



Planning Commission

Regular Meeting AGENDA

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

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

To participate 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.

August 13, 2025 - 5:15 PM

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **AB 2449 NOTIFICATIONS AND CONSIDERATIONS**

5. **APPROVAL OF MINUTES**

5.a. Approval of the Minutes of July 23, 2025, a Regular Meeting.

Recommended Action: Approve the Minutes of July 23, 2025, a Regular Meeting.

Attachments:

1. 2025-07-23 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 [date].

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 August 2025 Report and discussion questions with Staff.

Attachments:

1. Planning Division Projects Report - 08-05-25

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

14. NEW BUSINESS

14.a. Receive New Planning Commissioner Orientation Presentation and Discuss Questions with Staff.

Recommended Action: Receive new Planning Commissioner Orientation presentation and discuss questions with Staff.

Attachments:

1. Planning Commission Orientation updated 7-17-25
2. 2025 Planning Commission Training Materials

15. ADJOURNMENT

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

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

Araceli Sandoval, Deputy City Clerk

Dated: 8/7/25



**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>

July 23, 2025

6:00 p.m.

1. CALL TO ORDER

The City of Ukiah Planning Commission held a Regular Meeting on July 23, 2025. The meeting was legally noticed on July 17, 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 6:00 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. **Staff Present**: Craig Schlatter, Community Development Director; Jesse Davis, Chief Planning Manager; Katherine Schaefer, Planning Manager; and Araceli Sandoval, Deputy 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 July 9, 2025, a Regular Meeting.

Motion/Second: Johnson/Hilliker to approve the minutes of the July 9, 2025, a Regular Meeting, as submitted. 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 August 4, 2025.

7. COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

Clerk noted that there was no public presence online at that time.

8. SITE VISIT VERIFICATION

No site visit was necessary.

9. VERIFICATION OF NOTICE

Clerk noted that the agenda was properly noticed.

10. PLANNING COMMISSIONERS' REPORTS

Presenter: Vice Chair Hilliker.

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

14. NEW BUSINESS

a. Introductions and Oaths of Office for the New Commissioners.

Presenter: Araceli Sandoval, Deputy City Clerk.

Commission consensus for the City Clerks Office to administer the Oaths of Office for the new commissioners at a separate occasion prior to their participation in Commission business.

b. Adoption of Resolution Amending the Planning Commission Rules of Conduct to Change the Meeting Start Time to 5:15 p.m.

Presenter: Craig Schlatter, Community Development Director.

Motion by Commissioner Johnson for the recommended action and for controversial topics to be placed towards the end of the agenda to enable public participation.

Motion dies for lack of a second.

Motion/Second: Johnson/Hilliker to adopt the Resolution amending the Planning Commission Rules of Conduct to change the meeting start time to 5:15 p.m. Motion **carried** by the following Roll Call votes: AYES: Johnson, Hilliker, and de Grassi. NOES: None. ABSENT: None. ABSTAIN: None.

c. Receive New Planning Commissioner Orientation Presentation and Discuss Questions with Staff.

Presenter: Craig Schlatter, Community Development Director.

Motion/Second: Johnson/Hilliker to continue this item to the next possible meeting. 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 6:58 P.M.

Araceli Sandoval, Deputy City Clerk



AGENDA SUMMARY REPORT

SUBJECT: Receive Director's Report.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development Director

ATTACHMENTS:

1. Planning Division Projects Report - 08-05-25

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:

- August 2025 Planning Division Projects Report (Attachment 1)
 - This is a monthly report produced on the first of each month. The August 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 August 5, 2025, Director's Report published will be provided verbally during the meeting.

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



**City of Ukiah
Submitted Planning Applications**

8/5/2025

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.
PA25-000013	1244 S State St.	7/29/25	Major Use Permit for an Outdoor Sales Establishment longer than 30 days in the Heavy Commercial (C-2) zoning district. The proposal includes a seasonal food truck (6 months or less) in the parking lot of the premises	Initial Application Review.

City of Ukiah
2040 General Plan Implementation - Status



8/5/2025

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 August or September of 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.	Zoning Reform Ad Hoc Committee met to discuss the ordinance on 07/23/25. City Council Introduction and Public Hearing scheduled for 08/20/25.

General Plan Element	Implementation Program	Date Due	Description	Status / Comments
Housing Element	3c - Explore other policies and regulations that facilitate new infill housing development 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.	Zoning Reform Ad Hoc Committee met to discuss the ordinance on 07/23/25. City Council Introduction and Public Hearing scheduled for 08/20/25.
Agriculture Element, Land Use Element	C - Align Agricultural Standards	Completed/Ongoing	Align City Agricultural Standards with those of Mendocino County; and Development Pattern LU-7, to ensure the orderly and timely growth and expansion of the City.	Planning Commission hearing held 06/11/25, wherein the Item was continued to a Date Certain of 06/25/25. The Item was further continued to a Date Uncertain to ensure adequate information is provided to Commissioners and the public.

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



8/5/2025

Permit #	Site Address	Approved Date	Summary of Project	Comments
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



AGENDA SUMMARY REPORT

SUBJECT: Receive New Planning Commissioner Orientation Presentation and Discuss Questions with Staff.

DEPARTMENT: Community
Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development
Director

ATTACHMENTS:

1. Planning Commission Orientation updated 7-17-25
2. 2025 Planning Commission Training Materials

Summary: Planning Commission will receive the new Planning Commissioner Orientation presentation and discuss questions with Staff.

Background: At two regular meetings of the City of Ukiah Planning Commission, on February 26, 2025, and April 9, 2025, the Commission received presentations on planning-related educational topics from Staff. Topics in Training 1 consisted of an overview of the American Planning Association, Planning Trends, AICP, and other planning topics of interest. Staff also presented the Planning Commission Orientation to Commissioners. Topics in Training 2 consisted of a "deeper dive" into the City's Downtown Zoning Code, including the differences between variances and exceptions and an overview of the treatment of nonconforming structures within the Code. Training 2 also explored the role of Commissioners in making decisions related to current planning and similarities and differences to the role of Commissioners in making decisions related to advanced planning.

Discussion: The purpose of this agenda item is to provide the Orientation (Attachment 1) and the 2025 training materials (Attachment 2) to the newly appointed Commissioners. Staff will present an overview of these topics and encourages questions from Commissioners.

Recommended Action: Receive new Planning Commissioner Orientation presentation and discuss questions with Staff.

Planning Commission Orientation

NOVEMBER 19, 2019

JULY 17, 2025



Outline

- Planning Commission duties and role
- Decision making process and rules of conduct / order of agenda
- Brown Act and ethics
- Staff roles and overview of Community Development Department
- Key links to City codes/ordinances, planning documents, past meetings, and historical and archival information
- Informational links for Land Use Planning and Training Opportunities
- Glossary of terms and acronyms





Planning Commission Duties and Role

Ukiah City Code, Chapter 4, Article 4.

Planning Commission Duties

- Section 1157, Duties of the Commission: “It shall be the function and duty of the planning commission to prepare, make and adopt, subject to the provisions of law, a master plan for the physical development of the city, and of any land situated outside the boundaries thereof which in the commission’s judgment bears relation to the planning thereof. (Ord. 396, §3, adopted 1947).” – And –
- Section 1158, Other Powers and Duties of Commission: “The planning commission shall have such other powers and duties as are prescribed by law, and shall be governed by the procedure provided by law. (Ord. 396, §4, adopted 1947)”
- The duties above include review and approval and/or recommendation to City Council of certain discretionary planning permits such as use permits, site development permits, variances, zoning text amendments/rezoning, appeals, prezoning, etc. as described in Chapter 2, Article 20 Administration and Procedures, of Ukiah City Code (UCC).
- Other requirements for specific project types are contained throughout the UCC, representing the codification of various ordinances.



Role of the Planning Commission

- Reviews certain discretionary development applications
- Primary decision-making body for many project proposals (subject to appeal to the City Council)
- Provides a public and deliberative venue for residents and other community stakeholders to learn about planning issues and project proposals and provide input
- Makes recommendations to the City Council on the development of key planning/policy documents, including but not limited to the Ukiah General Plan, zoning ordinances, and other specific City and regional planning documents
- Primary difference between Planning Commission and City Council
 - Planning Commission makes recommendations; City Council makes policy





Decision Making and Rules of Conduct / Order of Agenda

Decision Making

- Objectively determine facts and draw conclusions from those facts
- Base decisions on existing policy (set by City Council) and law
- Consider staff analyses, including agency goals and policies, along with community input
- Make recommendations and decisions based upon findings of fact



Rules of Conduct / Order of Agenda

- Existing Rules of Conduct last adopted April 26, 2023 via Resolution No. 2023-03.
 - The Rules provide procedural guidelines for the conduct of planning commission meetings, such as public expression, rules of decorum, duties of the Commission, etc.
 - The Rules also set forth an Order of Agenda for Planning Commission meetings.
- Please visit the link below for Planning Commission Rules of Conduct / Order of Agenda:

<http://www.cityofukiah.com/city-boards-commissions-committees/>

Note: click on the box for Planning Commission at the above link.





Brown Act and Ethics

Brown Act

- PURPOSE: “Assure that local government agencies conduct the public’s business openly and publicly.” (CA League of Cities, 2016)
- TRANSPARENCY: Foundational value for ethical government practices. The Brown Act is a floor, not a ceiling, for conduct.
- MORE INFORMATION:
“Open and Public V, a Guide to the Ralph M. Brown Act,” California League of Cities, 2016:
<https://www.cacities.org/Resources-Documents/Resources-Section/Open-Government/Open-Public-2016.aspx>
CA Attorney General’s publication:
https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/2003_Intro_BrownAct.pdf



Brown Act

■ MEETINGS

Regular – regularly scheduled meetings. Must formally set the time and place for regular meetings in bylaws, by resolution, or some similar formal rule.

Special – meetings called by the agreement of a majority of the agency body (e.g. Planning Commission) to discuss a specific issue. May be called at any time, but notice must be received at least 24 hours prior to the meeting by all members of the Board and media outlets that have requested notice in writing.

Emergency – meetings held, as allowed in Section 54956.5 of the Brown Act, to deal with emergency situations.

■ AGENDAS

Posting – At least 72 hours prior to a regular meeting

Content – Contain brief description, enough to enable a determination of the general nature of the subject matter. Cannot take action/discuss any item NOT on the agenda.

■ COMMUNICATION

Emails, Memos/Briefings, Conferences/Events, Telephone, Text



Conflicts of Interest

- A public official may not participate in a decision – including trying to influence a decision – if the official has financial or, in some cases, other strong personal interests in that decision.
 - Note that influencing of a decision can include physical presence during deliberations regarding the decision.
- The law sets only minimum standards. Officials should ask themselves whether members of the public will question officials' participation in certain proceedings. If they might, officials should consider excusing themselves voluntarily from that particular decision-making process.



Ethics

- No personal financial gains.
- Transparency and disclosure.
- No use of public resources for personal or political purposes.
- Fair process and decision making conducted openly for the public. Projects will be deliberated and a decision made during the public meeting.





Staff Roles and Department Overview

Staff Roles

- City Clerk's Office (City Clerk, Deputy City Clerk)
 - Maintains the public record, including the video recording and archives
 - Works with Department staff to finalize and post the Agenda packets and prepare draft minutes
 - Coordinates the meeting, including arranging audio visual and other technological needs
- Community Development Director
 - Principal advisor to Planning Commission in community development (and planning) matters
 - Prepares and presents Directors reports
 - Coordinates with Planning Division staff and Clerk to prepare agenda packet content
 - Serves as Zoning Administrator; makes Director Determinations and other authoritative interpretations of applicable laws, regulations, and policies (decisions subject to appeal to Planning Commission)
- Planning Services Division – Chief Planning Manager, Planning Manager
 - Reviews and analyzes project applications to ensure consistency with adopted policy and regulation
 - Prepares and presents staff reports to Planning Commission





COMMUNITY DEVELOPMENT DEPARTMENT

8 Divisions:

Business Services

Housing and Grants Management

Fire
Prevention

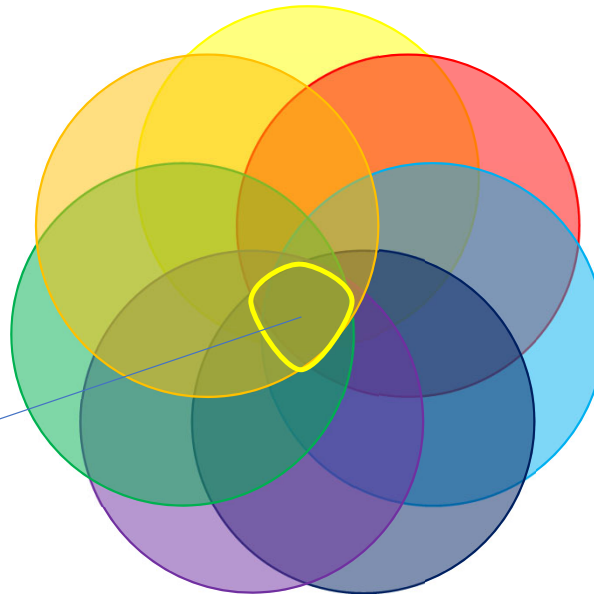
Climate Adaptation &
Resilience

Code Enforcement

Community Development Services

Building

Planning



Community Development Department Contacts

Name/Title	Email	Phone
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Jesse Davis, AICP, Chief Planning Manager	jdavis@cityofukiah.com	(707) 463-6207
Matthew Keizer, MCP, Chief Building Official and Designated Chief Code Enforcement Officer and Fire Code Official (UVFA)	mkeizer@cityofukiah.com	(707) 467-5718
Jim Robbins, Housing and Grants Manager	jrobbins@cityofukiah.com	(707) 463-6708
Blake Adams, Chief Resilience Officer	badams@cityofukiah.com	(707) 463-6752
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Liz Frausto, Community Development Technician I	efrausto@cityofukiah.com	(707) 463-6215
Tom Hoover, Building Inspector	thoover@cityofukiah.com	(707) 463-6206
Sean Connell, Code Enforcement Inspector II	sconnell@cityofukiah.com	(707) 467-5715
Waylon Hockemier, Fire Inspector II	whockemier@cityofukiah.com	(707) 463-6271

Department website: www.cityofukiah.com/community-development





Links to Relevant Codes, Historical Information, and Land Use Planning Resources

Links to City Codes and Ordinances, Planning Documents, Past Meetings

- Zoning Code – Ukiah City Code, Division 9 Planning and Development, Chapter 2 Zoning:
[http: www.Codepublishing.com/CA/Ukiah](http://www.Codepublishing.com/CA/Ukiah) (click on Division 9, Chapter 2)
 - Ordinances adopted by City Council are eventually codified in UCC, but for those ordinances not codified (in the interim) the Community Development Department lists those ordinances online on the Documents and Maps portion of its website: <http://www.cityofukiah.com/documents-and-maps/>
- Planning Documents
 - The Documents and Maps webpage (see above) contains both commonly requested guidelines and other planning documents, ordinances, lists, and useful information, including:
 - 2040 General Plan Update: <http://Ukiah2040.com>
 - General Plan (including the certified Housing Element)
 - Airport compatibility requirements
 - Design guidelines, creek maintenance, historic and architectural inventory, tree lists, maps, storm water information
 - Interactive map of zoning districts with property search feature
- All current and historical / archival meetings of the Planning Commission can be found here:
<http://www.cityofukiah.com/meetings/>
 - The above link contains both audio/visual recordings and agenda packets from past meetings.
 - Additional archival information can be obtained from the Department and/or City Clerk's Office.



Links to Land Use Planning Resources

- American Planning Association: www.planning.org
 - Principal organization for the field of professional planning. Contains resources for planners, zoning boards, planning commissions.
- Institute for Local Government – “A Guide to Local Planning”
<https://www.ca-ilg.org/document/guide-local-planning>
 - Describes emerging issues in local planning and provides overview of planning framework
- Governor’s Office of Planning and Research
<http://opr.ca.gov/>
 - CEQA, General Plan Guidelines, State Clearinghouse
- California Department of Housing and Community Development – Policy and Research
<https://www.hcd.ca.gov/policy-research/index.shtml>
 - Housing Element, specific housing and community development planning policy topics
- Training opportunities for Commissioners
 - League of CA Cities: <https://www.cacities.org/Education-Events/Planning-Commissioners-Academy>
 - CA Chapter of APA Annual Conference: <https://www.apacalifornia-conference.org/>
 - Sonoma State University Annual Planning Commissioners Conference: <http://gep.sonoma.edu/research-activity-centers/center-sustainable-communities-csc/annual-planning-commissioners>



Glossary of Terms and Acronyms

- Mendocino County and Ukiah-specific Terms
 - ALUC – Mendocino County Airport Land Use Commission
 - UKIALUCP – 2021 Ukiah Municipal Airport Land Use Compatibility Plan
 - DRB – Ukiah Design Review Board
 - MCOG – Mendocino Council of Governments
 - MSR – Municipal Service Review
 - MendoLAFCo – Mendocino Local Agency Formation Commission
 - MiUP – Minor Use Permit; MiSDP – Minor Site Development Permit
 - MaUP – Major Use Permit; MaSDP – Major Site Development Permit
 - RHNA – Regional Housing Needs Allocation
 - SOI – Sphere of Influence

- Land Use and Planning Terms – Institute for Local Government, 2010 Glossary
 - https://www.ca-ilg.org/sites/main/files/file-attachments/2010_-_landuseglossary.pdf





AGENDA SUMMARY REPORT

SUBJECT: Planning Commission Training, Part 1: American Planning Association, Planning Trends, AICP, and Other Planning Topics of Interest.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development Director

ATTACHMENTS:

1. AICP Code of Ethics and Professional Conduct
2. 11-19-19 PC orientation updated 4-17-24

Summary: Planning Commission will receive a training on relevant planning topics of interest.

Background: This training has been scheduled by Staff to orient the Commission to current trends and topics of interest in the planning profession. It is part one of a two-part training series to bring Commissioners up to date on relevant policy, procedures, and tools and equip Commissioners with the knowledge to be more effective in their roles.

Discussion: Topics for this training are expected to include an overview of resources available to the Commission through the American Planning Association (APA), as well as key topics of interest in the planning field. Background information on some of these topics is below.

APA, Planning History Timeline, and Trends Report

The American Planning Association (APA) describes itself as "the largest membership organization of professional planners and planning resources available" and "a leading authority for making great communities for all." According to the APA's Planning History Timeline (see link below), the APA was first formed on October 1, 1978, through the merging of the American Institute of Planners (created in 1917) and the American Society of Planning Officials (created in 1934). Each state, including California, has an individual chapter of APA that focuses on planning issues specific to the state.

The APA website has both publicly available resources and resources available to APA members and can be perused at this link: <https://www.planning.org>. The APA's Planning History Timeline can be accessed at <https://www.planning.org/timeline/>. APA also has a publication specifically for Planning Commissioners called [The Commissioner](#).

In February 2025, the APA released a [2025 Trend Report for Planners](#) prepared by the APA and Lincoln Institute for Land Policy. A description of the Report describes that "the core of this Trend Report is a list of the most impactful existing, emerging, and potential future trends...identified as relevant to planning."

American Institute for Certified Planners

The [American Institute for Certified Planners](#) (AICP) "provides the only nationwide, independent verification of planners' qualifications. Certified planners pledge to uphold high standards of practice, ethics, and professional conduct, and to keep their skills sharp and up to date by continuously pursuing advanced professional education."

Attaining certification as an AICP planner requires demonstration of experience, education, and knowledge in the field of planning, as well as a commitment to uphold AICP's Code of Ethics and Professional Conduct (Attachment 1).

Planning Commission Orientation Update

Staff first developed a Planning Commission Orientation in November 2019 and has since updated the Orientation three times (Attachment 2). This section of the presentation will consist of suggested updates to the Orientation materials based on best practices in Commissioner training from around California, as well as a discussion with Commissioners of what other updates may be needed to prepare future Commissioners.

Recommended Action: Receive Planning Commission training presentation and discuss with Staff.



The American Planning Association's
Professional Institute
**American Institute
of Certified Planners**
Creating Great Communities for All

AICP Code of Ethics and Professional Conduct

Adopted March 19, 2005,
Effective June 1, 2005,
Revised April 1, 2016
Revised November 2021

This AICP Code of Ethics and Professional Conduct serves three purposes: first, defining the aspirational principles for all those who participate in the planning process, whether as planners, as advisory bodies, or as decision-makers (Section A); second, defining the rules of practice and behavior to which all members of the American Institute of *Certified Planners* are held accountable (Section B); and third, defining the procedures for enforcement of these rules (Sections C, D, and E). Please refer to a [glossary of frequently](#) used terms in the Code located at the bottom of this page.

Our primary obligation as planners and active participants in the planning process is to **serve the public interest** and these principles further that purpose. All who engage in the planning process should seek to achieve high standards of integrity, proficiency, and knowledge. As the basic values of society can come into competition with each other, so can the values we espouse under this Code. For AICP planners, both the principles and the rules are intended to be used together. The aspirational principles, while not enforceable, present the foundation for the profession's shared values, and the basis for the rules.

All those who participate in planning should commit themselves to making ethical judgments in the public interest balancing the many competing agendas with careful consideration of the facts and context, informed by continuous, open debate.

To meet our obligation to the public, we aspire to the following principles:

Section A: Principles to Which We Aspire

1. People who participate in the planning process shall continuously pursue and faithfully serve the public interest.

1. Examine our own cultures, practices, values, and professional positions in an effort to reveal and understand our conscious and unconscious biases and privileges as an essential first step so we can better serve a truly inclusive public interest promoting a sense of belonging.
2. Be conscious of the rights of others. Develop skills that enable better communication and more effective, respectful, and compassionate planning efforts with all communities, especially underrepresented communities and marginalized people, so that they may



fully participate in planning. Respect the experience, knowledge, and history of all people.

3. Have special concern for the long-range consequences of past and present actions.
4. Pay special attention to the interrelatedness of decisions and their unintended consequences.
5. Incorporate equity principles and strategies as the foundation for preparing plans and implementation programs to achieve more socially just decision-making. Implement, for existing plans, regulations, policies and procedures, changes which can help overcome historical impediments to racial and social equity. Develop metrics and track plan implementation over time to measure and report progress toward achieving more equitable outcomes.
6. Systematically and critically analyze ethical issues in the practice of planning. Strengthen organizational capabilities to apply ethical principles in serving the public, including establishing procedures that promote ethical behavior, mentoring emerging professionals in ethical behavior and holding individuals and organizations accountable for their conduct.

2. People who participate in the planning process shall do so with integrity.

1. Provide timely, adequate, clear, accessible, and accurate information on planning issues to all affected persons, to governmental bodies, to the public, to clients and to decision makers.
2. Facilitate the exchange of ideas and ensure that people have the opportunity for meaningful, timely, and informed participation in the development of plans and programs that may affect them. Participation should be broad enough to include those who lack formal organization or influence, especially underrepresented communities and marginalized people. Attention and resources should be given to issues of equity, diversity, and inclusion and should reflect the diversity of the community.
3. Promote excellence in design. Conserve and preserve the integrity and heritage of the natural and built environment. Use principles of sustainability and resilience as guiding influences in our work.
4. Identify the human and environmental consequences of alternative actions including the short and long-term costs and benefits. Identify social and cultural values which should be preserved as well as natural elements.
5. Enhance our professional education and training in our career as well as in our ability to work as a participant in the planning process and with allied professionals.
6. Educate and seek to empower the public about planning issues and their relevance to everyone's lives.
7. Describe and comment on the work and views of other professionals in a fair and professional manner.



8. Respect the rights of all persons and groups and do not discriminate against or harass others.

3. People who participate in the planning process shall work to achieve economic, social and racial equity.

1. Create plans that ensure equitable access to resources and opportunities which, in turn, structure prospects for upward economic mobility, a sense of belonging, and an enhanced quality of life. Recognize our unique responsibility to eliminate historic patterns of inequity tied to planning decisions represented in documents such as zoning ordinances and land use plans
2. Seek social justice by identifying and working to expand choice and opportunity for all persons, emphasizing our special responsibility to plan with those who have been marginalized or disadvantaged and to promote racial and economic equity. Urge the alteration of policies, institutions, and decisions that do not help meet their needs.
3. Recognize and work to mitigate the impacts of existing plans and procedures that result in patterns of discrimination, displacement, or environmental injustice. Plan for anticipated public and private sector investment in historically low-income neighborhoods to ensure benefits defined by the local community. Promote an increase in the supply and quality of affordable housing and improved services and facilities with equal access for all residents, including people with disabilities.
4. Promote the inherent rights of indigenous people and -work with indigenous peoples on developments affecting them and their lands and resources

4. People who participate in the planning process shall safeguard the public trust.

1. Deal fairly with all participants in the planning process.
2. Exercise fair, honest, skilled, informed and independent professional judgment.
3. Do not let any official action be influenced by personal relationships.
4. Serve as advocates for the public or private sector only when the client's objectives are legal and consistent with the public interest.
5. Avoid a conflict of interest or even the appearance of a conflict of interest in accepting assignments from clients or employers.
6. Disclose to the public all personal and pecuniary interests, considered broadly, that a participant, serving as an advisor or decision-maker, may have regarding any planning process decision to be made. If at all possible, abstain completely from direct or indirect participation as an advisory or decision-maker in any matter in which there is a personal or pecuniary interest, and leave any chamber in which such a matter is under deliberation
7. Neither seek nor accept any gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to



influence a participant's objectivity as an advisor or decision-maker in the planning process.

8. Do not participate in any matter unless adequately prepared and able to render thorough and diligent services.
9. Do not deliberately commit a wrongful act which reflects adversely on the planning process.
10. Do not seek business by stating or implying the ability or willingness to influence decisions by improper means.
11. Expose corruption wherever discovered.

5. Practicing planners shall improve planning knowledge and increase public understanding of planning activities.

1. Contribute to the development of, and respect for, our profession by improving knowledge and techniques, and sharing the results of experience and research that contribute to the body of planning knowledge. Make work relevant to solving community problems and increase the public's understanding of planning activities.
2. Examine the applicability of planning theories, methods, research, and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation.
3. Strive to achieve high standards of professionalism, including integrity, knowledge, and professional development. Obtain professional education throughout one's planning career and for those that are Members of AICP, comply with Certification Maintenance requirements.
4. Expand recognition of the value of AICP and FAICP credentials and acknowledge those who achieve and maintain it.
5. Commit to the advancement of the planning profession. Contribute time and resources to the professional development of students, interns, beginning professionals, and other colleagues. Increase the opportunities for members of underrepresented groups to enter and succeed in the profession, and to achieve AICP certification.
6. Contribute time and effort to our communities, particularly to those groups lacking in adequate planning resources, through pro bono planning activities.

Section B: Our Rules of Conduct

We adhere to the following Rules of Conduct informed by the Aspirational Principles, and we understand that our Institute will enforce compliance with these rules. If we fail to adhere to these Rules we could receive sanctions, the ultimate being the loss of our certification:

Quality and Integrity of Practice



1. We shall not deliberately fail to provide adequate, timely, clear and accurate information on planning issues.
2. We shall not accept an assignment from a client or employer when the services to be performed involve conduct that we know to be illegal or in violation of this Code.
3. We shall not accept work beyond our professional competence, but may with the understanding and agreement of the client or employer, accept such work to be performed under the direction of, another professional competent to perform the work and acceptable to the client or employer.
4. We shall not accept work for a fee, or pro bono, that we know cannot be performed with the promptness required by the prospective client, or that is required by the circumstances of the assignment.
5. We shall not direct or pressure other professionals to make analyses or reach findings not supported by available evidence.
6. We shall not deliberately commit any wrongful act, whether or not specified in the Rules of Conduct, that reflects adversely on our professional fitness or the planning profession.

Conflict of Interest

7. We shall not, as public officials or employees, accept from anyone other than our public employer any compensation, commission, rebate, or other advantage that may be perceived as related to our public office or employment.
8. We shall not perform work on a project for a client or employer if, in addition to the agreed upon compensation from our client or employer, there is a possibility for direct personal or financial gain to us, our family members, or persons living in our household, unless: a) our client or employer, after full prior written disclosure from us, consents in writing to the arrangement; and b) we make full disclosure of the potential conflict part on the public record at every public meeting and in all written reports related to the work.

Improper Influence/Abuse of Position

9. As public officials or public employees, we shall not engage in private communications with planning process participants if the discussions relate to a matter over which we have authority to make a binding, final determination.
10. We shall not engage in private communications with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or custom.
11. We shall not solicit prospective clients or employment through use of false or misleading claims, nor shall we, in the conduct of our work, imply an ability to improperly influence decisions.



12. We shall not use the power of any office to seek or obtain a special advantage that is not a matter of public knowledge or is not in the public interest.

Honesty and Fair Dealing

13. We shall not disclose or use to our advantage, nor that of a subsequent client or employer, information gained in a professional relationship that the client or employer has requested be held inviolate or that we should recognize as confidential because its disclosure could result in detriment to the client or employer., except when disclosure is required: (1) by process of law, or (2) to prevent a clear violation of law, or (3) to prevent a substantial injury to the public.
14. We shall not deliberately misrepresent the qualifications, views and findings of other professionals.
15. We shall not misstate our education, experience, training, or any other facts which are relevant to our professional qualifications.
16. We shall not use the product of others' efforts to seek professional recognition, credit, or acclaim intended for producers of original work.
17. We shall not fail to disclose the interests of our client or employer when participating in the planning process. Nor shall we participate in an effort to conceal the true interests of our client or employer.

Responsibility to Employer

18. We shall not, as employees, undertake other employment in planning or a related profession, whether or not for financial remuneration, without having made full written disclosure to the employer who furnishes our pay and having received subsequent written permission to undertake additional employment, unless our employer has a written policy permitting such employment without consent. In no case shall a planner engage in any outside work that would create an actual conflict of interest.
19. We shall not accept an assignment from a client or employer to publicly advocate a position on a planning issue that is significantly different to a position we publicly advocated for a previous client or employer within the past three years unless (1) we determine in good faith our change of position will not cause present detriment to our previous client or employer, and (2) we make full written disclosure of the conflict to our previous and current client or employer.

Discrimination/Harassment

20. We shall not commit or ignore an act of discrimination or harassment.

Bringing a Charge/Lack of Cooperation with Ethics Officer



21. We shall not withhold cooperation or information from the AICP Ethics Officer or the AICP Ethics Committee if a charge of ethical misconduct has been filed against us or if it is determined by the Ethics Officer or Ethics Committee that we have information/knowledge relevant to a charge filed against another AICP member.
22. We shall not harass, retaliate or threaten retaliation against a person who has filed a charge of ethical misconduct against us or another planner, or who is cooperating in the Ethics Officer's investigation of an ethics charge.
23. We shall not use the AICP ethics process for any inappropriate purpose, including threatening to file, or filing an ethics charge against another planner for personal, pecuniary, or professional gain or filing of a meritless complaint against another planner.
24. We shall not fail to immediately notify the Ethics Officer by both receipted Certified and Regular First-Class Mail if we are convicted of a "serious crime" as defined in Section E of the Code; nor immediately following such conviction shall we represent ourselves as Certified Planners or Members of AICP until our membership is reinstated by the AICP Ethics Committee pursuant to the procedures in Section E of the Code.

Section C: Advisory Opinions

1. Introduction

Any person, whether or not an AICP member, may seek informal advice from the Ethics Officer, and any AICP member may seek a formal opinion from the Ethics Committee, on any matter relating to the Code of Ethics and Professional Conduct. In addition, the Ethics Committee may, from time to time, issue opinions applying the Code to ethical matters relating to planning.

2. Informal Advice

- a) Any person with a question about whether specific conduct conforms to the Code of Ethics and Professional Conduct may seek informal advice from the Ethics Officer. Any such person should contact the Ethics Officer to arrange a time to discuss the issue. The Ethics Officer will endeavor to schedule a call promptly and to provide the advice promptly.
- b) Informal advice will be given orally. However, the Ethics Officer will keep a record of the issue raised and the advice given.
- c) Informal advice is intended to assist the person who seeks it, but it is not binding on AICP. Nevertheless, the Ethics Committee will take it into consideration if the Committee is subsequently called upon to consider a charge of misconduct against a Certified Planner who relied on the advice.

3. Formal Advisory Opinions Requested by A Member



- a) Any AICP member with a question about whether specific conduct conforms to the Code of Ethics and Professional Conduct may seek a formal opinion from the Ethics Committee. Any such member should send a detailed description of the relevant facts and a clear statement of the question to the Ethics Officer.
- b) The Ethics Officer shall review each such request and determine whether there is sufficient information to permit a fully informed response or whether additional information is required.
- c) The Ethics Committee will not issue an Advisory Opinion if it determines that the request concerns past conduct that may be the subject of a charge of misconduct. It may also decline to issue an Advisory Opinion for any other reason. The Committee may, but is not required to, provide a reason for a decision not to issue an opinion.
- d) If the Ethics Committee determines to issue an Advisory Opinion, it will endeavor to do so within ninety (90) days after receiving all information necessary to the provision of the opinion. Every Advisory Opinion will be in writing.
- e) Any member who acts in compliance with a formal Advisory Opinion will have a defense to a charge of misconduct that is based on conduct permitted by the Opinion.
- f) The Ethics Committee, in its sole discretion, shall determine whether, and how, to publish any formal Advisory Opinion. If the Committee determines to publish an Advisory Opinion, the published Opinion will not, without appropriate consent, include the name or other identifying information of any person except to the extent that identifying information is helpful in setting forth the issue or in explaining the Committee's decision.
- g) Any AICP member who believes that a published formal Advisory Opinion is incorrect or incomplete may write to the Ethics Officer explaining the member's thinking and requesting reconsideration. The Ethics Officer shall transmit all such communications to the Ethics Committee. That Committee shall review such communications and determine what, if any, changes to make. The decision of the Committee shall be final.

4. Formal Advisory Opinions Issued Without Request of A Member

- a) The Ethics Committee may from time to time issue, without a request from a member, formal Advisory Opinions relating to the Code of Ethics and Professional Conduct when it believes that an Opinion will provide useful guidance to members.
- b) All formal Advisory Opinions issued under this paragraph shall be in writing and shall be published to the entire membership.
- c) Any AICP member who believes that a formal Advisory Opinion issued under this paragraph is incorrect or incomplete may write to the Ethics Officer explaining the member's thinking and requesting reconsideration. The Ethics Officer shall transmit all such communications to the Ethics Committee. That Committee shall review such



communications and determine what, if any, changes to make. The decision of the Committee shall be final.

5. Annual Report of the Ethics Officer

- a) Prior to January 31 of each year, the Ethics Officer shall provide to the AICP Commission and to the Ethics Committee an Annual Report of all formal Advisory Opinions and all interpretations of the Code issued during the preceding calendar year. That report need not contain the full text of each formal Advisory Opinion and interpretation of the Code.
- b) The AICP Commission shall publish an Annual Report on ethics matters to the membership.

Section D: Adjudication of Complaints of Misconduct

1. Filing a Complaint

- a) Any person, whether or not an AICP member, may file an ethics complaint against a Certified Planner. An ethics complaint shall be sent to the AICP Ethics Officer on a form developed by the Ethics Officer and posted on the AICP website. The complaint must be signed and include contact information so that the Ethics Committee and the Ethics Officer will know with whom to follow up if questions arise or if the situation otherwise requires follow up. The person making the complaint ("the complainant") may request confidentiality. The AICP will attempt to honor that request. However, it cannot guarantee confidentiality and will disclose the identity of the complainant if disclosure is needed in order to reach an informed result or otherwise to advance the thoughtful consideration of the complaint. The complaint may be accompanied by a brief cover letter.
- b) The complaint shall identify the Certified Planner against whom the complaint is brought, describe the conduct at issue, cite the relevant provision(s) of the Code of Ethics and Professional Conduct, and explain the reasons that the conduct is thought to violate the Code.
- c) The complaint should be accompanied by all relevant documentation available to the complainant.
- d) The Ethics Officer shall determine whether the complaint contains all information necessary to making a fully informed decision. If the complaint does not contain all such information, the Ethics Officer shall contact the complainant to try to obtain the information.
- e) The Ethics Officer shall maintain, for use by the Ethics Committee, a log of all complaints against Certified Planners.

2. Preliminary Review



- a) The Ethics Officer shall review each complaint, together with any supporting documentation, to make a preliminary determination of whether a violation may have occurred. Before making this determination, the Ethics Officer may request from the complainant any additional information that the Officer deems relevant.
- b) Within thirty (30) days after receiving all information that the Ethics Officer deems necessary to make a preliminary determination, the Ethics Officer shall make a preliminary determination whether a violation may have occurred.
- c) If the preliminary determination of the Ethics Officer is that it is clear that no violation has occurred, the complaint shall be dismissed. The complainant shall be so notified. Appeal of the determination of the Ethics Officer is only available to members of AICP. If the complainant is a member of AICP, the complainant shall have twenty (20) days from the date of notification to appeal the dismissal of the complaint to the Ethics Committee.
- d) If the preliminary determination of the Ethics Officer is that a violation may have occurred — or if, on appeal, the Ethics Committee reverses a preliminary dismissal, the Ethics Officer shall, within thirty (30) days, provide the complaint to the Certified Planner against whom the complaint was made ("the respondent"). The Ethics Officer shall request from the respondent a detailed response to the complaint, and any supporting documentation.

3. Fact Gathering

- a) The respondent shall have thirty (30) days from the date of notification from the Ethics Officer to provide a response to the complaint, as well as any supporting documentation. The Ethics Officer may extend this time, for good cause shown, for a period not to exceed fourteen (14) days.
- b) The Ethics Officer shall provide the response of the respondent to the complainant, and shall give the complainant an opportunity to comment on the response within fourteen (14) days.
- c) If the Ethics Officer determines that additional information is needed from either the complainant or the respondent, the Ethics Officer shall attempt to obtain such information. The parties shall have fifteen (15) days to provide the requested additional information, with up to a fifteen (15) day extension at the discretion of the Ethics Officer if a request is made for additional time.

4. Exploration of Settlement

- a) At any point in the process, the Ethics Officer may, after consultation with the Ethics Committee, attempt to negotiate a settlement of the complaint in accordance with the Code of Ethics and Professional Conduct.



- b) The Ethics Committee shall be notified of — and permitted to comment on — any potential settlement at an early stage. Any settlement must be approved by the Ethics Committee before becoming final. Upon approval by the Ethics Committee, a settlement agreement shall be signed by the respondent and, where appropriate, by the complainant.
- c) If a negotiated settlement is approved by the Ethics Committee and is signed in accordance with paragraph 4-b, the matter will be concluded, and no further action will be taken by AICP.

5. Decision

- a) If neither the Ethics Officer nor the Ethics Committee determines to explore settlement or if the parties are unwilling to engage in settlement discussions or if a settlement is not reached, the Ethics Officer shall, after considering timely input from the parties, issue a written decision on the complaint. The Ethics Officer, at his or her sole discretion, may determine whether a hearing needs to be held. A hearing will be held by telephone or other electronic means unless all parties and the Ethics Officer agree that it should be held in person. The expenses of each party in connection with any hearing, such as transcripts, travel, and attorneys' fees, will be borne by that party.
- b) The Ethics Officer may determine that there is inadequate evidence of an ethics violation and therefore dismiss the complaint. Alternatively, the Ethics Officer may find that there has been an ethics violation. In either situation, the Ethics Officer shall explain the basis for the decision in a written opinion that cites and discusses the relevant provision(s) of the Code of Ethics and Professional Conduct.
- c) If the decision is that there has been a violation, the Ethics Officer shall impose such discipline as that Officer deems appropriate. The discipline may be: (1) a confidential letter of admonition, (2) a public letter of admonition, (3) suspension of AICP membership, or (4) revocation of AICP membership. The Ethics Officer shall explain the basis for the discipline imposed and may attach such conditions, e.g. requirement to get additional ethics training, as the Officer deems just.
- d) The Ethics Officer shall transmit the decision to the Ethics Committee and shall notify the parties of the decision. However, the Ethics Officer may determine not to disclose the remedy to a complainant who is not a member of AICP.

6. Appeal

- a) Only current members of AICP may appeal a determination of the Ethics Officer. Within thirty (30) days after issuance of the written decision of the Ethics Officer, either the AICP complainant or respondent may appeal the decision to the Ethics Committee by filing a timely written notice of appeal with the Ethics Officer.



- b) If an appeal is timely filed, the party filing the appeal shall, within fourteen (14) days, provide the Ethics Officer with a written statement as to the basis for the appeal. The Ethics Officer shall, within ten (10) days, transmit that document to the party against whom the appeal is filed. That party shall have thirty (30) days to provide the Ethics Officer with a written statement of his or her position on the appeal. The Ethics Officer shall transmit all written statements of the parties to the Ethics Committee within ten (10) days after the record is complete.
- c) After receiving any timely filed statements of the parties, the Ethics Committee shall issue a written decision on the appeal. Before issuing a decision, the Ethics Committee, in its sole discretion, may consult with the Ethics Officer. The Ethics Committee may also, in its sole discretion, determine whether to hold a hearing at which the parties may present their positions and answer questions posed by the Committee. A hearing will be held by telephone or other electronic means unless all parties and the Ethics Committee agree that it should be held in person. The expenses of each party in connection with any hearing, such as transcripts, travel, and attorneys' fees, will be borne by that party.
- d) The Ethics Committee may (1) affirm the decision of the Ethics Officer; (2) affirm the decision but impose a different remedy; (3) vacate the decision of the Ethics Officer and return the case to the Ethics Officer for additional investigation, consideration of different Code sections or issues, or any other follow up; or (4) vacate the decision of the Ethics Officer and issue its own decision.
- e) A decision to affirm the decision of the Ethics Officer, to impose a different remedy, or to vacate that decision and to issue the Ethics Committee's own decision shall be final.
- f) If the decision is to return the case to the Ethics Officer for follow up, the Ethics Officer may seek to explore settlement or may issue a decision consistent with the decision of the Ethics Committee. Before issuing such a decision, the Ethics Officer may seek additional input from the parties in a manner and format consistent with the Code of Ethics and Professional Conduct.

7. Effect of Dropping of Charges by Complainant or Resignation by Respondent

- a) If charges are dropped by the complainant, the Ethics Committee may, at its sole discretion, either terminate the ethics proceeding or continue the process without the complainant.
- b) If the respondent resigns from AICP or lets membership lapse after a complaint is filed but before the case is finalized, the Ethics Committee may, at its sole discretion, either terminate the ethics proceeding or continue the process. As in any situation, the Ethics Committee may also determine to file a complaint with the appropriate law enforcement authority if it believes that a violation of law may have occurred.

8. Reporting



- a) Any written decision of the Ethics Committee may, at the discretion of the Committee, be published and titled "Opinion of the AICP Ethics Committee".
- b) Any written decision of the Ethics Officer shall be referenced in the Annual Report of the Ethics Officer.

Section E: Discipline of Members

1. General

AICP members are subject to discipline for certain conduct. This conduct includes (a) conviction of a serious crime as defined in paragraph 3; (b) conviction of other crimes as set forth in paragraph 4; (c) a finding by the Ethics Committee or Ethics Officer that the member has engaged in unethical conduct; (d) loss, suspension, or restriction of state or other governmental professional licensure; (e) failure to make disclosure to AICP of any conviction of a serious crime or adverse professional licensure action; or (f) such other action as the Ethics Committee or the Ethics Officer, in the exercise of reasonable judgment, determines to be inconsistent with the professional responsibilities of a Certified Planner.

2. Forms of Discipline

The discipline available under this Policy includes: (a) a confidential letter of admonition, (b) a public letter of admonition, (c) suspension of AICP membership, or (d) revocation of AICP membership. The Ethics Officer or the Ethics Committee may attach conditions to these disciplinary actions, such as the writing of a letter of apology, the correction of a false statement or statements, the taking of an ethics course, the refunding of money, or any other conditions deemed just in light of the conduct in question.

3. Conviction of a Serious Crime

- a) The membership of a Certified Planner shall be revoked if the Planner has been convicted of a "serious crime". Membership shall be revoked whether the conviction resulted from a plea of guilty or nolo contendere, from a verdict after trial, or otherwise. Membership shall be revoked even if the Planner is appealing a conviction, but it will be reinstated if the conviction is overturned upon appeal.
- b) For purposes of this Policy, the term "serious crime" shall mean any crime that, in the judgment of the Ethics Committee or the Ethics Officer, involves false swearing, misrepresentation, fraud, failure to file income tax returns or to pay tax, deceit, bribery, extortion, misappropriation, theft, or physical harm to another.

4. Conviction of Other Crimes



- a) Discipline may also be imposed if a Certified Planner has been convicted of a crime not included within the definition of "serious crime," including an action determined by the Ethics Committee or the Ethics Officer to be inconsistent with the professional responsibilities of a Certified Planner.
- b) Before any discipline is imposed under this section, the member shall have a right to set forth his or her position in writing to the Ethics Officer. The Ethics Officer shall, in that Officer's sole discretion, determine whether to give the member a hearing. The Ethics Officer shall notify the member of the decision.
- c) A member who has had discipline imposed by the Ethics Officer shall have thirty (30) days from the date of notification of the adverse decision to file an appeal to the Ethics Committee. The member may do so by filing a timely notice of appeal with the Ethics Officer. The notice shall be accompanied by a statement of the basis for the appeal. The Ethics Officer will transmit any appeal and accompanying notice to the Ethics Committee. That Committee shall determine, in its sole discretion, whether to grant a hearing. The Ethics Committee shall, after considering the relevant information, issue a written opinion on the appeal.

5. Unethical Conduct

The forms of discipline set forth in paragraph 2 shall apply to any member who is found to have engaged in unethical conduct in accordance with the procedures established in the Policy on Adjudication of Complaints of Misconduct.

6. Revocation, Suspension, or Restriction of Licensure

- a) The Ethics Committee or Ethics Officer shall impose such discipline as the Committee or Officer regards as just if a state or other governmentally-issued professional license of a Certified Planner has been revoked, suspended, or restricted for any reason relating to improper conduct by the Planner.
- b) Before any discipline is imposed under this section, the provisions of section 4 (b) and (c) shall apply.

7. Duty to Notify Ethics Officer

- a) A member who has been convicted of a serious crime or who has had his or her state or other governmentally-issued professional license revoked, suspended, or restricted for any reason relating to improper conduct by the member shall promptly report the relevant development to the Ethics Officer.



- b) Failure of a member to report that he or she has been convicted of a serious crime or has had a professional license revoked, suspended, or restricted for a reason relating to improper conduct by that member may itself result in discipline of that member.

8. Other Conduct Inconsistent with the Responsibilities of a Certified Planner

- a) The Ethics Officer shall have the right to discipline any member for any conduct not otherwise covered by this Policy that the Officer determines to be inconsistent with the responsibilities of a Certified Planner.
- b) Conduct covered by this section shall include, but not be limited to, a finding in a civil case that the member has engaged in defamation or similar unlawful action, has knowingly infringed the copyright or other intellectual property of another, or has engaged in perjury.
- c) Before any discipline is imposed under this section, the provisions of section 4-b and 4-c shall apply.

9. Petition for Reinstatement

- a) Any Certified Planner whose membership or certification is revoked may petition the Ethics Committee for reinstatement no sooner than five years from the time of revocation. The Ethics Committee shall determine, in its sole discretion, whether to afford the petitioner a hearing and/or whether to seek additional information. The Committee shall determine, in its sole judgment, whether reinstatement is appropriate and what, if any, conditions should be applied to any such reinstatement. The Ethics Officer shall transmit the reinstatement determination to the Planner.
- b) If the Ethics Committee denies the Petition, that Officer shall advise the Planner of the opportunity to file a subsequent petition after twelve (12) months have elapsed from the date of the determination.

10. Publication of Disciplinary Actions

The Ethics Committee, in its sole discretion, may publish the names of members who have had disciplinary action imposed and to state the nature of the discipline that was imposed. The authority to publish shall survive the voluntary or involuntary termination or suspension of AICP membership and certification. The Ethics Committee, in its sole discretion, may also determine not to publish such information or to publish only so much of that information as it deems appropriate.



AICP Code of Ethics and Professional Conduct Draft Glossary

October 2021

Diversity

"Diversity is an inclusive concept which encompasses, but is not limited to, race, ethnicity, class, gender, age, sexuality, ability, educational attainment, spiritual beliefs, creed, culture, tribal affiliation, nationality, immigration status, political beliefs, and veteran status. With greater diversity, we can be more creative, effective, and just, and bring more varied perspectives, experiences, backgrounds, talents, and interests to the practice of planning and to the communities we serve. We recognize that achieving diversity and inclusion is an evolutionary process that requires an ongoing renewal of our commitment."

Source: American Planning Association [*Planning for Equity Policy Guide*](#), Page 6.

"Diversity is the presence of difference within a given setting. The presence of difference in a system aid in greater productivity, problem solving, enriched perspectives, and efficiency."

Source: PAS Memo May/June 2019. [*More and Better: Increasing Diversity, Equity, and Inclusion in Planning*](#). By Kendra L. Smith, PhD. Page 2

Diversity is an inclusive concept which encompasses, but not is not limited to race, ethnicity, class, gender, age, sexuality, ability, educational attainment, spiritual beliefs, creed, culture, tribal affiliation, nationality, immigration status, political beliefs and veteran status. With greater diversity, we can be more creative, effective and just, and bring more varied perspectives, experiences, backgrounds, talents and interests to the practice of planning and to the communities we serve.

Source: APA *Equity, Diversity, and Inclusion Vision, Mission and Strategy*. Updated September 2019.

American Planning Association *Equity, Diversity, and Inclusion Vision Statement*.

Original source: Policy Link. "[The Equity Manifesto](#)." 2019.

Equity

Equity is giving attention to the advantages and disadvantages that exist among groups and individuals, correction of the inequities identified, and provision of access to resources and opportunities needed.



Equity is different from diversity. Diversity invites others in, but equity modifies practices to support inclusion and flourishing. This is why the distinction between diversity and equity is so important. Diversity is largely numbers-driven. It is easier to gauge and apply metrics to. Equity, on the other hand, is largely values-driven.

Source: PAS Memo May/June 2019. [*More and Better: Increasing Diversity, Equity, and Inclusion in Planning*](#). By Kendra L. Smith, Ph.D. Page 2

Equity is "just and fair inclusion into a society in which all can participate, prosper, and reach their full potential. Unlocking the promise of the nation by unleashing the promise in us all." The inclusive, holistic nature of this definition provides the foundation for considering and applying an equity process in all facets of planning, all levels of planning, all means of planning, and in all planning policies, working to eliminate socio-economic disparities.

APA Equity, Diversity, and Inclusion Vision, Mission and Strategy. Updated September 2019.
American Planning Association Equity, Diversity, and Inclusion Vision Statement.

Environmental Injustice

Environmental justice is defined by the U.S. Environmental Protection Agency as "fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies." The movement toward environmental justice was started primarily by people of color and grew from a recognition that the poor and people of color are those who most often live in or near America's most polluted environments.

Source: American Planning Association [*Planning for Equity Policy Guide*](#), Page 8. Injustice is the absence of fair treatment and meaningful involvement.

Source: American Planning Association [*Planning for Equity Policy Guide*](#)

Harassment

According to the EEOC, harassment is unwelcome behavior. It must be relatively severe or pervasive in nature. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment. Most of the unacceptable behaviors noted below are related to the workplace, but planners should make sure that information they communicate on any form of social media respect these norms.

Types of harassment and examples include:

1. Verbal/Written

- Sending emails with offensive jokes or graphics about race or religion



- Repeatedly requesting dates or sexual favors in person or through other forms of communication.
- Asking about family history of illnesses or genetic disorders
- Making derogatory comments about someone's disability or age
- Imitating someone's foreign accent behind their back.
- Posting information on social media of a derogatory nature.

2. Physical

- Lewd hand gestures or other gestures meant to convey curse words
- Unwanted touching of a person or their clothing
- Frequently following or standing too close to a person on purpose
- Making sexually suggestive facial expressions
- Playing music with offensive or degrading language

3. Visual

- Wearing clothing with offensive or vulgar language
- Displaying posters or pictures of a sexual nature
- Showing other people sexually suggestive text messages or emails or social media posts.
- Watching pornographic or violent videos
- Drawing violent or derogatory images

Source: [3 Types Of Workplace Harassment To Watch Out For](#), Everfi.com

Historic Patterns of Inequity

Low-income residents, communities of color, tribal nations, and immigrant communities have disproportionately experienced some of the greatest environmental burdens and related health problems. This inequity is the result of many factors: inappropriate zoning and negligent land use planning; failure to enforce proper zoning or conduct regular inspections; deed restrictions and other discriminatory housing and lending practices; the prioritization of business interests over public health; development patterns that tend to concentrate pollution and environmental hazards in certain communities; and the like.

Source: American Planning Association [Planning for Equity Policy Guide](#), Page 9 in a citation attributed to [SB 1000 Implementation Toolkit: Planning for Healthy Communities](#), which was published in 2017 by PlaceWorks and the California Environmental Justice Alliance.

Historically marginalized/underrepresented communities — Groups denied full participation in the mainstream cultural, political, and economic activities.



Groups and communities that experience discrimination and exclusion (social, political and economic) because of unequal power relationships across economic, political, social and cultural dimensions.

Source: [National Collaborating Center for Determinants of Health](#).

Historically marginalized/underrepresented communities include:

- Cultural minorities
- Ethnic minorities
- Indigenous communities
- Low-income individuals
- LGBTQ+
- People of color
- People with health issues that are unseen
- People with disabilities
- People with limited English ability
- People with various political beliefs
- People with uncertain immigration status
- Prisoners
- Senior citizens

Inclusion

Inclusion "demonstrates an environment in which all individuals are treated fairly and respectfully; are valued for their distinctive skills, experiences, and perspectives; have equal access to resources and opportunities; and can contribute fully to the organization's success."

Source: *APA Equity, Diversity, and Inclusion Vision, Mission and Strategy Updated* September 2019. American Planning Association *Equity, Diversity, and Inclusion Vision Statement*.

Original source: American Library Association. "[Equity, Diversity, Inclusion: An interpretation of the Library Bill of Rights](#)." 2007.

Indigenous Peoples

Indigenous Peoples are distinct social and cultural groups that share collective ancestral ties to the lands and natural resources where they live, occupy or from which they have been displaced. The land and natural resources on which they depend are inextricably linked to their identities, cultures, livelihoods, as well as their physical and spiritual well-being. They often subscribe to their customary leaders and organizations for representation that are distinct or separate from



those of the mainstream society or culture. Many Indigenous Peoples still maintain a language distinct from the official language or languages of the country or region in which they reside.

Source: [World Bank definition](#)

Privilege

A right or benefit that is given to some people and not to others

Source: [Merriam Webster Dictionary](#)

White privilege is an institutional (rather than personal) set of benefits granted to those of us who, by race, resemble the people who dominate the powerful positions in our institutions. One of the primary privileges is that of having greater access to power and resources than people of color do.

Source: [Understanding White Privilege](#) by Francis E. Kendall, Ph.D., © 2002

Social Justice

The goal of social justice is not met when underserved populations shoulder the weight of untenable living conditions, and subsequently experience no material benefit after community improvements are implemented. Instead, social justice requires the examination of both the positive and negative impacts of community improvements on all community members so that all members benefit and no one group or neighborhood is unfairly disadvantaged. This results in "paying it forward," by improving conditions for future residents.

Source: American Planning Association [Planning for Equity Policy Guide](#), Page 5

Substantial Injury

A real and immediate physical injury or a resulting adverse physical condition of a substantial nature to one or more persons.

Source: [Lawinsider.com](#)

The act or practice must cause or be likely to cause substantial injury to consumers. Substantial injury usually involves monetary harm. Monetary harm includes, for example, costs or fees paid by consumers as a result of an unfair practice. 5 An act or practice that causes a small amount of harm to a large number of people may be deemed to cause substantial injury. Actual injury is not required in every case. A significant risk of concrete harm is also sufficient. However, trivial or merely speculative harms are typically insufficient for a finding of substantial injury. Emotional



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impact and other more subjective types of harm also will not ordinarily amount to substantial injury. Nevertheless, in certain circumstances, such as unreasonable debt collection harassment, emotional impacts may amount to or contribute to substantial injury.

Source: Consumer Financial Protection Bureau, [Consumer Laws and Regulations](#), Page 2



AGENDA SUMMARY REPORT

SUBJECT: Planning Commission Educational Workshop, Part 2 of 2: Receive Training and Discuss Topics of Interest with Staff.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development Director; Darcy Vaughn, Assistant City Attorney

ATTACHMENTS:

1. Ukiah DZC- Table 29 Exception Procedures
2. How-to-Prepare-Findings-and-Conditions-of-Approval
3. Ukiah DZC 9231.14 Nonconforming Structures

Summary: Planning Commission will receive training and presentation materials and discuss questions and content with Staff.

Background: This Planning Commission Educational Workshop has been scheduled to afford the opportunity for the Planning Commission to receive information and discuss concepts of note with Staff. It is the second part of a two-part training series to bring Commissioners up to date on relevant policy, procedures, and tools and equip Commissioners with the knowledge and resources to be more effective in their roles. The Part 1 Training Series, presented to the Commission on February 26, 2025, gave an overview of the American Planning Association (APA), including APA's *2025 Trend Report for Planners*, the American Institute for Certified Planners (AICP), Fire Hazard Severity Zone mapping, and other planning topics of interest.

Topics for this April 9 training, which was originally scheduled for June 2024, will include the following:

1. The differences between variances and exceptions, particularly within the Downtown Zoning Code
2. Best Practices for the drafting of Discretionary Permit Findings
3. Nonconforming Structures in the Downtown Zoning Code - definition and overview
4. The role of the Commission for Current and Advanced Planning- similarities and differences

Discussion: As background information and to provide some resources prior to the Commission's workshop, below Staff has described each of the noted topics of interest and included relevant attachments. Additional information and resources may be provided at the workshop.

1. Differences between Variances and Exceptions, Particularly within the Downtown Zoning Code

The Downtown Zoning Code (code) is contained within Division 9, Chapter 2, Article 18 of Ukiah City Code. Ukiah City Code can be accessed at this link: <https://www.codepublishing.com/CA/Ukiah/>. On the left-hand side of the Contents page, navigate to Article 18 by clicking on Division 9 Planning and Development, then clicking Chapter 2 Zoning, and scrolling down to Article 18 in the dropdown menu.

The code notes within Section 9231.7 that *Variances are prohibited within the boundaries of this code. Deviations from the requirements of this code are allowed through an exception as provided for in section 9231.5 of this code.*

Section 9231.5 of the code: *Where this code allows specific requirements to be modified, such modification may be allowed with approval of an exception. Table 29: Exception Procedures, establishes two (2) levels of exceptions, major and minor, and the procedures for the review and processing of exceptions. See Attachment 1 for the Table 29 Exception Procedures.*

Section 9232.3(E) Definitions "E" defines "Exception" as: *A ruling that would permit a practice that is not consistent with a standard of this code. This code distinguishes between major and minor exceptions (see section 9231.5 of this code, Exceptions, and Table 29: Exception Procedures).*

The Downtown Zoning Code does not provide a definition of Variance within Section 9232. However, Variance is defined elsewhere in the City's zoning code- per Division 9, Chapter 2, Article 21, Variance or Variance Permit is defined as: *A permit that grants a minor modification or variation of the strict application of any of the provisions of this chapter when the strict application of any of the provisions of this chapter when the strict application would deprive a property of privileges enjoyed by other property in the same vicinity, district, and zone. Variance definition shall not be construed as to permit those uses not permitted by the zone.*

2. Best Practices for the Drafting of Discretionary Permit Findings

At the March 18, 2022, Planning Commissioners Academy, the League of California Cities presented a session titled "How to Prepare Findings and Conditions of Approval." The PowerPoint slides for this presentation are included as Attachment 2.

3. Nonconforming Structures within the Downtown Zoning Code - Definition and Overview

Regulations pertaining to nonconforming structures in the downtown are contained within Section 9231.14 Nonconforming Structures, included as Attachment 3. This section of the training will provide an overview of this section of the code and relevant examples.

4. The Role of the Commission for Current and Advanced Planning- Similarities and Differences

As noted by the Community Development Director during his Director's Report to the Commission on February 26, 2025, Ukiah Planning Commissions of recent years have primarily exercised their authority through the review and approval/denial of discretionary permit applications, informally referred to as "Current Planning" in the field of professional planning. This section of the training will focus on the similarities and differences between "Advanced (or Long-Term) Planning," which primarily focuses on implementation of the General Plan, and Current Planning. Topics will include roles and responsibilities between Staff and the Commission, how the Commission's role differs from that of the City Council and other boards and commissions, and the relationship the Commission has with the public and City Council.

Recommended Action: Receive training presentation and materials and discuss with Staff.

Table 29: Exception Procedures (1)

Permit Type	Minor Exception	Major Exception
Type	Two (2) or fewer minor exceptions	More than two (2) minor exceptions Exceptions as determined by the Zoning Administrator (5)
Application and Filing Submittal Requirements (2)	Planning permit application form Application fees Detailed plot plan of the subject property and surrounding land uses Elevation drawings Other information deemed necessary by the Planning Director	Planning permit application form Application fees Detailed plot plan of the subject property and surrounding land uses Elevation drawings Other information deemed necessary by the Planning Director
Approval Authority (3)	Zoning Administrator (1)	Planning Commission
Public Notice	As prescribed by subsection 9264B of this code	As prescribed by subsection 9264B of this code
Findings for Grant of Permit (4)	The request is consistent with the intent of this code and the Ukiah General Plan The project is compatible with the neighborhood and design intent of this code The project provides appropriate connections, transitions, and relationships between buildings and the street, adjacent properties and one another The project provides adequate and appropriate pedestrian facilities and connections The project would not impair the desirability of investment, employment, or residence in the neighborhood The project is not detrimental to the public's health, safety and general welfare Special circumstances or conditions apply to the site, building, improvement or use, such as the preservation of natural resources (creek, tree preservation), providing enhanced pedestrian facilities or enhanced outdoor areas (outdoor seating, enhanced landscaped areas)	The request is consistent with the intent of this code and the Ukiah General Plan The project is compatible with the neighborhood and design intent of this code The project provides appropriate connections, transitions, and relationships between buildings and the street, adjacent properties and one another The project provides adequate and appropriate pedestrian facilities and connections The project would not impair the desirability of investment, employment, or residence in the neighborhood The project is not detrimental to the public's health, safety and general welfare Special circumstances or conditions apply to the site, building, improvement or use, such as the preservation of natural resources (creek, tree preservation), providing enhanced pedestrian facilities or enhanced outdoor areas (outdoor seating, enhanced landscaped areas)
Appeal	As prescribed by section 9266 of this code	As prescribed by section 9266 of this code
Effective Date	As prescribed by subsection 9264F of this code	As prescribed by subsection 9264F of this code

Table 29: Exception Procedures (1)

Permit Type	Minor Exception	Major Exception
Expiration/Revocation	As prescribed by subsection 9264G of this code	As prescribed by subsection 9264G of this code
Renewal	As prescribed by subsection 9264H of this code	As prescribed by subsection 9264H of this code
California Environmental Quality Act (CEQA)	Planning Director shall determine the type of environmental review required or if the application is exempt from CEQA	Planning Director shall determine the type of environmental review required or if the application is exempt from CEQA
1. Applications for multiple permits are subject to the requirements of section 9231.10 of this code, Concurrent Permits. 2. Submittal requirements for an exception depend on the standard (building, site, architectural, tree) from which the exception is requested. 3. Any exception application reviewed by the Zoning Administrator or the Planning Commission may be approved, conditionally approved, or denied. 4. Approval authority has made all applicable findings based on project plans and the documentation provided as part of the application and said findings are not vague and conclusionary. The findings shall be sufficiently detailed to apprise a reviewing court of the basis for the action by bridging the gap. 5. The Zoning Administrator may refer any application to the Planning Commission for public hearing and decision.		

(Ord. 1139, §2 (Exh. A, 12.180), adopted 2012)

HOW TO PREPARE FINDINGS AND CONDITIONS OF APPROVAL

League of California Cities
Planning Commissioners Academy
March 17, 2022

Moderator: Joel Rojas

Development Services Director, San Juan Capistrano
Immediate Past President, Planning and Community Development Department CalCities

Speaker:

Patricia Curtin
Land Use and Public Agency Lawyer, Wendel Rosen LLP
Former Planning Commissioner, Lafayette

FINDINGS

- Findings explain how a city processed evidence presented in reaching a decision.
- Documenting the city's thought process.
- “Bridge the gap” between the evidence and ultimate decision.



PURPOSE OF FINDINGS

- Provides a framework for making decisions, thereby enhancing the integrity of the process and promotes transparency
- Facilitates orderly analysis and reducing the likelihood the city will leap randomly from evidence to conclusions
- Serves a public relations function by demonstrating that decision-making is careful, reasoned, and equitable
- Enables the parties to determine whether and on what basis they should seek judicial review and remedies
- Apprises the reviewing court of the basis for the city's decisions. See *Topanga Ass'n for a Scenic Community v. Central Los Angeles*, 11 Cal.3d 506 (1974)

WHEN ARE FINDINGS NECESSARY?

- Decisions made in a nonlegislative/adjudicatory role (variances, use permits, subdivision maps, design proposals).
- Not **required** for legislative acts (general plan adoption, rezoning) unless required by state law or local ordinance.
- State law requires specific findings when reducing number of housing units or not approving a housing project.
- Imposing conditions/fees or requiring dedication to development. Must demonstrate the condition has a “rough functionality” to the development’s impact.

FORM

- Provide written findings. Generally in or attached to the resolution approving/denying the project.
- Conclusory findings are not adequate. Need to explain how the agency derived at its decision.
- Use the word “because” - “The proposed project subject to the use permit is consistent with the General Plan because . . . ”.
- Tie the findings to requirements in the city’s plans, standards and/or codes.

IMPORTANT TO MAKE A CLEAR RECORD

The Planning Commission's decision is based on, but is not limited to:

- The **Environmental Impact Report (EIR)** and the appendices and technical reports cited in and/or relied upon in the EIR.
- The **staff reports**, City files and records and other documents, prepared for and/or submitted to the City relating to the EIR, and the Project.
- The evidence, facts, findings and other determinations set forth in this **resolution**.
- The **General Plan** and its related EIR, and the Municipal Code.
- All **designs, plans, studies, data and correspondence** submitted to the City in connection with the EIR and/or the Project.
- All documentary and oral **evidence received at public meetings**, and hearings or submitted to the City during the comment period relating to the EIR and/or Project.
- All **other matters of common knowledge to the City**, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

SAMPLE FINDINGS

General Plan Consistency Findings.

No. 1 -

- **Poor Example** - The proposed single family project of 12 units is consistent with the General Plan land use designation.
- **Good Example**- The proposed project is consistent with the General Plan land use designation of Residential because the proposed project (2 acre site) includes 10 units which is within the density range allowed by the Residential designation (0-6 units/gross acre) that is identified for the site.

NO. 2 -

- **Poor Example** The proposed rezoning to light industrial is consistent with all applicable General Plan policies.
- **Good Example** – Re-designating the site from business/office to light industrial is consistent with the General Plan because it is consistent with the following applicable General Plan policies:
 - 2.1.1 - Promote a combination of employment and residential uses that provide both jobs and housing for the City’s residents.
 - 2.1.4 - Promote the placement of the most intensive non-residential development (Light Industrial) in the Planning Area as defined in Figure 2-3.

- 2.4.1 - The City does not support or accommodate general Heavy Industrial uses. The City does allow and encourage Light Industrial and uses in appropriate locations.
- 2.4.3 - Ensure there is adequate land available to accommodate industrial development.
- 5.1.3 - Actively recruit businesses and industries that are compatible with the General Plan's land use and implementation goals and policies.

SITE DEVELOPMENT PLAN FINDINGS

No. 1 -

- **Poor Example** - Streets and pedestrian facilities are adequate to carry the traffic expected to be generated by the SDP.
- **Good Example** - Streets and pedestrian facilities are adequate to carry the quantity and type of traffic expected to be generated by the SDP *because* the existing streets will be improved as required by condition of approval no. 10 that requires the widening of the street to four lanes with a separate sidewalk along the eastern side of the street. These modifications to the street widths will carry traffic safely in and out of the site as explained at page 17 of the traffic report attached to the Staff Report. Furthermore, the proposed landscape buffer and meandering sidewalk will provide a connection between neighborhoods allowing for pedestrians to walk safely within and around the neighborhood.

NO. 2 -

- **Poor Example** - The site is physically suitable for the type and density/intensity of development being proposed.
- **Good Example** - The site is physically suitable for the type and density/intensity of development being proposed because the proposed development is similar in size and intensity to the residential development surrounding the site. The proposed development allows 10,000 sq. ft. lots with 1 dwelling unit and the surrounding existing development consists of 10,000-12,000 sq. ft. lots with 1 dwelling unit.

NO. 3 -

- **Poor Example** - The proposed planned unit development (PUD) would produce a development of superior quality than might otherwise occur under the standard zoning designation of R-5.
- **Good Example** - The proposed PUD would produce a comprehensive development of superior quality than might otherwise occur from the strict application of the zoning standards requiring single family homes on 5,000 sq. ft. lots *because* the proposed development clusters density at the center of the site allowing for more open space at the perimeter, thereby preserving the visual character along Main Street. In addition, the project proposal includes varied types of housing, one and two story and duplexes. This development provides an opportunity for single, elderly and first time homeowners to locate in the city. In addition, the project provides five acres of public open space with picnic facilities and bathrooms and seven miles of walking trails along the perimeter of the development.

Housing Accountability Act (“Anti-NIMBY Law”) (Gov. Code § 65589.5)

Adopted in 1982 in response to the housing crisis.

Amended over the years and most recently in 2019 (SB 330 – Housing Crisis Act).

Precludes denial of a housing project or reducing its density if it complies with “applicable, objective general plan and zoning standards and criteria, including design review standards,” without making specific written findings based on a preponderance of the evidence, even if the project does not include affordable housing. Sect. 65589.5(j)

Can only deny housing project if:

A) Project would have a specific, adverse impact on public health or safety.

A “specific adverse impact” means a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions in existence on date application was deemed complete.

B) There is no feasible way to satisfactorily mitigate or avoid the adverse impact other than disapproving the project or lowering its density.

AFFORDABLE HOUSING PROJECTS

A City shall not disapprove an affordable project, or condition approval in a manner that renders the housing development project infeasible for development of the affordable units, unless it makes written findings, based upon a preponderance of the evidence in the record.

CAN ONLY DENY AN AFFORDABLE HOUSING PROJECT IF:

- The City has adopted a housing element in accordance with Government Code § 65588, is in substantial compliance with the Housing Element law, and the City has met or exceeded its share of the regional housing need of the income category proposed for the housing project.
- The project would have a specific adverse impact upon the public health or safety that cannot be satisfactorily mitigate without rendering the housing development project unaffordable, or development of the emergency shelter financially infeasible; inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon public health or safety.

- The denial of the project or imposition of conditions is required in order to comply with state or federal law (e.g., CEQA), and there is no feasible method to comply without rendering the housing development project unaffordable.
- The project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agriculture or preservation purposes, or the site does not have an adequate water or wastewater facility to serve the project.
- The project is inconsistent with both the city's zoning ordinance and general plan land use designation as specified in the general plan as it existed on the date the application was deemed complete, and the city had adopted a revised housing element in accordance with §65588 that is in substantial compliance with the Housing Element law.

CONDITIONS OF APPROVAL



WHAT ARE CONDITIONS OF APPROVAL?

- Requirements placed on discretionary projects (use permits, development plans, etc.)
- Must be consistent with federal, state and local laws
- Detail the requirements for implementing the approved project

WHO PREPARES CONDITIONS OF APPROVAL?

- Planning staff in coordination with other City departments
- Applicant may have input to ensure conditions of approval are feasible to implement
- Most agencies have standard conditions of approval that are provided to the applicant early in the review process
- Decisionmakers may also add conditions during the hearing process

WHO, WHAT, WHEN, WHY AND HOW

- **Who** is responsible for reviewing and approving (local agency)?
- **What** is the condition trying to implement ?
- **When** will it be implemented (e.g., timing, triggers)?
- **Why** is the condition needed (end result)?
- **How** will compliance be demonstrated (plans, agreement, etc.)?

GOOD EXAMPLE

- Prior to the issuance of the first building permit **[when]** the applicant shall design and submit for review plans for a pedestrian access corridor between Blocks F and G **[what]**. Approval of the access corridor shall provide connectivity between the Plaza District (Block F) and Central Park (Block G) **[why]**. The corridor shall be consistent with the design of the Plaza District mixed use concept, be well lit and include appropriate site amenities as set forth in the Plaza District Master Plan in Section 3 **[how]**. Prior to the submittal of construction documents, the applicant shall obtain approval of the design by the Zoning Administrator **[who]**.

SAMPLE COA #1

WHAT IS MISSING...?

- The applicant shall submit a residential parking plan designating portions of the common area parking for exclusive use by Phase 2 residents. The plan shall specify parking allocations by unit and any restrictions necessary to preserve the parking rights established for individual residential units.
- Missing “when” and “who.”

REVISED CONDITION

- Prior to issuance of a building permit [**when**], the applicant shall submit a residential parking plan [**how**] designating portions of the common area parking for exclusive use by the Phase 2 residents [**why**], for review and approval of the Zoning Administrator [**who**]. The plan shall specify parking allocations by unit and any restrictions necessary to preserve the parking rights established for individual residential unit [**what**].

SAMPLE COA #2 WHAT IS MISSING...?

- A landscaping and irrigation plan for all areas shown on the site plan shall be prepared. The landscaping plan shall include the project's frontage and side yards.

REVISED CONDITION

- The applicant shall prepare a landscaping and irrigation plan for all areas shown on the site plan for review and approval of the Community Development Director **[who]** prior to the issuance of the first building permit **[when]**. The landscaping plan shall include the frontage and side yards **[what]**, conform to the City's Water Efficient Landscape Ordinance, the Guidelines for Implementation of the City Water Efficient Landscape Ordinance **[why]** and shall be installed prior to final occupancy. The plan shall be prepared by a licensed landscape architect and shall be certified to be in compliance with the City's Water Conservation Ordinance **[what]**.

SAMPLE COA #3

WHAT IS MISSING...?

- Public art shall be designed and located at the entry of the project so that it can be viewed by the public at large.

REVISED CONDITION

- Prior to recordation of the final map **[when]**, the applicant shall submit a plan **[what]** for review and approval of the Zoning Administrator **[who]** showing the design and location of the public art piece. The design shall preserve the character and integrity of the historic Main Street bridge **[why]**. The art shall be located in such a manner that it is visible from the intersection of Main Street/Maple Avenue and shall not be obstructed by landscaping **[how]**.

SAMPLE COA #4

WHAT IS MISSING...?

- Prior to building permit issuance, the applicant shall revise the project plans to demonstrate a reduced breezeway width between the existing garage and the proposed garage.

REVISED CONDITION

- Prior to building permit issuance [**when**], the applicant shall submit for review and approval of the Zoning Administrator [**who**] revisions to the project plans [**how**], date-stamped “Received April 3, 2014”, reducing the breezeway width to 5 feet between the existing garage and the proposed garage [**what**] to ensure architectural compatibility with the existing home [**why**].

SAMPLE COA #5

WHAT IS MISSING...?

- Applicant shall investigate the historical landslide area located on the property and ensure proposed improvements will not cause any landslide risk. Applicant will be responsible for implementation of any necessary mitigation measures.

REVISED CONDITION

- Prior to issuance of the final map **[when]**, applicant shall contract with a licensed Geotechnical Engineer to investigate the historical landslide area located on the property **[how]** and ensure proposed improvements will not cause any landslide risk to the property or surrounding properties **[why]**. The geotechnical findings and remediation recommendations **[what]** shall be submitted for review and approval of the City Engineer **[who]**. The applicant will be responsible for implementation of any mitigation measures as outlined by the geotechnical engineer to ensure long term stability of the site.

CONTACT INFORMATION

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Thank you!

9231.14 NONCONFORMING STRUCTURES

A. Continued, Transferred, or Sold: Nonconforming structures may be continued, transferred, or sold, but only in compliance with the provisions of this section.

B. Nonconforming Structures and Involuntary Damage: Nonconforming status shall terminate if a nonconforming structure is involuntarily damaged or destroyed by accident (e.g., fire, explosion, etc.) or natural disaster (e.g., earthquake, etc.); provided, that the structure may be repaired or reoccupied in the following manner:

1. Damage Up to Fifty Percent (50%) of Market Value:

A nonconforming structure involuntarily damaged up to fifty percent (50%) of its current market value (as defined by subsection D of this section) may be reconstructed, repaired, restored, and used as before; provided, that the restoration is initiated (as defined in subsection D of this section) within twelve (12) months, and is substantially completed within twenty-four (24) months from the date of application for the required building permit.

a. Process for Reconstruction, Repair, Restoration:

(1) The applicant provides documentation, satisfactory to the Planning Director, supporting the claim that the damage or destruction occurred involuntarily;

(2) No expansion of the gross floor area or number of dwelling units occurs;

(3) The replacement structure is in compliance with the current building code and would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the immediate vicinity of the replacement structure;

(4) A building permit is issued no later than twelve (12) months after the date of the destruction, and construction is diligently pursued to completion.

If the preceding requirements are not met, the replacement structure shall comply with all of the regulations of the applicable zoning district in effect on the date of application for the required building permit.

2. Damage to Fifty Percent (50%) or More of Market Value:

A nonconforming structure involuntarily damaged to fifty percent (50%) or more of its current market value (as defined in subsection D of this section) shall not be reconstructed, repaired, or restored, except in conformity with the applicable requirements of the applicable zoning district.

C. Nonconforming Structures and Voluntary Repair and Maintenance: The ordinary and normal repair and maintenance work that may be required to keep a nonconforming structure in sound condition may be made in compliance with this

subsection. A nonconforming structure may undergo ordinary repair and maintenance only in the following manner:

1. Minor Repair: Minor normal repair and maintenance may be made to a nonconforming structure:

a. Provided, that no structural alterations are made (exception: see section 9231.16 of this code), and the work does not exceed fifty percent (50%) of the current market value of the structure during any calendar year;

b. For the purposes of this subsection the cost of any required foundation work shall not be counted within the fifty percent (50%) limitation.

2. Major Repair: Major repair to a nonconforming structure, when the cost of repairing or replacing the damaged portion of the structure exceeds fifty percent (50%) of the current market value of the structure before damage or destruction, may occur with Planning Commission approval of a major use permit; provided, that the Commission first determines that the major repairs are necessary to correct hazards to public health or safety.

3. Other Voluntary Modifications: The reconstruction or structural alteration of a nonconforming structure may be allowed with Zoning Administrator approval of a minor use permit; provided, that the review authority first determines that the modification is necessary to secure added safety or to reduce the fire hazard and/or to secure aesthetic advantages through the alignment, architecture, or closer conformity to surrounding allowed structures in the immediate neighborhood, and only in compliance with subsections C1 and C2 of this section.

D. Definitions:

1. Restoration Is Initiated: As used in this subsection, “restoration is initiated” requires that, at a minimum, a complete building permit application has been filed.

2. Current Market Value:

a. As used in this subsection, “current market value” is the market value of the structure immediately before the occurrence of the damage.

b. For the purposes of administering the provisions of this subsection, the applicant shall submit an appraisal from a licensed appraiser and the City’s Building Official shall verify the appraiser’s determination of the current market value of the damaged structure, which determination shall be final unless appealed in compliance with section 9266 of this code. (Ord. 1139, §2 (Exh. A, 12.140), adopted 2012)