



MEMORANDUM – ACLUP COMPATIBILITY REVIEW

**ALUC_2018-0006
OCTOBER 18, 2018**

OWNER: JOE THOMAS
PO BOX 171
UKIAH, CA 95482

APPLICANT/AGENT: KYLE GREENHALGH
2580 SIERRA BLVD, #E
SACRAMENTO, CA 95825

REQUEST: Mendocino County Airport Comprehensive Land Use Plan Consistency Determination for a proposed cannabis microbusiness that would include distribution, dispensary/retail, manufacturing, and processing of recreational and medicinal products within an existing 2,480 sf building. The applicant also proposes 5,081 sf of landscaping, street trees, and a 6-foot tubular steel security fence around the site perimeter.

AIRPORT ZONE: A*

LOCATION: In the City of Ukiah, lying on the west side of Cunningham St., at its intersection with Talmage Rd., located at 1076 Cunningham St., Ukiah (APN: 003-140-52).

PROJECT DESCRIPTION: The applicant proposes a cannabis microbusiness that would include distribution, dispensary/retail, manufacturing, and processing of recreational and medicinal products within an existing 2,480 sq. ft. building. The existing building footprint would not be expanded. Ancillary parking has been proposed for 13 parking spaces within a 4,237 sq. ft. parking lot, and curb and sidewalk improvements and accessibility upgrades are also proposed. The proposed project includes building and parking lot lighting, which would be down shielded, and signage. The applicant has also proposed 5,081 sq. ft. of landscaping, street trees, and a 6 ft. tubular steel security fence around the site perimeter.

ACLUP CONSISTENCY REVIEW: The entire project site is located in Airport Zone A*. Per Section 6.1 of the Airport Comprehensive Land Use Plan (ACLUP), the asterisk identifies lands that are currently not under airport ownership. However, it is the intention of the City of Ukiah to provide long-term control of the land uses within these areas by either acquiring the property in fee or obtaining approach protection easements restricting the type and density of land uses permitted. For the purpose of the Airport Land Use Commission (ALUC) to make a compatibility determination for the Heritage Mendocino project, the compatibility criteria for Airport Zone A would apply. Areas located in Airport Zone A are within the runway protection zone or within the building restriction line with high impact risk and high noise levels.

The Compatibility Guidelines for Specific Land Uses (Appendix D of the ACLUP) lists all commercial and industrial uses as incompatible in Airport Zone A. Also, the project does not appear compatible with the Zone A criteria outlined in Table 2A of the ACLUP. Table 2A (page 2-6 of the ACLUP) identifies assemblages of people and all structures — except ones with location set by aeronautical function — as prohibited uses. However, the project involves the *reuse* of an existing structure that was erected in the 1950's. Examples of normally acceptable uses in this zone are aircraft tie-down aprons, pastures, field crops, vineyards, and automobile parking. The purpose and intent of Zone A is to keep those parcels clear of obstructions and limit the number of people exposed to high risk airplane collision hazards.

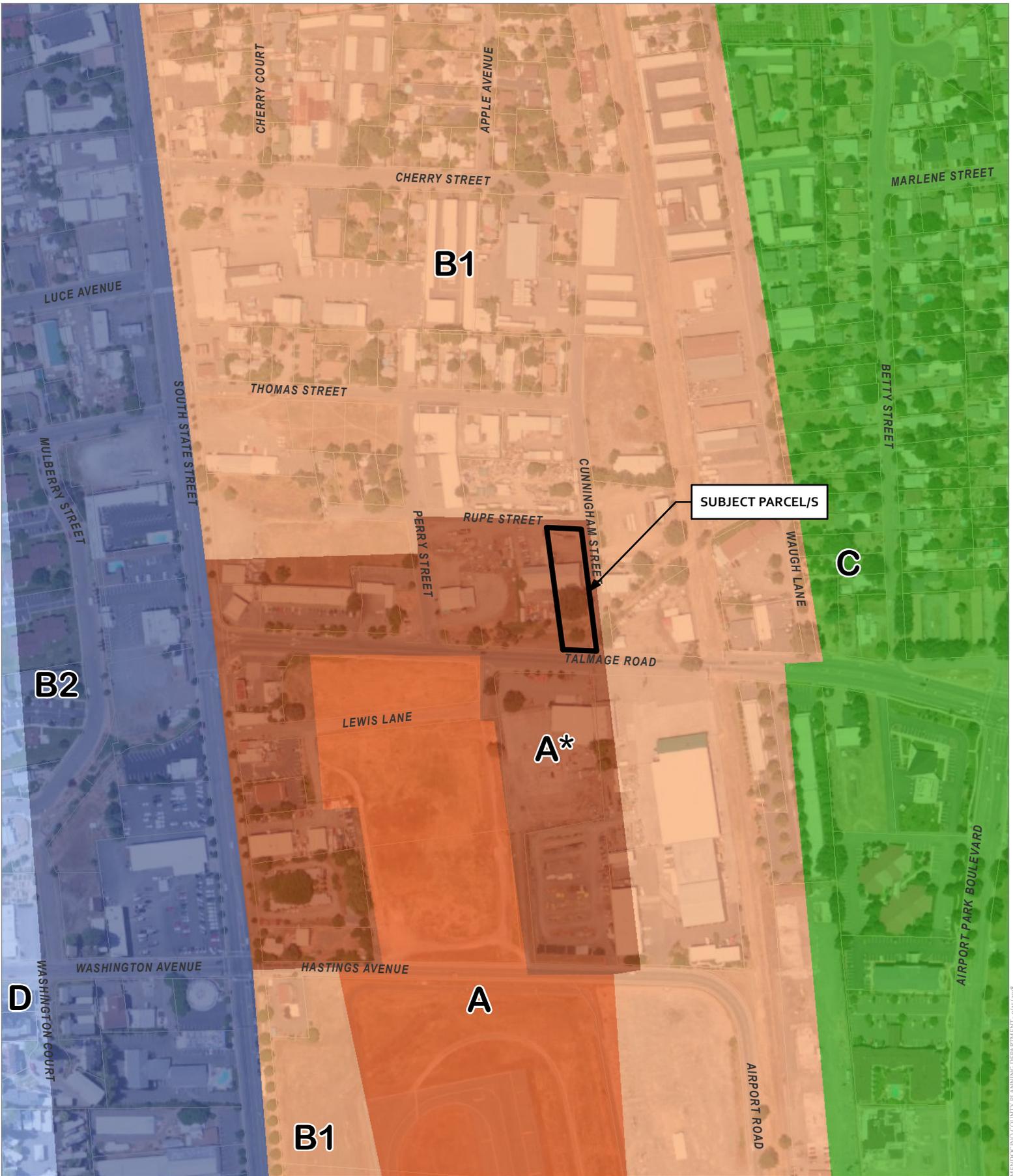
Density: The calculations provided in the City staff report, dated September 7, 2018, indicate a maximum allowable density for the project site at 6 persons per acre (0.56 acres x 10 persons/acre = 5.6 ≈ 6 persons maximum density on site at one time). For determining concentrations of people for the proposed

project, the City report partially discusses the maximum occupancy of the existing building utilizing the Uniform Building Code method (see Appendix C, Page C-1). The report notes the maximum building occupancy for the existing building is 30 persons. Incorporating the 50% reduction guideline as noted in Appendix C of the ACLUP, this would result in a project density of 15 persons per acre. However, the City report does not use this figure. Instead, the report arrives at an *anticipated* maximum site density for the project based on applicant testimony and historical uses.

STAFF RECOMMENDATION: Based on the discussion above, the project does not appear consistent with the ACLUP. However, the ALUC has final discretion to make compatibility determinations on a case-by-case basis.

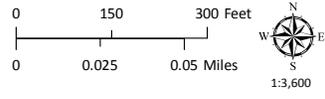
Attachments:

- A) Airport Compatibility Zones
- B) ACLUP Appendix D
- C) ACLUP Compatibility Criteria Table 2A
- D) Appendix C



CASE: ALUC 2018-0006
 OWNER: JBT Investments, LLC
 APN: 003-140-52
 APLCT: Heritage Mendocino
 AGENT:
 ADDRESS: 150 Perry Street, Ukiah

Public Roads



AIRPORT ZONES

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

MENDOCINO COUNTY PLANNING DEPARTMENT - 9/25/2018

Compatibility Guidelines for Specific Land Uses

The compatibility evaluations listed below for specific types of land uses can be used by local jurisdictions as guidelines in implementation of the general compatibility criteria listed in Table 2A. These evaluations are not regarded as adopted policies or criteria of the Mendocino County Airport Land Use Commission. In case of any conflicts between these evaluations of specific land uses and the policies and criteria in Chapter 2 of this document, the contents of Chapter 2 shall prevail.

Land Use	Compatibility Zones			
	A	B1/B2	C	D
<i>Agricultural Uses</i>				
Truck and Specialty Crops	0	+	+	+
Field Crops	0	+	+	+
Pasture and Rangeland	0	+	+	+
Orchard and Vineyards	-	+	+	+
Dry Farm and Grain	0	+	+	+
Tree Farms, Landscape Nurseries and Greenhouses	-	0	+	+
Fish Farms	-	0	+	+
Feed Lots and Stockyards	-	0	+	+
Poultry Farms	-	0	+	+
Dairy Farms	-	0	+	+
<i>Natural Uses</i>				
Fish and Game Preserves	0	0	0	0
Land Preserves and Open Space	0	+	+	+
Flood and Geological Hazard Areas	0	+	+	+
Waterways: Rivers, Creeks, Canals, Wetlands, Bays, Lakes	0	0	0	+

-
- Incompatible
 - 0 Potentially compatible with restrictions
 - + Compatible

Land Use	Compatibility Zones			
	A	B1/B2	C	D
Residential and Institutional				
Rural Residential - 10 acres or more	—	0	+	+
Low Density Residential - 2 to 10 acre lots	—	0/+	+	+
Single Family Residential - lots under 2 acres	—	—	0	+
Multi Family Residential	—	—	0	+
Mobile Home Parks	—	—	0	+
Schools, Colleges and Universities	—	—	—	+
Day Care Centers	—	—	0	+
Hospitals and Residential Care Facilities	—	—	—	+
Recreational				
Golf Course	0	+	+	+
Parks - low intensity; no group activities	0	+	+	+
Playgrounds and Picnic Areas	—	0	+	+
Athletic Fields	—	0	+	+
Riding Stables	—	0	+	+
Marinas and Water Recreation	—	0	+	+
Health Clubs and Spas	—	—	0	+
Tennis Courts	—	0	+	+
Swimming Pools	—	0	0	+
Fairgrounds and Race Tracks	—	—	—	+
Resorts and Group Camps	—	—	0	+
Industrial				
Research and Development Laboratories	—	0	+	+
Warehouses and Distribution Facilities	—	0	+	+
Manufacturing and Assembly	—	0	0	+
Cooperage and Bottling Plants	—	0	+	+
Printing, Publishing and Allied Services	—	0	+	+
Chemical, Rubber and Plastic Products	—	—	0	+
Food Processing	—	—	0	+

-
- Incompatible
 - 0 Potentially compatible with restrictions
 - + Compatible

Land Use	Compatibility Zones			
	A	B1/B2	C	D
Commercial Uses				
Large Shopping Malls (500,000+sq.ft.)	-	-	0	+
Retail Stores (one story)	-	0	0	+
Retail Stores (two story)	-	-	0	+
Restaurants and Drinking Establishments	-	0	0	+
Auto and Marine Services	-	0	+	+
Building Materials, Hardware and Heavy Equipment	-	0	+	+
Office Buildings (one story)	-	0	+	+
Multiple-story Retail, Office, and Financial	-	-	0	+
Banks and Financial Institutions	-	0	+	+
Repair Services	-	0	+	+
Gas Stations	-	0	+	+
Government Services/Public Buildings	-	0	+	+
Motels (one story)	-	0	0	+
Hotels and Motels (two story)	-	-	0	+
Theaters, Auditoriums, and Assembly Halls	-	-	0	+
Outdoor Theaters	-	-	0	+
Memorial Parks/Cemeteries	-	+	+	+
Truck Terminals	-	+	+	+
Transportation, Communications, and Utilities				
Automobile Parking	0	+	+	+
Highway & Street Right-of-ways	0	+	+	+
Railroad and Public Transit Facilities	0	+	+	+
Taxi, Bus & Train Terminals	-	0	+	+
Reservoirs	-	0	0	+
Power Lines	-	0	0	+
Water Treatment Facilities	-	0	+	+
Sewage Treatment and Disposal Facilities	-	0	0	+
Electrical Substations	-	0	0	+
Power Plants	-	-	0	+
Sanitary Landfills	-	-	-	0

-
- Incompatible
 - 0 Potentially compatible with restrictions
 - + Compatible

**Table 2A
Compatibility Criteria
Mendocino County Airport Land Use Commission**

Zone	Location	Impact Elements	Maximum Densities		Open Land ³
			Residential ¹	Other Uses (people/ac) ²	
A	Runway Protection Zone or within Building Restriction Line	<ul style="list-style-type: none"> High Risk High noise levels 	0	10	All Remaining Required
B1	Approach/Departure Zone and Adjacent to Runway	<ul style="list-style-type: none"> Substantial risk - aircraft commonly below 400 ft. AGL or within 1,000 ft. of runway Substantial noise 	10 acres	60	30% Required
B2	Extended Approach/Departure Zone	<ul style="list-style-type: none"> Moderate risk - aircraft commonly below 800 ft. AGL Significant noise 	2 acres	60	30% Recommended
C	Common Traffic Pattern	<ul style="list-style-type: none"> Limited risk - aircraft at or below 1,000 ft. AGL Frequent noise intrusion 	15 units per acre	150	15% Recommended
D	Other Airport Environs	<ul style="list-style-type: none"> Negligible risk Potential for annoyance from overflights 	No Limit	No Limit	No Requirement

Zone	Additional Criteria		Examples	
	Prohibited Uses ¹	Other Development Conditions	Normally Acceptable Uses ¹	Uses Not Normally Acceptable ¹
A	<ul style="list-style-type: none"> All structures except ones with location set by aeronautical function Assemblages of people Objects exceeding FAR Part 77 height limits Hazards to flight⁶ 	<ul style="list-style-type: none"> Dedication of avigation easement 	<ul style="list-style-type: none"> Aircraft tiedown apron Pastures, field crops, vineyards Automobile parking 	<ul style="list-style-type: none"> Heavy poles, signs, large trees, etc.
B1 and B2	<ul style="list-style-type: none"> Schools, day care centers, libraries Hospitals, nursing homes Highly noise-sensitive uses (e.g. amphitheaters) Storage of highly flammable materials⁶ Hazards to flight⁶ 	<ul style="list-style-type: none"> Locate structures maximum distance from extended runway centerline Dedication of avigation easement 	<ul style="list-style-type: none"> Uses in Zone A Single-story offices Single-family homes on an existing lot Low-intensity retail, office, etc. Low-intensity manufacturing Food processing 	<ul style="list-style-type: none"> Residential subdivisions Intensive retail uses Intensive manufacturing or food processing uses Multiple story offices Hotels and motels Multi-family residential
C	<ul style="list-style-type: none"> Schools Hospitals, nursing homes⁵ Hazards to flight⁶ 	<ul style="list-style-type: none"> Dedication of overflight easement for residential uses 	<ul style="list-style-type: none"> Uses in Zone B Parks, playgrounds Two-story motels Residential subdivisions Intensive retail uses Intensive manufacturing or food processing uses Multi-family residential 	<ul style="list-style-type: none"> Large shopping malls Theaters, auditoriums Large sports stadiums Hi-rise office buildings
D	<ul style="list-style-type: none"> Hazards to flight⁶ 	<ul style="list-style-type: none"> Deed notice required for residential development 	<ul style="list-style-type: none"> All except ones hazardous to flight 	

Table 2A Continued
Compatibility Criteria
Mendocino County Airport Land Use Commission

NOTES

- 1 Residential parcels should not be smaller than the indicated size nor have more than the indicated number of units per acre. Maximum densities expressed in acres are gross acres; those expressed in units per acre are net acres.
- 2 The land use should not attract more than the indicated number of people per acre at any time. This figure should include all individuals who may be on the property (e.g., employees, customers/visitors, etc.). These densities are intended as general planning guidelines to aid in determining the acceptability of proposed land uses. Special short-term events related to aviation (e.g., air shows), as well as non-aviation special events, are exempt from the maximum density criteria.
- 3 Open land requirements are intended to be applied with respect to the entire zone. This is typically accomplished as part of the community's master plan or a specific plan.
- 4 These uses typically can be designed to meet the density requirements and other development conditions listed.
- 5 These uses typically do not meet the density and other development conditions listed. They should be allowed only if a major community objective is served by their location in this zone and no feasible alternative location exists.
- 6 See Policy Section 3.3.
- 7 May be modified by airport-specific policies.
- 8 In those portions of the B Zones located lateral to the runway, no restrictions on the storage of flammables apply. Within the balance of the B1 and B2 Zones, up to 2,000 gallons of fuel or flammables is allowed per parcel. More than 2,000 gallons of fuel or flammables per parcel within the balance of the B1 and B2 Zones requires the review and approval by the ALUC. See Appendix G for a diagram of typical area lateral to the runway.
- 9 Refer to Policy 3.2.3. for definitions which distinguish between hospitals and medical clinics.

Methods for Determining Concentrations of People

One criterion used in the *Airport Land Use Compatibility Plan* is the maximum number of people per acre that can be present in a given area at any one time. If a proposed use exceeds the maximum density, it will be considered inconsistent with ALUC policies. This appendix provides some guidance on how to make the people-per-acre determination.

The most difficult part of making a people-per-acre determination is estimating the number of people likely to use a particular facility. There are several methods that can be utilized, depending upon the nature of the proposed use:

- **Parking Ordinance** — The number of people present in a given area can be calculated based upon the number of parking spaces provided. Some assumption regarding the number of people per vehicle needs to be developed to calculate the number of people on-site. The number of people per acre can then be calculated by dividing the number of people on-site by the size of the parcel in acres. This approach is appropriate where the use is expected to be dependent upon access by vehicles.
- **Maximum Occupancy** — The Uniform Building Code can be used as a standard for determining the maximum occupancy of certain uses. The chart provided as Exhibit A is taken from the 1976 edition of the UBC (Table 33-A) and indicates the required number of square feet per occupant. The number of people on the site can be calculated by dividing the total floor area of a proposed use by the minimum square feet per occupant requirement listed in the table. The maximum occupancy can then be divided by the size of the parcel in acres to determine the people per acre.

Surveys of actual occupancy levels conducted by the City of Sacramento have indicated that many retail and office uses are generally occupied at 50% of their maximum occupancy levels, even at the busiest times of day. Therefore, the number of people calculated for office and retail uses should be adjusted (50%) to reflect the actual occupancy levels before making the final people-per-acre determination.

- **Survey of Similar Uses** — Certain uses may require an estimate based upon a survey of similar uses. This approach is more difficult, but is appropriate for uses which, because of the nature of the use, cannot be reasonably estimated based upon parking or square footage.

Exhibit C1
Occupancy Levels
 Uniform Building Code

Use	Minimum Square Feet per Occupant
1. Aircraft Hangars (no repair)	500
2. Auction Room	7
3. Assembly Areas, Concentrated Use (without fixed seats)	7
Auditoriums	
Bowling Alleys (assembly areas)	
Churches and Chapels	
Dance Floors	
Lodge Rooms	
Reviewing Stands	
Stadiums	
4. Assembly Areas, Less Concentrated Use	15
Conference Rooms	
Dining Rooms	
Drinking Establishments	
Exhibit Rooms	
Gymnasiums	
Lounges	
Skating Rinks	
Stages	
5. Children's Homes	80
Homes for the Aged	
6. Classrooms	20
7. Dormitories	50
8. Dwellings	300
9. Garage, Parking	200
10. Hospitals and Sanitariums	80
Nursing Homes	
11. Hotels and Apartments	200
12. Kitchen -- Commercial	200
13. Library Reading Room	50
14. Locker Rooms	50
15. Mechanical Equipment Room	300
16. Nurseries for Children (Day -Care)	50
17. Offices	100
18. School Shops and Vocational Rooms	50
19. Stores -- Retail Sales Rooms	
Basement	20
Ground Floor	30
Upper Floors	50
20. Warehouses	300
21. All Others	100

Examples:

- A. The proposal is for a 60,000-square-foot two-story office building on 4 gross acres (including adjacent roads). The local parking ordinance requires one parking space for every 250 square feet of commercial space. Assuming that the use would generate one person per vehicle, the following calculations would derive the number of people per acre.

Steps:

- 1) $60,000 \text{ sq. ft.} + 1 \text{ vehicle per } 250 \text{ sq ft.} = 240 \text{ vehicles}$
- 2) $240 \text{ vehicles} \times 1.0 \text{ people per vehicle} = 240 \text{ people expected at any one time.}$
- 3) $240 \text{ people} + 4 \text{ acres} = 60 \text{ people per acre.}$

Under this example, the use would be estimated to generate 60 people per acre. In zones with limits of 100 people-per-acre, the use would be considered compatible assuming all other conditions were met.

- B. The proposal is for a 12,000-square-foot store on a 63,000-square-foot parcel. Using the maximum occupancy table from the Uniform Building Code (Exhibit C1) and applying the assumption that the building is occupied at 50 percent of maximum nets results in the following calculations:

Steps:

- 1) $63,000 \text{ sq. ft.} + 43,560 \text{ sq. ft. (in an acre)} = 1.45 \text{ acre.}$
- 2) $12,000 \text{ sq. ft.} + 30 \text{ sq. ft./occupant} = 400 \text{ (max. building occupancy).}$
- 3) $400 \text{ max. bldg. occup.} \times 50\% = 200 \text{ people expected at any one time.}$
- 4) $200 \text{ people} + 1.45 \text{ acre} = 138 \text{ people per acre.}$

Under this example, 138 people per acre would represent a reasonable estimate. In zones with limitations of 100 people-per-acre or less, the use would be considered incompatible.

- C. The proposal is for a 3,000-square-foot office on a 16,500-square-foot parcel. Again using the table in Exhibit C1 but assuming the actual occupancy level is 50% of the maximum indicated by the UBC code provides the following result:

Steps:

- 1) $16,500 \text{ sq. ft.} + 43,560 \text{ sq. ft. (acre)} = 0.38 \text{ acre.}$
- 2) $3,000 \text{ sq. ft.} + 100 \text{ sq. ft./occupant} = 30 \text{ (max. building occupancy).}$
- 3) $30 \text{ people maximum building occupancy} \times 50\% \text{ (actual occupancy)} = 15 \text{ people in the building at any one time.}$
- 4) $15 \text{ people} + 0.38 \text{ acres} = 39 \text{ people per acre.}$

Under this example, the use would be estimated to generate 39 people per acre. In zones with occupancy limits of 100, the use would be considered compatible assuming all other conditions were met.