



## Planning Commission

### Regular and Adjourned Meeting AGENDA

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

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

To participate or view the virtual meeting, go to the following link: <https://us06web.zoom.us/j/83128884939>

Or you can call in using your telephone only:

- Call (toll free) 1-888-788-0099
- Enter the Access Code: 831 2888 4939
- To Raise Hand enter \*9
- To Speak after being recognized: enter \*6 to unmute yourself

Alternatively, you may view the meeting (without participating) by clicking on the name of the meeting at [www.cityofukiah.com/meetings](http://www.cityofukiah.com/meetings).

**July 9, 2025 - 6:00 PM**

---

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **AB 2449 NOTIFICATIONS AND CONSIDERATIONS**

5. **APPROVAL OF MINUTES**

5.a. Approval of the Minutes of June 11, 2025, a Regular Meeting.

***Recommended Action: Approve the Minutes of June 11, 2025, a Regular Meeting.***

Attachments:

1. 2025-06-11 PC Draft Minutes

6. **APPEAL PROCESS**

All determinations of the Planning Commission regarding major discretionary planning permits are final unless a written appeal stating the reasons for the appeal is filed with the City Clerk within ten (10) days of the date the decision was made. An interested party may appeal only if he or she appears and states his or her position during the hearing on the decision from which the appeal is taken. For items on this agenda, the appeal must be received by July 21st, 2025.

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

The Planning Commission welcomes input from the audience. If there is a matter of business on the agenda that you are interested in, you may address the Planning Commission when this matter is considered. If you wish to speak on a matter that is not on this agenda that is within the subject matter jurisdiction of the Planning Commission, you may do so at this time. 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 in which the subject is not listed on the agenda.

8. **SITE VISIT VERIFICATION**

9. **VERIFICATION OF NOTICE**

10. **PLANNING COMMISSIONERS REPORT**

11. **DIRECTOR'S REPORT**

11.a. Receive Director's Report.

***Recommended Action: Receive Community Development Director's July 2025 Report and discussion questions with Staff.***

Attachments:

1. Planning Division Projects Report - 07-01-25

12. **CONSENT CALENDAR**

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

13. **UNFINISHED BUSINESS**

13.a. REMOVED BY STAFF AND CONTINUED TO A DATE NOT YET CERTAIN: Consider Providing Recommendations to the City Council for the Proposed Rezoning of Specific Parcels Identified for Annexation Within Unincorporated Mendocino County as part of the '2025 Ukiah Valley Reorganization'; Adoption of a General Plan Amendment to Incorporate the Ukiah Valley Area Plan (UVAP) as an 'Area Plan' of the City of Ukiah; Amendment of the City of Ukiah 2040 Land Use Element to Ensure Consistency with Existing Mendocino County Land Use Designations; and Adoption of an Ordinance Amending Existing City Zoning Regulations to Incorporate Applicable Provisions of Title 20, Division I of the Mendocino County Zoning Code.

***Recommended Action: No action is needed by the Planning Commission at this time, as the item has been continued to an uncertain date by Staff and will be re-noticed at such time further action is needed.***

Attachments: None

14. **NEW BUSINESS**

14.a. Recommendation to the City Council on the Proposed Ordinance Amendment to Update the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations in Ukiah City Code Ensuring Compliance with State Law and the Findings of the California Department of Housing & Community Development.

***Recommended Action: Adopt a resolution recommending that the City Council approve an ordinance amending the Ukiah City Code to update the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations ensuring compliance with State law and the Findings of the California Department of Housing & Community Development.***

Attachments:

1. HCD ADU Findings Letter - City of Ukiah (04.24.2025)
2. Response to HCD Findings Regarding ADU Ordinance No. 1244 under State ADU Law (Gov. Code, §§ 66310 - 66342) - Signed
3. Draft Ordinance
4. Planning Commission Draft Resolution

5. Draft Ordinance Revisions - June 30, 2025
  6. 14a Correspondence Received - James M. Lloyd-CalHDF Planning & Investigations
- 14.b. Recommendation to the City Council on the Proposed Ordinance Amendment to Establish an Administrative Use Permit Process, Reorganize Performance Standards, and Clarify Related Zoning and Animal Keeping Provisions in the Ukiah City Code.
- Recommended Action: Adopt a resolution recommending that the City Council approve an ordinance amending the Ukiah City Code to establish an Administrative Use Permit process, reorganize and consolidate performance standards into Article 23 of Division 9, Chapter 2, clarify provisions related to animal keeping and zoning regulations, and determine the ordinance is exempt from CEQA under Section 15061(b)(3).***
- Attachments:
1. Draft Ordinance
  2. Ukiah 2040 General Plan - Agriculture Ordinance
  3. Notice - Proof of Publication (Ukiah Daily Journal)
  4. Planning Commission Draft Resolution

## **15. ADJOURNMENT**

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

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

Kristine Lawler, City Clerk  
Dated: 7/2/25



**CITY OF UKIAH  
PLANNING COMMISSION MINUTES  
REGULAR MEETING**

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

Virtual Meeting Link: <https://us06web.zoom.us/j/83128884939>

**June 11, 2025  
6:00 p.m.**

**1. CALL TO ORDER**

The City of Ukiah Planning Commission held a Regular Meeting on June 11, 2025. The meeting was legally noticed on June 6, 2025. The meeting was held in person and at the following virtual link: <https://us06web.zoom.us/j/83128884939>. Chair de Grassi called the meeting to order at 6:02 p.m.

*CHAIR de GRASSI PRESIDING*

**2. ROLL CALL**

Roll was taken with the following **Commissioners Present:** Rick Johnson, Mark Hilliker, and Alex de Grassi (*two vacancies are currently on the Planning Commission*). **Staff Present:** Craig Schlatter, Community Development Director; Jesse Davis, Chief Planning Manager; Katherine Schaefer, Planning Manager; David Rapport, City Attorney; Darcy Vaughn, Assistant City Attorney; and Kristine Lawler, City Clerk.

**3. PLEDGE OF ALLEGIANCE**

*The Pledge of Allegiance was led by Commissioner Johnson.*

**4. AB 2449 NOTIFICATIONS AND CONSIDERATIONS**

*No notifications or considerations received.*

**5. APPROVAL OF MINUTES**

**a. Approval of the Minutes of May 28, 2025, a Regular Meeting.**

**Motion/Second:** Johnson/Hilliker to approve the minutes of the May 28, 2025, a Regular Meeting, with the correction as discussed. Motion **carried** by the following Roll Call votes: AYES: Johnson, Hilliker, and de Grassi. NOES: None. ABSENT: None. ABSTAIN: None.

**6. APPEAL PROCESS**

*Chair de Grassi stated the appeals deadline date is June 23, 2025. No appeals were received.*

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

**Public Comment:** Lauren Sinnott – public art status,

**8. SITE VISIT VERIFICATION**

*No site visit was necessary.*

**9. VERIFICATION OF NOTICE**

*Clerk noted that the agenda was properly noticed and all correspondence received had been distributed.*

**10. PLANNING COMMISSIONERS' REPORTS**

**Presenter:** Commissioner Johnson.

**11. DIRECTOR'S REPORT**

**Presenter:** Craig Schlatter, Community Development Director.

*Report was received.*

**12. CONSENT CALENDAR**

*No items on the Consent Calendar*

**13. UNFINISHED BUSINESS**

*No Unfinished Business was agendized.*

**14. NEW BUSINESS**

**a. Consider Providing Recommendations to the City Council for the Proposed Rezoning of Specific Parcels Identified for Annexation Within Unincorporated Mendocino County as part of the '2025 Ukiah Valley Reorganization'; Adoption of a General Plan Amendment to Incorporate the Ukiah Valley Area Plan (UVAP) as an 'Area Plan' of the City of Ukiah; Amendment of the City of Ukiah 2040 Land Use Element to Ensure Consistency with Existing Mendocino County Land Use Designations; and Adoption of an Ordinance Amending Existing City Zoning Regulations to Incorporate Applicable Provisions of Title 20, Division I of the Mendocino County Zoning Code.**

**Presenters:** Craig Schlatter, Community Development Director and Jesse Davis, Chief Planning Manager.

*Public Hearing opened at 7:17 p.m.*

**Public Comment:** Whitney Seckora, Pinky Kushner, Lenord Swope, Linda Sanders, John Radnich, Mike Bazzani, Jordan Poole, Dick Selzer, Marcia Lazaro, Peter Johnson, Chuck Vau, Julie Golden, Kerri Vau (*provided two handouts*), Ken McCormick, Ken Seckora, Todd Lyly, Steve Miller, Lee Howard (*provided handout*), Stephen Johnson, Gregg Hubb, John Strangio, Essence Roberson, Renee W, and Devon Boer.

*Public Hearing closed at 8:30 p.m.*

*RECESS: 8:30 – 8:41 P.M.*

**Motion/Second:** Hilliker/Johnson to continue this item to a date certain of June 25, 2025, at 6:00 p.m., and encourage the public to attend the workshop on June 19, 2025, at the Ukiah Valley Conference Center. Motion **carried** by the following Roll Call votes: AYES: Johnson, Hilliker, and de Grassi. NOES: None. ABSENT: None. ABSTAIN: None.

**15. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:52 P.M.

---

Kristine Lawler, City Clerk



## AGENDA SUMMARY REPORT

**SUBJECT:** Receive Director's Report.

**DEPARTMENT:** Community  
Development

**PREPARED BY:** Craig Schlatter, Community Development Director

**PRESENTER:** Craig Schlatter, AICP

**ATTACHMENTS:**

1. Planning Division Projects Report - 07-01-25

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

**Background:** Director's Reports are bi-monthly oral reports given by the Community Development Director on the status of projects, primarily within the Planning Division, of the Community Development Department.

Updates may include, but are not limited to, application status of major and minor discretionary permits, the implementation status of advanced planning and related 2040 General Plan programs and projects, and updates related to the activities of other divisions of the Department.

**Discussion:** This report is expected to provide updates in the following areas:

- July 2025 Planning Division Projects Report (Attachment 1)
  - This is a monthly report produced on the first of each month. The July 2025 report and previous monthly reports are located on the Planning Division Services webpage, under "Current Planning Reports": <https://cityofukiah.com/community-development/planning-services>
  - Any updates since the July 1, 2025, Director's Report was published will be provided verbally during the meeting.

---

**Recommended Action:** Receive Community Development Director's July 2025 Report and discussion questions with Staff.



**City of Ukiah  
Submitted Planning Applications**

**7/1/2025**

| Permit #       | Site Address       | Date Submitted | Summary of Project                                                                                                                                                                                                                                                                                                                                                                                              | Status                                                                                                                                                                                                                                            |
|----------------|--------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17-3069        | 1294 N. State St.  | 7/11/23        | Resubmitted Major Use Permit and Site Development Permit to allow for construction of two retail suites (including one drive-through), within the Community Commercial (C1) zoning district at the "Old Tackroom" location. Original submittal 9/13/17; initial DRB evaluation on January 25, 2018.                                                                                                             | Incomplete/awaiting applicant response. Design Review Board (DRB) hearing: 04/25/24 and recommended Approval to Planning Commission (PC). On 03/04/25, applicant revised application and plan materials were submitted to the attention of staff. |
| PA24-000020/21 | 534 E. Perkins St. | 12/23/24       | Major Site Development Permit of APN 002-200-43 within the Pear Tree Center, approximately 150 feet west of the E. Perkins St./S. Orchard Ave. intersection. The proposal includes the construction of a ±1,700 sq. ft. Starbucks retail, operating as carry-out and drive-through only, with no interior dining, and a total gross building area, including the outdoor canopy, of approximately 2,885 sq. ft. | Incomplete/awaiting applicant response. Received revised project scope request to eliminate the subdivision consideration on 01/23/25.                                                                                                            |

**City of Ukiah**  
**2040 General Plan Implementation - Status**



**7/1/2025**

| General Plan Element         | Implementation Program             | Date Due   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Status / Comments                                                                                                                                                    |
|------------------------------|------------------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Use                     | E - Zoning Code Amendments         | 12/31/2025 | Zoning districts and map consistency with the 2040 Land Use diagram. This Ordinance Amendment will facilitate the creation of an Open Space (O-S) zoning designation, as envisioned in the Ukiah 2040 General Plan. The designation seeks to preserve and manage areas of significant natural value, such as wildlife habitats, riparian corridors, creeks, and scenic resources, while supporting community resilience and sustainable land use practices. | Staff has incorporated Planning Commission (PC) comments from first meeting. Final draft to be presented to PC for approval in July or August 2025.                  |
| Land Use                     | E - Zoning Code Amendments         | 12/31/2025 | Zoning amendment to establish a consistent program for new signage, streamlining the application process and implementing design standards. This Ordinance Amendment addresses goals related to lighting, community character, and consistency across zoning designations, focusing on reducing poor signage that detracts from the built environment.                                                                                                      | Completed. Updated sign ordinance adopted by City Council (CC) on 6/4/25 and will be effective 7/4/25.                                                               |
| Land Use                     | E - Zoning Code Amendments         | 12/31/2025 | The City shall amend the Zoning Code to address the following topics: Downtown Zoning Code and Design Guidelines                                                                                                                                                                                                                                                                                                                                            | In progress. Commissioner Hilliker selected by PC to provide input to Downtown Zoning Code City Council Ad Hoc Committee. Committee will likely meet in August 2025. |
| Environment & Sustainability | H - Cultural and Historic Registry | 12/31/2025 | The City shall update the list of cultural and historic resources worthy of nomination to state or national preservation lists.                                                                                                                                                                                                                                                                                                                             | In progress but will be deferred until after the historic preservation ordinance is developed and adopted.                                                           |

| General Plan Element         | Implementation Program                                                                                                                                                            | Date Due          | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Status / Comments                                                                                                                                              |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment & Sustainability | I - Historic Preservation Ordinance                                                                                                                                               | 12/31/2030        | The City shall adopt a Historic Archaeological Preservation Ordinance to review permanent changes to the exterior or setting of designated historic or impacts to Archaeological resources. Among other topics, the Ordinance should address the following: archaeological resource impact avoidance, new development in historically sensitive neighborhood, compatibility of energy conservation retrofitting, design review standards for new structures replacing demolished historic structures, and requirements for preservation of records and artifacts from demolished historic structures.                                                              | In progress. Community Workshop #1 is tentatively scheduled for August 7, 2025 to collect input towards the development of an historic preservation ordinance. |
| Environment & Sustainability | M - Adopt a Municipal Climate Action Plan (CAP)                                                                                                                                   | 12/31/2025        | A Climate Action Plan (CAP) and a Climate Adaptation & Resilience Strategy (CARS) are currently being prepared. Together, the CAP and CARS will establish a strategic roadmap for how the City will reduce greenhouse gas emissions, prepare for climate hazards, & build a more resilient community.                                                                                                                                                                                                                                                                                                                                                              | Completed. Climate Action Plan adopted by the City Council at a Public Hearing on 05/21/25.                                                                    |
| Economic Development         | A - Economic Development Strategy                                                                                                                                                 | 12/31/2025        | The City shall prepare, adopt, and regularly update an Economic Development Strategy, which shall be used as an operational guide to implement the economic development goals and policies of the General Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Economic Development Strategy currently deferred until the City's reorganization application is further progressed.                                            |
| Agriculture                  | E - Reduce Regulation for Local Agriculture                                                                                                                                       | 12/31/2025        | Ordinance Amendment to bring consistency to create a new Administrative Use Permit (AUP) process in the City of Ukiah's Zoning Code. The new process would allow certain low-impact uses, which are currently subject to a public hearing, to be reviewed and approved by City staff if they meet specific standards. The ordinance also introduces detailed criteria for uses such as noncommercial animal keeping, outdoor sales, community gardens, live entertainment, and specialty food and beverage tastings. The goal is to simplify the review process for qualifying projects while maintaining protections for neighbors and the surrounding community. | Planning Commission hearing scheduled for 06/28/25. Continued to a Date Certain of 07/09/25.                                                                   |
| Housing Element              | 3c - Explore other policies and regulations that facilitate new infill housing development<br>3d - Facilitate improvements to permit processing to streamline housing development | Completed/Ongoing | An ordinance amending the Ukiah City Code in response to comments from the California Department of Housing and Community Development (HCD). This ordinance updates the City's zoning regulations to implement state law requirements for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) pursuant to Government Code Section 65852.2, establishing and expanding ministerial allowances. The ordinance also amends, removes, and adds regulations in response to written findings issued by HCD on April 24, 2025.                                                                                                                    | Planning Commission hearing scheduled for 06/28/25. Continued to a Date Certain of 07/09/25.                                                                   |

| General Plan<br>Element                     | Implementation<br>Program           | Date Due          | Description                                                                                                                                                              | Status / Comments                                                                                                                                                                                                                                         |
|---------------------------------------------|-------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agriculture<br>Element, Land<br>Use Element | C - Align Agricultural<br>Standards | Completed/Ongoing | Align City Agricultural Standards with those of Mendocino County; and<br>Development Pattern LU-7, to ensure the orderly and timely growth and<br>expansion of the City. | Planning Commission hearing held<br>06/11/25, wherein the Item was<br>continued to a Date Certain of 06/25/25.<br>The Item was further continued to a Date<br>Uncertain to ensure adequate<br>information is provided to<br>Commissioners and the public. |

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



**7/1/2025**

| Permit #     | Site Address         | Approved Date | Summary of Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Comments                                                                                                     |
|--------------|----------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| PA25-000011  | 214 E. Perkins St.   | 4/22/25       | Demolition Permit for APNs 002-192-24 and 002-192-25 at 214 East Perkins Street, located on the north side of Perkins Street between South Dora and South Orchard avenues. The proposal involves removal of an existing ±6,000 sq. ft. vacant commercial structure constructed in 1947, previously used as a warehouse for Montgomery Ward, later occupied by the Pioneer Company and Curry's Furniture. The building is subject to historical review under Ukiah City Code Section 3016 but is not listed in the City's 1985 or 1999 historical resource surveys, is not within a designated historic district, and has not been assigned a California Historical Resource Status Code. | Demolition Review Committee (DRC): 05/22/25 Recommended Approval to City Council (CC); CC Approved: 06/18/25 |
| LLA25-000004 | 660/680 N. State St. | 5/30/25       | Commercial Lot Line Adjustment (LLA) involving two parcels: 660 (Parcel 1) and 680 (Parcel 2) North State Street. As shown on the Tentative Map, the gravel parking area is being shifted from Parcel 2 to Parcel 1. No new development is proposed or associated with this request. Following the adjustment, Parcel 1 will increase in size by approximately 1,675 square feet, and Parcel 2 will decrease by the same amount.                                                                                                                                                                                                                                                         | City Engineer Approved: 06/30/25                                                                             |
| PA25-000009  | 1317 Clay St.        | 4/1/25        | Minor Variance to allow a 2' encroachment into the 5' rear/side (southern) setback on this corner lot, for an approximately 9ft x 29ft pool and spa accessory structure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Zoning Administrator (ZA) Hearing held on 05/20/25, continued to a date certain of and approved on 05/27/25. |



## AGENDA SUMMARY REPORT

**SUBJECT:** REMOVED BY STAFF AND CONTINUED TO A DATE NOT YET CERTAIN: Consider Providing Recommendations to the City Council for the Proposed Rezoning of Specific Parcels Identified for Annexation Within Unincorporated Mendocino County as part of the '2025 Ukiah Valley Reorganization'; Adoption of a General Plan Amendment to Incorporate the Ukiah Valley Area Plan (UVAP) as an 'Area Plan' of the City of Ukiah; Amendment of the City of Ukiah 2040 Land Use Element to Ensure Consistency with Existing Mendocino County Land Use Designations; and Adoption of an Ordinance Amending Existing City Zoning Regulations to Incorporate Applicable Provisions of Title 20, Division I of the Mendocino County Zoning Code.

**DEPARTMENT:** Community Development

**PREPARED BY:** Craig Schlatter, Community Development Director

**PRESENTER:** Craig Schlatter, AICP, Community Development Director

**ATTACHMENTS:**

None

**Summary:** This staff report has been prepared for informational purposes only. No action is needed by the Planning Commission.

**Background:** At both the June 3, 2025, public workshop and the June 11, 2025, meeting of the Planning Commission, public comment was received regarding various components of the City's draft reorganization application.

**Discussion:** Staff is considering comments, as well as providing additional opportunities for community input, including a public workshop on June 19, 2025. Consistent with the City Council's direction, Staff finds additional time is warranted for community input, as well as for Staff's further evaluation and development of the draft reorganization application and related components. The item will be continued to a future date not yet determined and re-noticed when further action is warranted.

This report is for informational purposes only. Because the item has been removed by Staff, no further action is needed by the Commission.

**Recommended Action:** No action is needed by the Planning Commission at this time, as the item has been continued to an uncertain date by Staff and will be re-noticed at such time further action is needed.



## AGENDA SUMMARY REPORT

**SUBJECT:** Recommendation to the City Council on the Proposed Ordinance Amendment to Update the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations in Ukiah City Code Ensuring Compliance with State Law and the Findings of the California Department of Housing & Community Development.

**DEPARTMENT:** Community  
Development

**PREPARED BY:** Jesse Davis, Chief Planning Manager

**PRESENTER:** Jesse Davis, AICP

**ATTACHMENTS:**

1. HCD ADU Findings Letter - City of Ukiah (04.24.2025)
2. Response to HCD Findings Regarding ADU Ordinance No. 1244 under State ADU Law (Gov. Code, §§ 66310 - 66342) - Signed
3. Draft Ordinance
4. Planning Commission Draft Resolution
5. Draft Ordinance Revisions - June 30, 2025
6. 14a Correspondence Received - James M. Lloyd-CalHDF Planning & Investigations
7. 14a ADU Presentation given at meeting

**Summary:** The Planning Commission will consider a proposed ordinance amendment to update the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations in the Ukiah City Code in compliance with State law and the Findings of the California Department of Housing & Community Development.

**Background:** Over the past decade, State housing legislation, particularly related to Accessory Dwelling Units (ADUs), has steadily reduced local discretion. To remain compliant with changes in State law, the City of Ukiah amended its local regulations in 2017 to implement Assembly Bill (AB) 2299, Senate Bill (SB) 1069, and AB 2406. Further amendments followed in 2020 to address AB 68, AB 881, SB 13, AB 670, and AB 587. In 2024, the City adopted Ordinance No. 1244, which relocated ADU and Junior ADU (JADU) regulations into standalone sections of the Ukiah City Code for greater clarity and usability, separate from the Low-Density Residential Zoning District regulations.

Before 2017, ADUs were referred to as Second Units and typically required discretionary review and approval. Ironically, many Ukiah neighborhoods historically included accessory units as part of their original development patterns, in both attached and detached formats.

State ADU laws are complex and frequently amended. Each legislative change can preempt portions of local ordinances, which must then be updated to restore compliance. In the interim, the City is required to process ADU and JADU applications through a ministerial (staff-level) process, as required by California Government Code.

Despite the challenges, the City has taken concrete steps to support ADU development. In 2017, it adopted a Housing Strategy that laid the groundwork for the 6th Cycle Housing Element, which was subsequently adopted in 2019. These efforts, including regulatory reforms and policy incentives, helped spur ADU construction. In 2020, the City began offering pre-approved plan sets to streamline permitting and cut design

costs. Since 2019, it has issued building permits for 32 ADUs. Table 1 shows a breakdown by ADU type.

**Table 1: City of Ukiah ADU Construction (2019–2024)**

- New Construction – Detached: 8
- Garage Conversion (Attached): 10
- Conversion – Detached Accessory Structure: 9
- New Construction – Attached: 5
- Junior ADUs (JADUs): 0

Although ADU regulations were updated in 2024, further amendments are now proposed to directly implement State housing law, and to maintain the City’s Housing Element certification with the California Department of Housing and Community Development (HCD). The proposed ordinance updates are required to meet State standards while incorporating local development controls that help minimize land use and infrastructure impacts on existing neighborhoods.

In 2024, the State adopted several new laws to accelerate ADU and JADU production, including Senate Bill (SB) 1211. This legislation increases the number of detached ADUs allowed on multifamily properties and eliminates certain local parking replacement requirements. Many of the most substantial changes related to the allowances for ADUs on multi-family parcels.

On April 24, 2025, HCD issued formal findings (Attachment 1) related to Ordinance No. 1244, which had been adopted by the City on September 4, 2024, and submitted for State review on September 5, 2024. HCD determined the City’s ordinance did not fully comply with State ADU law under Government Code section 66326(a). The City submitted a written response on May 23, 2025, included as Attachment 2. On June 3, 2025, HCD confirmed that the response brought the ordinance into substantial compliance. Final adoption and submittal of the amended ordinance are necessary to complete this compliance process.

**Discussion:** The proposed ordinance (Attachment 3) updates are primarily intended to bring the City’s Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) regulations into compliance with current State law and the findings issued by the California Department of Housing and Community Development (HCD) in April 2025. These findings responded to the City’s previously adopted Ordinance No. 1244 from September 2024. The proposed ordinance is intended to align with Government Code requirements and help preserve the City’s 6<sup>th</sup> Cycle Housing Element certification.

Several of the potential revisions are minor or clarifying in nature. For example, HCD requires clearer language regarding application approval process and timelines. The proposed update replaces the language “acted upon” with “approve or deny” to meet the requirements of Government Code Section 65852.2. The ordinance also proposes clarifying that uncovered parking spaces, in addition to garages and carports, would not need to be replaced if converted to or demolished for an ADU. This addresses a technical issue identified by HCD, but in practice was already addressed by City Staff. Another proposed revision explicitly states that fire sprinklers are not required for ADUs if they are not required in the primary residence, and that construction of an ADU would not trigger new sprinkler requirements in the main dwelling. While this reflects existing State law and the current practices of the City, the clarification is necessary for compliance as conveyed by HCD.

More substantive changes under the proposed ordinance include:

- Allowing up to eight detached ADUs on lots with existing multifamily dwellings, consistent with SB 1211.
- Removing unit size caps for ADUs on multifamily properties and exempting certain conversions from size limitations.

- Codifying AB 2533, which allows owners of unpermitted ADUs constructed before January 1, 2020, to obtain permits to permanently “legalize” their ADU, while only meeting the requirements of Health and Safety Code (H&SC) 17920.3. This code section requires buildings to meet sanitary, structural, electrical, plumbing, mechanical, weather protection, approved material, maintenance, exit, and fire health and safety requirements. This incorporates the majority of the requirements in the California Building Standards Code.

Regarding height, the ordinance includes revisions to clarify and refine allowable limits in accordance with HCD guidance. Detached ADUs would continue to be limited to 20 feet in height, but could be approved up to 25 feet through a minor site development permit if they meet conditions related to consistency with the primary structure or local development standards. Attached ADUs are proposed to be permitted up to 25 feet or the maximum height allowed by the applicable zoning district, whichever is greater. This would not constitute a new entitlement, as the height limits for all applicable zoning districts already exceed 25 feet. The ordinance also proposes confirming that ADUs constructed above garages, whether attached or detached, may reach the greater of 25 feet or the zoning district’s maximum height. Previous language clarified that ADUs may exceed the height of the primary residence.

For JADUs, the updates include proposed corrections to permit processing timelines, revised deed restriction language, and confirmation that separate utility impact fees would not apply when a JADU is constructed independently of a new single-family dwelling.

While some changes are directly responsive to HCD’s compliance findings, many of the proposed revisions are technical or administrative in nature. If adopted, the ordinance would provide clearer direction to applicants, support housing production goals, and reduce the risk of unintended conflicts with State law.

The California HCD ADU Handbook is included as Attachment 4 to this Staff Report. The 2025 edition reflects recent updates to State ADU law, highlighting recent changes to reduce barriers and accelerate ADU deployment at the State level.

Pursuant to correspondence received on June 25, 2025 and guidance from the public and the California Department of Housing and Community Development (HCD), the proposed ordinance amending the Ukiah ADU regulations was revised in late-June to align with the requirements of Government Code Section 66323. This section governs specific categories of Accessory Dwelling Units (ADUs) that are exempt from certain local standards. Ordinance revisions for consideration are included as Attachment 5.

---

**Recommended Action:** Adopt a resolution recommending that the City Council approve an ordinance amending the Ukiah City Code to update the City’s Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations ensuring compliance with State law and the Findings of the California Department of Housing & Community Development.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
**DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannan Street, 10<sup>th</sup> Floor  
 Sacramento, CA 95811  
 (916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



April 24, 2025

Craig Schlatter, AICP, Director  
 Community Development Department  
 City of Ukiah  
 300 Seminary Avenue  
 Ukiah, CA 95842

Dear Craig Schlatter:

**RE: Review of City of Ukiah's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 - 66342)**

Thank you for submitting the City of Ukiah's (City) ADU Ordinance No. 1244 (Ordinance), adopted September 4, 2024, to the California Department of Housing and Community Development (HCD). The Ordinance was received on September 5, 2024. HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails to comply with State ADU Laws in the manner noted below. Pursuant to Government Code section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than May 24, 2025.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law as follows:

1. *Senate Bill (SB) 1211 (Chapter 296, § 3, Statutes of 2024)* – As of January 1, 2025, the Legislature changed Government Code section 66323. Subdivision (a)(4)(A)(ii) and (iii), now allows for the following:
  - (ii) On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.
  - (iii) On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.

The Ordinance does not currently list any of this information. The City must add new language reflecting these allowable uses.

2. *Assembly Bill (AB) 2533 (Chapter 834, Statutes of 2024)* - As of January 1, 2025, there are changes to Government Code section 66332. Subdivisions (a) and (b) were changed and subdivisions (d) – (f) were added. Changes include permitting

previously unpermitted ADUs, adding the same protections for JADUs, and setting additional requirements for local agencies. The City should review these new requirements and adjust the Ordinance to comply with State ADU Law.

3. *Statutory Numbering* - The Ordinance contains several references to code sections that were deleted by SB 477, effective March 25, 2024. These include Government Code sections 65852.2, 65852.22 and 65852.26. The contents of these sections were relocated to Government Code, Title 7, Division 1, Chapter 13 (sections 66310-66342, see Enclosure). The City must amend the Ordinance to refer to the correct Government Code sections.
4. Section 9056.1 (E) – *Conversion ADUs* – The Ordinance states, “Accessory dwelling units may be attached to existing single-family or multiple-family residences or detached as separate structures.” However, Government Code section 66314, subdivision (d)(3) states, “The accessory dwelling unit is either attached to, **or located within**, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or **an accessory structure** or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages” (emphasis added). The Ordinance does not mention the option of a conversion ADU, and that an ADU can be attached to an accessory structure. Therefore, the City must amend the Ordinance to clarify that an ADU may be formed by conversion or addition to an existing accessory structure.
5. Section 9056.2 (A) – *Review Process* - The Ordinance states, “Applications for a building permit for an ADU shall be deemed approved if the local agency has not **acted on** the completed application within 60 days” (emphasis added). However, State ADU Law requires: “The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot.”<sup>1</sup> The Ordinance uses the words “acted on”, but State ADU Law requires the City to “approve or deny” the application. Therefore, City must amend the Ordinance to replace “acted on” with “approve or deny”.
6. Section 9056.2 (B)(a) – *Conversions of Accessory Structures* – The Ordinance states, “An ADU may be attached to an existing primary residence converted from a portion of the existing living area of the primary residence, detached and on the same legal lot as a primary residence, converted from the entirety of or a portion of an existing accessory structure, or attached to an existing or proposed accessory structure”. However, State ADU Law requires, “The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary

---

<sup>1</sup> Gov. Code, § 66317, subd. (a).

dwelling, including detached garages.”<sup>2</sup>. The Ordinance does not make clear that an ADU may be converted from an attached garage. Therefore, the City must amend the Ordinance to allow attached garages to be converted to ADUs.

7. Section 9056.2 (B)(b) – *Unit Combinations* – The Ordinance states, “The number of ADUs allowed on a single lot shall be: (i). On a lot that contains an existing or proposed single-family dwelling: One (1) ADU attached or detached, (ii). On a lot that contains an existing multifamily dwelling: Two (2) ADUs, detached from the multifamily structure, and up to 25 percent of the number of units in the existing multifamily dwelling converted from existing non-livable space in a multifamily structure. (iii) On a lot that contains a proposed multifamily dwelling: Two (2) ADUs, detached from the multifamily structure.”

However, pursuant to Government Code section 66323, subdivision (a), “Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application...to create any of the following: (A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling...(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure.” Additionally, subparagraph (B) permits “[o]ne detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks.” The use of the term “any” followed by a list of ADU types permitted under Government Code section 66323, indicate that any of these ADU types can be combined on lots with existing or proposed single-family dwellings. This permits a homeowner, who meets the specified requirements, to create one converted ADU; one detached, new construction ADU; and one JADU. ADU types can be combined on lots with existing or proposed single-family dwellings. Therefore, the City must amend the Ordinance to provide for all ADU combinations described in Government Code section 66323.

8. Section 9056.2 (C) – *Maximum Floor Area of Detached ADU* – The Ordinance states, “The maximum size of the detached ADU shall be one thousand and two hundred (1,200) square feet. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements.” However, Government Code, section 66323, subdivision (a)(4), requires the local agency to approve ADUs that are detached from the multifamily dwelling structure. Detached ADUs on multifamily lots do not have a floor area restriction under Government Code, section 66323, subdivision (a)(4). The City must remove this restriction from the Ordinance.

---

<sup>2</sup> Gov. Code, § 66314, subd. (d)(3).

9. Section 9056.2 (D) – *Off-site Improvements* – The Ordinance states, “Curb, gutter, sidewalk, paving and street trees, however, shall be required when that infrastructure does not exist, and the proposed building permit value is equal to or greater than one-third (1/3) of the value of the existing structure per UCC §9181”. However, Government Code, section 66315, states: “Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in Section 66314, shall be used, or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.” Off-site improvements are an additional standard not authorized by State ADU Law. The City must remove these requirements from the Ordinance.
10. Section 9056.2 (G)(c) – *Fire Sprinklers* – The Ordinance states, “Fire sprinklers shall not be required in the ADU if the primary residence is not required to have fire sprinklers.” However, Government Code, section 66314, subdivision (d)(12) and section 66323, subdivision (c) state, “The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed...” in the existing primary dwelling. Therefore, the City must amend the Ordinance to reflect that and ADU may not trigger a requirement that fire sprinklers be installed in the primary dwelling.
11. Section 9056.4 (D) – *Uncovered Parking* – The Ordinance states, “If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the City shall not require that those off-street parking spaces be replaced.” However, Government Code, section 66314, subdivision (d)(11), states that “A local agency may not require off-street parking spaces to be replaced when a garage, carport, covered parking structure, or *uncovered parking* space is demolished in conjunction with the construction of an ADU or converted to an ADU.” Therefore, the City must amend the Ordinance to include non-replacement of *uncovered parking* when *uncovered parking* is used to construct or is converted to an ADU.
12. Section 9056.6 (A) and (D) – *Height limits* –Section 9056.6 (D), states, “ADUs above a garage (Attached or Detached) can be constructed to the maximum height for the zoning district in which it is located.” However, Government Code, section 66321, subdivision (b)(4) states that height limitations must be prescribed no lower than 16, 18, 20 or 25 feet under certain specified conditions. The City must amend the Ordinance to reflect the various height limits provided in State ADU Law.

13. Section 9056.7 – *Development Standards* – The Ordinance states, “Whenever an ADU is proposed that would involve uses or features that are not explicitly addressed by design and development standards set forth in this Code or State law, the Community Development Director shall determine whether the proposal is appropriate and whether it should be reviewed on a ministerial or discretionary basis.” However, Government Code section 66316, states, “An existing accessory dwelling unit ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this article.” The City may apply additional processes with a compliant Ordinance to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. These processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with State ADU Law. The City must amend the Ordinance to provide an approval process that includes only ministerial provisions for the approval of ADUs.

14. Section 9056.7 – *Development Standards* – Paragraphs (A), (B), (C), and (E), of section 9056.7 impose additional subjective development standards on ADUs which are not authorized by State ADU Law. State ADU Law requires that local agencies review ADUs ministerially without discretionary review and impose only objective standards on ADUs under the provisions of Government Code, section 66414, subdivision (b)(1). Objective standards are defined as “Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.”<sup>3</sup> The City must amend the Ordinance to remove subjective development standards.

15. Section 9057.1 – *JADU* – The Ordinance states, “The department shall **act on** an application to create a JADU within sixty (60) days from the date it receives a completed application if there is an existing single-family dwelling in the lot” (emphasis added). However, Government Code section 66335, subdivision (a) (2), states “[t]he permitting agency shall either approve or deny the application to create or serve a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application...” The term “act upon” is old language and was amended to read “approve or deny.” Acting on an application does not reflect State ADU Law. The City is required to issue an approval, or a denial with a full set of comments on how to remedy the application within 60 days of receiving a completed application. Therefore, the

---

<sup>3</sup> Gov. Code, § 66313, subd. (h).

City must amend this section to reflect an application must be approved or denied vs acted upon.

16. Section 9057.1 (A) – *Permit and Fees* – The Ordinance states, “Construction permits (including, but not limited to a building, well, septic, and/or sewer permit) shall be required to establish a JADU.” However, JADUs shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed concurrently with a new single-family dwelling.<sup>4</sup> The City must amend the Ordinance to remove the additional utility fees for junior accessory dwelling units (JADUs) unless it is constructed concurrently with a new single-family dwelling.
17. Section 9057.1 (D)(4)(i) – *Deed Restriction Typo* – The Ordinance states that “The property owner shall record a deed restriction that: (i) A prohibition on the sale of the junior accessory unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and.” That change would break the grammar for (ii), (iii), and (iv). Instead, the City should amend the Ordinance to correct the typing error and write “Includes a prohibition” under (i) instead of “A prohibition.”
18. Section 10.1 – *Severability* – The Ordinance states, “If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences clauses or phrases hereof be declared invalid or unenforceable.” However, Government Code section, 66316 states, “If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this article, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this article for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this article.” The *Severability* clause implies that some parts of the Ordinance will be valid even if other parts are not valid. The City must remove the Severability clause and apply the standards under Government Code section 66316 when the existing accessory dwelling unit ordinance that fails to meet the requirements of this article.

---

<sup>4</sup> Gov. Code, § 66324, subd. (b).

The City has two options in response to this letter.<sup>5</sup> The City can either amend the Ordinance to comply with State ADU Law<sup>6</sup>, or adopt the Ordinance without changes and include findings in its resolution adopting the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD's findings.<sup>7</sup> If the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.<sup>8</sup>

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please feel free to contact Reshma Sen at [Reshma.Sen@hcd.ca.gov](mailto:Reshma.Sen@hcd.ca.gov) if you have any questions.

Sincerely,



Jamie Candelaria  
Senior Housing Accountability Manager  
Housing Policy Development Division

---

<sup>5</sup> Gov. Code, § 66326, subd. (c)(1).

<sup>6</sup> Gov. Code, § 66326, subd. (b)(2)(A).

<sup>7</sup> Gov. Code, § 66326, subd. (b)(2)(B).

<sup>8</sup> Gov. Code, § 66326, subd. (c)(1).

## State ADU/JADU Law Statutory Conversion Table

| New Government Code Sections                        | Previous Government Code Sections                         |
|-----------------------------------------------------|-----------------------------------------------------------|
| <b>Article 1. General Provisions</b>                |                                                           |
| 66310                                               | 65852.150 (a)                                             |
| 66311                                               | 65852.150 (b)                                             |
| 66312                                               | 65852.150 (c)                                             |
| 66313                                               | General Definition Section<br>65852.2 (j)<br>65852.22 (j) |
| <b>Article 2. Accessory Dwelling Unit Approvals</b> |                                                           |
| 66314                                               | 65852.2(a)(1)(A), (D)(i)-(xii), (a)(4)-(5)                |
| 66315                                               | 65852.2 (a)(8)                                            |
| 66316                                               | 65852.2 (a)(6)                                            |
| 66317                                               | 65852.2 (a)(3), (a)(7)                                    |
| 66318                                               | 65852.2 (a)(9), 65852.2 (a)(2)                            |
| 66319                                               | 65852.2 (a)(10)                                           |
| 66320                                               | 65852.2 (b)                                               |
| 66321                                               | 65852.2 (c)                                               |
| 66322                                               | 65852.2 (d)                                               |
| 66323                                               | 65852.2 (e)                                               |
| 66324                                               | 65852.2 (f)                                               |
| 66325                                               | 65852.2 (g)                                               |
| 66326                                               | 65852.2 (h)                                               |
| 66327                                               | 65852.2 (i)                                               |
| 66328                                               | 65852.2 (k)                                               |
| 66329                                               | 65852.2 (l)                                               |
| 66330                                               | 65852.2 (m)                                               |
| 66331                                               | 65852.2 (n)                                               |
| 66332                                               | 65852.23.                                                 |
| <b>Article 3. Junior Accessory Dwelling Units</b>   |                                                           |
| 66333                                               | 65852.22 (a)                                              |
| 66334                                               | 65852.22 (b)                                              |
| 66335                                               | 65852.22 (c)                                              |
| 66336                                               | 65852.22 (d)                                              |
| 66337                                               | 65852.22 (e)                                              |
| 66338                                               | 65852.22 (f)-(g)                                          |
| 66339                                               | 65852.22 (h)                                              |
| <b>Article 4. Accessory Dwelling Unit Sales</b>     |                                                           |
| 66340                                               | 65852.26 (b)                                              |
| 66341                                               | 65852.26 (a)                                              |
| 66342                                               | 65852.2 (a)(10)                                           |



May 23, 2025

Jamie Candelaria, Senior Housing Accountability Manager  
 Department of Housing and Community Development  
 Housing Policy Development Division  
 651 Bannon Street, 10th Floor  
 Sacramento, CA 95811

**Subject:** Response to HCD Findings Regarding ADU Ordinance No. 1244 under State ADU Law  
 (Gov. Code, §§ 66310 - 66342)

Dear Ms. Candelaria,

Thank you for HCD's review of the City of Ukiah's Accessory Dwelling Unit (ADU) Ordinance No. 1244, as outlined in the letter dated April 24, 2025. The City of Ukiah appreciates the opportunity for HCD staff, particularly Reshma Sen, HCD Representative II, to collaborate with the City of Ukiah over the past few weeks.

As a designated Pro-Housing City, Ukiah is proud to be on track to meet its 6th Cycle Regional Housing Needs Allocation (RHNA) and continues to implement policies that expand affordable and market-rate housing opportunities and remain committed to aligning our local ordinances with State housing law.

The following is the City's formal response to the 18 findings raised in HCD's letter (enclosed). All identified changes will be incorporated into a revised ordinance, which will be noticed and scheduled for a public hearing before the Planning Commission on June 26, 2025, followed by introduction to, and possible adoption by, the City Council in July:

1. **Senate Bill 1211:** As required by SB 1211, language will be integrated to allow up to 8 detached ADUs on lots with existing multifamily dwellings (not to exceed the existing unit count), and up to 2 detached ADUs on lots with proposed multifamily dwellings.
2. **Assembly Bill 2533:** The ordinance will be revised to include provisions of AB 2533 allowing recognition and regulation of previously unpermitted ADUs and extending protections to JADUs.
3. **Statutory Numbering:** Outdated citations (e.g., §65852.2) were initially flagged for replacement; however, per subsequent correspondence from Reshma Sen the reference to statutory numbering was sent in error. Therefore, no change is required regarding code citations based on that item.
4. **Converted ADUs:** The City will revise §9056.1(E) to explicitly state that ADUs may be created by converting or adding to existing accessory structures (including garages), consistent with §66314(d)(3).
5. **ADU Application Review Language:** The phrase "acted on" will be replaced with "approve or deny" to comply with current State ADU Law.

6. **Attached Garage Conversions:** The ordinance will be amended to clarify that attached garages may be converted to ADUs. Notably, since 2017, attached garage conversions have comprised a significant share of the ADU permits issued in Ukiah.
7. **ADU Combinations:** The City will amend the ordinance to provide for all ADU combinations described in Government Code §66323.
8. **Size Limits for Multifamily ADUs:** Size limits will be removed for detached ADUs on lots with a multifamily dwelling structure, as requested by HCD staff.
9. **Off-Site Improvement Requirements:** All off-site improvement mandates (e.g., sidewalks, street trees) will be removed in accordance with §66315. Staff recognizes that these improvements are an additional standard not authorized by State ADU Law.
10. **Fire Sprinklers:** The ordinance will clarify that ADUs do not trigger fire sprinkler installation requirements in the primary dwelling, pursuant to §§66314(d)(12) and 66323(c). This codifies the City of Ukiah's existing practice that the construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
11. **Uncovered Parking Replacement:** Language will be added to confirm that uncovered parking spaces demolished or converted for ADU construction are not required to be replaced.
12. **Height Standards:** Height provisions will be updated to reflect a 25-foot standard for all detached ADUs.
13. **Section 9056.7 – Development Standards:** §9056.7(A), (B), (C), and (E) will be removed to ensure compliance with §66314(b)(1).
14. **Section 9056.7 – Development Standards:** §9056.7(A), (B), (C), and (E) will be removed to ensure compliance with §66314(b)(1).
15. **JADU Application Review Language:** The phrase “acted on” will be replaced with “approve or deny” to comply with current State ADU Law.
16. **JADU Utility Fees:** It is understood that JADUs are not considered a new residential use for purposes of calculating connection fees or permit for water or sewer. The ordinance will be clarified to reflect this limitation.
17. **Deed Restriction Typo:** The ordinance will correct the grammatical issue in §9057.1(D)(4)(i) by replacing “A prohibition” with “Includes a prohibition.”
18. **Severability Clause:** The severability clause will be removed to comply with §66316, which requires that non-compliant ordinances be deemed null and void.

The City of Ukiah remains committed to supporting Accessory Dwelling Units (ADUs) as a key component of its housing strategy. During this 6th Cycle, over 35 new or converted ADU permits have been issued, reflecting strong and sustained local interest in this form of incremental housing. In 2020, the City developed three sets of engineered ADU building plans and made them available to the community at no cost. Each design has now been successfully utilized multiple times. These tools, along with ongoing day-to-day support and interactions continue to lower barriers for residents interested in building ADUs here.

Moving forward, Staff will ensure full compliance and submit materials for timely review by HCD staff as updates become available. We request prompt feedback from HCD so that staff can incorporate any input for discussion or response by the City Council.



Overall, the City's response and these updates are aimed at ensuring full alignment with State ADU Law and reinforcing Ukiah's commitment to increasing housing production through clear, objective, and legally compliant regulations. We welcome continued collaboration with HCD and look forward to working together to provide our experience and advance shared housing objectives across California.

Sincerely,

Craig Schlatter, AICP  
Community Development Director

Enclosures (1)

CC: Sage Sangiacomo, ICMA-CM, City Manager  
David Rapport, City Attorney  
Darcy Vaughn, Assistant City Attorney  
Jesse Davis, AICP, Chief Planning Manager  
Jim Robbins, Housing and Grants Manager

**ORDINANCE NO.****ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING VARIOUS SECTIONS OF THE UKIAH CITY CODE REGULATING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

**The City Council of the City of Ukiah hereby ordains as follows:**

**SECTION ONE. FINDINGS AND DECLARATIONS**

1. The proposed amendments to Division 9, Chapter 2 of the Ukiah City Code are consistent with the 2040 Ukiah General Plan and support the goals, objectives, and policies outlined in the 6th Cycle Housing Element. The amendments are specifically designed to conform local zoning standards with state housing laws to meet the statutory requirements and policy expectations of the California Department of Housing and Community Development (HCD), thereby supporting the City's obligation to facilitate housing production and maintain certification of its 6<sup>th</sup> Cycle Housing Element.
2. The adoption of this Ordinance is a necessary action to continue progress towards production of affordable housing in a way that minimizes impacts to local neighborhoods.
3. When the State revises ADU law, a local jurisdiction's ADU Ordinance, if non-compliant with the new ADU laws, is rendered "null and void" and local jurisdictions must continue to process ADU applications through a ministerial process in accordance with State law.
4. On April 24, 2025, the California Department of Housing and Community Development (HCD) completed its review of the City of Ukiah's ADU Ordinance No. 1244, which was adopted on September 4, 2024 and submitted to HCD on September 5, 2024. Per Government Code § 66326(b)(1), the City responded on May 23, 2025 (within 30 days of receipt of HCD's findings). On June 3, 2025, HCD responded that they found the City's response substantially compliant with State ADU Law. Once amended, the City is instructed to upload the adopted Ordinance to HCD.s.
5. On June 25, 2025, the Planning Commission held a duly noticed public hearing to consider the ordinance, receive the staff report, as well as public comments from interested parties, and after closing the public comments portion discussed the matter; and
6. Through adoption of this ADU Ordinance, the City has responded to HCD's findings and intends to bring the City's ADU Ordinance into compliance with applicable State ADU laws.

**SECTION TWO.**

**Division 9, Chapter 2, Article 5.3 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*)”:**

**§9056 PURPOSE AND INTENT**

The purpose of this article is to create an expedient ministerial approval process for residential accessory dwelling units (ADUs). To do so, this article sets forth development standards in conformance with the California Government Code and tailored to meet the changing needs of Ukiah communities and expand housing choices in all neighborhoods.

## **§9056.1 GENERAL REQUIREMENTS**

---

Accessory dwelling units (ADU) on lots developed with a primary single-family or multifamily residence or for which a primary residence is proposed shall be ministerially permitted and subject to the following standards/criteria:

- A. The requirements of this article are applicable to all existing ADUs, as well as those proposed after the effective date hereof, except for legal nonconforming units, or as specifically provided herein. Existing ADUs as of the date hereof inconsistent with the provisions listed herein shall be considered legal nonconforming; provided, that they were legal at the time of their creation.
- B. ADUs shall be deemed not to exceed the allowable density for the residential lot upon which an ADU is located. ADUs are deemed a residential use that is consistent with the existing general plan and zoning designation for the lot on which an ADU is located with a primary residence.
- C. These regulations do not allow the division of property upon which an accessory dwelling unit is located unless all requirements of the applicable zoning district or State law are met.
- D. An ADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence unless the conveyance meets the requirements of Government Code sections 66340 through 66342.
- E. Accessory dwelling units provide complete independent living facilities for one or more persons. The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.
- F. An ADU must meet all applicable building and fire codes, and shall have electric, water and sewer or septic service with the type of meter arrangement at the property owner's option. Water, sewer, and electrical services shall be available prior to the issuance of a building permit for an ADU. No new water or sewer connection fees may be required for ADUs that are contained within the existing space of a single-family or multifamily residence or accessory structure, unless the ADU is constructed with a new single-family home. Any impact fees charged for an accessory dwelling unit of seven hundred fifty (750) square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- G. Nothing in this chapter shall preclude the development of a junior accessory dwelling unit as regulated by Ukiah City Code and Government Code sections 66333 through 66339.

## **§9056.2 DEVELOPMENT REQUIREMENTS**

---

- A. Applications for a building permit for an ADU shall be deemed approved if the local agency has not approved or denied the completed application within sixty (60) days. If approved, no additional parking or other development standards shall be applied except for building code and fire safety requirements.
- B. Applications for a building permit within any zoning district where residential uses are allowed or permitted shall be approved ministerially to develop any of the following:

1. Unit Type: An ADU may be attached to an existing primary residence converted from a portion of the existing living area of the primary residence or attached garage, detached and on the same legal lot as a primary residence, converted from the entirety of or a portion of an existing accessory structure, or attached to an existing or proposed accessory structure.

2. Number of Units: The number of ADUs allowed on a single lot shall be:

a. On a lot that contains an existing or proposed single-family dwelling: One ADU attached or detached.

b. On a lot that contains an existing multifamily dwelling: Eight (8) ADUs, detached from the multifamily structure, and up to twenty-five percent (25%) of the number of units in the existing multifamily dwelling converted from existing non-livable space in a multifamily structure. The number of Accessory Dwelling Units, however, allowable pursuant to this Subsection shall not exceed the number of existing units on the lot

c. On a lot that contains a proposed multifamily dwelling: Two (2) ADUs, detached from the multifamily structure.

C. Size: The maximum size of a detached ADU shall be one thousand two hundred (1,200) square feet, unless located on the same parcel as a multi-family structure, in which case there shall be no maximum unit size. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements.

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

E. Lot Size: No minimum lot size shall be required.

F. Lot Coverage: The lot coverage limitation of the base zoning district shall not apply to the construction of an ADU.

G. Construction Standards: Not exclusive of other applicable State and local building and fire regulations, ADUs shall comply with the following requirements:

1. Structures within the State responsibility area (SRA) must comply with applicable local and state regulations for setbacks and fire-resistive construction.

2. Structures outside of the SRA must comply with building code regulations for fire-resistive construction, unless more restrictive standards are required pursuant to State law or regulation.

3. Fire sprinklers are not required for the ADU if not required for the primary residence, and the construction of an ADU may not trigger the requirement for fire sprinklers in an existing primary dwelling

### **§9056.3 SETBACKS**

---

The following yard setback requirements shall apply to ADUs:

- A. Front Yard: The same as the existing primary residence, but no closer than five feet (5').
- B. Side Yard or Rear Yard: Four feet (4').
- C. No setback shall be required for an existing living area, garage, or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.
- D. The application of front yard setbacks cannot preclude an ADU of eight hundred (800) square feet or less.

### **§9056.4 PARKING**

---

- A. Parking requirements for the ADU shall be one off-street space (independently accessible or tandem) in addition to the accessible parking spaces required for the existing single-family or multifamily residence. If the primary residence was legally constructed at a time when on-site parking was not required, then only the parking space(s) for the ADU shall be required.
- B. Off-street parking shall be permitted in setback areas in compliance with the definition of "off-street parking" found in section 9278B of this code or through tandem parking.
- C. Parking standards will not be imposed for an ADU in any of the following instances:
  - 1. The ADU is located within one-half (1/2) mile of a public transit stop;
  - 2. The ADU is located within an architecturally and historically significant district;
  - 3. The ADU is part of the existing primary residence or an existing accessory structure;
  - 4. When on-street parking permits are required but not offered to the occupant of the ADU;
  - 5. When there is a car share vehicle located within one block of the ADU;
  - 6. When an application for an ADU is submitted with an application to create a new single-family or multifamily dwelling on the same lot.
- D. If a garage (attached or detached), carport, or uncovered or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the City shall not require that those off-street parking spaces be replaced.

### **§9056.5 LEGAL NONCONFORMING ACCESSORY STRUCTURES**

---

ADUs converted from residential accessory structures determined to be legal nonconforming shall be subject to the following requirements:

- A. A legal nonconforming residential accessory structure that is converted to an ADU, or

reconstructed as an ADU to the same footprint and dimensions as the original structure, shall not be subject to setback requirements.

B. A legal nonconforming residential accessory structure that is converted to an ADU may be expanded up to one thousand two hundred (1,200) square feet if the expansion will comply with the height limit and setbacks for new detached ADUs.

C. Expansion of floor area within a nonconforming setback is limited to one hundred fifty (150) square feet, if necessary, to accommodate associated utilities, ingress and egress.

D. Delay of Enforcement of Building Standards.

1. The owner of an Accessory Dwelling Unit that was built before January 1, 2020, may submit an application to the Building Official requesting that correction of any violation of building standards. For purposes of this Section, "building standards" refers to those standards enforced by permitting agencies under the authority of Section 17960 of the California Health and Safety Code.

2. The Building Official shall grant the application if determined that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the Building Official shall consult with the Fire Official.

3. Any notice to correct a violation of a building standard that is issued to the owner of an Accessory Dwelling Unit built before January 1, 2020, shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an Accessory Dwelling Unit pursuant to this Section.

4. The City shall not impose impact fees or connection or capacity charges for ADUs or JADUs legalized under this Section.

#### **§9056.6 HEIGHT**

A. The maximum height for detached ADUs shall be twenty feet (20').

B. ADUs attached to the primary structure can be constructed to a height of twenty-five feet (25') or the maximum height for the zoning district in which the unit is located.

C. ADUs may be taller than the primary residential structure.

D. ADUs above a garage (attached or detached) can be constructed to the maximum height for the zoning district in which the unit is located, or twenty-five feet (25'), whichever is greater.

E. Detached ADUs greater than twenty feet (20') in height may be approved through the granting of a minor site development permit.

#### **SECTION THREE.**

**Division 9, Chapter 2, Article 5.4 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by "\*\* \* \*\*"):**

## **§9057 PURPOSE AND INTENT**

The purpose of this article is to implement the requirements of the Government Code and provisions of the General Plan Housing Element that encourage the production of affordable housing by expanding housing opportunities for all economic segments of the community.

### **§9057.1 GENERAL REQUIREMENTS**

Junior accessory dwelling units (JADUs) shall be ministerially permitted in zoning districts that allow single-family dwelling units as permitted uses, in compliance with Government Code sections 66333 through 66339, the requirements of this section, and all other requirements of the applicable zoning district. The Department shall approve or deny an application to create a JADU within sixty (60) days from the date it receives a completed application if there is an existing single-family dwelling on the lot.

A. Permit Requirements and Fees: Construction permits (including, but not limited to, a building, electrical, or mechanical permit) shall be required to establish a JADU. A JADU shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, well and septic requirements, or collection of impact fees.

B. Timing: A JADU may be established after or concurrently with the single-family residence.

C. Development Standards:

1. Number of Units: One JADU is allowed per lot, within a single-family residence.

2. Unit Size: The floor area of a JADU shall not exceed five hundred (500) square feet. If the bathroom is shared with the single-family residence, it shall not be included in the floor area.

3. Location: A JADU shall be created from space in an existing, fully permitted, or proposed single-family dwelling or garage attached to the single-family residence.

4. Access: A separate, exterior entrance to the JADU shall be provided.

5. Bathroom: If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

6. Kitchen: A JADU shall include an efficiency kitchen. The efficiency kitchen must be removed when the JADU use ceases.

7. The owner of a Junior Accessory Dwelling Unit that was built before January 1, 2020, may submit an application to the Building Official requesting that correction of any violation of building standards be delayed for five years. For purposes of this Section, "building standards" refers to those standards enforced by permitting agencies under the authority of Section 17960 of the California Health and Safety Code.

a. The Building Official shall grant the application if the Building Official determines that enforcement of the building standard is not necessary to protect health and safety.

In making this determination, the Building Official shall consult with the Fire Marshal.

c. Any notice to correct a violation of a building standard that is issued to the owner of a Junior Accessory Dwelling Unit built before January 1, 2020, shall include a statement that the owner has a right to request a delay in enforcement of the building standard for a Junior Accessory Dwelling Unit pursuant to this Section.

**D. Use Restrictions:**

1. JADUs may be rented but shall not be sold separate from the single-family residence.
2. JADUs may not be rented for periods of less than thirty (30) days.
3. The owner of the property must reside in either the single-family home or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
4. Deed Restriction: The property owner shall record a deed restriction that:
  - a. Includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
  - b. Specifies that the deed restriction runs with the land and is enforceable against future property owners; and
  - c. Restricts the size and attributes of the JADU to those established by this section and Government Code section 66333; and
  - d. Makes the City of Ukiah a third-party beneficiary of the deed restriction with the right to enforce the provisions of the deed restriction.

**SECTION FOUR.**

1. **PUBLICATION:** Within fifteen (15) days after its adoption, this Ordinance shall be published once in a newspaper of general circulation in the City of Ukiah. In lieu of publishing the full text of the Ordinance, the City may publish a summary of the Ordinance once 5 days prior to its adoption and again within fifteen (15) days after its adoption.
2. **EFFECTIVE DATE:** The ordinance shall become effective thirty (30) days after its adoption.
3. **SEVERABILITY:** Pursuant to Government Code section 66316, if any part of this ordinance is determined to be inconsistent with the requirements of state law governing accessory dwelling units or junior accessory dwelling units, the ordinance shall be deemed null and void. In such an event, the City shall apply the standards established in state law for the approval of accessory dwelling units, unless a revised ordinance that complies with state law is duly adopted.

4. ENVIRONMENTAL REVIEW: The ordinance regulates the construction and development of accessory dwelling units, which are either additions to existing structures or new small structures, both of which are categorically and statutorily exempt under CEQA. The City Council, exercising its independent judgment, finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3, beginning at Section 15000). Because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, it is also exempt under Section 15061(b)(3), the “common sense” exemption, as it can be seen with certainty that there is no possibility the ordinance may have a significant effect on the environment

Introduced by title only on \_\_\_\_\_, 2025, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Adopted on \_\_\_\_\_, 2025, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Douglas F. Crane, Mayor

ATTEST:

\_\_\_\_\_  
Kristine Lawler, CMC/City Clerk

## RESOLUTION NUMBER PC-2025-04

CITY OF UKIAH

JUNE 25, 2025

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UKIAH RECOMMENDING CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING THE UKIAH CITY CODE REGARDING ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs), IN COMPLIANCE WITH STATE LAW (GOVERNMENT CODE §§ 66310 – 66342)

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

**WHEREAS**, pursuant to Government Code Section 65850, the City is authorized to adopt zoning regulations, including regulations governing accessory dwelling units and junior accessory dwelling units, consistent with the General Plan; and

**WHEREAS**, the City of Ukiah adopted ADU Ordinance No. 1244 on September 4, 2024, regulating the construction and development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) within the city; and

**WHEREAS**, the California Department of Housing and Community Development (HCD), in its letter dated April 24, 2025, issued formal findings pursuant to Government Code § 66326(a), determining that Ukiah's Ordinance No. 1244 did not fully comply with State ADU Law (Government Code §§ 66310 – 66342); and

**WHEREAS**, the City of Ukiah timely responded to HCD's letter on May 23, 2025, confirming its intent to amend Ordinance No. 1244 to fully align with updated ADU laws, including recent changes under SB 1211, AB 2533, and other applicable legislation; and

**WHEREAS**, on June 3, 2025, HCD confirmed the City's response was substantially compliant and instructed the City to proceed with formal adoption of the revised Ordinance and submit the adopted version to HCD; and

**WHEREAS**, the proposed Ordinance amendments are consistent with the goals and policies of the Ukiah General Plan and 6th Cycle Housing Element, and reflect the City's designation as a Pro-Housing community actively working to address its Regional Housing Needs Allocation (RHNA); and

**WHEREAS**, on June 25, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed Ordinance, reviewed the staff report, received public comment, and closed the public comment period; and

**WHEREAS**, the proposed Ordinance amendments align with the requirements of State law, including recent statutory amendments; promote housing development through clear, objective, and ministerial review processes; are necessary to maintain the validity of the City's ADU Ordinance and Housing Element certification; reflect HCD-reviewed best practices in regulating ADUs and JADUs;

and will benefit Ukiah residents by facilitating a wider range of housing options while minimizing potential impacts on existing neighborhoods;

**WHEREAS**, the Planning Commission has reviewed the ordinance, considered all written and oral testimony, and finds that the ordinance is in the public interest, supports streamlined permitting for compatible uses, and is consistent with the General Plan and applicable state law.

**WHEREAS**, the Planning Commission has reviewed the ordinance, considered all written and oral testimony, and finds that the ordinance is in the public interest, supports streamlined permitting for compatible uses, and is consistent with the General Plan and applicable state law.

**WHEREAS**, the Planning Commission has been advised of the guidance from the California Department of Housing and Community Development (HCD), which clarifies that maintaining a non-compliant ordinance while intending to follow State Accessory Dwelling Unit (ADU) Law does not satisfy Government Code section 66326(b), and that the appropriate action is to repeal the existing ordinance pursuant to Government Code section 66326(b)(2) to ensure legal clarity and compliance.

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

1. The above recitals are true and correct and incorporated herein by this reference.
2. The proposed amendments to the Accessory Dwelling Unit Ordinance are consistent with the City of Ukiah 2040 General Plan and implement the goals, objectives, and policies of the certified 6th Cycle Housing Element. In accordance with Government Code Section 65860, the zoning amendments remain compatible with the objectives, policies, and land use designations of the General Plan.
3. The proposed ordinance amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA) and are exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3), the “common sense exemption,” as it can be seen with certainty that there is no possibility the adoption of the ordinance will have a significant effect on the environment.
4. That the City Council adopt an ordinance amending Ukiah City Code Chapter 2 of Division 9, as shown in the attached Exhibit A, to ensure consistency with current State ADU Law and address the findings issued by the California Department of Housing and Community Development (HCD).

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

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

**ATTEST:**

---

Kristine Lawler, City Clerk  
City Clerk

---

Craig Schlatter, AICP  
Community Development Director

---

Alex De Grassi, Chair  
City of Ukiah Planning Commission

DRAFT



To: Ukiah Planning Commission

From: Jesse Davis, AICP

Subject: Summary of Ordinance Revisions – Government Code § 66323 ADUs

Date: June 30, 2025

RE: Updates to the Proposed Ordinance Amending the Ukiah City Code in Response to HCD Review

Pursuant to additional correspondence and guidance from the California Department of Housing and Community Development (HCD), the proposed ordinance amending the Ukiah City Code has been revised to align with the requirements of Government Code Section 66323. This section governs specific categories of Accessory Dwelling Units (ADUs) that are exempt from certain local standards.

Below is a summary of the key updates made to the draft ordinance in response to HCD's review:

---

### **1. Incorporation of Government Code § 66323 ADU Categories**

The ordinance has been revised to clearly identify and incorporate the four categories of ADUs authorized under Government Code § 66323. These ADUs, which are commonly referred to as “state-mandated” or “state-exempt” units, are now expressly recognized in the ordinance. These units include:

- Converted ADUs within existing single-family dwellings or accessory structures
- New detached ADUs not exceeding 800 square feet
- Converted ADUs within non-livable space in multifamily structures
- Detached ADUs on lots developed with existing multifamily dwellings

Pursuant to state law, these ADUs are exempt from local development standards, including but not limited to front yard setbacks, lot coverage, height limits, and architectural or design review. However, they remain subject to all applicable building, fire, health, and safety codes.

Per the State Handbook, the City must allow the four categories of ADUs listed above to be combined as allowed by the site and lot conditions. For example, pursuant to Government Code 66323, subdivision (a), local governments must allow units together. This means that on single-family lots, local agencies must allow at least one ADU constructed from existing

space, one JADU, and one newly constructed detached ADU. For multifamily lots, local agencies must permit at least one ADU constructed from existing non-livable space (or up to 25 percent of the number of multifamily units), and two detached ADUs.

---

## **2. Clarification of Parking Exemptions**

The ordinance has been updated to explicitly exempt § 66323 ADUs from off-street parking requirements, as required under state law.

---

## **3. Setback Exemptions and Clarifications**

Revisions clarify that no setbacks are required for ADUs that are created by converting existing structures under § 66323, provided that the converted ADU remains in the same location and is constructed to the same dimensions as the original structure. This codifies existing state law and ensures consistency with HCD guidance.

---

## **4. Minor Editorial Corrections**

Staff has also made a number of minor grammatical and editorial corrections to address transcription errors and to improve clarity and consistency throughout the document. These edits do not alter the substantive content of the ordinance but serve to improve its readability and legal precision.

## ORDINANCE NO.

### ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH AMENDING VARIOUS SECTIONS OF THE UKIAH CITY CODE REGULATING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The City Council of the City of Ukiah hereby ordains as follows:

#### SECTION ONE. FINDINGS AND DECLARATIONS

1. The proposed amendments to Division 9, Chapter 2 of the Ukiah City Code are consistent with the 2040 Ukiah General Plan and support the goals, objectives, and policies outlined in the 6th Cycle Housing Element. The amendments are specifically designed to conform local zoning standards with state housing laws to meet the statutory requirements and policy expectations of the California Department of Housing and Community Development (HCD), thereby supporting the City's obligation to facilitate housing production and maintain certification of its 6th Cycle Housing Element.
2. The adoption of this Ordinance is a necessary action to continue progress towards production of affordable housing in a way that minimizes impacts to local neighborhoods.
3. When the State revises ADU law, a local jurisdiction's ADU Ordinance, if non-compliant with the new ADU laws, is rendered "null and void" and local jurisdictions must continue to process ADU applications through a ministerial process in accordance with State law.
4. On April 24, 2025, the California Department of Housing and Community Development (HCD) completed its review of the City of Ukiah's ADU Ordinance No. 1244, which was adopted on September 4, 2024 and submitted to HCD on September 5, 2024. Per Government Code § 66326(b)(1), the City responded on May 23, 2025 (within 30 days of receipt of HCD's findings). On June 3, 2025, HCD responded that they found the City's response substantially compliant with State ADU Law. Once amended, the City is instructed to upload the adopted Ordinance to HCD.
5. On June 23, 2025, the City of Ukiah received informal comments from the California Department of Housing and Community Development (HCD) and subsequently incorporated revisions to the proposed ordinance to ensure compliance with State law, including but not limited to Government Code section 66323, subdivision (a), and other applicable provisions.
- 5.6. On June 25, 2025, the Planning Commission continued to a certain date, July 9, 2025, at which time the Planning Commission held a duly noticed public hearing to consider the ordinance, receive the staff report, as well as public comments from interested parties, and after closing the public comments portion discussed the matter.
- 6.7. Through adoption of this ADU Ordinance, the City has responded to HCD's findings and intends to bring the City's ADU Ordinance into compliance with applicable State ADU laws.

#### SECTION TWO.

Division 9, Chapter 2, Article 5.3 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):

##### §9056 PURPOSE AND INTENT

The purpose of this article is to create an expedient ministerial approval process for residential accessory

dwelling units (ADUs). To do so, this article sets forth development standards in conformance with the California Government Code and tailored to meet the changing needs of Ukiah communities and expand housing choices in all neighborhoods.

#### **§9056.1 GENERAL REQUIREMENTS**

Accessory dwelling units (ADU) on lots developed with a primary single-family or multifamily residence or for which a primary residence is proposed shall be ministerially permitted and subject to the following standards/criteria:

- A. The requirements of this article are applicable to all existing ADUs, as well as those proposed after the effective date hereof, except for legal nonconforming units, or as specifically provided herein. Existing ADUs as of the date hereof inconsistent with the provisions listed herein shall be considered legal nonconforming; provided, that they were legal at the time of their creation.
- B. ADUs shall be deemed not to exceed the allowable density for the residential lot upon which an ADU is located. ADUs are deemed a residential use that is consistent with the existing general plan and zoning designation for the lot on which an ADU is located with a primary residence.
- C. These regulations do not allow the division of property upon which an accessory dwelling unit is located unless all requirements of the applicable zoning district or State law are met.
- D. An ADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence unless the conveyance meets the requirements of Government Code sections 66340 through 66342.
- E. Accessory dwelling units provide complete independent living facilities for one or more persons. The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.
- F. An ADU must meet all applicable building and fire codes, and shall have electric, water and sewer or septic service with the type of meter arrangement at the property owner's option. Water, sewer, and electrical services shall be available prior to the issuance of a building permit for an ADU. No new water or sewer connection fees may be required for ADUs that are contained within the existing space of a single-family or multifamily residence or accessory structure, unless the ADU is constructed with a new single-family home. Any impact fees charged for an accessory dwelling unit of seven hundred fifty (750) square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- G. Nothing in this chapter shall preclude the development of a junior accessory dwelling unit as regulated by Ukiah City Code and Government Code sections 66333 through 66339.

#### **§9056.2 DEVELOPMENT REQUIREMENTS**

- A. Applications for a building permit for an ADU shall be deemed approved if the local agency has not approved or denied the completed application within sixty (60) days. If approved, no additional parking or other development standards shall be applied except for building code and fire safety requirements.
- B. Applications for a building permit within any zoning district where residential uses are allowed or permitted shall be approved ministerially to develop any of the following:

1. Unit Type: An ADU may be attached to an existing primary residence converted from a portion of the existing living area of the primary residence or attached garage, detached and on the same legal lot as a primary residence, converted from the entirety of or a portion of an existing accessory structure, or attached to an existing or proposed accessory structure.
2. Number of Units: The number of ADUs allowed on a single lot shall be:
  - a) On a lot that contains an existing or proposed single-family dwelling: One (1) new ADU attached or detached. Additionally, one (1) converted ADU created from existing space of the single-family residence or an existing accessory structure. Converted ADUs must have exterior access. ADUs converted from existing structures are eligible for a 150 square-foot expansion to accommodate ingress and egress.
  - b) On a lot that contains an existing multifamily dwelling: Eight (8) ADUs, detached from the multifamily structure, and up to twenty-five percent (25%) of the number of units in the existing multifamily dwelling converted from existing non-livable space in a multifamily structure. The number of Accessory Dwelling Units, however, allowable pursuant to this Subsection shall not exceed the number of existing units on the lot.
  - c) On a lot that contains a proposed multifamily dwelling: Two (2) ADUs, detached from the multifamily structure.
- C. Size: The maximum size of a detached ADU shall be one thousand two hundred (1,200) square feet, unless located on the same parcel as a multi-family structure, in which case there shall be no maximum unit size. The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to unit size requirements.
- D. Improvements: The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU, the correction of nonconforming zoning conditions. For purposes of this section, "nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- E. Lot Size: No minimum lot size shall be required.
- F. Lot Coverage: The lot coverage limitation of the base zoning district shall not apply to the construction of an ADU.
- G. Construction Standards: Not exclusive of other applicable State and local building and fire regulations, ADUs shall comply with the following requirements:
  1. Structures within the State responsibility area (SRA) must comply with applicable local and state regulations for setbacks and fire-resistive construction.
  2. Structures outside of the SRA must comply with building code regulations for fire-resistive construction, unless more restrictive standards are required pursuant to State law or regulation.
  3. Fire sprinklers are not required for the ADU if not required for the primary residence, and the construction of an ADU may not trigger the requirement for fire sprinklers in an existing primary dwelling.

### §9056.3 SETBACKS

The following yard setback requirements shall apply to ADUs:

A. Front Yard: The same as the existing primary residence, but no closer than five feet (5') for the construction of a new detached ADU greater than 800 square feet.

1. For construction of a detached ADU, the application of front yard setbacks do not apply to an ADU of eight hundred (800) square feet or less when associated with a Single-Family Dwelling unit.

1-2. For construction of a detached ADU, the application of front yard setbacks does not apply to construction an ADU when associated with a Multiple-Family Dwelling.

A-B. Side Yard or Rear Yard: Four feet (4').

B-C. No setback shall be required for an existing living area, garage, or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.

C-D. The application of front yard setbacks cannot preclude an ADU of eight hundred (800) square feet or less. An ADU created within the existing space of an accessory structure can be expanded beyond the physical dimensions of the structure up to 150 square feet solely for the purpose of accommodating ingress and egress. The resulting ADU shall conform only to setbacks sufficient for fire and safety

### §9056.4 PARKING

1. Parking requirements for the ADU shall be one off-street space (independently accessible or tandem) in addition to the accessible parking spaces required for the existing single-family or multifamily residence. If the primary residence was legally constructed at a time when on-site parking was not required, then only the parking space(s) for the ADU shall be required.
2. Off-street parking shall be permitted in setback areas in compliance with the definition of "off-street parking" found in section 9278B of this code or through tandem parking.
3. Parking standards will not be imposed for an ADU in any of the following instances:
  1. The ADU is located within one-half (1/2) mile of a public transit stop;
  2. The ADU is located within an architecturally and historically significant district;
  3. The ADU is part of the existing primary residence or an existing accessory structure;
  4. When on-street parking permits are required but not offered to the occupant of the ADU;
  5. When there is a car share vehicle located within one block of the ADU;
  6. When an application for an ADU is submitted with an application to create a new single-family or multifamily dwelling on the same lot.
4. If a garage (attached or detached), carport, or uncovered or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the City shall

not require that those off-street parking spaces be replaced.

5. No parking shall be required for ADUs created pursuant to Government Code § 66323, including:

1. Converted ADUs in existing single-family homes or accessory structures;
2. New detached ADUs (≤ 800 square feet);
3. ADUs converted from non-livable space in multifamily buildings (up to 25% of units);
4. Detached ADUs on lots with multifamily structures.

## **§9056.5 LEGAL NONCONFORMING ACCESSORY STRUCTURES**

ADUs converted from residential accessory structures determined to be legal nonconforming shall be subject to the following requirements:

- A. A legal nonconforming residential accessory structure that is converted to an ADU, or reconstructed as an ADU to the same footprint and dimensions as the original structure, shall not be subject to setback requirements.
- B. A legal nonconforming residential accessory structure that is converted to an ADU may be expanded up to one thousand two hundred (1,200) square feet if the expansion will comply with the height limit and setbacks for new detached ADUs.
- C. Expansion of floor area within a nonconforming setback is limited to one hundred fifty (150) square feet, if necessary, to accommodate associated utilities, ingress and egress.
- D. Delay of Enforcement of Building Standards.
  1. The owner of an Accessory Dwelling Unit that was built before January 1, 2020, may submit an application to the Building Official ~~requesting that~~ requesting correction of any violation of building standards. For purposes of this Section, "building standards" refers to those standards enforced by permitting agencies under the authority of Section 17960 of the California Health and Safety Code.
  2. The Building Official shall grant the application if determined that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the Building Official shall consult with the Fire Official.
  3. Any notice to correct a violation of a building standard that is issued to the owner of an Accessory Dwelling Unit built before January 1, 2020, shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an Accessory Dwelling Unit pursuant to this Section.
  4. The City shall not impose impact fees or connection or capacity charges for ADUs ~~or JADUs~~ legalized under this Section.

## **§9056.6 HEIGHT**

- A. The maximum height for detached ADUs shall be twenty feet (20').

- B. ADUs attached to the primary structure can be constructed to a height of twenty-five feet (25') or the maximum height for the zoning district in which the unit is located.
- C. ADUs may be taller than the primary residential structure.
- D. ADUs above a garage (attached or detached) can be constructed to the maximum height for the zoning district in which the unit is located, or twenty-five feet (25'), whichever is greater.
- E. Detached ADUs greater than twenty feet (20') in height may be approved through the granting of a minor site development permit.

### SECTION THREE.

**Division 9, Chapter 2, Article 5.4 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):**

#### **§9057 PURPOSE AND INTENT**

The purpose of this article is to implement the requirements of the Government Code and provisions of the General Plan Housing Element that encourage the production of affordable housing by expanding housing opportunities for all economic segments of the community.

#### **§9057.1 GENERAL REQUIREMENTS**

Junior accessory dwelling units (JADUs) shall be ministerially permitted in zoning districts that allow single-family dwelling units as permitted uses, in compliance with Government Code sections 66333 through 66339, the requirements of this section, and all other requirements of the applicable zoning district. The Department shall approve or deny an application to create a JADU within sixty (60) days from the date it receives a completed application if there is an existing single-family dwelling on the lot.

For the purposes of constructing a JADU, attached garages are part of a single-family dwelling.

- A. Permit Requirements and Fees: Construction permits (including, but not limited to, a building, electrical, or mechanical permit) shall be required to establish a JADU. A JADU shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, well and septic requirements, or collection of impact fees.
- B. Timing: A JADU may be established after or concurrently with the single-family residence.
- C. Development Standards:
  1. Number of Units: One JADU is allowed per lot, within a single-family residence.
  2. Unit Size: The floor area of a JADU shall not exceed five hundred (500) square feet. If the bathroom is shared with the single-family residence, it shall not be included in the floor area.
  3. Location: A JADU shall be created from space in an existing, fully permitted, or proposed single-family dwelling or garage attached to the single-family residence.
  4. Access: A separate, exterior entrance to the JADU shall be provided.
  5. Bathroom: If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main

living area.

6. Kitchen: A JADU shall include an efficiency kitchen. The efficiency kitchen must be removed when the JADU use ceases.
7. The owner of a Junior Accessory Dwelling Unit that was built before January 1, 2020, may submit an application to the Building Official requesting that correction of any violation of building standards be delayed for five years. For purposes of this Section, "building standards" refers to those standards enforced by permitting agencies under the authority of Section 17960 of the California Health and Safety Code.
  - a. The Building Official shall grant the application if the Building Official determines that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the Building Official shall consult with the Fire Marshal.
  - b. Any notice to correct a violation of a building standard that is issued to the owner of a Junior Accessory Dwelling Unit built before January 1, 2020, shall include a statement that the owner has a right to request a delay in enforcement of the building standard for a Junior Accessory Dwelling Unit pursuant to this Section.
  - ~~b.c. The City shall not impose impact fees or connection or capacity charges for JADUs legalized under this Section.~~

#### D. Use Restrictions

1. JADUs may be rented but shall not be sold separate from the single-family residence.
2. JADUs may not be rented for periods of less than thirty (30) days.
3. The owner of the property must reside in either the single-family home or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
4. Deed Restriction: The property owner shall record a deed restriction that:
  - a) Includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
  - b) Specifies that the deed restriction runs with the land and is enforceable against future property owners; and
  - c) Restricts the size and attributes of the JADU to those established by this section and Government Code section 66333; and
  - d) Makes the City of Ukiah a third-party beneficiary of the deed restriction with the right to enforce the provisions of the deed restriction.

#### SECTION FOUR.

1. PUBLICATION: Within fifteen (15) days after its adoption, this Ordinance shall be published once in a newspaper of general circulation in the City of Ukiah. In lieu of publishing the full text of the Ordinance, the City may publish a summary of the Ordinance once 5 days prior to its adoption and again within fifteen (15) days after its adoption.
2. EFFECTIVE DATE: The ordinance shall become effective thirty (30) days after its adoption.
3. SEVERABILITY: Pursuant to Government Code section 66316, if any part of this ordinance is

determined to be inconsistent with the requirements of state law governing accessory dwelling units or junior accessory dwelling units, the ordinance shall be deemed null and void. In such an event, the City shall apply the standards established in state law for the approval of accessory dwelling units, unless a revised ordinance that complies with state law is duly adopted.

4. ENVIRONMENTAL REVIEW: The ordinance regulates the construction and development of accessory dwelling units, which are either additions to existing structures or new small structures, both of which are categorically and statutorily exempt under CEQA. The City Council, exercising its independent judgment, finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3, beginning at Section 15000). Because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, it is also exempt under Section 15061(b)(3), the “common sense” exemption, as it can be seen with certainty that there is no possibility the ordinance may have a significant effect on the environment

Introduced by title only on , 2025, by the following roll call vote: AYES:

NOES:

ABSENT:

ABSTAIN:

Adopted on , 2025, by the following roll call vote: AYES:

NOES:

ABSENT:

ABSTAIN:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, CMC/City Clerk

## Kristine Lawler

---

**From:** James Lloyd <james@calhdf.org>  
**Sent:** Friday, June 20, 2025 4:29 PM  
**To:** PlanningDivision  
**Cc:** Jesse Davis; Katherine Schaefer; City Manager's Office; CityClerk; David Rapport  
**Subject:** public comment re item 14a for 6/25/25 Planning Commission meeting  
**Attachments:** Ukiah - ADU Ordinance Letter - 20 June 2025.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Ukiah Planning Commission,

The California Housing Defense Fund ("CalHDF") submits the attached public comment re item 14a for the 6/25/25 Planning Commission, a proposed amendment to the City's regulations for ADUs and JADUs.

Sincerely,

James M. Lloyd  
Director of Planning and Investigations  
California Housing Defense Fund  
[james@calhdf.org](mailto:james@calhdf.org)  
CalHDF is grant & donation funded  
Donate today - <https://calhdf.org/donate/>



**Jun 20, 2025**

**City of Ukiah  
300 Seminary Avenue  
Ukiah, CA 95482**

**By Email:** [planningdivision@cityofukiah.com](mailto:planningdivision@cityofukiah.com);

**CC:** [jdavis@cityofukiah.com](mailto:jdavis@cityofukiah.com); [kschaefer@cityofukiah.com](mailto:kschaefer@cityofukiah.com); [cmoffice@cityofukiah.com](mailto:cmoffice@cityofukiah.com);  
[cityclerk@cityofukiah.com](mailto:cityclerk@cityofukiah.com); [drapport@cityofukiah.com](mailto:drapport@cityofukiah.com)

**Re:** Proposed Amendment to the City's Accessory Dwelling Unit Regulations

Dear Ukiah Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment for agenda item 14a for the Planning Commission meeting of June 25, 2025, a proposed amendment to the City's regulations for ADUs and JADUs. CalHDF appreciates that the City is updating its ordinance to keep pace with changes in state law. However, the proposed ordinance fails to comply with state law in a few ways, and the City should address this issue before approving the ordinance.

### **Background**

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.*) Separately from local ADU ordinances, Government Code section 66323 establishes a narrower set of ADU types that local governments have a ministerial duty to approve. "Notwithstanding Sections 66314 to 66322 ... a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd. (a).) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. (*Ibid.*) Local governments may not impose their own standards on such ADUs. (Gov. Code, § 66323, subd. (b) ["A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."].)

**2201 Broadway, PH1, Oakland, CA 94612  
[hi@calhdf.org](mailto:hi@calhdf.org)**

In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, “No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.”

### **Impermissible Front Setback Requirements**

Proposed Code section 9056.3 requires ADUs to comply with the following front setback requirement: “Front Yard: The same as the existing primary residence, but no closer than five feet (5').” This section states that application of front yard setbacks cannot preclude an 800 square foot ADU.

However, Government Code section 66323, subdivision (a) does not permit any imposition of front setback requirements if the ADUs qualify for the protections of that section of law, regardless of whether an ADU is developable elsewhere. In fact, Government Code section 66323, subdivision (b) specifically forbids the imposition of any local design or development regulations on section 66323 ADUs, unless explicitly allowed under that section of law. This means that the City may not impose any front setback requirements, or placement requirements in relation to the primary unit, on section 66323 ADUs.

There are many policy reasons to allow ADUs in the front setback. For instance, a homeowner may prefer to preserve a private backyard space while redeveloping the less useful front yard. While children may play in the backyard, the front yard is closer to the street and less safe for a variety of activities.

The City therefore must allow front yard ADUs that comply with the standards in Government Code section 66323, subdivision (a) both on single family and on multifamily properties. This applies even if an ADU could theoretically be built elsewhere on the property - the City cannot disapprove a front yard ADU application if it complies with the standards in section 66323, even if there is a viable development site elsewhere on the parcel.

HCD has issued guidance under its authority in Government Code section 66327 (that guidance is located in the January 2025 HCD ADU [Handbook](#), page 18) affirming the duty of local agencies to allow ADUs protected by Government Code section 66323 in the front setback under all circumstances. This applies whether the property is a single family home

or a multifamily building. From page 18 of the handbook (emphasis added): “66323 Units do not have to comply with lot coverage, **front setbacks**, and design standards.”

### Impermissible Parking Requirements

City Code section 9056.4 applies parking requirements to ADUs, less certain exceptions.

However, as discussed *supra*, the City cannot require parking for ADUs that conform to the requirements of Government Code section 66323, subdivision (a), as section 66323, subdivision (b) specifically exempts such ADUs from all local requirements.

From page 20 of the January 2025 HCD ADU [Handbook](#) (emphasis added):

A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, **parking**, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

The City should amend its ADU ordinance to exempt section 66323 ADUs, including ADUs on multifamily parcels, from all parking requirements, as is required by state law.



While it is laudable that the City is amending its ADU ordinance to keep up to date with state law, we recommend that the City amend the proposed ordinance to reflect the issues that we have highlighted above.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).

Sincerely,

Dylan Casey  
CalHDF Executive Director

James M. Lloyd  
CalHDF Director of Planning and Investigations

# Accessory Dwelling Unit Ordinance Amendment



Planning Commission: 06/25/25

# ADU Recent Timeline (2024-2025)

- **September 4, 2024** – City Council Adopted Ord. 1244
  - Standalone ADU & JADU Sections; ADU Height, Directors Determination, etc.
- **April 24, 2025** – HCD Completes Review of Ord.1244
  - Attachment 1 – HCD Findings Letter
- **June 3, 2025** – City of Ukiah Responds to HCD
  - Attachment 2 – City of Ukiah Response
- **June 23, 2025** – HCD Provides Additional Comment regarding draft ordinance
  - Attachment 5 – Revised Draft Ordinance



## ORDINANCE NO. 1244

### ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADDING AND AMENDING VARIOUS SECTIONS OF THE UKIAH CITY CODE REGULATING ACCESSORY DWELLING UNITS

The City Council of the City of Ukiah hereby ordains as follows.

#### SECTION 1

Findings and Declarations. The City Council finds and declares as follows:

- A. The proposed amendments to Division 9, Chapter 2 of the Ukiah City Code are consistent with the 2040 Ukiah General Plan and further the goals, objectives, and policies of the 6th Cycle General Plan Housing Element.
- B. Per the California Government Code, existing law provides for the creation by local ordinance, or by ministerial approval if a local agency has not adopted an ordinance, of accessory dwelling units to allow single-family or multifamily dwelling residential use in accordance with specified standards and conditions. Existing law also provides for the creation of junior accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.
- C. The adoption of this ADU Ordinance is a necessary action to continue progress towards production of affordable housing in a way that minimizes impacts to local neighborhoods.
- D. Then the State revises ADU law, a local jurisdiction's ADU Ordinance, if non-compliant

# Ordinance Amendments - Proposed

- Incorporation of Government Code §66323 ADU Categories
- Clarification of Parking Exemptions and Required Improvements
- Removal of Director's ADU Determination
- Requested Grammatical Corrections and Legal Clarifications
  - Severability Clause, Deed Restriction Typo, Legacy Language
- Codifies AB 2533, which allows owners of unpermitted ADUs constructed before January 1, 2020, to obtain permits to permanently “legalize” their ADU, while only meeting the requirements of Health and Safety Code (H&SC) 17920.3.

# 66323 – State Mandated Units

## What This Means in Practice:

- **Single-Family Lots:** Local agencies must now allow:
  - One ADU converted from existing space (like a garage, pool house, or attic) &
  - One Junior ADU (JADU) &
  - One newly built detached ADU
- **Multifamily Lots:** Local agencies must allow:
  - At least one ADU converted from existing non-livable space (like storage rooms), or up to 25% of the number of existing units.
  - Up to two units detached from proposed primary dwelling, or
  - Up to eight units detached from existing primary dwelling, not to exceed the number of existing units on the lot.

# Why Keep An ADU Ordinance?

- Makes the Law More Accessible and Usable
- Maintains Local Control Over Clarity and Interpretation
- Allows Targeted Local Refinements (Even if Limited)
- Demonstrates Compliance and Commitment to Housing Policy



# Recommendation

- Adopt a resolution recommending that the City Council approve an ordinance amending the Ukiah City Code to update the City's Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations ensuring compliance with State law and the Findings of the California Department of Housing & Community Development



## AGENDA SUMMARY REPORT

**SUBJECT:** Recommendation to the City Council on the Proposed Ordinance Amendment to Establish an Administrative Use Permit Process, Reorganize Performance Standards, and Clarify Related Zoning and Animal Keeping Provisions in the Ukiah City Code.

**DEPARTMENT:** Community Development

**PREPARED BY:** Katherine Schaefer, Planning Manager, Craig Schlatter, Community Development Director

**PRESENTER:** Katherine Schaefer, Planning Manager

**ATTACHMENTS:**

1. Draft Ordinance
2. Ukiah 2040 General Plan - Agriculture Ordinance
3. Notice - Proof of Publication (Ukiah Daily Journal)
4. Planning Commission Draft Resolution
5. 14b AUP Presentation given at meeting

**Summary:** The Planning Commission will consider adopting a resolution recommending that the City Council approve an ordinance amending the Ukiah City Code to establish an Administrative Use Permit process, reorganize and consolidate performance standards into Article 23 of Division 9, Chapter 2, clarify provisions related to animal keeping and zoning regulations, and determine the ordinance is exempt from CEQA under Section 15061(b)(3).

**Background:** The proposed ordinance (Attachment 1) would establish a new Administrative Use Permit (AUP) process, reorganize and relocate existing performance standards into a new article of the Ukiah City Code, and clarify language in several related sections. The purpose of the ordinance is to create a more efficient permit pathway for low-impact uses that may require minor exceptions to performance standards, while maintaining neighborhood compatibility and public oversight. The ordinance also distinguishes between commercial livestock keeping and personal animal keeping and updates the zoning code to reflect appropriate permitting standards across zoning districts.

Over the past several years, Staff has received increased interest from the community in small-scale and neighborhood-serving uses such as community gardens, outdoor dining, sidewalk cafés, backyard chickens, and beekeeping. These uses are generally compatible with residential and mixed-use areas, but the existing permit structure often requires a Minor Use Permit when projects cannot fully meet adopted performance standards. That process includes public noticing, hearings, and interdepartmental coordination, and is better suited for larger or more complex development proposals.

The proposed Administrative Use Permit provides a new staff-level permit for these types of requests. It allows the Community Development Director to evaluate requests that need minor adjustments to adopted standards, but which do not rise to the level of requiring a public hearing. The process still allows for conditions of approval, but eliminates unnecessary procedural steps.

**Discussion: Proposed Amendments**

The ordinance creates a new permit type called the Administrative Use Permit, which is a discretionary permit reviewed and acted upon by the Community Development Director. This permit allows certain uses to be

considered in specific zoning districts if they comply with established performance standards and other applicable criteria. The Community Development Director may approve, conditionally approve, or deny an Administrative Use Permit based on findings including that the proposed use is listed in the Ukiah City Code (UCC) as allowed through an Administrative Use Permit, that it conforms to performance standards, that the site is suitable for the use considering physical constraints, access, and services, that any additional findings required for the specific use can be made, and that the use will not be detrimental to public health, safety, or welfare or injurious to surrounding properties or the general welfare of the City.

The ordinance relocates existing performance standards currently found in Ukiah City Code (UCC) Division 9, Chapter 2, Article 15.6 and Section 9182 of Article 16, to a new Article 23 of Division 9, Chapter 2, titled "Performance Standards for Administrative Use Permits." This consolidation updates the standards that apply to a range of small-scale or neighborhood-serving uses.

The following uses are included as new sections within Article 23, along with the zoning districts in which each is allowed subject to their respective performance standards:

- **Community Gardens** are allowed in all zoning districts.
- **Live Entertainment** is allowed in the C-1, C-2, and PF districts.
- **Outdoor Dining** is allowed in the C-N, C-1, and C-2 districts when incidental to a restaurant on the same parcel.
- **Sidewalk Cafés** are allowed in the C-N, C-1, and C-2 districts when associated with a restaurant.
- **Outdoor Sales and Displays** are allowed in the C-N, C-1, C-2, and M districts for up to 30 days within a 12-month period when performance standards are met, with sales exceeding that or proposed in residential zones requiring an Administrative Use Permit.
- **Small-scale Animal Keeping**, including beekeeping and apiaries, applies to all zoning districts. Personal keeping of hens and rabbits is allowed by right if performance standards are met. Roosters, turkeys, ducks, geese, and swine are prohibited in all zones except AE and the Combining Agricultural (-A) districts, where they are subject to separate permitting under Articles 10 or 13. Beekeeping and apiaries require an Administrative Use Permit in all zoning districts due to the need for site-specific review.

This reorganization allows Staff and applicants to find applicable standards in one location and simplifies the process for uses that meet established criteria. An Administrative Use Permit may still be required when a proposed project does not fully comply with the standards or when additional review is warranted based on site context.

In addition, the ordinance clarifies Section 4200 of Division 5, Chapter 2, which regulates livestock. The amendment states that the provisions of this chapter apply to commercial keeping of livestock, including for sale, breeding, production, or other business purposes, and that it does not apply to noncommercial or personal animal keeping regulated under Section 9381 of this Code. This distinction clarifies the difference between commercial livestock operations and personal animal keeping within residential or urban zones.

The ordinance also updates the definition of "Kennel" in Section 9278, located in Article 21 of Division 9, Chapter 2. The revised definition reads: *"Kennel means any lot, building, structure, or premises where five or more dogs or five or more cats over the age of four months are kept or maintained for any commercial purpose, including but not limited to boarding, breeding, training, grooming, or sale. This definition does not apply to personal, non-commercial keeping of domestic pets by occupants of a dwelling unit, nor does it apply to duly licensed veterinary hospitals or public animal shelters."* This update clarifies that the term applies only to commercial operations and excludes personal pet ownership or licensed facilities.

### **General Plan Consistency**

The ordinance is consistent with the Ukiah 2040 General Plan, implementing the following programs in the Agriculture Element (Attachment 2):

- **Implementation Program C:** Promoting consistency in land use terminology and definitions with other jurisdictions in the Ukiah Valley to support coordinated planning and future annexations.
- **Implementation Program E:** Encouraging small-scale, low-intensity agriculture in residential areas, such as backyard beekeeping, chickens, and gardens, by reducing regulatory barriers and establishing clear, objective standards.
- **Implementation Program I:** Facilitating the creation of community gardens by streamlining the permitting process and recognizing the benefits these spaces offer to neighborhoods and food security.

### **Environmental Review**

The ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. The “common sense” exemption applies because the ordinance does not permit new uses or physical development and does not result in any significant environmental impacts.

### **Notice**

In accordance with Assembly Bill 2904, which took effect on January 1, 2025, public hearing notices for zoning ordinance updates must now be provided at least 20 days in advance. This is an increase from the previous 10-day requirement and is intended to allow more time for public awareness and engagement.

Staff confirms that all noticing requirements under AB 2904 were met, as documented in Attachment 3.

### **Recommendation**

Staff recommends that the Planning Commission adopt a resolution recommending that the City Council approve an ordinance amending the Ukiah City Code to establish an Administrative Use Permit process, reorganize and consolidate performance standards into Article 23 of Division 9, Chapter 2, clarify provisions related to animal keeping and zoning regulations, and determine the ordinance is exempt from CEQA under Section 15061(b)(3). The resolution may be found in Attachment 4.

---

**Recommended Action:** Adopt a resolution recommending that the City Council approve an ordinance amending the Ukiah City Code to establish an Administrative Use Permit process, reorganize and consolidate performance standards into Article 23 of Division 9, Chapter 2, clarify provisions related to animal keeping and zoning regulations, and determine the ordinance is exempt from CEQA under Section 15061(b)(3).

**ORDINANCE NO.****ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADDING A NEW SECTION 9269 AND A NEW ARTICLE 23 TO DIVISION 9, CHAPTER 2 OF THE CITY CODE TO ESTABLISH PROCEDURES AND PERFORMANCE STANDARDS FOR THE ISSUANCE OF ADMINISTRATIVE USE PERMITS.**

**The City Council of the City of Ukiah hereby ordains as follows:**

**SECTION ONE. FINDINGS**

1. It is a goal of the City to provide a streamlined process for administrative review and determination on requests for uses and activities that have little to no impact on adjacent sites and surroundings.
2. Administrative Use Permits (AUPs) provide a discretionary review process for uses requiring case-by-case evaluation beyond ministerial permits but not rising to the threshold of a public hearing. This process allows the City to impose conditions and ensure compatibility with surrounding land uses while streamlining review to avoid unnecessary delays or complexity.
3. Establishing clear performance standards and permit requirements for these uses is necessary to protect public health and safety, promote neighborhood compatibility, and ensure consistency with the Ukiah 2040 General Plan. These standards provide a predictable framework for reviewing uses such as animal keeping, outdoor dining, and live entertainment, while minimizing potential nuisances and conflicts between adjacent properties.
4. Pursuant to the Ukiah 2040 General Plan, and specifically Agriculture Implementation Program E, it is the policy of the City to reduce regulation for local agriculture by revising the Zoning Code to allow low-intensity agricultural activities on residential parcels, including but not limited to backyard beehives, chickens, and gardens. The revision includes objective use, development, and environmental standards, along with minimal permit fee requirements.
5. Pursuant to the Ukiah 2040 General Plan, and specifically Agriculture Implementation Program C, it is the policy of the City to adopt terminology and land use definitions consistent with those utilized by adjacent jurisdictions within the Ukiah Valley to support regional planning and potential future annexations.
6. Pursuant to the Ukiah 2040 General Plan, and specifically its Agriculture Implementation Program I, it is further the policy of the City to facilitate and streamline the permitting process for the establishment of community gardens within the City.

**SECTION TWO.**

Division 5, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):

#### **§ 4200 KEEPING LIVESTOCK INSIDE CITY LIMITS PROHIBITED WITHOUT PERMIT**

A. It shall be unlawful for any person, firm, or corporation to keep, harbor or maintain, or cause, permit or suffer to be kept, harbored or maintained, within the corporate limits of the City any cow, bull, calf, horse, mule, jennie, jack, burro, sheep, goat, swine or any other livestock without then and there having a valid permit in writing issued by the Zoning Administrator of the City under the provisions of this chapter.

B. The provisions of this Chapter apply to the commercial keeping of livestock, including for sale, breeding, production, or other business purposes. This Chapter does not apply to noncommercial or personal animal keeping regulated under Section 9381 of this Code.

\* \* \*

#### **SECTION THREE.**

Section 9016 of Division 9, Chapter 2, Article 3 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):

#### **§ 9016 ALLOWED USES**

The following uses are allowed in the Low Density Residential (R-1) ~~Districts~~District, pursuant to the development and operational standards of Article 20 if applicable:

\* \* \*

Animal Raising - Personal

\* \* \*

Community Gardens

\* \* \*

#### **§ 9017 PERMITTED USES**

The following uses may be permitted with the securing of an appropriate use permit pursuant to the provisions contained in Article 20 of this Chapter:

\* \* \*

Beekeeping and Apiaries

\* \* \*

## SECTION FOUR.

Section 9031 of Division 9, Chapter 2, Article 4 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):

### § 9031 ALLOWED USES

The following uses are allowed in Medium Density Residential (R-2) Districts, pursuant to the development and operational standards of Article 20 if applicable:

\* \* \*

Community Gardens

\* \* \*

### § 9032 PERMITTED USES

The following uses may be permitted in Medium Density Residential (R-2) Zoning Districts subject to first securing an appropriate use permit pursuant to the provisions contained in Article 20 of this Chapter:

\* \* \*

Beekeeping and Apiaries

\* \* \*

## SECTION FIVE.

Section 9046 of Division 9, Chapter 2, Article 5 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):

### § 9046 ALLOWED USES

The following uses are allowed in High Density Residential (R-3) Districts, pursuant to the development and operational standards of Article 20 if applicable:

\* \* \*

Animal Raising - Personal

\* \* \*

Community Gardens

\* \* \*

#### **§ 9047 PERMITTED USES**

---

The following uses may be permitted in High Density Residential (R-3) Districts subject to first securing an appropriate use permit pursuant to provisions contained in Article 20 of this Chapter:

\* \* \*

Beekeeping and Apiaries

\* \* \*

Outdoor Sales and Display Projects

\* \* \*

#### **SECTION SIX.**

Division 9, Chapter 2, Article 6 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):

#### **§ 9061 USES ALLOWED**

---

The following uses are allowed in Neighborhood Commercial Zoning Districts, pursuant to the development and operational standards of Article 20 if applicable:

\* \* \*

Animal Raising - Personal

\* \* \*

Community Gardens

\* \* \*

Outdoor Dining

\* \* \*

Outdoor Sales and Display Projects

\* \* \*

Sidewalk Cafe

\* \* \*

Specialty food and beverage sales with tastings

\* \* \*

## **§ 9062 USES PERMITTED WITH SECURING OF A USE PERMIT**

The following uses may be permitted in Neighborhood Commercial (C-N) Districts, subject to first securing an n appropriate use permit pursuant to provisions contained in ~~section 9262~~ Article 20 of this Chapter:

\* \* \*

Beekeeping and Apiaries.

\* \* \*

## **SECTION SEVEN.**

Division 9, Chapter 2, Article 7 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):

## **§ 9081 ALLOWED USES**

The following uses are allowed in the Community Commercial (C-1) Zoning District, pursuant to the development and operational standards of Article 20 if applicable:

\* \* \*

Animal Raising - Personal

\* \* \*

Community Gardens

\* \* \*

Live Entertainment

\* \* \*

Outdoor Dining

Outdoor Sales and Display Projects

\* \* \*

### Sidewalk Cafe

\* \* \*

### Specialty food and beverage sales with tastings

\* \* \*

## **§ 9082 PERMITTED USES**

---

The following uses require approval of an appropriate use permit pursuant to the provisions contained in ~~section 9262~~Article 20 of this Cchapter:

\* \* \*

### Beekeeping and Apiaries

\* \* \*

### Outdoor Sales and Display Projects

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

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

~~1. Parking: Parking shall be designated for a minimum of three (3) automobiles, located off the public right-of-way with no automobile maneuvering permitted in the public right-of-way. The use permit may require additional parking, depending on the nature of sales proposed.~~

~~2. Signage: A maximum of twenty-five percent (25%) of the largest side of the vehicle or structure used in the sales operation. In addition, one sandwich board or A-frame sign pursuant to subsection 3227A5 of this code.~~

~~3. Utilities: The need for sanitary sewer, water, and electrical services shall be determined through the use permit process, and all hookups shall comply with this code.~~

~~4. Business License: Business license must be prominently displayed at all times, and the operator shall have proof of Board of Equalization sales permit.~~

\* \* \*

## **SECTION EIGHT.**

Division 9, Chapter 2, Article 8 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):

#### **§ 9096 ALLOWED USES**

---

The following uses are allowed in the Heavy Commercial (C-2) Zoning District, pursuant to the development and operational standards of Article 20 if applicable:

\* \* \*

Animal Raising - Personal

\* \* \*

Community Gardens

\* \* \*

Outdoor Dining

\* \* \*

Outdoor Sales and Display Projects

\* \* \*

Sidewalk Cafe

\* \* \*

Specialty food and beverage sales with tastings

\* \* \*

#### **§ 9097 PERMITTED USES**

---

The following uses require approval of an appropriate use permit pursuant to the provisions contained in ~~section 9262~~Article 20 of this ~~Chapter~~code:

Beekeeping and Apiaries

\* \* \*

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

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

~~1. Parking: Parking shall be designated for a minimum of three (3) automobiles, located off the public right of way with no automobile maneuvering permitted in the public right of way. The use permit may require additional parking, depending on the nature of sales proposed.~~

~~2. Signage: A maximum of twenty five percent (25%) of the largest side of the vehicle or structure used in the sales operation. In addition, one sandwich board or "A" frame sign pursuant to subsection 3227A5 of this code.~~

~~3. Utilities: The need for sanitary sewer, water, and electrical services shall be determined through the use permit process, and all hookups shall comply with this code.~~

~~4. Business License: Business license must be prominently displayed at all times, and the operator shall have proof of board of equalization sales permit.~~

\* \* \*

## SECTION NINE.

Division 9, Chapter 2, Article 9 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):

### § 9111 USES ALLOWED

The following uses are allowed in Manufacturing (M) Districts, pursuant to the development and operational standards of Article 20 if applicable:

\* \* \*

C. Animal Raising - Personal

D. Community Gardens

E. Outdoor Sales and Display Projects

### § 9112 USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT

The following uses may be permitted in Manufacturing (M) Districts subject to first securing an appropriate use permit, as provided in Article 20 of this Chapter, in each case:

Beekeeping and Apiaries

\* \* \*

## SECTION TEN.

Section 9160 of Division 9, Chapter 2, Article 13 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):

#### **§ 9160 AGRICULTURAL EXCLUSIVE OR A-E DISTRICT**

---

\* \* \*

##### **C. Uses Allowed:**

\* \* \*

##### **2. Agricultural Uses:**

\* \* \*

##### **j. Beekeeping and Apiaries**

##### **3. Civic Uses:**

**a. Community Gardens, pursuant to the development and operational standards of Article 20.**

**ab.** Day care facilities/small schools.

**bc.** Safety services.

**ed.** Utility service minor.

\* \* \*

#### **SECTION ELEVEN.**

Division 9, Chapter 2, Article 15 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*”):

#### **§ 9070.1 ALLOWED USES**

---

The following uses are allowed in the Public Facilities (PF) Zoning District, **pursuant to the development and operational standards of Article 20 if applicable:**

\* \* \*

##### **Animal Raising - Personal**

\* \* \*

##### **Community Gardens**

\* \* \*

### Live Entertainment

\* \* \*

### Specialty food and beverage sales with tastings

\* \* \*

## **§ 9070.2 PERMITTED USES**

---

The following uses are permitted in the Public Facilities (PF) Zoning District subject to first securing an appropriate use permit pursuant to the provisions contained in Article 20 of this Chapter:

### Beekeeping and Apiaries

\* \* \*

## **SECTION TWELVE.**

**A new Section 9269 is hereby added to Division 9, Chapter 2, Article 20 of the Ukiah City Code and shall read as follows:**

## **§ 9269 ADMINISTRATIVE USE PERMITS**

---

Administrative Use Permit application and processing procedures and standards shall be as follows:

A. Purpose. Administrative use permits allow certain uses to be established in particular zoning districts if they comply with the specific criteria and performance standards as established in Article 23 of this Chapter, entitled "Performance Standards," and other standards as required elsewhere in this Article. Administrative use permits are intended to streamline the discretionary permit process for select uses where clear performance standards are established and extensive public review is not warranted. The performance standards established in Article 23 of this Chapter are designed to ensure that such uses have an impact only on immediately adjacent properties and can be modified and/or conditioned to ensure compatibility.

B. Applicability. The requirements, procedures, and standards set forth in this Section shall be applicable to the uses listed in Division 9, Chapter 2, Article 23 of this Code, subject to any exceptions or additional requirements and standards as set forth in that Article..

This Section shall not apply to facilities or uses governed by Division 2, Chapter 2, Article 10 (entitled "Broadband Deployment") of the Ukiah City Code, which are subject to separate review procedures and standards.

C. Approval Authority. The Community Development Director may approve, conditionally approve, or deny an administrative use permit application, unless otherwise restricted by state law. Development must comply with all of the required standards in Article 23 of this Chapter and with all other requirements of

this Section unless specifically exempted in Article 23 of this Chapter.

D. Application. Applications for administrative use permits shall be initiated by submitting the following information to the Planning Division of the Community Development Department: a completed application form, signed by the property owner or authorized agent, accompanied by the required fee, and any other information, plans or maps prescribed by the Community Development Director. Application procedures and processing timeframes shall be in accordance with state law and procedural guidelines established by the Community Development Director.

E. Public notice and hearing. Public notice and/or hearing are not required for issuance of an administrative use permit.

F. Conditions of approval. The Community Development Director may apply reasonable conditions of approval to bring the development into conformity with requisite performance standards.

G. Findings. The Community Development Director may issue an administrative use permit if the following findings can be made:

1. The proposed use is listed in this Chapter as a use permitted pursuant to an administrative use permit and subject to performance standards;
2. The proposed use as conditioned conforms to the performance standards for the proposed use as outlined in the Performance Standards set forth in Article 23 of this Chapter;
3. The site is physically suited for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints, and can be conditioned to meet all related performance criteria and development standards.
4. Any other findings required under Article 23 of this Chapter for the specific use;
5. The use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city;

H. Notice of decision. The Community Development Director shall prepare a written decision which shall contain the findings of fact upon which such decision is based and conditions of approval, if any. The decision shall be mailed and/or emailed to the applicant.

I. Appeals. Appeals of decisions on administrative use permits shall be filed within five (5) working days of the issuance of the permit. Appeals shall be filed and processed in accordance with the procedure for appeal of a determination regarding a minor discretionary planning permit as set forth in Section 9266 of this Chapter.

J. Effective date of permit. An administrative use permit shall become effective at the end of the appeal period as specified in Section 9266 of this Chapter, unless appealed.

K. Approval to run with the land. Any administrative use permit approval shall run with the land and shall continue to be valid for the time frame specified whether or not there is a change of ownership of the site

or structure to which it applies.

L. Extensions. An administrative use permit may be extended by the Community Development Director if the findings required by Subsection H of this Section remain valid and application is made prior to expiration.

M. Amendments—New application. Requests for changes in the conditions of approval of an administrative use permit, or a change to site plans or operation that would affect a condition of permit approval, shall be treated as an administrative use permit amendment. The procedures for filing and processing an application for an administrative use permit amendment shall be the same as those established for an initial or new administrative use permit application.

N. Revocation. An administrative use permit that is exercised in violation of a condition of approval or a provision of this title may be revoked, as provided in the revocation procedures set forth in Section 9262.H of this Chapter.

O. New applications following denial or revocation. If an application for an administrative use permit is denied or revoked, no new application for the same, or substantially the same, administrative use permit shall be filed within one year of the date of denial or revocation of the initial application, unless the denial is made without prejudice.

P. Expiration. Administrative use permits are valid for one year unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, a certificate of occupancy has been issued, or the permit is renewed and extended.

## **SECTION THIRTEEN.**

**Article 21 in Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “\* \* \*):**

### **§ 9278 DEFINITIONS**

\* \* \*

KENNEL: Any lot, building, structure, or premises whereon or wherein five (5) or more dogs or five (5) or more cats, over the age of four (4) months are kept or maintained for any-commercial purpose, including but not limited to boarding, breeding, training, grooming, or sale. This definition shall not apply to the personal, non-commercial keeping of domestic pets by the occupant(s) of a dwelling unit. This definition also does not apply. ~~Kennel definition shall not be construed as applying~~ to a duly licensed veterinary hospital or public animal shelter.

\* \* \*

## **SECTION FOURTEEN.**

**A new Article 23, entitled “Performance Standards for Administrative Use Permits and for Specific Allowed Uses” is hereby added to Division 9, Chapter 2 of the Ukiah City Code and shall read as follows:**

## **§ 9380 PURPOSE AND INTENT**

Performance standards provide criteria for issuing administrative use permits, certain other use permits, and specific allowed uses that require minimal discretion and review. (See Section 9269 of this Code for the requirements and procedures for the Administrative Use Permit process.) The performance standards listed in this Article are intended to explicitly describe the required location, configuration, design, amenities and operation of specified uses. The performance standards also mitigate potential adverse impacts on the neighborhood and maintain harmonious uses in the area. The performance standards are consistent with the goals and policies of the City's General Plan.

## **§ 9381 ANIMALS WITHIN THE CITY**

A. Purpose and Applicability. The provisions of this Section established performance standards for the noncommercial keeping of certain animals within the City of Ukiah. The intent is to protect the public health, safety, and welfare while supporting personal food production, educational programs (e.g., 4-H/FFA), and compatibility with residential neighborhoods.

All other animals commonly kept as pets or for personal enjoyment (e.g., fish, dogs, cats, potbellied pigs, reptiles, birds, hamsters) are exempt from these standards unless separately regulated by the Ukiah Municipal Code or determined by the Community Development Director to pose a nuisance or health risk.

This Section does not apply to commercial livestock operations, which are governed by Division 5, Chapter 2 of the Ukiah City Code.

Furthermore, roosters, turkeys, ducks, geese, and swine, are prohibited in all zoning districts within the City except for the Agricultural Exclusive (AE) and Combining Agricultural (-A) zoning districts, in which this use is subject to the permitting requirements set forth in Article 10 or Article 13 of this Chapter as appropriate.

B. Animal Raising – Personal. Animal Raising – Personal, as defined in Section 9278 of this Code and as may be amended, shall be allowed in any zoning district provided that all standards set forth in the definition in Section 9278 apply.

An application for an Administrative Use Permit allowing exceptions to the standards in Section 9278 may be authorized under Section 9269 of this Chapter. Issuance of an Administrative Use Permit in that instance will require the following findings:

1. Compliance with Applicable Laws. The keeping of the animal(s) will not violate any provision of the Ukiah City Code or any other applicable provision of law.
2. Humane Treatment of Animals. The keeping of the animal as proposed will not result in an animal receiving inhumane treatment.
3. Odors. The keeping of the animal will not result in obnoxious odors at nearby properties adversely affecting the enjoyment of such property.
4. Flies. The keeping of the animal(s) will not cause or result in flies or other insects adversely affecting the enjoyment of nearby property.

5. Noise. The keeping of the animal(s) will not result in noises which adversely affect the enjoyment of nearby property.

6. Nuisances. The keeping of the animal(s) will not result in other public or private nuisances.

7. Public Health, Sanitation, Safety, Welfare. The keeping of the animal(s) will not result in an adverse effect on the health, sanitation, safety or welfare of an occupant of the premises or other nearby residents.

8. Procreation. The keeping of the animal(s) will not result in procreation which adversely affects nearby properties or the natural habitat.

#### C. Beekeeping and Apiaries.

1. The keeping of bees in four beehives or less shall be allowed with approval of an administrative use permit provided they comply with the following standards and requirements:

##### a. Colony density

i. The minimum lot size required for an apiary shall be 4,000 square feet.

ii. The maximum number of hives allowed in an apiary shall be determined based on lot sizes as follows:

1. 4,000 square feet to 10,000 square feet: 2 hives

2. 10,001 square feet to 43,560 square feet: 4 hives

3. On any lot of 10,001 square feet in size or larger, more than four beehives may be kept, provided there is an additional lot area of 2,500 square feet for each hive. If a skep, barrel, log gum, or other container are used instead of boxes for a hive, the dimensions of the hive shall not exceed the limits of this subsection.

##### b. Care and Maintenance

i. Hives should not be kept or maintained within any required front yard area. Hives located within the side and rear yard areas of a lot should maintain a minimum of a 10-foot setback from side and rear property lines to the hives.

ii. Hives and apiaries shall be kept in a manner that facilitates inspection and shall be maintained in a sound and usable condition.

iii. In all instances, there shall be one adequate and accessible water source provided on site and located within 20 feet of the beehive(s). The water source shall be maintained so as not to become stagnant.

iv. A flyway barrier at least six feet in height but no greater than seven feet in height shall be erected parallel to the lot line between the hive opening and any lot line located within 25 feet. The flyway barrier shall consist of a wall, solid fence, dense vegetation, or a combination thereof extending five feet beyond the hive in each direction. A flyway barrier of dense vegetation shall not be limited to seven feet in height provided that the initial planting is four feet in height and the vegetation normally reaches six feet in height or higher. Barriers shall be

maintained in good condition so that all bees are forced to fly at an elevation of at least six feet above ground level.

2. All beekeepers are required to register their bee colonies with the Mendocino County Agriculture Commissioner and adhere to all state laws related to the keeping of bees, including California Food and Agricultural Code, Division 13, Chapter 1, as may be amended from time to time. Beekeepers must also notify the Agriculture Commissioner upon relocation of bee colonies.

D. Nonconforming Animal Keeping, Declaration of Public Nuisance. The City Council declares to be a public nuisance any lot where animal keeping is operating in a manner that is not in conformance with this Section.

E. Other Applicable Laws. Nothing in this Section shall exempt any property from enforcement under applicable nuisance, animal control, or public health laws. The Community Development Director may require an administrative use permit if the number, condition, or management of noncommercial animal keeping poses a risk to health, safety, or welfare.

### **§ 9382 OUTDOOR SALES AND DISPLAY PROJECTS**

---

Outdoor sales establishments are allowed in all Commercial (C-N, C-1, C-2), and Manufacturing Zoning Districts provided that they occur for no more than thirty (30) days within a twelve (12) month period, in accordance with the below standards. Outdoor sales establishments that exceed thirty (30) days within a twelve (12) month period, that are located in Residential (R-1, R-2, or R-3) Zoning Districts or that do not meet the following performance standards may be permitted through an Administrative Use Permit, as regulated by Section 9269 of this Chapter.

A. Parking: Parking shall be designated for a minimum of three (3) automobiles, located off the public right-of-way with no automobile maneuvering permitted in the public right-of-way.

B. Signage: A maximum of twenty-five percent (25%) of the largest side of the vehicle or structure used in the sales operation. In addition, one sandwich board or A-frame sign pursuant to the standards set forth in Subsection 3227.A.5 of this Code.

C. Utilities: The need for sanitary sewer, water, and electrical services shall be determined through the Administrative Use Permit process, and all connections shall comply with this Code.

D. Business License: Business license must be prominently displayed at all times, and the operator shall have proof of Board of Equalization sales permit.

### **§ 9383 COMMUNITY GARDENS**

---

Community gardens may be allowed in any zoning district and shall comply with the following standards and requirements:

A. Days and Hours of Operation: Seven (7) days a week from seven o'clock (7:00) A.M. until dusk.

B. Fencing: Fencing is discouraged. When fencing is required to prevent vandalism or theft, trespassing, and/or encroachment by animals, fencing shall comply with the following:

1. Open Fencing: Open fencing (such as chain link, wrought iron, deer) up to seven feet (7') in height, measured from the grade adjacent to the fence to the top of the fence, is allowed at the property line or set back from the property line. This type of fencing allows the garden to be protected and maximizes the size of the garden while creating an open, pedestrian-oriented use consistent with the purposes of this code.

2. Solid Fencing: Solid fencing (such as wood, masonry) is prohibited since this closes off the site to the public realm, presents a solid unbroken surface which is not pedestrian-oriented, and reduces the size of the garden.

C. Herbicides and Pesticides: All pest and weed control shall be accomplished through organic means using the least toxic methods available. If unsure how to combat pests, weeds, and diseases organically, contact the garden team leader or other qualified professionals or organizations for guidance and resources.

D. Motorized Equipment: Use of motorized equipment (such as weed eaters, leaf blowers, rototillers) shall be limited to weekdays from eight o'clock (8:00) A.M. to seven o'clock (7:00) P.M. and weekends and holidays recognized by the City of Ukiah from ten o'clock (10:00) A.M. to five o'clock (5:00) P.M.

E. Noise: Compliance with the City of Ukiah noise regulations and restrictions set forth in Division 7, Chapter 1, Article 6 of this Code is required, except as indicated in Subsection D of this Section, Motorized Equipment, which may be more restrictive.

F. Parking: A minimum of one parking space along the street frontage of the community garden shall be provided. Vehicle use by members of the community garden should be limited to taking supplies to and from the garden, rainy or poor weather, or assisting gardeners with disabilities. Users of the garden shall be encouraged to walk or bike to the site in order to reduce the need for parking and parking impacts on neighboring uses.

G. Signs: Signs are limited to identification, informational, and directional signs in conformance with the sign regulations set forth in Division 3, Chapter 7 of this Code.

H. Structures – Accessory: The following accessory structures are allowed: tool sheds, greenhouses, cold-frames, hoop houses, compost bins, rain barrel systems, picnic tables, benches, bike racks, garden art, and fences subject to the development standards of the zoning district in which the community garden is located and the requirements of this Section. Commercially maintained portable bathrooms are allowed as accessory structures; provided, that they comply with accessibility standards and comply with the development standards of the zoning district in which the community garden is located.

I. Water Use: Every effort shall be made to reduce water usage. Drip irrigation is required where feasible. Mulch and compost shall be used in order to reduce the amount of water needed for garden plots.

J. Prohibitions: Smoking, drinking alcoholic beverages, using illegal drugs, and gambling are prohibited. Weapons, pets and other animals (except service animals) are also prohibited.

Community gardens that do not meet the above performance standards may be permitted through an Administrative Use Permit, as regulated by Section 9269 of this Chapter.

## **§ 9384 LIVE ENTERTAINMENT**

---

A. Live entertainment uses may occur in the C-1, C-2, and P-F zoning districts provided they comply with the following standards and requirements:

1. Live entertainment shall commence no earlier than ten o'clock (10:00) A.M. and shall end at eleven o'clock (11:00) P.M. and is limited to two (2) times a week.
2. Live entertainment shall not violate the noise regulations and restrictions set forth in Division 7, Chapter 1, Article 6 of this Code.
3. The number of people within a building where live entertainment is performing shall not exceed the occupancy standards contained in the California Building Code or Ukiah City Code.
4. Businesses desiring to have live entertainment shall provide adequate security during and after live entertainment events.
5. Parking shall generally comply with the Ukiah City Code, although on-street parking within commercial zoning districts may be included in the number of parking spaces provided for the live entertainment.
6. Any building proposed for live entertainment shall comply with all Fire Code requirements and shall be reviewed and approved by the Ukiah Fire Marshal.

B. Management Plan Submittal: As a part of the application for the conducting of live entertainment, the applicant shall submit a management plan addressing the items listed below, which will be distributed by the Planning Division to the Ukiah Police Department and Ukiah Valley Fire Authority for review and comments. The management plan shall, at a minimum, include the following:

1. Potential for loitering and how the business will preclude loitering.
2. Adequacy of lighting for security and safety purposes.
3. Adequacy of parking.
4. Compatibility and suitability with the existing and allowed uses in the area and/or character of the area, including, but not limited to, proximity to sensitive land uses such as residences, schools, parks, daycare facilities, and churches.
5. Details regarding how security will be provided during and after live entertainment events.
6. Likelihood the use would facilitate the vitality, economic viability, and/or provide recreational or entertainment opportunities in an existing commercial area without presenting a significant impact on health and safety.
7. Hours of operation for the business and hours of proposed live entertainment.
8. Other information deemed necessary on a case-by-case basis.

C. Relief from any of the standards or requirements may be sought through the pursuit of an Administrative Use Permit, as regulated within Section 9269 of this Chapter. The determination shall be based, in part, on how much relief is being sought and the location of the proposed live entertainment and its potential to impact the area.

## **§ 9385 OUTDOOR DINING**

---

On-site outdoor dining may be allowed in the C-N, C-1 and C-2 zoning districts, provided it is incidental to and part of the operation of a restaurant located on the same parcel, and it complies with the standards and requirements listed below:

A. Purpose: The provisions of this Section are intended to allow outdoor dining in association with a restaurant located on the same parcel as the outdoor dining, where the outdoor dining is clearly incidental to the adjacent restaurant use and will not negatively impact the operations and function of the existing restaurant, including parking facilities, pedestrian access and circulation, and disabled access facilities.

B. Location of Outside Dining: Outdoor dining shall be located on the same site as the restaurant which the outdoor dining will serve. Outdoor dining facilities, such as tables, chairs, umbrellas, etc., shall not be located in pedestrian walkways, required parking spaces, or disabled access facilities (such as parking spaces, walkways, entries, etc.). Outdoor dining areas may be located in landscaped areas if located in such a manner as to not damage the landscaping.

C. Hours of Operation: Days and hours of operation for the outdoor dining shall not extend beyond the hours of operation for the restaurant which it serves. Tables, chairs, and all other furniture used in the operation of outdoor dining shall be removed from any pedestrian walkways and stored indoors at night and whenever the cafe is not in operation.

D. Live Entertainment: Outdoor dining shall not be used for live entertainment unless in compliance with Section 9384 of this Code.

E. Tables, Chairs, Furniture, Signage:

1. In order to provide adequate and safe ingress/egress, a minimum unobstructed pedestrian walkway width of forty-eight inches (48") or the width of the doors, whichever is greater, shall be maintained. The required width of the unobstructed pedestrian walkway shall extend from the front of the door(s) to the public sidewalk. A reduced width may be approved by the Building Official in compliance with the building code.

2. A minimum of sixty inches (60") of unobstructed space shall be maintained between exits and any furniture or fixtures related to outdoor dining, or as required by the building code, whichever is greater.

3. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable.

4. Umbrellas shall be secured with a minimum base of not less than sixty (60) pounds and shall leave a vertical clearance of seven feet (7') from the sidewalk surface.

5. Outdoor heaters are allowed subject to fire and building code compliance. Non-live music and/or speakers may be used provided the music does not violate the noise regulations and restrictions set forth in Division 7, Chapter 1, Article 6 of this Code.

6. No signage shall be allowed in the outdoor dining area except for the name of the establishment on an awning or umbrella fringe and in compliance with this Section and the signage regulations set forth in Division 3, Chapter 7 of this Code.

F. Maintenance: The property and/or business owner are responsible for maintaining all outdoor dining furnishings and the outdoor dining area in good condition, including, but not limited to, the following:

1. All outdoor dining furnishings and all exterior surfaces within the outdoor dining area shall be easily cleanable and kept clean and free of debris.
2. The outdoor dining area and adjacent areas kept in a clean and safe condition.

G. Food and Beverages: Outdoor dining areas may only serve food and nonalcoholic beverages prepared or stocked for sale at the adjoining indoor restaurant; provided, however, that the service of beer or wine or both, solely for on-premises consumption by customers within the outdoor dining area, may be authorized by the Community Development Director and Police Department if each of the following requirements are met:

1. The outdoor dining operation is duly licensed, or prior to the service of any beer or wine, will be duly licensed by State authorities to sell beer or wine for consumption within the outdoor dining area.
2. The authorized outdoor dining area is identified in a manner which will clearly separate and delineate it from the areas of the sidewalk that will remain open to pedestrian traffic.
3. One or more signs, as approved as part of the encroachment permit, are posted during all times the sidewalk cafe is in operation, which shall give notice to the cafe's customers that the drinking of beer or wine or the carrying of any open container which contains beer or wine is prohibited and unlawful outside the delineated outdoor dining area.

Outdoor dining areas authorized by the Community Development Department and Police Department and in compliance with the requirements of this section are exempt from section 6000 of this code.

H. Service Requirements:

1. Service areas (such as busing and service stations) may be located within the outdoor dining area. Service areas shall comply with subsection B of this section (Location of Outside Dining). Outdoor food preparation in the outdoor dining area is prohibited.
2. Restrooms for the outdoor dining area shall be provided in the adjoining indoor restaurant. Seating for the outdoor dining may be counted in determining the restroom requirements for the indoor restaurant at the discretion of the Building Official.

I. Revocation: The outdoor dining may be revoked by the City upon finding that one or more of the

requirements of this section have been violated or that the outdoor dining is being operated in a manner that constitutes a nuisance.

## **§ 9386 SIDEWALK CAFE**

---

A. A sidewalk cafe may be allowed in the C-N, C-1, and C-2 zoning districts, provided it is incidental to and part of the operation of a restaurant and it complies with the standards and requirements listed below.

B. Purpose: The provisions of this section are intended to allow a sidewalk cafe to operate in association with an allowed restaurant use, where the sidewalk cafe is clearly incidental to the restaurant use and will not negatively impact the right-of-way.

C. Permit Requirements: A sidewalk cafe shall require the approval of an encroachment permit from the Department of Public Works and Planning and Community Development Department.

D. Limitations and Requirements: A sidewalk cafe may be allowed only where allowed by section 9385 of this code and only when the sidewalk cafe is incidental to and part of the operation of an adjacent restaurant and when in compliance with the following requirements of this section:

1. Where Permissible: A sidewalk cafe may be located on a public sidewalk immediately adjacent to and abutting the indoor restaurant which operates the cafe; provided, that the area in which the sidewalk cafe extends is no farther along the sidewalk frontage than the operating indoor restaurant.

2. Location of Sidewalk Cafes: Each cafe shall be confined to a defined location on the sidewalk immediately adjacent to the restaurant which operates the cafe.

3. Hours of Operation: Sidewalk cafes may operate on days whenever fair weather would enhance outdoor dining. The hours of operation shall not exceed eight o'clock (8:00) A.M. to nine o'clock (9:00) P.M. Tables, chairs, and all other furniture used in the operation of a sidewalk cafe shall be removed from the sidewalk and stored indoors at night and whenever the cafe is not in operation. Additional hours may be authorized contingent up on the approval of an Administrative Use Permit.

4. Sidewalk Clearances: A sidewalk cafe may be allowed only where the sidewalk is wide enough to adequately accommodate the usual pedestrian traffic in the area, to comply with California State accessibility standards and federal ADA requirements, and the operation of the proposed cafe.

5. Live Entertainment: A sidewalk cafe shall not be used for live entertainment. Live entertainment at sidewalk cafes may be authorized in compliance with Section 9384 of this Code.

E. Tables, Chairs, Furniture, Signage:

1. All tables and chairs comprising a sidewalk cafe shall be situated in a safe fashion and away from any sidewalk or street barrier including a bollard, and shall not be within eight feet (8') of any designated bus stop.

2. The dining area shall not impede the use of public furnishings such as lighting, benches, etc.
3. In order to provide adequate and safe ingress/egress, a minimum unobstructed public sidewalk width of forty-eight inches (48") shall be maintained for the entire length of the sidewalk cafe. The required width shall extend from the front of the door(s) to the end of the sidewalk cafe.
4. A minimum of sixty inches (60") of unobstructed space shall be maintained between exits and any furniture or fixtures related to the sidewalk cafe, or as required by the building code, whichever is greater.
5. All sidewalk cafe furniture, including tables, chairs, umbrellas, and planters, shall be movable.
6. Umbrellas shall be secured with a minimum base of not less than sixty (60) pounds and shall leave a vertical clearance of seven feet (7') from the sidewalk surface.
7. Outdoor heaters are allowed subject to fire and building code compliance. Music and/or speakers may be authorized contingent up on the approval of an Administrative Use Permit.
8. No signage shall be allowed at the sidewalk cafe except for the name of the establishment on an awning or umbrella fringe and in compliance with this section and the signage regulations set forth in Division 3, Chapter 7 of this Code.
9. All furnishings and other items associated with the sidewalk cafe shall be removed from the sidewalk during nonoperation hours of the cafe. Storage of these items outside may be authorized contingent up on the approval of an Administrative Use Permit.
10. Any proposed seating in the vicinity of street trees shall comply with the City's Management Guidelines adopted December 1, 2010.

F. Maintenance: The permittee is responsible for maintaining all outdoor dining furnishings and the sidewalk cafe area in good condition, including, but not limited to, the following:

1. All outdoor dining furnishings and all exterior surfaces within the sidewalk cafe area shall be easily cleanable and kept clean and free of debris.
2. The sidewalk cafe area and adjacent areas shall be kept in a clean and safe condition.

G. Food and Beverages: A sidewalk cafe may serve only food and nonalcoholic beverages prepared or stocked for sale at the adjoining indoor restaurant; provided, however, that the service of beer or wine or both solely for on-premises consumption by customers within the areas of the sidewalk cafe may be authorized by the Community Development Department and Police Department as part of the required encroachment permit if each of the following requirements are met:

1. The sidewalk cafe operation is duly licensed, or prior to the service of any beer or wine will be duly licensed by State authorities to sell beer or wine for consumption within the area of the sidewalk cafe.

2. The area in which the sidewalk cafe is authorized is identified in a manner, as part of the encroachment permit, which will clearly separate and delineate it from the areas of the sidewalk that will remain open to pedestrian traffic.

3. One or more signs, as approved as part of the encroachment permit, are posted during all times the sidewalk cafe is in operation, which shall give notice to the cafe's customers that the drinking of beer or wine or the carrying of any open container which contains beer or wine is prohibited and unlawful outside the delineated area of the sidewalk cafe. Sidewalk cafes authorized by the Community Development Department and Police Department as part of the required encroachment permit and in compliance with the requirements of this section are exempt from section 6000 of this code.

#### H. Service Requirements:

1. The outdoor preparation of food and busing and service stations are prohibited at the sidewalk cafe. Outdoor service station may be authorized contingent up on the approval of an Administrative Use Permit.

2. Restrooms for the sidewalk cafe shall be provided in the adjoining indoor restaurant. Seating for the sidewalk cafe may be counted in determining the restroom requirements for the indoor restaurant at the discretion of the Building Official.

3. Trash and refuse receptacles for the sidewalk cafe shall not be permitted within the area designated for the sidewalk cafe or on adjacent sidewalk areas and the permittee shall remove trash and litter as they accumulate. Trash and/or refuse containers may be authorized within the outdoor dining area or adjacent sidewalk areas contingent on the approval of an Administrative Use Permit.

I. Power to Prohibit Operation of the Sidewalk Cafe: Any encroachment permit issued for a sidewalk cafe shall provide that the City shall have the right and power, acting through the City Manager or designee, to prohibit the operation of a sidewalk cafe at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems may arise from, but are not limited to, scheduled festivals and similar events, or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the sidewalk cafe will be prohibited by the City, but any failure to give prior written notice shall not affect the right and power of the City to prohibit the cafe's operation at any particular time.

J. Conditions: In connection with granting the encroachment permit for a sidewalk cafe, conditions may be imposed in granting approval as deemed necessary for the proposed operation to meet the operating requirements of this section.

K. Modifications: In the event the City determines during the operation of an approved sidewalk cafe that additional or revised conditions are necessary in order for the sidewalk cafe to comply with the requirements of this section, the City shall have the ability to add additional conditions to the approved encroachment permit.

L. Revocation: The encroachment permit to operate a sidewalk cafe may be revoked by the City upon

finding that one or more conditions of the permit or this section have been violated or that the sidewalk cafe is being operated in a manner that constitutes a nuisance, or that the operation of the sidewalk cafe unduly impedes the movement of pedestrians past the sidewalk cafe. Revocations may be appealed per the process outlined in Section 5613 of this Code.

### **§ 9387 SPECIALTY FOOD AND BEVERAGE SALES WITH TASTINGS**

Specialty food and beverage sales with tastings may be allowed in the C-N, C-1, C-2, and P-F zoning districts provided they comply with the following standards and requirements:

A. Days and Hours of Operation: Days and hours of operation shall be limited to daily from ten o'clock (10:00) A.M. to ten o'clock (10:00) P.M. Additional hours may be authorized with approval of an administrative use permit.

B. Live Entertainment: Live entertainment is allowed in compliance with Section 9384 of this code and may perform until eight o'clock (8:00) P.M. Other arrangements for live entertainment may be authorized with approval of an administrative use permit.

C. Outdoor Seating: Outdoor seating is allowed in compliance with the applicable requirements for Outdoor Dining included in Section 9385 of this Code or Sidewalk Cafes in Section 9386 of this Code.

D. Administrative Use Permit: An application for an Administrative Use Permit to allow additional operating hours and/or live entertainment in a manner that exceeds the operating characteristics required in this Section may be authorized as set forth in Section 9269 of this Chapter, and shall incorporate findings that address the following considerations:

1. Potential for loitering and how the business will preclude loitering.
2. Adequacy of lighting for security and safety purposes.
3. Adequacy of parking.
4. Compatibility and suitability with the existing and allowed uses in the area and/or character of the area, including but not limited to proximity to sensitive land uses such as residences, schools, parks, daycare facilities, and churches.
5. Likelihood the use would facilitate the vitality, economic viability, and/or provide recreational or entertainment opportunities in an existing commercial area without presenting a significant impact on health and safety.
6. Details regarding how security will be provided during and after live entertainment events.
7. Other information deemed necessary on a case-by-case basis.

### **SECTION FIFTEEN.**

The following sections of the Ukiah City Code shall be repealed:

1. Article 15.6 in Division 9, Chapter 2.

2. Section 9182

2. Section 9184

**SECTION SIXTEEN.**

1. Publication: Within fifteen (15) days after its adoption, this Ordinance shall be published once in a newspaper of general circulation in the City of Ukiah. In lieu of publishing the full text of the Ordinance, the City may publish a summary of the Ordinance once 5 days prior to its adoption and again within fifteen (15) days after its adoption.

2. Effective Date: The ordinance shall become effective thirty (30) days after its adoption.

3. Severability: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Introduced by title only on \_\_\_\_\_, 2025, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Adopted on \_\_\_\_\_, 2025, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Douglas F. Crane, Mayor

ATTEST:

\_\_\_\_\_  
Kristine Lawler, CMC/City Clerk



# 8 Agriculture Element





# Agriculture Element

| Section | Title                                        | Page |
|---------|----------------------------------------------|------|
| 8.1     | Agriculture.....                             | 8-3  |
| 8.2     | Ukiah Valley Agricultural Stakeholders ..... | 8-4  |
| 8.3     | Implementation Programs .....                | 8-6  |

## 8.1 Agriculture

Formalized agriculture within the Ukiah Valley began in the 1850s. Efforts included the raising of livestock and the growing of various grains, and hops. When the Northwestern Pacific Railroad was completed in 1889, prunes, potatoes, pears, and hops were sent from the Ukiah Valley to San Francisco and other regional markets. Hops, pears, prunes and grapes were the most widely planted crops in the 1950s, and today the Ukiah Valley is home to a number of productive agricultural activities, including organically produced crops and notable vineyards. The Valley's rich bottom-land, resourced by the Russian River, consists of prime, fertile soils and benchlands highly productive for grapes. Presently, agricultural land within the region is mostly comprised of vineyards and pear orchards but also includes row crops and pasturelands.

Agricultural production has been an important part of the regional economy for generations and will continue to be a foundational component for decades to come. In addition to the economic benefits, agricultural lands provide a pastoral quality that helps define the character of the Ukiah Valley. If undertaken appropriately by addressing issues related to health and, potential nuisances (e.g., noise, odor, aesthetics), urban agriculture can improve access to healthy food, promote community development, and create jobs.<sup>1</sup>

While agricultural resources are addressed and protected by numerous State laws, this Agriculture Element is included here to implement new approaches to local agriculture and strengthen existing City policies regarding preservation and enhancement of regional working lands.

### Goals and Policies

**AG-1** *To preserve and strengthen agricultural uses in and around Ukiah that influence the regional economy.*

#### **AG-1.1 Reduce Agricultural/Urban Conflict**

The City shall reduce conflict between incompatible uses and agriculture within and adjacent to the City.

#### **AG-1.2 Preserve Agricultural Lands**

With the exception of presently proposed or approved subdivisions, the City shall discourage urban development on unincorporated land within its Sphere of Influence until annexed by the City. The City shall support County land use regulations that protect the viability of local agriculture in the Ukiah Valley.

#### **AG-1.3 Plan Together**

The City shall identify and involve stakeholders, as well as advisors with knowledge and expertise, to create and implement a comprehensive planning framework that preserves and strengthens agricultural uses in and around Ukiah that inform and influence the regional economy.

<sup>1</sup> Golden, S. (2013). *Urban Agriculture Impacts: Social, Health, and Economic: A Literature Review*. University of California Sustainable Agriculture Research and Education Program: Agricultural Sustainability Institute at UC Davis.

## **AG-2** *To create a healthy, equitable and resilient local-food system that further integrates agriculture into the City's identity.*

### **AG-2.4 Backyard Food**

The City shall allow and encourage residents to undertake supplementary local agriculture, including backyard gardens, apiaries, poultry, and 'foodscaping'. Examples include community, school, backyard, and rooftop gardens with a purpose extending beyond home consumption and education.

### **AG-2.5 Buy Local, Enjoy Local**

The City shall encourage additional farmer and community markets, food trucks, and farm stands to support production, distribution, and sale of locally grown foods and continue to support community-based food production and local, nutritious food by working with local landowners for the creation of additional community gardens.

### **AG-2.6 Support Gardeners**

The City shall coordinate with the University of California Cooperative Extension (UCCE) Mendocino County Master Gardener Program, to connect city residents with backyard gardening knowledge.

### **AG-2.7 Farmer's Markets**

In conjunction with the Mendocino County Farmers Market Association, the City shall research and identify additional ways to support the sale of local produce and goods at farmers markets within the City of Ukiah.

## **AG-3** *Help existing agricultural stakeholders move 'Beyond the Farm'.*

### **AG-3.1 Establish Infrastructure to Grow the Agricultural Economy**

The City shall support existing agriculture operators by encouraging a diverse, vibrant, and innovative agriculture economy that creates new opportunities and products from regional producers for local consumption and export. In conjunction with stakeholders, the City shall encourage the creation of agricultural business incubators, shared kitchens, and workforce development programs that create locations to strengthen agricultural operators within the region.

### **AG-3.2 Agritourism**

The City shall support expansion of the agricultural tourism industry by assessing utilization use of tourism facilities (e.g., hospitality, restaurants, etc.), as well as supporting efforts to plan and integrate the Great Redwood Trail into the agricultural economy.

### **AG-3.3 University Research**

The City shall encourage research, particularly at the University of California Cooperative Extension, pertinent to the Ukiah Valley to identify new potential uses and enhancement for existing agricultural industries, especially pomology, 'forestry, livestock, 'and viticulture.

## **8.2 Ukiah Valley Agricultural Stakeholders**

While the City recognizes the geographical limitations of its agricultural policies, the City also recognizes its sense of identity and quality of life are closely associated with the surrounding setting. To implement the goals and

policies associated with this Agriculture Element, involvement of the below mentioned stakeholders, plus potentially many more, will be critically important to successful implementation of this general plan element. If implemented successfully, the Agriculture Element would activate conversations between government agencies and key stakeholders in the region to undertake a more collaborative effort resulting in unified land use policies for the future.

#### **LAND USE PLANNING AND POLICY**

- Mendocino County Resources Conservation District (MCRCD)
- Mendocino County Department of Planning and Building Services (PBS)
- Sustainable Agriculture Lands Committee (SALC)
- Mendocino Land Trust (MLT)
- Mendocino Local Agency Formation Commission (LAFCo)

#### **FARMING AND FOOD SECTOR**

- Mendocino County Farm Bureau (MCFB)
- Mendocino County Farmers Market Association
- University of California's Cooperative Extension - Mendocino County
- Mendocino County Agricultural Commissioner
- Plowshares - Ukiah
- NCO Gardens Project
- Mendo Lake Food Hub

## 8.3 Implementation Programs

| Programs                                                                                                                                                                                                                                                                                                                                                     | Implements Which Policy(ies) | Responsible                            | 2022 – 2025 | 2026 – 2030 | 2031 – 2040 | Annual | Ongoing |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|-------------|-------------|-------------|--------|---------|
|                                                                                                                                                                                                                                                                                                                                                              |                              | Supporting Department(s)               |             |             |             |        |         |
| <b>A Agricultural Buffer</b><br>The City shall work with Mendocino County to establish setback or buffers for new non-agricultural development adjacent to agricultural lands to reduce conflict between incompatible land uses.                                                                                                                             | AG – 1.2                     | Community Development                  | ■           |             |             |        |         |
| <b>B Right to Farm</b><br>The City shall adopt a right-to-farm ordinance to ensure appropriate disclosure of agricultural activities both within and adjacent to the City of Ukiah.                                                                                                                                                                          | AG – 1.2                     | Community Development                  | ■           |             |             |        |         |
| <b>C Align Agricultural Standards</b><br>The City shall revise agricultural standards and use terminology to be consistent with adjacent jurisdictions within the Ukiah Valley for the support of future annexation efforts.                                                                                                                                 | AG – 1.2<br>AG – 1.3         | Community Development                  |             | ■           |             |        |         |
| <b>D Williamson Act</b><br>In coordination with the County Assessor, the City shall establish a Williamson Act program that aligns with ongoing efforts to preserve agricultural lands across Mendocino County.                                                                                                                                              | AG – 1.2                     | Community Development<br>City Manager  | ■           |             |             |        |         |
| <b>E Reduce Regulation – Local Agriculture</b><br>The City shall revise the Zoning code to allow low-intensity agricultural activities on residential parcels, including but not limited to back yard beehives, chickens and gardens. The revision will include objective use, development, and environments standards, and minimal permit fee requirements. | AG – 2.4                     | Community Development<br>City Attorney | ■           |             |             |        |         |

| Programs                                                                                                                                                                                                                                                                                                                                                                                                   | Implements Which Policy(ies) | Responsible                           | 2022 – 2025 | 2026 – 2030 | 2031 – 2040 | Annual | Ongoing |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------|-------------|-------------|-------------|--------|---------|
|                                                                                                                                                                                                                                                                                                                                                                                                            |                              | Supporting Department(s)              |             |             |             |        |         |
| <b>F Foodscaping</b><br>The City shall revise the City's objective development and design standards for multi-family housing projects to include the definition of and provisions for 'foodscaping'.                                                                                                                                                                                                       | AG – 2.4                     | Community Development                 | ■           |             |             |        |         |
| <b>G "No Mow May"</b><br>To encourage additional pollinators, the City shall prepare a pilot program for a "No Mow May" to encourage more ecologically beneficial lawns within the City of Ukiah.                                                                                                                                                                                                          | AG – 2.4                     | Community Development<br>City Manager |             | ■           |             |        |         |
| <b>H Urban Agricultural Definitions</b><br>The City shall revise the City Zoning Code definitions, standards, and limitations for "Urban Agriculture", including rooftop gardens, aquaculture, hydroponics, etc.                                                                                                                                                                                           | AG – 2.4                     | Community Development                 |             | ■           |             |        |         |
| <b>I Support Community Gardens</b><br>The City shall revise the Zoning code to streamline the regulatory permitting process to support the creation of additional community gardens within the City.                                                                                                                                                                                                       | AG – 2.5<br>AG – 2.6         | Community Development<br>City Manager | ■           |             |             |        |         |
| <b>J Urban Agricultural Incentive Zone</b><br>The City shall research and consider implementation of an Urban Agricultural Incentive Zone (AB 551). "The Urban Agriculture Incentive Zones Act authorizes a city... and a landowner to enter into a contract to restrict the use of vacant, unimproved, or otherwise blighted lands for small-scale production of agricultural crops and animal husbandry. | AG – 2.4                     | Community Development<br>City Manager |             | ■           |             |        |         |
| <b>K Local Food: Food Trucks &amp; Farm Stands</b><br>The City shall revise the Zoning Code to support the distribution and sale of locally-grown food via Food Trucks, Farm Stands, and farmer/community markets.                                                                                                                                                                                         | AG – 2.5                     | Community Development<br>Public Works | ■           |             |             |        |         |

| Programs                                                                                                                                                                                                                                                                                                                                           | Implements Which Policy(ies) | Responsible                                 | 2022 – 2025 | 2026 – 2030 | 2031 – 2040 | Annual | Ongoing |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------------|-------------|-------------|-------------|--------|---------|
|                                                                                                                                                                                                                                                                                                                                                    |                              | Supporting Department(s)                    |             |             |             |        |         |
| <b>L Farmers Markets</b><br><br>In conjunction with the Mendocino County Farmers Market Association, the City shall research and identify additional ways to support the sale of local produce and goods at farmers markets within the City of Ukiah.                                                                                              | AG – 2.7                     | Community Development<br><hr/> Public Works |             |             |             |        | ■       |
| <b>M Local Purchasing</b><br><br>The City shall research and prepare a local preference purchasing policy for future adoption to promote and support local preference purchasing policies for the City of Ukiah, local school districts and other institutions as a means to foster awareness and build relationships across the regional economy. | AG – 3.1                     | Community Development<br><hr/> City Manager |             | ■           |             |        |         |



**CITY OF UKIAH  
NOTICE OF PUBLIC HEARINGS  
PLANNING COMMISSION  
WEDNESDAY, JUNE 25, 2025, AT 6 PM OR SOON THEREAFTER**

**NOTICE IS HEREBY GIVEN** that the following ordinances have been submitted for Planning Commission review and recommendation to the City Council:

**Accessory Dwelling Unit (ADU) Ordinance:** This ordinance updates the City's zoning regulations to implement state law requirements for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) pursuant to Government Code Section 65852.2, establishing and expanding ministerial allowances. It also amends, removes, and adds regulations in response to written findings issued by the California Department of Housing and Community Development on April 24, 2025, pursuant to Government Code Section 66326(a).

**Administrative Use Permit (AUP) Ordinance:** This ordinance proposes to create a new administrative use permit process in the City of Ukiah's Zoning Code. The new process would allow certain low-impact uses, currently subject to a public hearing, to be reviewed and approved by City staff if they meet specific standards. It introduces detailed criteria for uses such as noncommercial animal keeping, outdoor sales, community gardens, live entertainment, and specialty food and beverage tastings. The goal is to simplify the review process for qualifying projects while maintaining protections for neighbors and the surrounding community.

**PROJECT IMPACTS:** Both proposed ordinances are subject to the California Environmental Quality Act (CEQA) but qualify for the "common sense exemption" under CEQA Guidelines Section 15061(b)(3), as it can be determined with certainty that neither will have a significant effect on the environment.

The ordinance addressing Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) modifies and clarifies local permitting standards to ensure consistency with state law. It removes barriers to development by expanding ministerial approval pathways, particularly for properties with multifamily residential structures, and includes technical corrections for alignment with the municipal code. These updates are expected to support infill development, increase housing opportunities on residential parcels, and further local housing affordability goals. The ordinance does not introduce new discretionary entitlements or expand allowable land uses beyond what is permitted by statute.

The ordinance establishing an Administrative Use Permit introduces procedural changes to the City's permitting process by allowing certain low-impact uses, currently subject to discretionary review through a Minor Use Permit, Minor Variance, or Minor Site Development Permit, to be reviewed ministerially. This ordinance does not authorize new land uses, increase development intensity, or change any applicable environmental standards or regulations.

**LOCATION:** This meeting will take place both in-person at the Civic Center Council Chambers, located at 300 Seminary Ave., Ukiah, CA, and via teleconference. Teleconference attendance details will be included on the agenda posted to the City website, [www.cityofukiah.com/meetings/](http://www.cityofukiah.com/meetings/) and at the Civic Center Agenda Board no less than 72 hours prior to the meeting. Hearing materials for these ordinances will be made available at the Community Development Counter, as well as the City of Ukiah website, [www.cityofukiah.com/ceqa/](http://www.cityofukiah.com/ceqa/) at least 20 days prior to the Public Hearing.

**WHAT WILL HAPPEN:** The Planning Commission will hold a public hearing to consider all public testimony and either recommend to approve, conditionally approve, or deny the ordinances to the City Council. All interested parties may comment on the project.

**IF YOU CANNOT ATTEND:** Comments may be submitted via email or mail to the Planners listed below, or in person prior to the hearing at the Community Development Department, located at 300 Seminary Avenue, Ukiah, CA 95482.

**FOR MORE INFORMATION:** All interested parties may contact Katherine Schaefer, Planning Manager at (707) 463-6203 or [kschaefer@cityofukiah.com](mailto:kschaefer@cityofukiah.com); or Jesse Davis, Chief Planning Manager at (707) 463-6207 or [jdavis@cityofukiah.com](mailto:jdavis@cityofukiah.com); or visit the Community Development Department located at 300 Seminary Ave.

**ADA ACCOMMODATION:** If you plan to attend the public hearing and need a special accommodation because of a sensory or mobility impairment/disability, or have a need for an interpreter, please contact the City Clerk at (707) 463-6217 to arrange assistance.

RESOLUTION NUMBER PC-2025-04

CITY OF UKIAH

JUNE 25, 2025

"ADMINISTRATIVE USE PERMIT ORDINANCE"

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UKIAH, STATE OF CALIFORNIA,  
RECOMMENDING CITY COUNCIL ADOPTION OF ZONING ORDINANCE AMENDMENTS TO  
ESTABLISH AN ADMINISTRATIVE USE PERMIT PROCESS, CLARIFY ANIMAL KEEPING REGULATIONS,  
AND CONSOLIDATE PERFORMANCE STANDARDS INTO ARTICLE 23 OF DIVISION 9 OF THE UKIAH  
CITY CODE

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

**WHEREAS**, pursuant to Government Code Section 65850, the City is authorized to adopt zoning regulations, including procedures for the issuance of use permits and performance standards for land use consistent with the General Plan; and

**WHEREAS**, the proposed ordinance would establish a new Administrative Use Permit (AUP) process for qualifying small-scale or neighborhood-serving uses; consolidate and reorganize performance standards into a new Article 23 of Division 9, Chapter 2 of the Ukiah City Code; clarify distinctions between commercial and personal animal keeping; and update land use definitions for clarity and consistency; and

**WHEREAS**, the proposed ordinance implements key programs of the Ukiah 2040 General Plan Agriculture Element, including Programs C, E, and I, by reducing regulatory barriers for compatible small-scale agriculture and streamlining permit pathways for community-serving uses; and

**WHEREAS**, the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), the "common sense exemption," as it can be seen with certainty that the ordinance will not result in a significant effect on the environment, nor authorize any physical development or new use types; and

**WHEREAS**, public notice of the Planning Commission hearing on the proposed ordinance was provided in accordance with Assembly Bill 2904 and Government Code Sections 65090 and 65091, including publication in a newspaper of general circulation, posting at the Civic Center, and online posting at least 20 days in advance of the hearing; and

**WHEREAS**, the Planning Commission considered all of the information presented to it, including the Staff Report, public testimony, and supporting documentation; and

**WHEREAS**, the Planning Commission has reviewed the ordinance, considered all written and oral testimony, and finds that the ordinance is in the public interest, supports streamlined permitting for compatible uses, and is consistent with the General Plan and applicable state law.

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

1. The above recitals are true and correct and incorporated herein by this reference.
2. The proposed changes in the Administrative Use Permit Ordinance are consistent with the City of Ukiah 2040 General Plan. Pursuant to Government Code Section 65860, a zoning ordinance is consistent with a general plan if the City has adopted a plan and the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan. None of the zoning district articles being modified affect conformity with the 2040 General Plan.
3. The proposed ordinance has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been found exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3), the “common sense exemption,” because it can be seen with certainty that there is no possibility the ordinance will have a significant environmental effect.
4. That the City Council adopt an ordinance making the changes shown in the Administrative Use Permit Ordinance, as shown in the attached Exhibit A.

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

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

**ATTEST:**

\_\_\_\_\_  
Kristine Lawler, City Clerk  
City Clerk

\_\_\_\_\_  
Craig Schlatter, AICP  
Community Development Director

\_\_\_\_\_  
Alex De Grassi, Chair  
City of Ukiah Planning Commission

# Administrative Use Permit Ordinance

Planning Commission: 06/25/25

## Why the Update?

- Creates a simpler, more efficient permit path for small-scale uses
- Provides flexibility for minor deviations from standards
- Maintains neighborhood compatibility and oversight



# Administrative Use Permit (AUP) Overview

- A Staff-reviewed permit for small-scale projects
- No public hearing needed
- Flexibility for minor exceptions
- Minor Use Permits are often too much for small projects



*Patrona - 130 West Standley Street*

# Zoning Changes: Permitted → Allowed

**\*\*** Inadvertently omitted as  
'Allowed' in §9031 of R-2

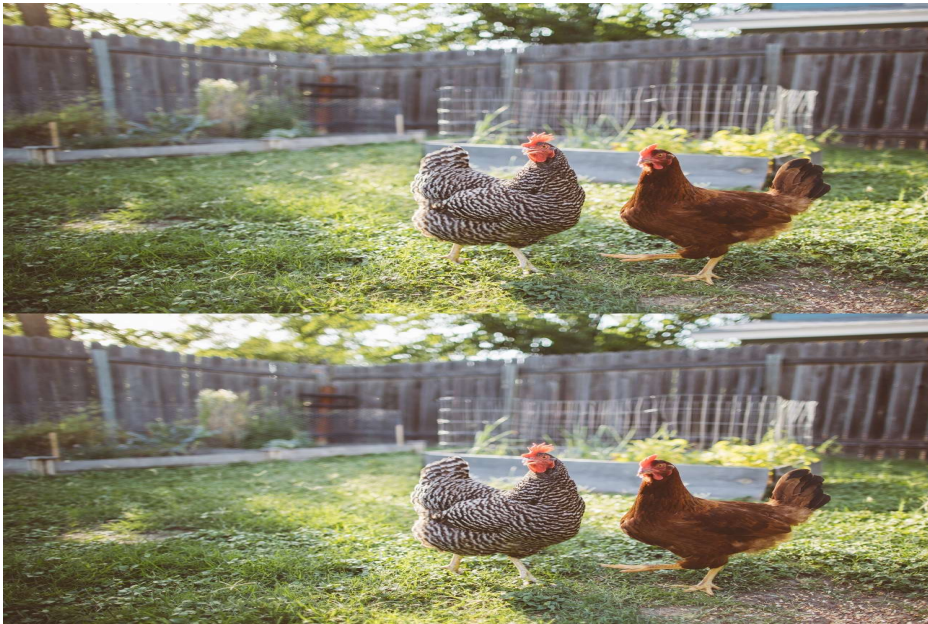
| Use                                                | Current Zones<br>Allowed | Current Zones<br>Permitted            | Proposed Zones<br>Allowed                       | Proposed Zones<br>Permitted with an AUP         |
|----------------------------------------------------|--------------------------|---------------------------------------|-------------------------------------------------|-------------------------------------------------|
| Animals Within the City*                           |                          | All (ZA)                              | All**                                           | *Beekeeping/Apiaries - All                      |
| Outdoor Sales and Display<br>Projects              |                          | R-1, R-2, C-N, C-1, C-2, M<br>(ZA/PC) | C-N, C-1, C-2, M<br>R-1, R-2, R-3<br>(>30 days) | C-N, C-1, C-2, M<br>R-1, R-2, R-3<br>(<30 days) |
| Community Gardens                                  | All                      |                                       | All                                             |                                                 |
| Live Entertainment                                 | C-1, C-2, PF             |                                       | C-1, C-2, PF                                    |                                                 |
| Outdoor Dining                                     | C-N, C-1, C-2            |                                       | C-N, C-1, C-2                                   |                                                 |
| Sidewalk Cafe                                      | C-N, C-1, C-2            |                                       | C-N, C-1, C-2                                   |                                                 |
| Specialty Food and Beverage<br>Sales with Tastings | C-N, C-1, C-2,<br>PF     |                                       | C-N, C-1, C-2, PF                               |                                                 |

# Outdoor Sales and Display Projects: Permitted → Allowed



- Currently regulated by Section 9184 (Article 16)
  - Permitted in Commercial and Manufacturing zones with a Use Permit
  - Also listed as “Permitted” in Low (R-1), Medium (R-2), and High (R-3) Density Residential zones (with Use Permit)
- What’s Changing?
  - Relocated to Article 23
  - Would now be “Allowed” in applicable zones if less than 30 days within a 12-month period

# Animals Within the City: Permitted → Allowed



- UCC Section 9182 (“Animals Within the City”)
  - Last updated in 1982
  - Similar to Mendocino County’s “Animal Raising – Personal”
  - Regulates backyard chickens and rabbits
  - Requires Minor Use Permit & Zoning Administrator approval
  - No livestock/fowl in non-Ag districts
  - Beekeeping requires a Use Permit
- What’s Changing?
  - Inserts “Animal Raising – Personal” definition
  - Expands Performance Standards for clarity and consistency
  - Relocated to Article 23
  - Would now be “Allowed” in all zones

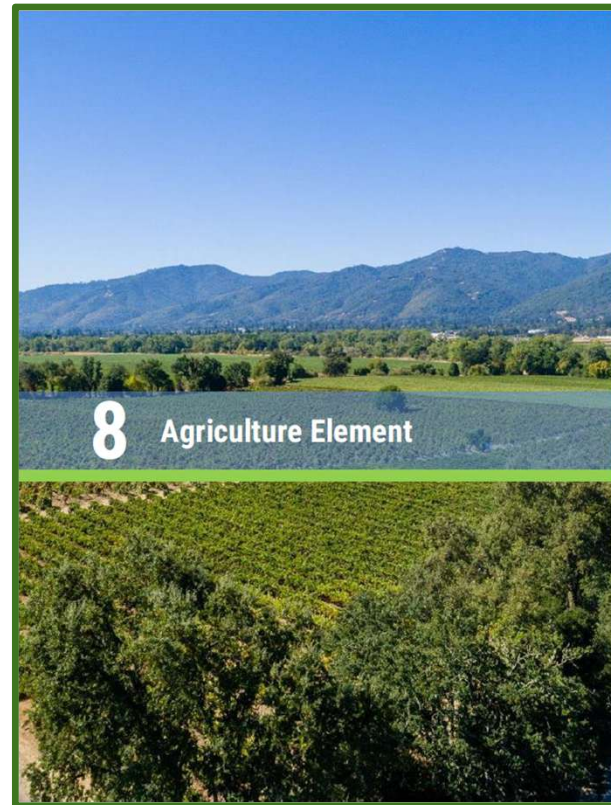
# Beekeeping: PC Discussion Point



| Current Ordinance Draft                                        | Proposed Changes                                                   |
|----------------------------------------------------------------|--------------------------------------------------------------------|
| Permitted with an Administrative Use Permit (AUP) in all zones | Allowed in all zones                                               |
| Performance standards required                                 | Performance standards required                                     |
| Minor Use Permit (MiUP) required if standards are exceeded     | Administrative Use Permit (AUP) required if standards are exceeded |

# Alignment with the Ukiah 2040 General Plan

- **Implementation Program C:** Unified terminology for regional coordination
- **Implementation Program E:** Promote small-scale agriculture in neighborhoods
- **Implementation Program I:** Streamline permitting for community gardens



# Recommendation

- Adopt a resolution recommending that the City Council approve an ordinance amending the Ukiah City Code to establish an Administrative Use Permit process; reorganize and consolidate performance standards into Article 23 of Division 9, Chapter 2; clarify provisions related to animal keeping and zoning regulations, including listing 'Animals Within the City' as an allowed use in Section 9031 of the R-2 zoning district; [incorporate beekeeping and apiaries as an allowed use as discussed and recommended by the Planning Commission]; and determine the ordinance is exempt from CEQA under Section 15061(b)(3).

# Questions?

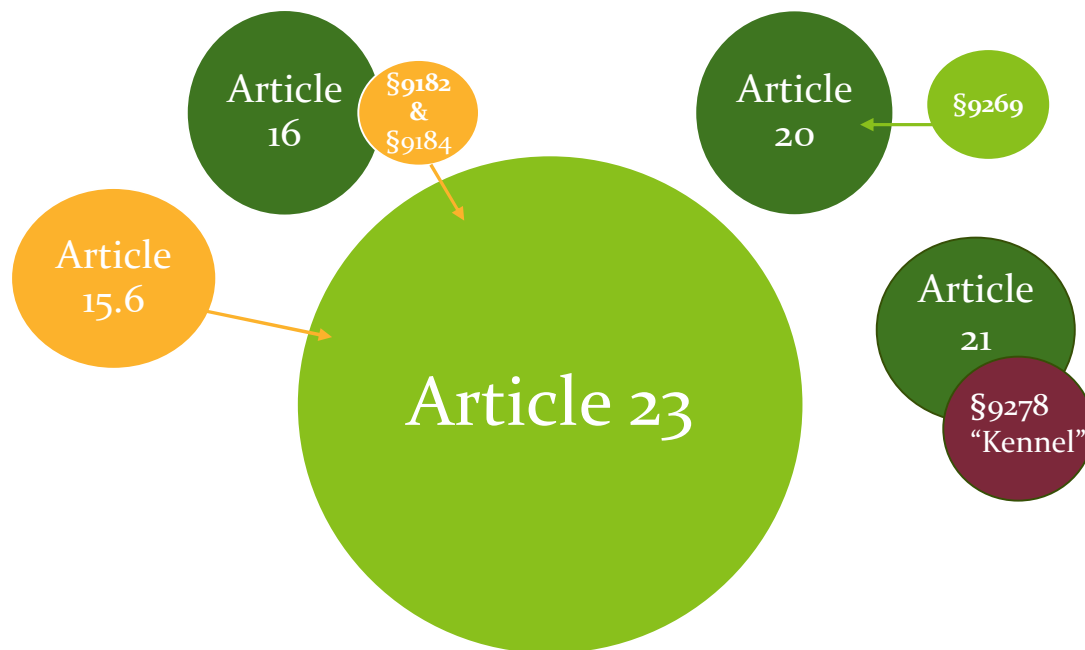
Katherine Schaefer

Planning Manager

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

# Zoning Overview: What Goes Where?

|   |          |
|---|----------|
| ● | Existing |
| ● | Proposed |
| ● | Moving   |
| ● | Updated  |



**Ukiah City Code**  
Division 5 Health &  
Sanitation; Chapter 2  
Livestock

**Ukiah City Code** Division 9 Planning and Development; Chapter 2 Zoning