PROPOSE BOTH LONG TERM AND SHORT-TERM BICYCLE PARKING, PROVIDE A STRIPED PEDESTRIAN PATH OF TRAVEL FROM THE REAR PARKING AREA TO THE RESTAURANT AND FROM THE RESTAURANT TO THE TRASH ENCLOSURE, ADD LANDSCAPE PLANTERS IN AND AROUND THE PERIMETER TO ACCOMMODATE TREE PLANTING THAT WILL BREAK UP THE EXISTING SEA OF ASPHALT AND IMPROVE THE CIRCULATION AND FEEL OF WHAT IS CURRENTLY THERE.

HOURS OF OPERATION:
STANDARD HOURS: MONDAY-SUNDAY 10:30AM - 10:00PM
STANDARD D/T HOURS: MONDAY-SUNDAY 10:30AM - 11:00PM

DAYS AND HOURS OF SHIFTS:
MONDAY-SUNDAY: 9AM - 4PM MONDAY-SUNDAY: 4PM-12PM
NUMBER OF SHIFTS: 2 (OPENING & CLOSING)
NUMBER OF EMPLOYEES / SHIFT: 8-10 EMPLOYEES PER SHIFT (APPROX. 25-30 EMPLOYEES TOTAL)

DELIVERY HOURS: 2-3 DELIVERIES PER WEEK BEFORE THE RESTAURANT OPENS



POMEROY STREET

Highway 101

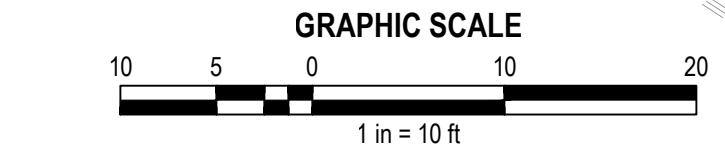


Table with 4 columns: SCALE, BENCH MARK, COMPUTED, DRAWN. Values include HORIZ. 1" = 1"=10', VERT. 1" = 1"=10', and PROJ. ENGR.

MORTON & PITALO, INC. CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING. Folsom • Fresno. 600 Coolidge Drive, Suite #140. Folsom, CA 95630. phone: (916) 984-7621. web: www.mpengr.com

IMPROVEMENT PLAN FOR
105 POMEROY STREET
THE HABIT BURGER GRILL
SITE PLAN
UKIAH, CALIFORNIA

Table with 2 columns: DATE, SHEET. Values include MAR. 2025, C-100, 1 OF 2.





KEY NOTES

1	NEW WOOD ROOF SCREEN - CASCADE - BOX LOUVER
2	NEW/MODIFY STOREFRONT
3	STUCCO REVEAL - REFER TO DETAIL 9/A542
4	AWNING BY OTHERS
5	SCUPPER - REFER TO 14/A226

EXTERIOR FINISH MATERIAL SCHEDULE

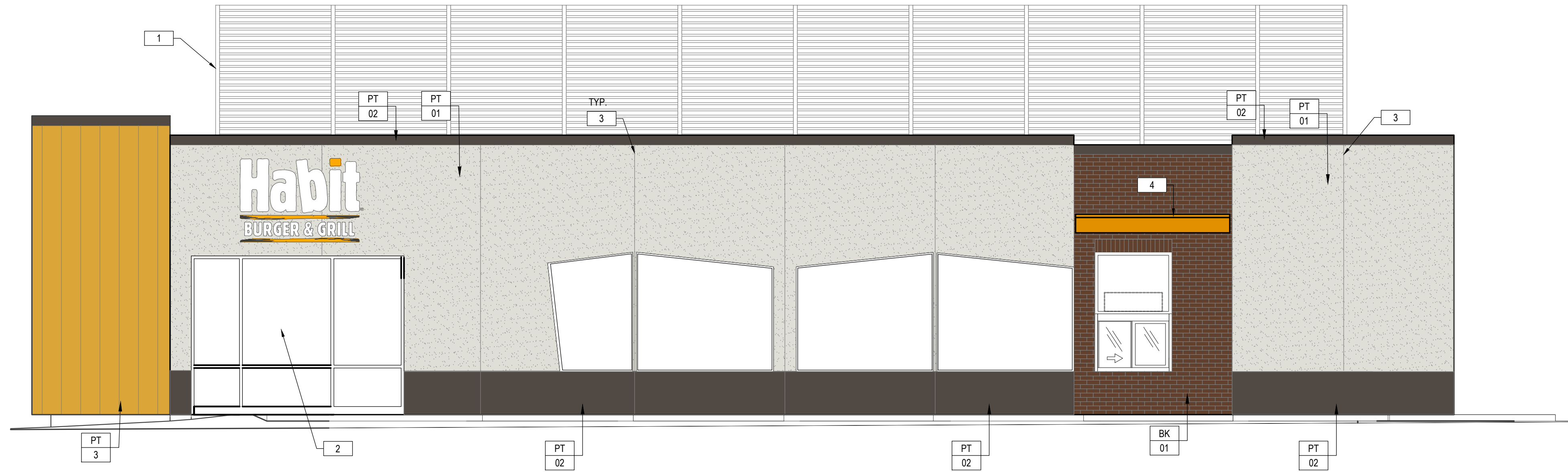
PT 1	DUNN EDWARDS - "CHALKY" DEC783
PT 3	MAIZE YELLOW RAL1006 (TIGERDRYLAC)
WAINSCOT	
BK 01	BRICKWEBB BY OLD MILL BRICK, COLOR: CAFE MOCHA
METALS	
PT 2	COPING PAINTED DUNN EDWARDS - "JET" DE6378



105 POMEROY ST,  
UKIAH, CA 95482  
STORE #:

EXTERIOR ELEVATIONS

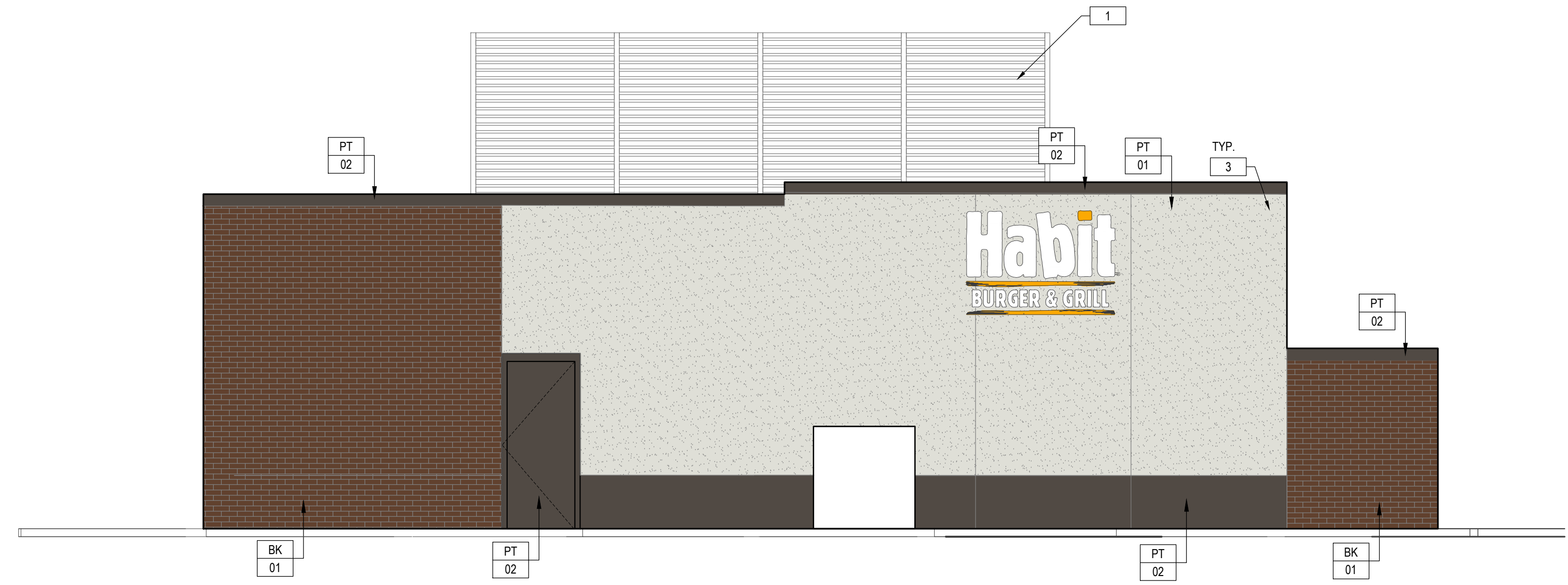
Project Number:	24-253
Plan Check Number:	
12/13/2024	PROPOSED ELEVATIONS



SOUTH ELEVATION

1/4"=1'-0"

2









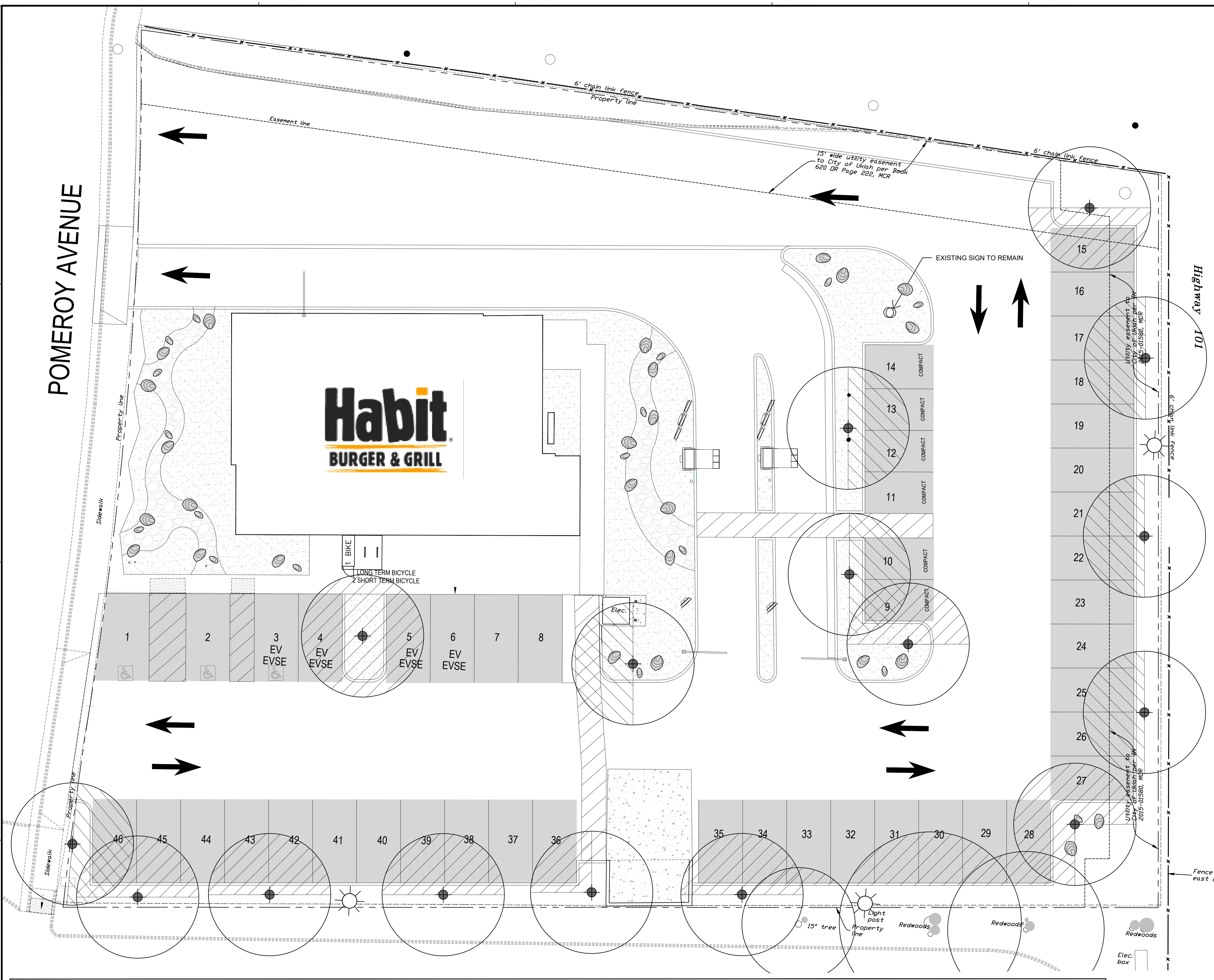
105 POMEROY STREET  
UKIAH, CA  
STORE #: XXX

LANDSCAPE  
SHADING PLAN

Project Number: 24-253  
Plan Check Number:



SHEET  
**LSP.1**

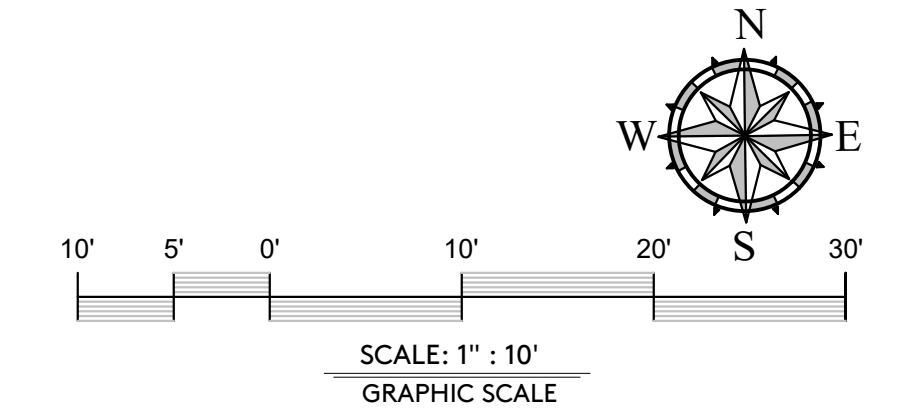


**LEGEND SHADING**

- COVERED PARKING SPACES
- UNCOVERED PARKING AREA

**SHADING SUMMARY**

TOTAL NUMBER OF UNCOVERED PARKING SPACES:	46 SPACES
TOTAL UNCOVERED PARKING AREA: (EXCLUDES DRIVEWAYS AND AISLES)	7,168 S.F.
25% 1 TREE	
50% 12 TREES	
100% 1 TREE	
PARKING AREA SHADED BY TREES: SHADED PARKING AREA:	5,015 S.F. 64%



PLAN VIEW

SCALE: 1" = 10'-0"



LANDSCAPE ARCHITECT:  
**BPA**  
LANDSCAPE ARCHITECTS  
**BRANDON PETRUNIO & ASSOCIATES, INC.**  
LANDSCAPE ARCHITECTS  
Design Studio: 301 N. San Dimas Ave., San Dimas, CA, 91773  
Corp Office: 15699 Cherry Leaf Lane, Fontana, CA, 92336  
T: (424) 235-8940, M: (951) 312-9943, E: brandon@bpalas.com



Civil Engineering  
Land Planning  
Land Surveying

600 Coolidge Dr., Suite 140  
Folsom, Ca 95630  
Tel: (916) 927-2400  
Fax: (916) 357-7888  
engr@mpengr.com  
www.mpengr.com

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**DATE: MARCH 4, 2025**

**MP JOB NO: 24-0042-00**

**PROJECT NAME: 105 POMEROY AVE. - UKIAH**  
**PROJECT ADDRESS: 105 POMEROY AVE, UKIAH, CA 95482**  
**APN: 002-247-02-00**

**RE: RESPONSE TO PLANNING INTAKE COMMENTS**

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COMMENTS FROM KATHERINE SCHAEFER, PLANNING MANAGER  
EMAIL DATED FEBRUARY 4, 2025

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1. As we discussed, the site is zoned [Community Commercial](#) (C-1) and will likely require a Site Development Permit.  
**Response: An application for a Site Development Permit as well as the \$1,000 fee has been provided with this resubmittal.**
2. Regarding parking and landscaping, the project must adhere to Ukiah City Code (UCC) [§9087](#)(D), which mandates tree wells every four parking spaces, perimeter planting strips, and at least 50% shade coverage over paved areas within 15 years of planting. Landscaping plans must also meet additional requirements, including using plants that thrive in Ukiah's climate, incorporating deciduous trees along south and west building exposures, and providing tree plantings in parking lots with 12 or more spaces. In response to the inquiry about meeting the totality of these landscaping standards, we ask that you provide a narrative explaining what can reasonably be accommodated within the site's limitations to meet the development standards. Revision of the submitted site plans to clearly demonstrate how the project will comply with these requirements would be helpful, to the extent feasible, given the site's constraints. While we understand that site conditions may affect certain aspects of the project, the revised narrative and site plans should show how compliance with the code can reasonably be achieved. This will allow flexibility for the review authority to consider modifications to the landscaping plan, based on the size, scale, intensity, and location of the development as provided for in UCC [§9087](#) (D).

Response: The Site Plan and the Landscape Plans have been updated to adhere to the above comment. A Landscape Narrative has been provided with this resubmittal as well.

3. Additionally, [§9086\(A\)\(5\)](#) requires bicycle parking, with the number of spaces equaling no less than 10% of the required off-street automobile parking spaces, particularly for areas such as Perkins Street, which serves as a primary corridor to downtown. Under UCC [§9199\(B\)](#), projects including bicycle parking may qualify for a reduction in vehicle parking requirements, with one vehicle space reduced for every five bicycle spaces provided (up to a maximum of two vehicle spaces). Given the site's location and intended use, it's important to ensure that adequate bicycle parking and pedestrian pathways are provided to ensure accessibility and compliance.

Response: Per 10% bicycle parking required, since we have 20 required spaces, 2 short term bicycle parking spaces are required and have been provided, in addition to long term bicycle parking.

4. Regarding signage, the restaurant qualifies to utilize the existing 75' pole sign near the freeway via a 1996 Administrative Approval, or the construction of a new 50' sign pursuant to UCC [§3227\(A\)](#).

Response: Noted.

5. For next steps, once a complete application is submitted, the project will move to the Design Review Board (DRB), which typically takes 1-2 months. After that, Zoning Administrator and/or Planning Commission review can take another 2-4 months. If demolition of the structure remains off the table, then further review by the Demolition Review Board and City Council would not be necessary.

Response: Noted.

6. For Site Development Findings before the Zoning Administrator or Planning Commission, the project must demonstrate, in accordance with UCC [§9263\(E\)](#), that it will not create hazardous or inconvenient traffic patterns for both vehicles and pedestrians, or result in unsafe conditions related to parking areas and adjacent streets. Additionally, the project should show that sufficient landscaping has been provided to separate or screen the proposed structure(s) from the street and surrounding properties, as well as to break up large expanses of paved areas. The development should also ensure that it will not obstruct light and air, or negatively impact the development and value of neighboring properties, particularly residential zones. To support these findings, we would appreciate any additional project details or information you can provide to demonstrate compliance with these requirements.

Response: Noted. The updated Site Plan and Landscape Plans show significant improvement over the existing use of the site with the addition of more landscape and trees.

END KATHERINE SCHAEFERS, PLANNING MANAGER COMMENTS

---

COMMENTS FROM JESSIE DAVIS, CHIEF PLANNING MANAGER  
EMAIL DATED JANUARY 3, 2025

---

I recommend addressing the following clarifications and responses:

1. Please confirm that the structure will not be demolished, but renovated and remodeled.  
Response: The structure will not be demolished; it will be renovated and remodeled.
2. Will the footprint of the structure be expanded? If so by how many square feet?  
Response: The proposed footprint will remain the same as the ± 3,100 SF existing footprint.
3. What is the total amount of proposed landscaping coverage in terms of gross percentage? Existing and proposed shade coverage?  
Response: Existing Landscape: 2,716 SF (7.7%). Proposed Landscape: 7,040 SF (20%).
4. Is there a draft signage plan?
  - a. As a restaurant, Habit Burger would be eligible for use of the existing pole sign.  
Response: Noted.
5. Is there a draft lighting/photometric plan?
  - a. Are any new parking lot lights proposed for installation?  
Response: No new parking lot lights proposed.
6. Parking Lot Landscaping:
  - a. Given the existing nature of the site, Staff projects that much of the focus will be on the existing parking lot landscaping and the present lack of shade coverage. In particular, please review and consider the following requirements in [UCC Section 9087\(D\)](#):
    - Parking Lot Tree Wells (Every 4 Spaces) – 50% Shade Coverage;
    - Perimeter planting strip with both trees and shrubs.
    - Defined pedestrian sidewalks or marked pedestrian facilities;
    - This is perhaps most applicable to parking along the eastern property line.

Response: The updated Site Plan with this resubmittal has taken out parking spaces to add more trees. Also, perimeter planting strips have been added around the perimeter parking spaces to enable more trees to be planted. Pedestrian access has been added to allow the eastern parking spaces access to the building and access to

the trash enclosure.

7. Bicycle Parking: What are the considerations for bicycle parking?

Response: Per 10% bicycle parking required, since we have 20 required spaces, 2 short term bicycle parking spaces are required and have been provided, in addition to long term bicycle parking.

8. Any general information about expected traffic volume or daily customer visits would be helpful to contrast the project to its previous use as a Denny's.

Response: We are expecting the daily traffic volume and daily customer visits to increase because of the drive-through and being able to turn customers quicker. An estimated  $\pm 1,300$  daily visits.

9. In general, based on the off-street parking requirements for a drive through business, there would appear to be room to reduce the number of existing spaces. Per Ukiah City Code Section 9198(D): Drive-In, Drive-Through and Takeout Restaurants: Minimum of ten (10) parking spaces or one space for each one hundred (100) square feet of gross floor area, whichever is greater and stacking area for at least eight (8) vehicles for drive-up windows.

Response: 20 parking spaces are required and 46 parking spaces are provided. This is a reduction of 4 parking spaces from the previous submittal. For the drive-through stacking, 8 spaces are required and 13 spaces are provided.

10. Again, this project appears well aligned to the site's zoning and general plan designations, and can be submitted at your discretion as a Minor Site Development Permit. Staff would be happy to set up a check-in or meeting next week to further discuss next steps, submittal, and review. Thank you again, and look forward to talking with you next week.

Response: Noted. An application for a Site Development Permit as well as the \$1,000 fee has been provided with this resubmittal.

---

END JESSE DAVIS, CHIEF PLANNING MANAGER COMMENTS



105 Pomeroy Street, Ukiah, CA 95482 – July 2024

A street view of the property at 105 Pomeroy Street, taken from North State Street in July 2024, highlighting existing site conditions and the surrounding context within the City of Ukiah. (From Pomeroy Street)



105 Pomeroy Street, Ukiah, CA 95482 – July 2024

A street view of the property at 105 Pomeroy Street, taken from North State Street in July 2024, highlighting existing site conditions and the surrounding context within the City of Ukiah. (From North State Street)

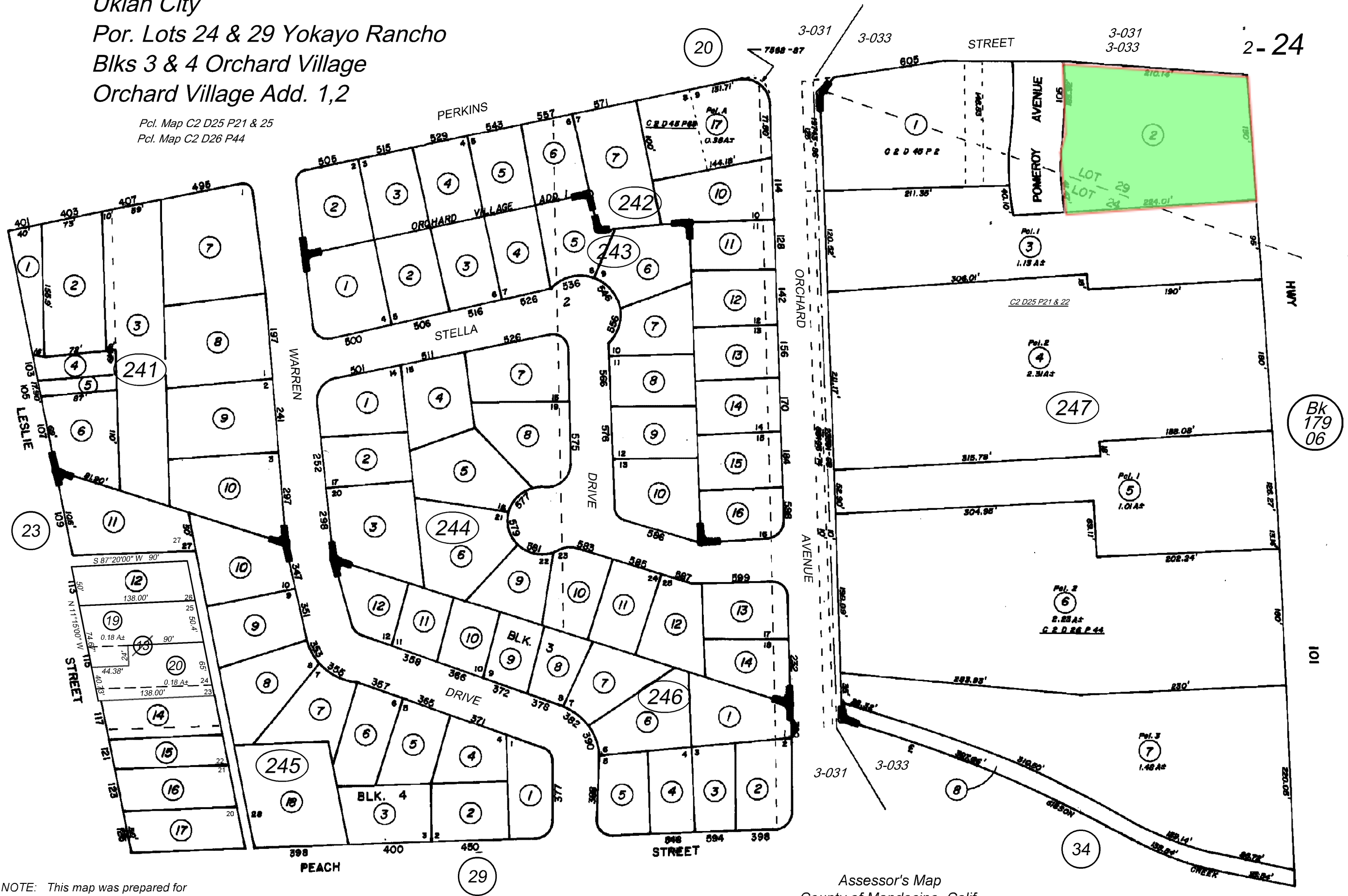


105 Pomeroy Street, Ukiah, CA 95482 – July 2024

A street view of the property at 105 Pomeroy Street, taken from North State Street in July 2024, highlighting existing site conditions and the surrounding context within the City of Ukiah. (From SB US 101)

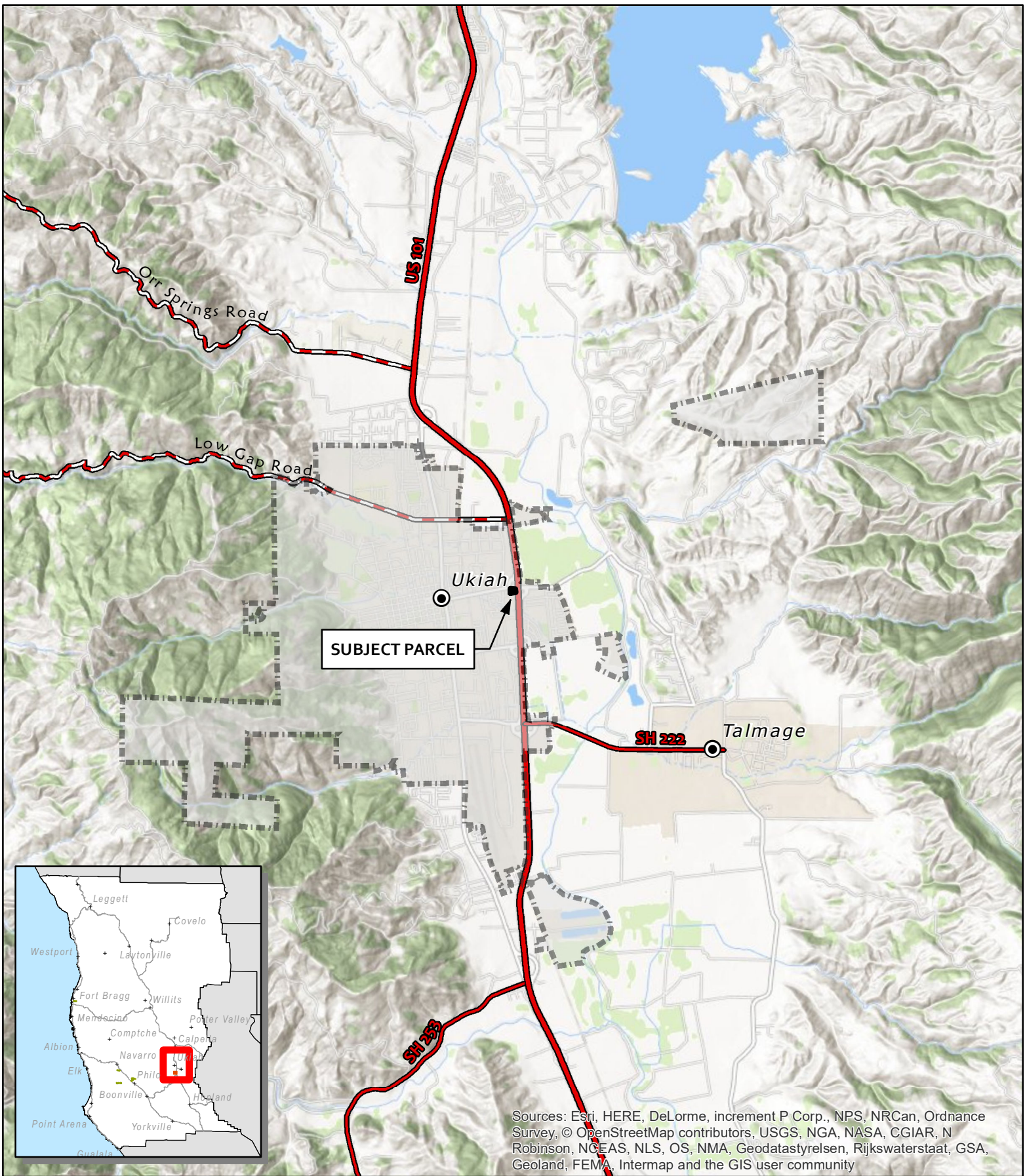
Ukiah City  
 Por. Lots 24 & 29 Yokayo Rancho  
 Blks 3 & 4 Orchard Village  
 Orchard Village Add. 1,2

Pcl. Map C2 D25 P21 & 25  
 Pcl. Map C2 D26 P44



NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated hereon.

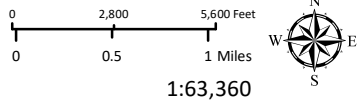
Assessor's Map  
 County of Mendocino, Calif.  
 July 31, 2019



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

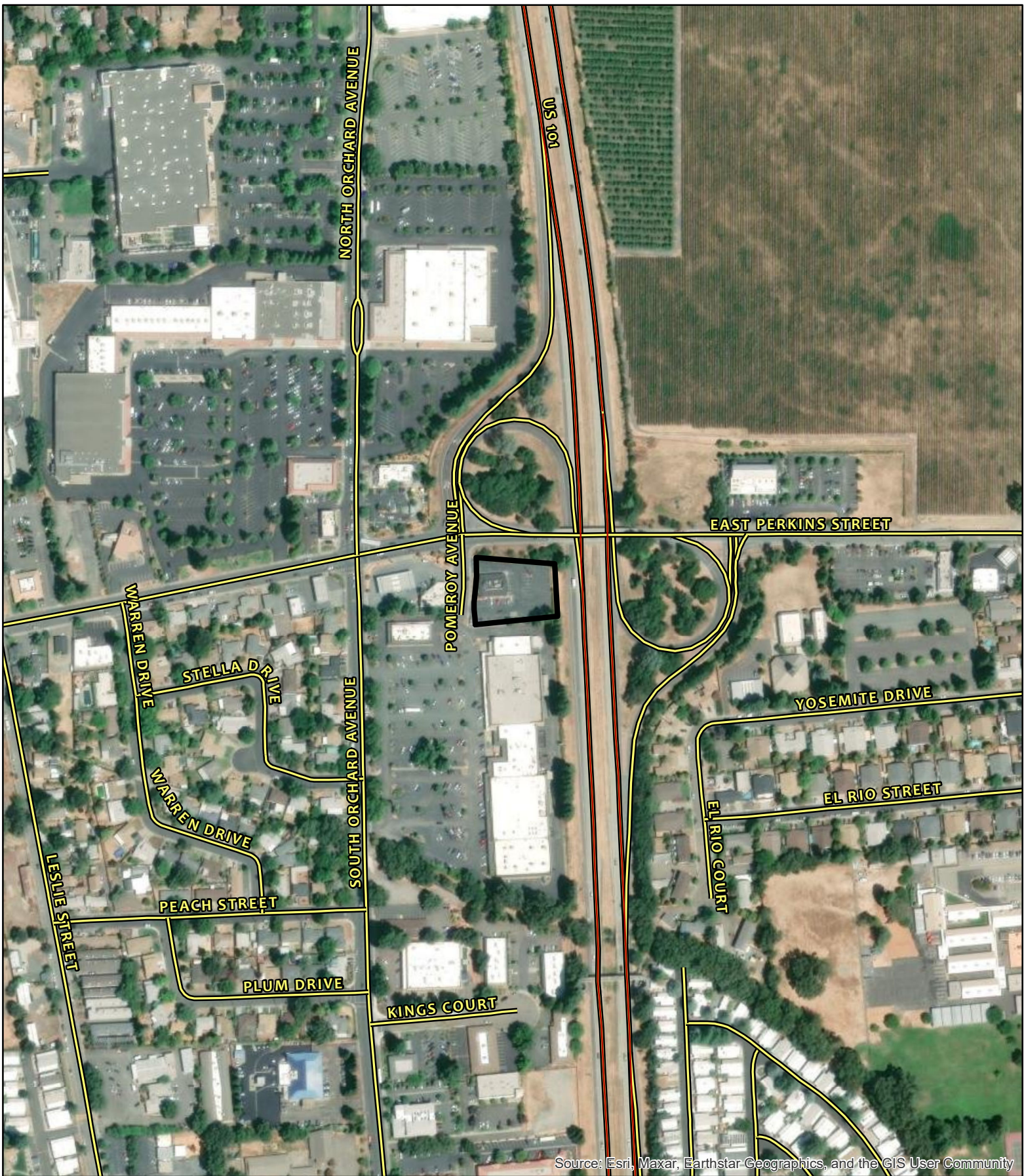
**CASE:** #PA25-00007  
**OWNER:** UK 105 Investments LLC  
**APN:** 002-247-02  
**APLCT:** UK 105 Investments LLC  
**AGENT:** Victor Chiang  
**ADDRESS:** 105 Pomeroy Ave., Ukiah

- Major Towns & Places
- ▬ Major Roads
- ▬ City Limits
- ▬ Highways



LOCATION

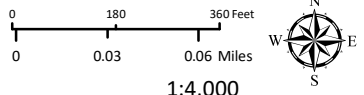
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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

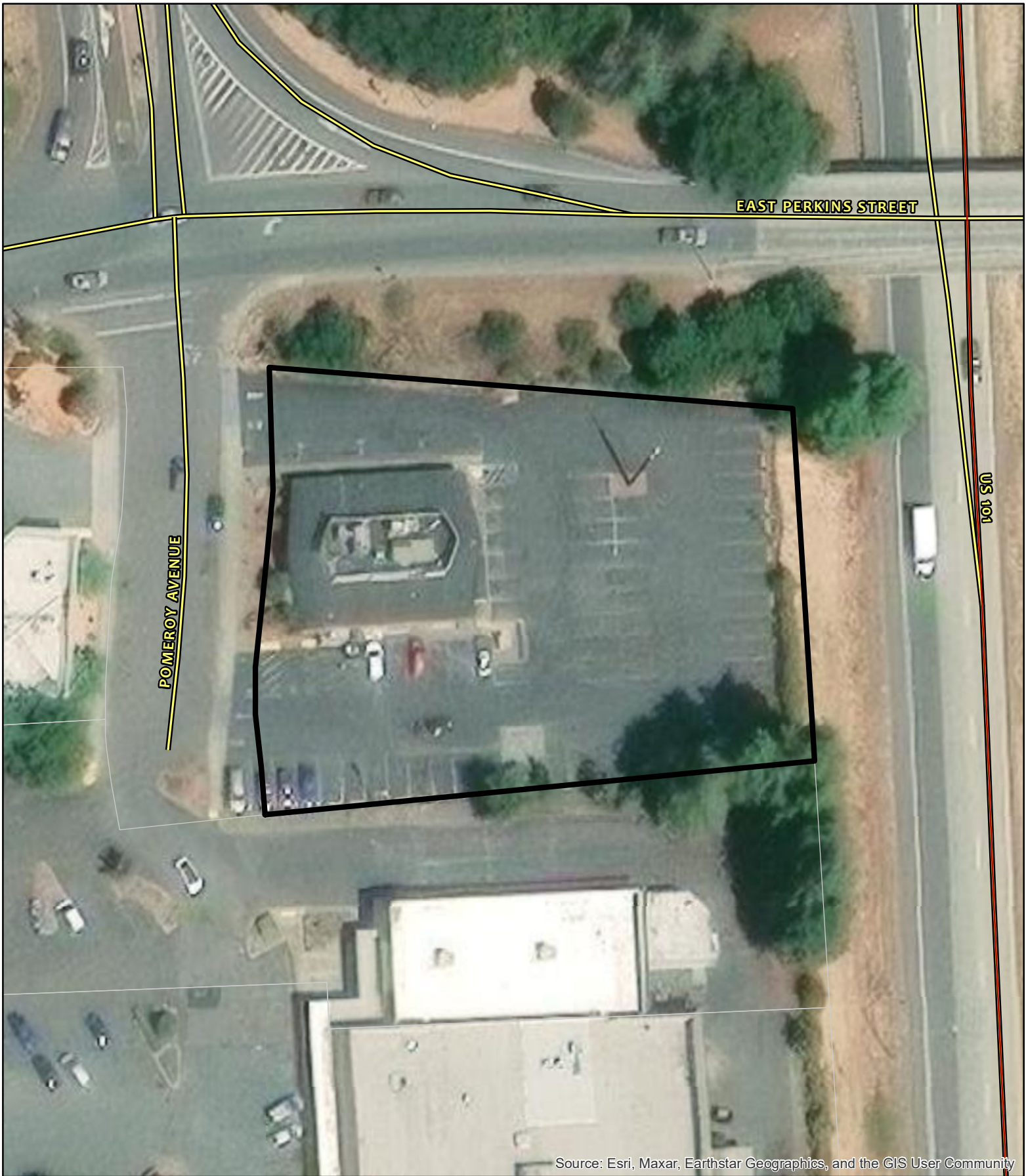
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— Highways (2017)  
 — Public Roads






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**AERIAL IMAGERY**

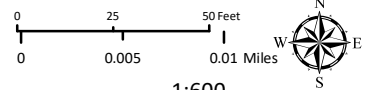
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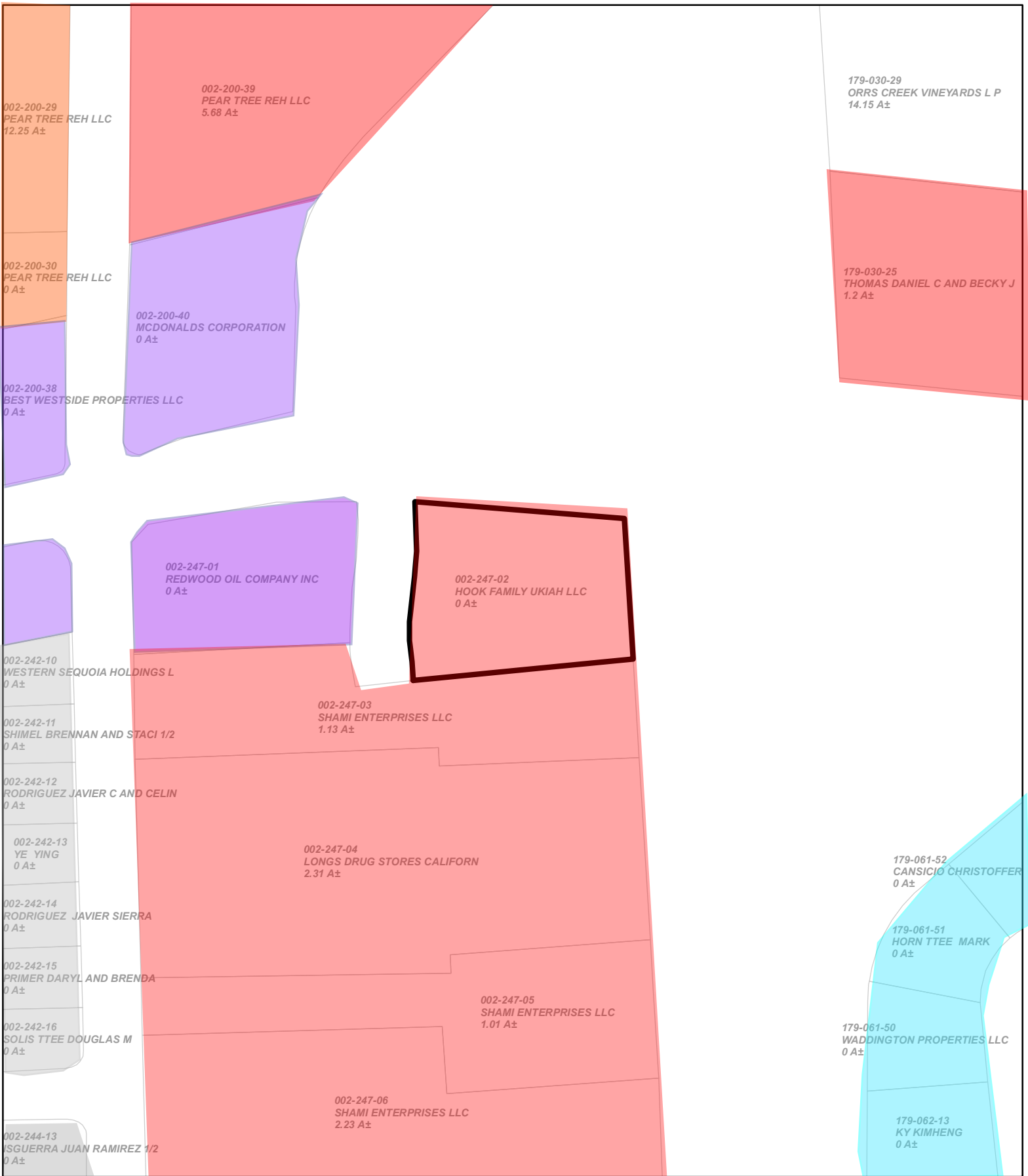
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-  Public Roads
-  Assessors Parcels



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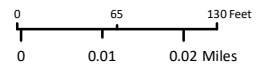
AERIAL IMAGERY

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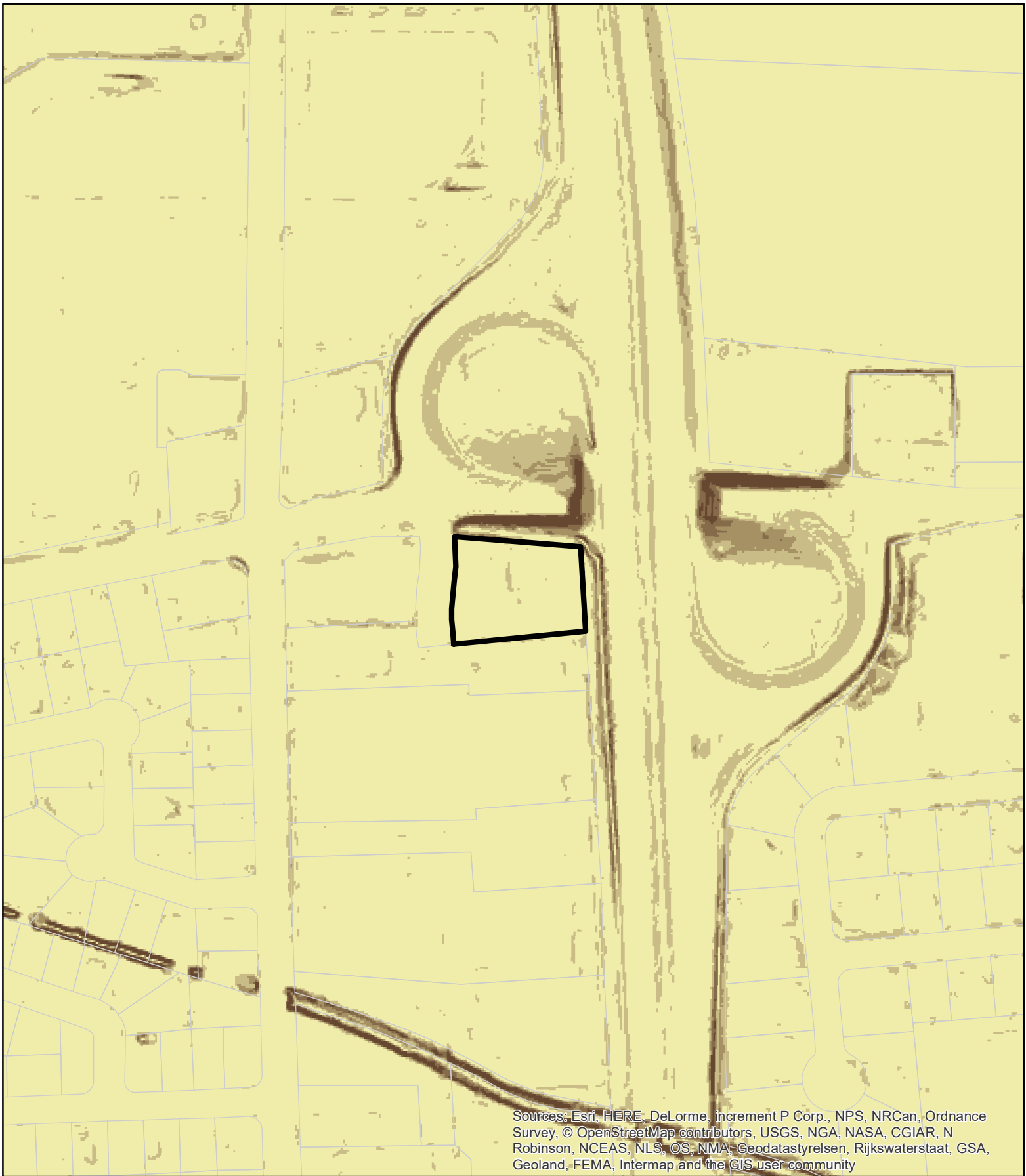
- Assessors Parcels
- Community Commercial
- Highway Commercial
- Low Density Residential
- Downtown
- Medium Density Residential



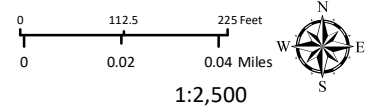
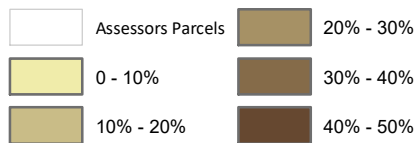
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**LAND USE & ADJACENT PARCELS**

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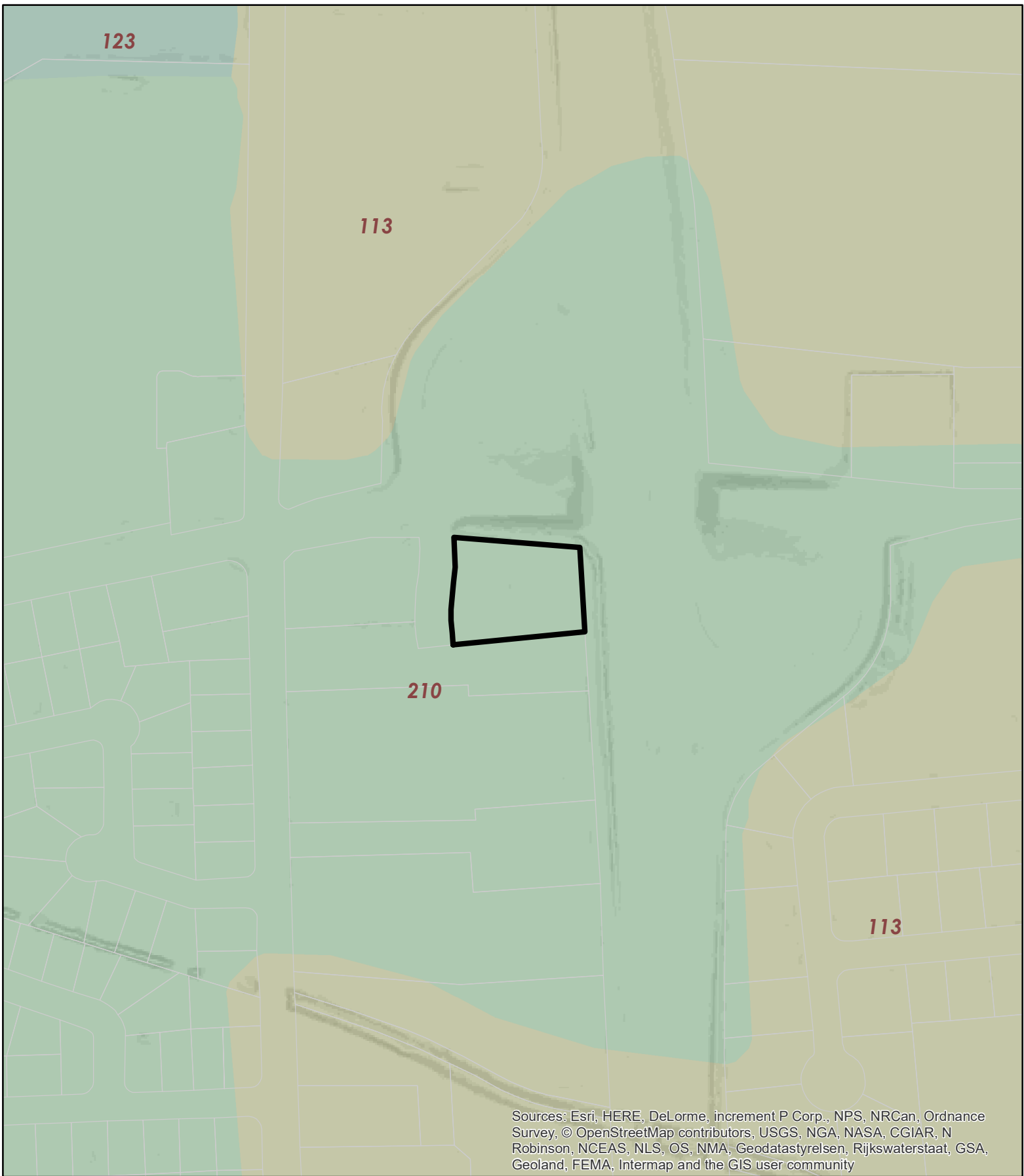


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ESTIMATED SLOPE

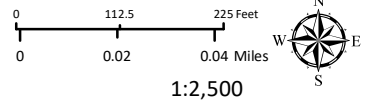
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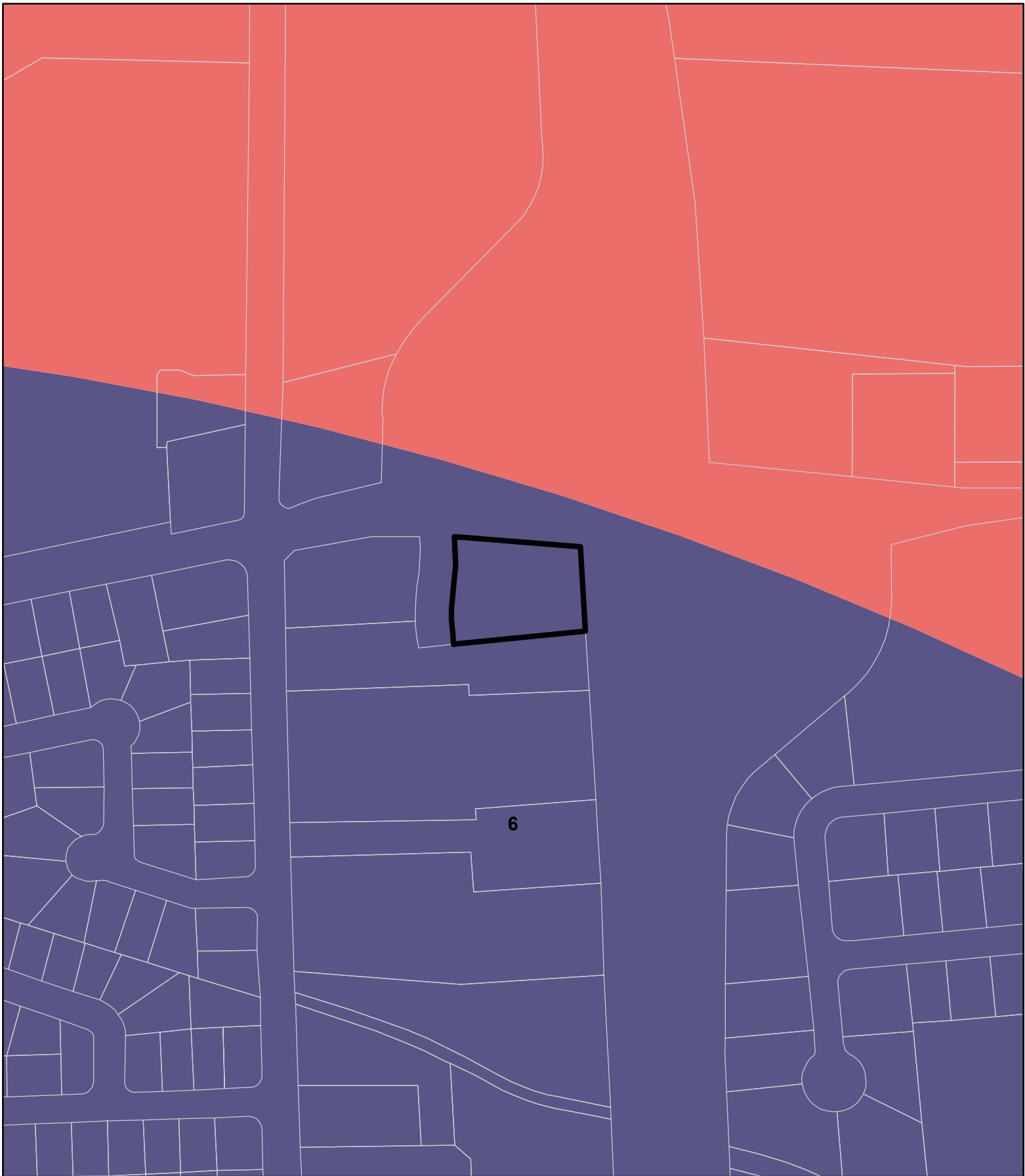
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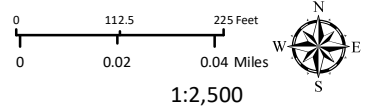
**EASTERN SOIL CLASSIFICATIONS**

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[White Box] Assessors Parcels  
 [Red Box] Ukiah Airport Zones 052021  
 [Dark Blue Box] 6  
 ZONE



1:2,500  
UKIAH AIRPORT ZONES

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**RECEIVED**

**MAR 11 2025**

**Mendocino County  
Air Quality Mgmt Dist.**

**PROJECT REVIEW REFERRAL**  
**Please provide comments by: March 25, 2025**

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.

<b>TO:</b>			
<input checked="" type="checkbox"/>	City of Ukiah, Community Development Director	<input checked="" type="checkbox"/>	Mendocino County Air Quality Management District
<input checked="" type="checkbox"/>	City of Ukiah, Building Inspection Division	<input checked="" type="checkbox"/>	Ukiah Police Department
<input checked="" type="checkbox"/>	City of Ukiah, Fire Prevention Division	<input checked="" type="checkbox"/>	City of Ukiah, Code Enforcement Division
<input checked="" type="checkbox"/>	City of Ukiah, Electrical Utility, Department	<input checked="" type="checkbox"/>	Ukiah Valley Fire Authority
<input checked="" type="checkbox"/>	City of Ukiah, Public Works Department	<input checked="" type="checkbox"/>	City of Ukiah, City Manager's Office
<input checked="" type="checkbox"/>	Caltrans: California Department of Transportation (District 1)	<input checked="" type="checkbox"/>	City of Ukiah, Water and Sewer

**Facility # 52587**

<b>PROJECT INFORMATION:</b>	
<b>Project Name &amp; Permit #:</b>	Habit Burger – Minor Site Development Permit #PA25-000007
<b>Site Address &amp; APN:</b>	105 Pomeroy Street, Ukiah, CA; APN 002-247-02
<b>General Plan:</b>	“HC” Highway Commercial
<b>Zoning:</b>	“C1” Community Commercial
<b>Airport Compatibility Zone:</b>	“OAE”
<b>Date Filed:</b>	03.10.2025
<b>Resubmittal:</b>	N/A
<b>Date Referred:</b>	03.11.2025
<b>Prev. Projects on Site (include file #)</b>	SDP 89-45 (Denny's Signage); SDP 95-20 (Denny's Renovation)
<b>Applicant/Agent Name:</b>	UK 105 Investments, LLC
<b>Phone:</b>	(916 ) 761-5602
<b>Email:</b>	<a href="mailto:victor@letapgroup.com">victor@letapgroup.com</a>
<b>Project Summary:</b> The existing commercial structure at 105 Pomeroy Avenue was constructed in 1969 and has historically operated as a Formula Restaurant – Eating & Drinking Establishment. The most recent tenant vacated the property in 2023, and it has remained unoccupied since. The applicant proposes to renovate and reuse the existing structure within its current footprint for continued restaurant use, incorporating a drive-through component as allowed under Ukiah City Code (UCC) §9081 and in compliance with UCC §9198(D). A Minor Site Development Permit is requested to facilitate façade updates that will modernize the building’s exterior, expand landscaping, and reconfigure parking and site circulation. The reconfiguration will integrate the drive-through while improving pedestrian and bicycle access in alignment with UCC §9087(D).	

Please indicate whether you have comments on the second page of this referral packet. Be sure to sign and date below. Return this Project Referral Form by the date noted above to the Project Planner (Jesse Davis).

**Name and Affiliation/Department (Please Print):** \_\_\_\_\_

- No Comment  
 Comments / Conditions of Approval Attached

**Signature:**

*Ronda Gott*

**Date:**





# Mendocino County Air Quality Management District

1100A Hastings Road  
PO Box 247  
Ukiah, California 95482  
707-463-4354 / 707-234-6360  
[mcaqmd@mendocinocounty.gov](mailto:mcaqmd@mendocinocounty.gov)  
[www.mendoair.org](http://www.mendoair.org)

## ASBESTOS DEMOLITION-RENOVATION NOTIFICATION

<b>District Use Only:</b>		Date Received: _____	Notification #: ASB- _____	Facility # _____
<b>I. Type of Notification:</b> <input type="checkbox"/> Original <input type="checkbox"/> Cancellation <input type="checkbox"/> Revision #:				
<input type="checkbox"/> Demolition <input type="checkbox"/> Ordered Demolition (Attach Copy) <input type="checkbox"/> Renovation <input type="checkbox"/> Emergency Renovation (Describe)				
<b>II. Site Address:</b>			City: _____	
Building Description: _____			Project Sq Ft: _____	
Current Use: _____		Proposed Use: _____	Single Family Dwelling: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Describe scope of work to be performed for this project:				
<b>III. Owner Name:</b>			Telephone: _____	
Mailing Address: _____				
Email: _____		City, State: _____		Zip: _____
<b>IV. Is Asbestos Present ?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		Survey Date: _____	Copy of Survey/Report Attached?: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Approximate Amount of Asbestos Containing Materials (ACM or RACM):				
Amount of RACM	Sq. Ft.:	Linear Ft.:	Cubic Ft.	
Amount of Category I ACM:		Amount of Category II ACM:		
Scheduled Dates - Asbestos Removal:		Start Date: _____	Completion Date: _____	
Scheduled Dates of Demo/Reno		Start Date: _____	Completion Date: _____	
Describe methods, practices & engineering controls to be used to prevent airborne emissions of asbestos:				
If your project is below the "threshold" amounts described on Page 2, sign and date the bottom of this form and submit it with payment of \$25.00 Notification Review Fee to the District for approval. For all other projects, complete items V – VIII below before submitting the notification to the District. <b>Note: All burned structures require consultation with Air Quality Management District.</b>				
<b>V. Demolition or General Contractor:</b>				
Mailing Address: _____			Telephone: _____	
City: _____			State: _____	Zip: _____
<b>VI. Asbestos Consultant:</b>				
Mailing Address: _____			CAC#: _____	
City: _____			State: _____	Zip: _____
<b>VII. Asbestos Removal Contractor:</b>				
Mailing Address: _____			DOSH# _____	
City: _____			State: _____	Zip: _____
Contact: _____		Title: _____	Telephone: _____	
<b>VIII. Waste Transporter:</b>				
Mailing Address: _____			EPA ID# _____	
City: _____			State: _____	Zip: _____
<b>IX. Disposal Site:</b>		City: _____		
I certify that the above information is true and correct to the best of my knowledge.				
_____ <i>Signature of Owner/Contractor</i>			_____ <i>Date</i>	
<b>District Use Only:</b>	<i>This project has met the requirements of Federal Asbestos NESHAP regulations under 40 CFR, 61.145 and may proceed with demolition or renovation activities upon completion of identified asbestos abatement and Lead Agency approval.</i>			
	_____ <i>District Representative</i>			_____ <i>Date</i>



# Mendocino County Air Quality Management District

1100A Hastings Road  
PO Box 247  
Ukiah, California 95482  
707-463-4354 / 707-234-6360  
[mcaqmd@mendocinocounty.gov](mailto:mcaqmd@mendocinocounty.gov)  
[www.mendoair.org](http://www.mendoair.org)

## ASBESTOS DEMOLITION-RENOVATION NOTIFICATION

### INSTRUCTIONS

In accordance with the provisions of the Code of Federal Regulations, 40 CFR 61 subpart M for asbestos, anyone conducting a demolition or renovation project must thoroughly inspect the affected facility or portion of the facility for the presence of asbestos and provide written notification of the project to the Air Quality Management District, including projects without Asbestos Containing Material (ACM). The notification requirements apply to all commercial buildings, government buildings, schools, multi-family dwellings, single-family dwellings and other structures.

Demolition or renovation activities involving at least 160 square feet (80 linear meters or 260 linear feet) of regulated asbestos-containing materials (RACM) require abatement as well as notification. These amounts are known as “threshold” amounts.

For all demolition or renovation projects, fill out the form as completely as possible, including:

- Section I: Type of Notification,
- Section II: Building description,
- Section III: Owner Information,
- Section IV: Asbestos Information if Present,
- Section V: Demolition or General Contractor information if they are being used on this project,
- Section VI: Asbestos Consultant/Surveyor Information,
- Section VII: Asbestos Removal (Abatement) Contractor
- Section VIII: Waste Transporter Information, and
- Section IX: Disposal Site Information

Should the structure contain “threshold” amounts of asbestos materials that must be abated prior to the demolition or renovation, fill out the Notification Form as completely as possible and submit the Notification and any related documents to the District for approval at least 10 days prior to any abatement activity.

If your project is below the “threshold” amounts or for a single-family dwelling\*, complete items I through IV, sign and date the bottom of the Notification Form and submit it to the District for approval.

\*In accordance with District Policy, effective July 20, 2022, notifications for demolition or renovation projects not subject to the provisions of Title 40 of the Code of Federal Regulations, Part 61, Subpart M shall be assessed a minimum \$25.00 Notification Review fee.

Note: All burned structures require consultation with the Air Quality Management District.

If the demolition is being ordered by a government agency, please provide a copy of the Demolition Order. For emergency renovations or demolitions please provide any documentation and describe the project. For specifically defined "Emergency" conditions, the 10 working day period may be waived.

Fees associated with Asbestos Notification for Demolition and Renovation are attached to this form. Please notify the District if the job is postponed or cancelled or if there are any revisions.

Asbestos Demolition-Renovation Notification forms may be emailed, hand delivered or mailed.

Office Location:	Email:	Mail:
1100A Hastings Rd Ukiah	<a href="mailto:mcaqmd@mendocinocounty.gov">mcaqmd@mendocinocounty.gov</a>	PO Box 247 Ukiah CA 95482

Call the District office at 707-463-4354 if you have any questions or need further assistance.

In addition to the requirements of 40 CFR 61 subpart M, the California Health & Safety Code, Section 19827.5 (Local Building Permits) requires written approval from the Mendocino County Air Quality Management District prior to the issuance of any demolition or renovation permit. CH&SC, Section 19827.5. states: ...” A demolition permit shall not be issued by any city, county, city and county, or state or local agency which is authorized to issue demolition permits as to any building or other structure except upon the receipt from the permit applicant of a copy of each written asbestos notification regarding the building that has been required to be submitted to the United States Environmental Protection Agency or to a designated state agency, or both, pursuant to Part 61 of Title 40 of the Code of Federal Regulations...”

**Contact your California Certified Asbestos Consultant or Abatement Contractor for more information about removing asbestos safely.**



**Mendocino County  
Air Quality Management District**

1100A Hastings Road  
PO Box 247  
Ukiah, California 95482  
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[mcaqmd@mendocinocounty.gov](mailto:mcaqmd@mendocinocounty.gov)  
[www.mendoair.org](http://www.mendoair.org)

**ASBESTOS DEMOLITION-RENOVATION NOTIFICATION**

**FEE SCHEDULE**

**Mendocino County Air Quality Management District  
Regulation 1, Rule 1-310, Fees**

**SCHEDULE 8  
ASBESTOS OPERATIONS FEE SCHEDULE**

Anyone conducting a demolition or renovation project subject to the provisions of Title 40 of the Code of Federal Regulations, Part 61, Subpart M for asbestos removal and required to submit a written notification of the project to the District shall pay to the District the following fee:

**Asbestos operations other than single-family residential dwellings of less than five units.**

Less than 100 lineal feet or less than 100 square feet	\$ 35.00
100 to 200 square feet or 100 to 300 lineal feet	\$ 65.00
200 to 500 square feet or 300 to 600 lineal feet	\$130.00
500 to 2,000 square feet or 600 to 2,400 lineal feet	\$200.00
2,000 to 20,000 square feet or 2,400 to 20,000 lineal feet	\$325.00
greater than 20,000 square feet or 20,000 lineal feet	\$650.00

If upon inspection or in the course of a demolition or renovation project, it is discovered that the project belongs in a higher fee category than was initially determined, the owner or operator shall pay the balance of the fee for the higher category.

Any demolition or renovation project requiring an inspection by the Air Quality Management District shall pay an additional fee to the District for the actual cost of the inspection as determined by the Air Pollution Control Officer in accordance with Rule 1-330, Technical Services Fees.

Schedule 8 is not subject to annual CPI factor adjustments.

*[Adopted 6/01/93; Amended 9/14/93; Amended 5/6/03]*

Note: Effective July 20, 2022, a minimum \$25.00 Notification Review fee shall be assessed for all notifications of demolition or renovation projects not subject to Title 40 of the Code of Federal Regulations, Part 61, Subpart M (i.e., single-family residential dwellings of less than five units), in accordance with District Administrative Policy to cover program costs.

**PROJECT REVIEW REFERRAL**  
**Please provide comments by: March 25, 2025**

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.

<b>TO:</b>			
<input checked="" type="checkbox"/>	City of Ukiah, Community Development Director	<input checked="" type="checkbox"/>	Mendocino County Air Quality Management District
<input checked="" type="checkbox"/>	City of Ukiah, Building Inspection Division	<input checked="" type="checkbox"/>	Ukiah Police Department
<input checked="" type="checkbox"/>	City of Ukiah, Fire Prevention Division	<input checked="" type="checkbox"/>	City of Ukiah, Code Enforcement Division
<input checked="" type="checkbox"/>	City of Ukiah, Electrical Utility, Department	<input checked="" type="checkbox"/>	Ukiah Valley Fire Authority
<input checked="" type="checkbox"/>	City of Ukiah, Public Works Department	<input checked="" type="checkbox"/>	City of Ukiah, City Manager's Office
<input checked="" type="checkbox"/>	Caltrans: California Department of Transportation (District 1)	<input checked="" type="checkbox"/>	City of Ukiah, Water and Sewer

<b>PROJECT INFORMATION:</b>	
<b>Project Name &amp; Permit #:</b>	Habit Burger – Minor Site Development Permit #PA25-000007
<b>Site Address &amp; APN:</b>	105 Pomeroy Street, Ukiah, CA; APN 002-247-02
<b>General Plan:</b>	"HC" Highway Commercial
<b>Zoning:</b>	"C1" Community Commercial
<b>Airport Compatibility Zone:</b>	"OAE"
<b>Date Filed:</b>	03.10.2025
<b>Resubmittal:</b>	N/A
<b>Date Referred:</b>	03.11.2025
<b>Prev. Projects on Site (include file #)</b>	SDP 89-45 (Denny's Signage); SDP 95-20 (Denny's Renovation)
<b>Applicant/Agent Name:</b>	UK 105 Investments, LLC
<b>Phone:</b>	(916 ) 761-5602
<b>Email:</b>	<a href="mailto:victor@letapgroup.com">victor@letapgroup.com</a>
<b>Project Summary:</b> The existing commercial structure at 105 Pomeroy Avenue was constructed in 1969 and has historically operated as a Formula Restaurant – Eating & Drinking Establishment. The most recent tenant vacated the property in 2023, and it has remained unoccupied since. The applicant proposes to renovate and reuse the existing structure within its current footprint for continued restaurant use, incorporating a drive-through component as allowed under Ukiah City Code (UCC) §9081 and in compliance with UCC §9198(D). A Minor Site Development Permit is requested to facilitate façade updates that will modernize the building's exterior, expand landscaping, and reconfigure parking and site circulation. The reconfiguration will integrate the drive-through while improving pedestrian and bicycle access in alignment with UCC §9087(D).	

Please indicate whether you have comments on the second page of this referral packet. Be sure to sign and date below. Return this Project Referral Form by the date noted above to the Project Planner (Jesse Davis).

Name and Affiliation/Department (Please Print): Max Brazil / UKIAH POLICE DEPT.

- No Comment  
 Comments / Conditions of Approval Attached

Signature: Max Brazil

Date: 3/13/25

## Jesse Davis

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**From:** Andrew Stricklin  
**Sent:** Friday, January 10, 2025 11:34 AM  
**To:** Jesse Davis; Tim Eriksen; Jason Benson; Cindy Sauers; Craig Schlatter; Matthew Keizer; Shannon Riley; Max Brazill  
**Cc:** Katherine Schaefer; Isabelle Grieve  
**Subject:** RE: 15 Pomeroy Street - Habit Burger (Site Development Permit - Preliminary)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Here are just a few preliminary comments that will need to be addressed prior to approval. The following will be required.

All driveways will need to be ADA sidewalk continuous. Currently not shown on plan.

Street trees will be required every 30 feet.

It is up to the developer to determine if existing utilities are sufficient and in good condition including both water and sewer.

It should be noted that Caltrans is currently investigating and/or making repairs to storm water drainage in the existing ditch shown at the north side of the project. This work is not currently coordinated with the City.

### Andrew Stricklin

City of Ukiah - Public Works

Senior Engineer

300 Seminary Avenue, Ukiah, CA 95482

**(707)463-6297**

**From:** Jesse Davis <jdavis@cityofukiah.com>  
**Sent:** Friday, January 3, 2025 2:39 PM  
**To:** Andrew Stricklin <astricklin@cityofukiah.com>; Tim Eriksen <teriksen@cityofukiah.com>; Jason Benson <jbenson@cityofukiah.com>; Cindy Sauers <csauers@cityofukiah.com>; Craig Schlatter <cschlatter@cityofukiah.com>; Matthew Keizer <mkeizer@cityofukiah.com>; Shannon Riley <sriley@cityofukiah.com>; Max Brazill <mbrazill@cityofukiah.com>  
**Cc:** Katherine Schaefer <KSchaefer@cityofukiah.com>; Isabelle Grieve <lgrieve@cityofukiah.com>  
**Subject:** 15 Pomeroy Street - Habit Burger (Site Development Permit - Preliminary)

Hi All,

Planning Division Staff expects a request to redevelop 105 Pomeroy (Former Denny's) to be submitted in the coming weeks. The request is for a renovation of the restaurant and installation of drive-through for use by Habit Burger.

I wanted to give a preliminary notification to ensure that the needs of your Department could be addressed at an early-stage. Please let Katherine or myself know if you have any initial questions, or needed clarifications. Thank you much.

Best Regards,  
Jesse Davis

**From:** [Neil Davis](#)  
**To:** [Jesse Davis](#)  
**Cc:** [Andrew Stricklin](#); [Blake Adams](#)  
**Subject:** Habitat burger joint  
**Date:** Wednesday, March 19, 2025 9:50:32 AM

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Lets discuss this before forwarding these comments

Thank you for a thoughtful landscape plan. Thanks for using the WUCOLS and although we are region one, the region two is likely a better choice for our area with climate change.

Mahonia, oregon grape may not do well in hot location, it's actually moderate water use and it is a pretty hot location. If it gets enough water, it may work well.

Juncus effusus "big twister" has not been seen in this area, not sure how it will do, maybe worth the experiment.

Is the dry stream bed depressed? Does it catch drainage from roof? It would be great if it did.

Olive trees are more like large bushes than trees, can we get something larger on the west side to meet the street tree requirements and provide additional shade.

Drainage from parking lot slopes towards freeway. There should be no curb, or there should be cutouts in curb to allow runoff to flow into lansdscape and ditch.

It would be nice to have oaks instead of arbutus on the east side of parking lot for habitat and shade. Interior live oaks are slow growing but evergreen which would be nice in this area.

I'd like to see the parking spaces on the southeast side (spaces 28-35) removed and replaced with a place with some shade and picnic tables or at least landscaped instead of asphalt

I don't understand the use of the rocked space just west of parking space 28?

Andrew can confirm, but it looks to me like there is room for on-street parking on both sides of the street. I'm guessing 6-8 parking spaces with no competing need for these spaces. Another reason why they don't need so much off-street parking.

For the public tree well an Arbutus marina or live oak. Could consider the Silver Linden like in front of Nick's house ( School St) as an experiment. The interior live oak will be my first choice for diversity, habitat value, and it's ultimate larger canopy. Coast live oak can survive here, but interior live oak is native and better adapted to this area. May be more difficult to source. Talk to us we may be able to get them if you can't. If live oak are planted in front of restaurant, the Silver Linden in the public space would provide increased diversity.

Thanks for the opportunity to comment.

Neil Davis  
Community Services Director  
City of Ukiah  
411 W Clay St, Ukiah CA 95482  
707-467-5764

## Jesse Davis

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**From:** Scott Bozzoli  
**Sent:** Thursday, March 13, 2025 6:51 AM  
**To:** Jesse Davis  
**Cc:** Cindy Sauers  
**Subject:** Re: Habit Burger – 105 Pomeroy Street, Ukiah, CA; APN 002-247-02; File No. PA\_25-000007 - Agency Referral

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Jesse,

Regarding the Project Referral for the **“Habit Burger-105 Pomeroy, Ukiah Ca; APN 002-247-02 No. PA\_25-000007”**

Ukiah Electric Utility Department (EUD) has the following requirements and comments:

- 1) This property will be served from Underground service.
- 2) Developer to provide EUD with accurate **total connected load calculations**.
- 3) Developer is to provide EUSERC approved electrical equipment compatible with the City of Ukiah’s EUSERC Acceptability Chart before a new panel can be used on this project.
- 4) All future site improvements shall be submitted to the EUD for review and comment. At that time, specific service requirements, service Voltage and developer costs and requirements will be determined, and an estimate of cost will be provided
- 5) Developer/customer shall incur all costs of this future project to include (labor, materials, equipment, and future services).
- 6) There shall also be an easement provided to the EUD for any Primary that transverses through the property. Or around any City owned Electric equipment.

Please email a copy of all future electric plans to [sbozzoli@cityofukiah.com](mailto:sbozzoli@cityofukiah.com)  
Should they have any questions please call Scott Bozzoli at 707-467-5775.

Thank you,

***Scott Bozzoli***

Electrical Engineering Technician III

1350 Hastings Rd

Ukiah Ca 95482

707-467-5775

[Sbozzoli@cityofukiah.com](mailto:Sbozzoli@cityofukiah.com)



## ARTICLE 4B. DESIGN REVIEW BOARD

SECTION:

[§1160 Creation](#)

[§1161 Members; Appointment; Term](#)

[§1162 Residency](#)

[§1163 Qualifications Of Board Members](#)

[§1164 Expenses Of Members; No Compensation](#)

[§1165 Chairman; Officers](#)

[§1166 Meetings; Rules; Record](#)

[§1167 Attendance](#)

[§1168 Board To Act In Advisory Capacity](#)

[§1169 Duties Of The Board](#)

### **§1160 CREATION**

There is hereby created a Design Review Board for the City of Ukiah ("City"). (Ord. 1136, §2, adopted 2012)

### **§1161 MEMBERS; APPOINTMENT; TERM**

Members of the Design Review Board shall be appointed by a majority of the City Council, each to serve at the will of the City Council up to a term of four (4) years. Members may be appointed to successive terms without limitations. Members shall be appointed according to procedures established by resolution of the City Council and shall be required to complete an application.

If a Board member vacates his or her office before the expiration of his or her term of office, a successor shall be appointed by a majority of the City Council upon receipt and review of applications for the vacant appointment.

Board members shall be nominated and voted upon at a single City Council meeting, unless a different procedure is approved by a majority vote of the City Council. (Ord. 1136, §2, adopted 2012; Ord. 1218, §1, adopted 2021)

### **§1162 RESIDENCY**

If Board members, other than the at-large members, move outside the City limits after appointment or they no longer own a business in the City limits for Board members qualified to serve on that basis, their terms are thereby terminated. (Ord. 1136, §2, adopted 2012)

### **§1163 QUALIFICATIONS OF BOARD MEMBERS**

Board members shall have sufficient education and/or experience to perform and fulfill the duties required in section 1169 of this code. This education and/or experience may consist of a college degree, professional license, or employment experience in architecture and design, landscape architecture, building contracting, urban planning, civil engineering, or similar field of study. Alternatively, the City Council may determine that a combination of education and/or experience in lieu of a college degree, professional license, or employment experience may qualify a candidate for the Board. (Ord. 1136, §2, adopted 2012)

### **§1164 EXPENSES OF MEMBERS; NO COMPENSATION**

The members of the Board shall receive no compensation. (Ord. 1136, §2, adopted 2012)

### **§1165 CHAIRMAN; OFFICERS**

The Board shall elect a chairperson from among the appointed members for a term of one year and, subject to other provisions of law, may elect such other officers, such as a vice-chairperson, as it may determine. (Ord. 1136, §2, adopted 2012)

### **§1166 MEETINGS; RULES; RECORD**

The Board shall hold at least one regular meeting each month at a time and place established by the Board, unless a lack of business or a lack of a quorum occurs. The Board shall adopt rules for the conduct of business and shall keep a written record of its findings and determinations, and overall business, which record shall be a public record. The City Manager may assign a City staff member to serve as the Board's recording secretary, who shall prepare minutes for the Board's approval. Alternatively, if no recording secretary is assigned to the Board, the Board may assign meeting recording duties to a Board member, who shall prepare minutes for the Board's approval. (Ord. 1136, §2, adopted 2012)

### **§1167 ATTENDANCE**

If a Board member absents himself or herself from four (4) regular meetings in any twelve (12) month period without the prior approval of the Board, the City Council member who appointed him or her may vacate that Board member's seat and fill it as any other vacancy. (Ord. 1136, §2, adopted 2012)

### **§1168 BOARD TO ACT IN ADVISORY CAPACITY**

Such Board shall act in an advisory capacity to the City staff, Zoning Administrator, Planning Commission and City Council in all matters pertaining to site development permit applications, planned development applications and precise development plans, and urban design. (Ord. 1136, §2, adopted 2012)

### **§1169 DUTIES OF THE BOARD**

It shall be the function and duty of the Design Review Board to review proposed site development permit applications, planned development applications and precise development plans, work with staff and the applicants to ensure design consistency with the Ukiah General Plan, Zoning Code, and Design Review Guidelines, and make recommendations concerning architecture, site design layout, landscaping, parking, signage, exterior lighting, and other aspects of urban design to City staff, Zoning Administrator, Planning Commission and City Council as appropriate. (Ord. 1136, §2, adopted 2012)

## **ARTICLE 5. COMMISSIONS AND BOARDS GENERALLY**

SECTION:

[§1200: Terms Of Commission Or Board Members Limited](#)

[§1201: Vacancy For Absence](#)

[§1202: Residency](#)

[§1203: Right Of Appeal](#)

### **§1200 TERMS OF COMMISSION OR BOARD MEMBERS LIMITED**

All members of commissions and boards appointed by the city council shall serve at the will and pleasure of the city council and may be removed at any time during their term of office with or without cause upon a motion of any council member and a four-fifths (4/5) vote of the city council. There shall be no limit on the number of terms a member of a commission or board may serve. (Ord. 559, §1, adopted 1964; Ord. 889, adopted 1989; Ord. 955, §1, adopted 1995; Ord. 1034, §1, adopted 2001)

### **§1201 VACANCY FOR ABSENCE**

Any member of a commission or board who fails to attend three (3) meetings in any consecutive four (4) month period without the approval of the commission or board shall be automatically removed from office and his or her position shall be deemed vacant. The city council shall fill the resulting vacancy as any other vacancy thereon. (Ord. 559, §1, adopted 1964; Ord. 721, §1, adopted 1978; Ord. 935, §3, adopted 1993)

### **§1202 RESIDENCY**

At the time of appointment, unless otherwise indicated, commission members shall be residents of the city. If commissioners move outside the city limits after appointment, their terms are thereby terminated. (Ord. 718, §6, adopted 1978; Ord. 804, §1, adopted 1983)

### **§1203 RIGHT OF APPEAL**

Notwithstanding any other provision of this code, individual members of the city council and the city manager shall have the right of appeal to the city council of any action taken by any commission, board or agency of the city. Appeals under this section of decisions by the planning commission shall comply with the following requirements: The appeal must be in writing, state the reasons for the appeal, and be filed with the city clerk

within ten (10) days of the date of the decision was made. An appeal that does not comply with the requirements of this section is not valid and shall not be considered by the city council. (Ord. 770, §1, adopted 1981; Ord. 1049, §1, adopted 2003)