



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

October 15, 2020

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Airport Land Use Commission, at its regular meeting to be held on Thursday, November 5, 2020 at 2:00 p.m. will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>. The meeting is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: ALUC_2020-0003

DATE FILED: 09/15/2020

OWNER: JAMES CHANGE

APPLICANT: CHRISTOPHER BLOOM

REQUEST: Mendocino County Airport Comprehensive Land Use Plan (ACLUP) Consistency Determination for a cannabis related business that includes retail commercial space and delivery services within an existing 2,776 sq. ft. building on a 7,497 sq. ft. lot. No expansion of the subject structure is proposed or required. On-site parking for seven (7) dedicated spaces, one (1) of which is ADA compliant) will be facilitated, along with various accessibility upgrades.

LOCATION: In the City of Ukiah, lying on the east side of South State Street, (City), 200± ft. north of its intersection with East Mill St. (City), located at 527 South State St., Ukiah (APN: 002-273-25-00)

SUPERVISORIAL DISTRICT: 2

STAFF PLANNER: JESSE DAVIS

The staff report and notice will be available 10 days before hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/airport-land-use-commission>

Your comments regarding the above project are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by November 4, 2020 or orally via telecomment in lieu of personal attendance. All public comment will be made immediately available to the Commissioners, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/airport-land-use-commission>

To submit public comments via telecomment a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Airport Land Use Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of

the Airport Land Use Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

BRENT SCHULTZ, Director of Planning and Building Services



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October 15, 2020

TO: Ukiah Daily Journal
FROM: James F. Feenan, Commissioner Services Supervisor
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on October 21, 2020 in the Legal Notices Section of the Ukiah Daily Journal.

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**AIRPORT COMPREHENSIVE LAND USE PLAN
COMPATIBILITY REVIEW**

**ALUC_2020-0003
NOVEMBER 5, 2020**

OWNER: JAMES CHANGE
900 LIVE OAK AVENUE
UKIAH CA 95482

APPLICANT/AGENT: CHRISTOPHER BLOOM
ELEMENT 7 UKIAH LLC
34 TESLA STREET #200
IRVINE CA 92618

REQUEST: Mendocino County Airport Comprehensive Land Use Plan (ACLUP) Consistency Determination for a cannabis related business that includes retail commercial space and delivery services within an existing 2,776 sq. ft. Building on a 7,497 sq. ft. lot. No expansion of the subject structure is proposed or required. On-site parking for seven (7) dedicated spaces, one (1) of which is ADA compliant) will be facilitated, along with various accessibility upgrades.

AIRPORT ZONE: B2

LOCATION: In the City of Ukiah, lying on the west side of South State Street, (City), 200± ft. north of its intersection with East Mill St. (City), located at 527 South State St., Ukiah (APN: 002-273-25-00).

PROJECT DESCRIPTION: The 'Applicant', Element 7, proposes a cannabis related business that would include retail commercial space and a delivery service within an existing 2,776 sq. ft. building. No expansion of the existing structure is proposed; however interior remodels would be undertaken. On-site parking for seven (7) dedicated spaces, one (1) of which is ADA compliant, would be provided on the 7,497 sq. ft. parcel. The total number of employees servicing the business is projected to be three (3) or four (4), with two (2) estimated shifts per day. Customer entry into the facility is to be regulated and controlled through a secured lobby with an improved accessible path of travel. As conveyed within the application materials, an occupant load factor of 60 sq. ft. gross per person, and 300 sq. ft. gross per person for storage, stock and shipping is provided for the subject structure. The proposed occupancy use group is for Mercantile Retail (M). No volatile or non-volatile manufacturing is proposed in conjunction with this request.

SITE CHARACTERISTICS: The subject parcel is located within the City of Ukiah and lies within the Community Commercial (C1) zoning district. Similarly, it is designated Commercial (C) under the City's General Plan. Lying on the west side of South State Street, (City), 200± ft. north of its intersection with East Mill St. (City), addressed at 527 South State St., Ukiah, 95482 (APN: 002-273-25-00). The subject property is developed with an existing 2,776 sq. ft. structure. The site itself is 7,947 sq. ft. (.182 acres) in size. This one (1) story subject structure was most recently utilized for non-profit and medical offices, which were addressed at '527 A' and '527 B' South State Street. Access onto South State Street is provided via a shared encroachment that is utilized in conjunction with the properties (and businesses) to the south of the subject parcel. Associated on-site parking is located towards the rear of the subject property, with the exception of the ADA parking space, which will be located adjacent to the structure, and provided a new accessible path of travel to the front entrance.

SURROUNDING LAND USE AND ZONING: The property is surrounded by a variety of commercial uses including automobile repair, medical and legal offices, a bank, as well as commercial retail and various residential units. Like adjacent properties, the majority of nearby lots are less than one acre in size, with most ranging in size from 13,000 sq. ft. – 25,000 sq. ft. Vegetation to the north and east, as well as existing perimeter fencing separate the property from adjacent uses and help to obscure the property from residential activities. A paved area exists between the subject property and the commercial uses to the south, which include an automobile repair facility and various salons. On-Site parking spaces are designated on the site plan included as an attachment to this memorandum (See Attachment – Site Plan). It should be noted the subject property is adjacent, but not located within a Zone C Airport Zone, as demonstrated on Attachment (Airport Zones).

The following table summarizes adjacent land uses, zoning and property sizes:

SURROUNDING LAND USE TABLE:

	ZONING	LOT SIZES	USES
NORTH	C1 - Community Commercial	>1± Acre	Vacant; Residential
EAST	C1 - Community Commercial	>1± Acre	Legal & Medical Offices
SOUTH	C1 - Community Commercial	>1± Acre	Salons; Automobile Repair
WEST	C1 - Community Commercial	>1± Acre	Bank

ACLUP CONSISTENCY REVIEW: While directly adjacent to an Airport Zone C, the entire subject property is located within the Airport Zone B2. For the Airport Land Use Commission (ALUC) to make a compatibility determination for the project, the compatibility criteria for Airport Zone B2 would apply. The potential impacts associated with the B2 zone are aircraft commonly flying below 800 feet altitude and significant noise.

Zone B2 serves as the ‘Extended Approach/Departure Zone’ and includes areas where aircraft are commonly below 800 feet above ground level on a straight-in approach or straight-out departure. It applies to runways with more than 500 operations per year by large aircraft (i.e, over 12,500 pounds maximum gross takeoff weight) and/or runway ends with more than 10,000 total annual takeoffs. In 2019, the Ukiah Airport facilitated 15,458 aircraft operations, resulting in approximately 42 daily operations when averaged.¹

Table 2A of the ACLUP (page 2-6), which lists the compatibility criteria for each zone, lists single-story offices and low-intensity retail as “Normally Acceptable Uses” for this Airport Zone designation. Within the B2 zone, however, the project is subject to remain under the 90 people per acre limitation for non-residential uses of the Ukiah Municipal Airport Policy 6.2(2). These limitations of persons per acre are intended to protect public health, safety, and welfare by ensuring that large concentrations of people are not allowed in areas exposed to safety hazards within areas around airports. The Uniform Building Code is 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.

In this instance, we use an Occupant Load Factor of 60 square feet per person is indicated for Mercantile Retail (M), as conveyed by the materials provided by the ‘Applicant’ (Attachment). Given the size of the property (.182 acres), the following was determined with calculations provided, below:

- 1) 7,497 sq. ft. / 43,560 sq. ft. = .182 Acres
- 2) 2,776 sq. ft. / 60 sq. ft. per occupant = 46 Persons (Maximum Building Occupancy)
- 3) 46 Max Building Occupancy x 50% = 23 people expected at any one time
- 4) 23 people / .182 Acres = 126 Persons Per Acre
- 5) 16 people / .182 Acres = 90 Persons Per Acre

¹ City of Ukiah. (2020, 09 25). City of Ukiah Airport Statistics. Retrieved from City of Ukiah: <https://www.cityofukiah.com/airport-statistics/>

- 6) Given the provided employees per shift and expected customers, 126 persons per acre would represent a reasonable estimate. Provided the limitation for the B2 Zone of the Ukiah Municipal Airport, however, this use would be considered incompatible. Per Ukiah Municipal Airport Policy 6.2(2), non-residential uses shall not exceed 90 people per acre.

According to Table 2A Compatibility Criteria, "The land use should not attract more than the indicated number of people per acre at any time.

INFILL DETERMINATION: The B2 zone north of the Ukiah Airport largely encompasses existing development. The Infill policy (Policy 2.1.6) of the County-wide Compatibility Plan is applicable to the entirety of this B2 zone in the City of Ukiah. This policy allows development of a similar intensity to that of surrounding, already existing uses. A survey of the area has been conducted to determine the current types and intensity of uses, and is included as Attachment (Existing Land Uses) to this memorandum.

The policies listed in Chapter 2 of Mendocino County's Airport Comprehensive Land Use Plan are intended to apply broadly to all of the airports in Mendocino County. The Ukiah Airport's location immediately adjacent to developed residential and commercial/residential areas presents problems in terms of land use compatibility and facility expansion potential. The location of the Ukiah Municipal Airport within this physical environment creates interactions which restrict both aircraft and airport operational flexibility.

Per Chapter 3.4.1(b) and Table 2A, "Other Development Considerations", dedication of an aviation easement, overflight easement or deed notice is required for all development projects located within the airport planning area generally and the B2 Airport Zone, specifically. Therefore, the 'Applicant' should demonstrate compliance with this requirement prior to project approval from the jurisdictional agency with authority to enforce this requirement. County Staff intend to convey this requirement to jurisdictional entity upon receipt of a project referral.

Where substantial incompatible development already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone. This exception does not apply within the Compatibility Zone A. Projects can be considered "infill" if they meet all of the following criteria:

- (a) *The Airport Land Use Commission has determined that "substantial development" already exists.*
- (b) *The project site is bounded by uses similar to those proposed.*
- (c) *The proposed project would not extend the perimeter of the area developed with incompatible uses.*
- (d) *The proposed project does not otherwise increase the intensity and /or incompatibility of use through use permits, density transfers or other strategy.*
- (e) *The infill area has been identified by the local jurisdiction in its general plan or related document and approved by the Commission.*

The Airport Land Use Commission has determined that "substantial development" already exists:

A survey of the area has been conducted to determine the current types and intensity of uses, and is provided for the review of the Commission as an Attachment. The subject parcel was previously developed, and was most recently utilized for commercial purposes. The subject structure is existing, and there is substantial activity conducted in the immediate vicinity.

The project site is bounded by uses similar to those proposed.

As described in the Surrounding Land Use and Zoning Section, the subject parcel is located within the City of Ukiah and is zoned similarly to each of the adjacent parcels as Community Commercial (C1). To the South, are existing commercial retail, while across State Street (City) is Community First Credit Union featuring a full-service bank that includes drive thru services. While the parcel immediately to the north is considered vacant, and is indicated as such on the provided site plan (Attachment), the nearest identified use is a single family residential unit, which maintains ownership over the adjacent property. To the east, or the rear, of the subject property are a mixture of

commercial and medical offices. All adjacent parcels are similarly sized and zoned. This mixture of commercial uses affirms that the project site is bounded by similar uses.

The proposed project would not extend the perimeter of the area developed with incompatible uses.

Single-story offices, as well low-intensity retail are considered normally acceptable uses in the B1 & B2 Zones, per Table 2A of the ACLUP (page 2-6). Furthermore, no expansion of the structure is proposed and similar uses have previously occupied the subject structure.

The proposed project does not otherwise increase the intensity and /or incompatibility of use through use permits, density transfers or other strategy.

Under the North American Industry Classification System (NAICS), the standard used by Federal statistical agencies in classifying business establishments, the 'Applicant' is most closely aligned and described as 'Other Miscellaneous Store Retailer (453998)'. These type of retail establishments are primarily engaged in retailing specialized lines of merchandise; health and personal care stores; clothing and clothing accessories stores; sporting goods, hobby, book and music stores; general merchandise stores; florists; office supplies, stationery, and gift stores are illustrative examples. The parcel carries a General Plan Land Use designation of Commercial and is zoned Community Commercial (C1). While Cannabis related businesses are allowed in C1 zoning districts, they require a Major Use Permit per City Ordinance 1186, *Ordinance of the City Council of the City of Ukiah Adding and Amending Various Sections of the Ukiah City Code to Regulate Cannabis Related Businesses*, adopted on January 17, 2018.

The infill area has been indentified by the local jurisdiction in its general plan or related document and approved by the Commission.

The proposed project would be located within an existing building constructed prior to the adoption of the ACLUP and the proposed use is consistent with historical retail and commercial activities conducted in the past.

FINDINGS FOR CONSIDERATION

- (a) The proposed project would be located within an existing building constructed prior to the adoption of the ACLUP, and the proposed use is consistent with historical retail and commercial activities previously conducted in the immediate vicinity of the subject property.*
- (b) The proposed project, while exceeding the specific non-residential density requirement of the Ukiah Municipal Airport, is surrounded by existing development and activities similar in use, size and scale. Upon review, County staff determined that this request is consistent with the Infill policy (Policy 2.1.6) of the County's Airport Land Use Compatibility Plan.*
- (c) The proposed project would not extend the perimeter of the area developed with incompatible uses, and it would not further expose the public to excessive noise and safety hazards associated with airport operations. No expansion of the existing subject structure is requested or required.*

STAFF RECOMMENDATION:

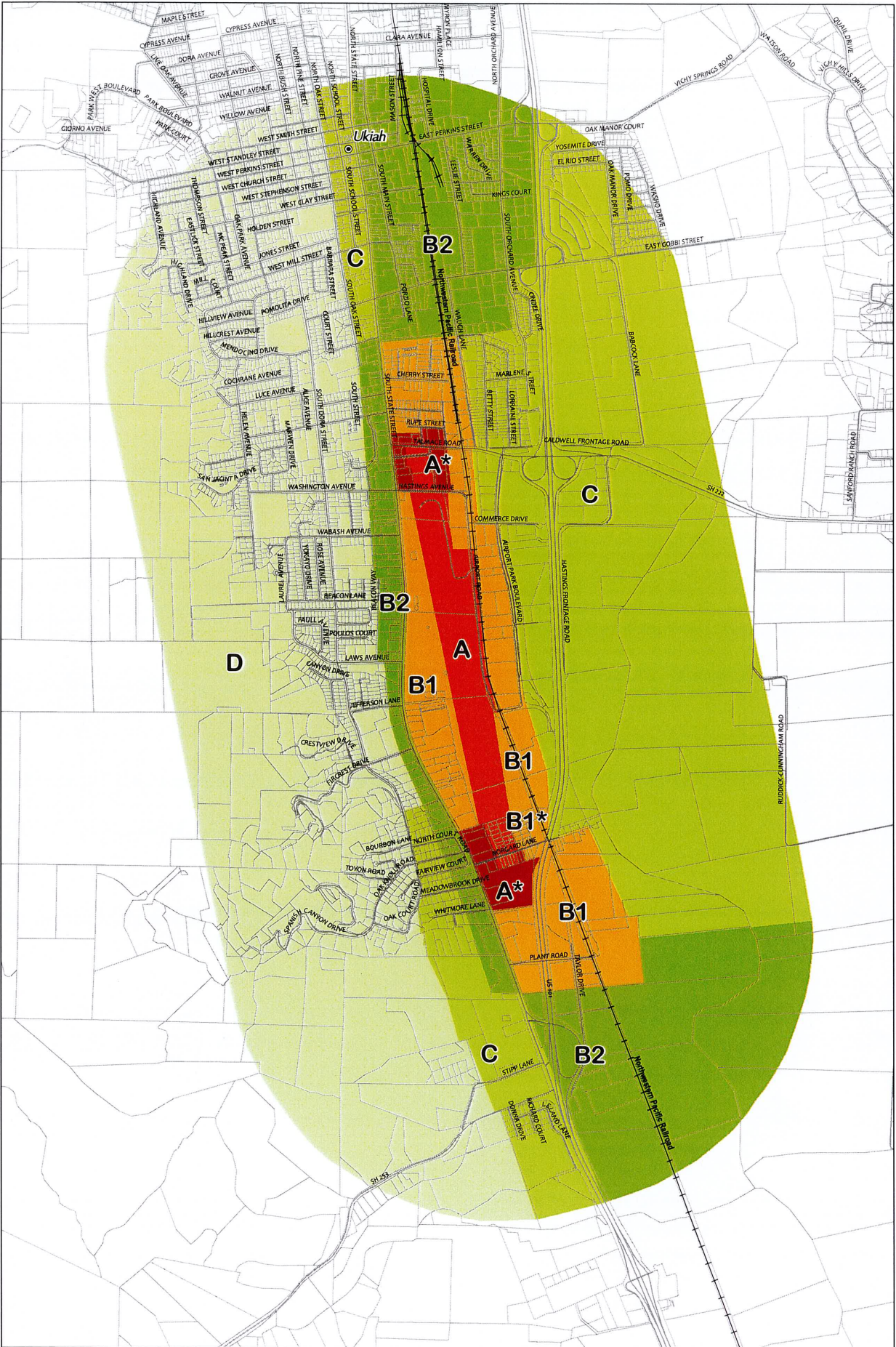
1. Consider and discuss the request for a consistency determination submitted by Element 7 Ukiah LLC.
2. Find that the proposed project is consistent with the Airport Land Use Comprehensive Plan, based on the purpose and intent of Airport Compatibility Zone B2, as well as the information presented to the ALUC.

ALTERNATIVE RECOMMENDATION:

1. Find the proposed project inconsistent and not compatible with the Airport Land Use Comprehensive Plan, based on the purpose and intent of Airport Compatibility Zone B2. Provide direction to Staff.

ATTACHMENTS:

- A. Airport Zones – Ukiah
- B. Airport Zones (Aerial) – Ukiah
- C. Location
- D. Airport Zones – Subject Property
- E. Tenant Improvement – Proposed and Existing Site Plan
- F. Existing Airport Vicinity Land Uses (Figure 4U)



CASE:
OWNER:
APN:
APLCT:
AGENT:
ADDRESS:

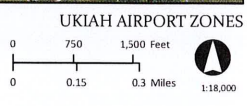
● Major Towns & Places
— Public Roads

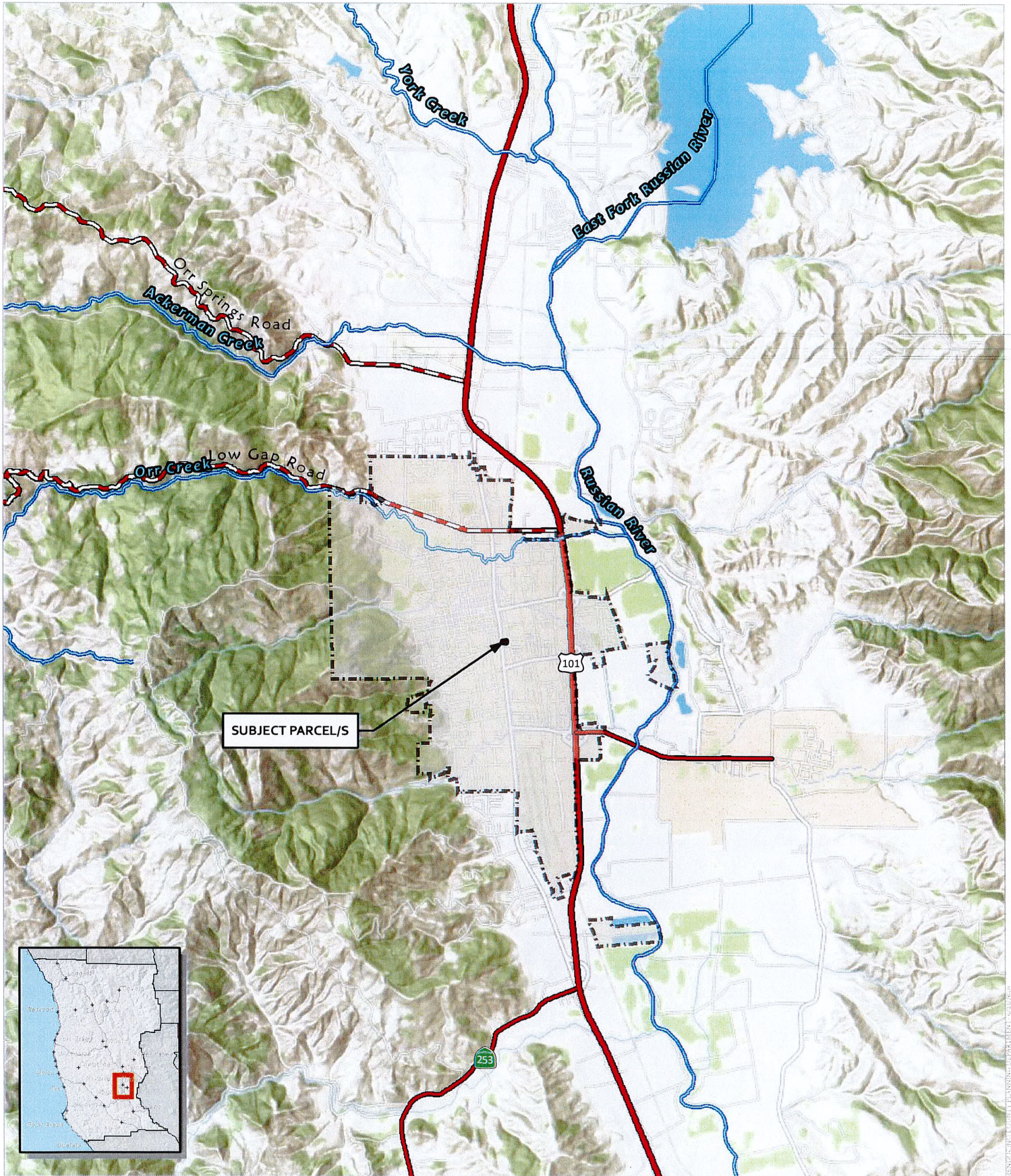
UKIAH AIRPORT ZONES
0 750 1,500 Feet
0 0.15 0.3 Miles 1:18,000







CASE:
 OWNER:
 APN:
 APLCT:
 AGENT:
 ADDRESS:

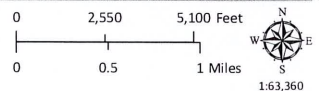
● Major Towns & Places
 — Public Roads

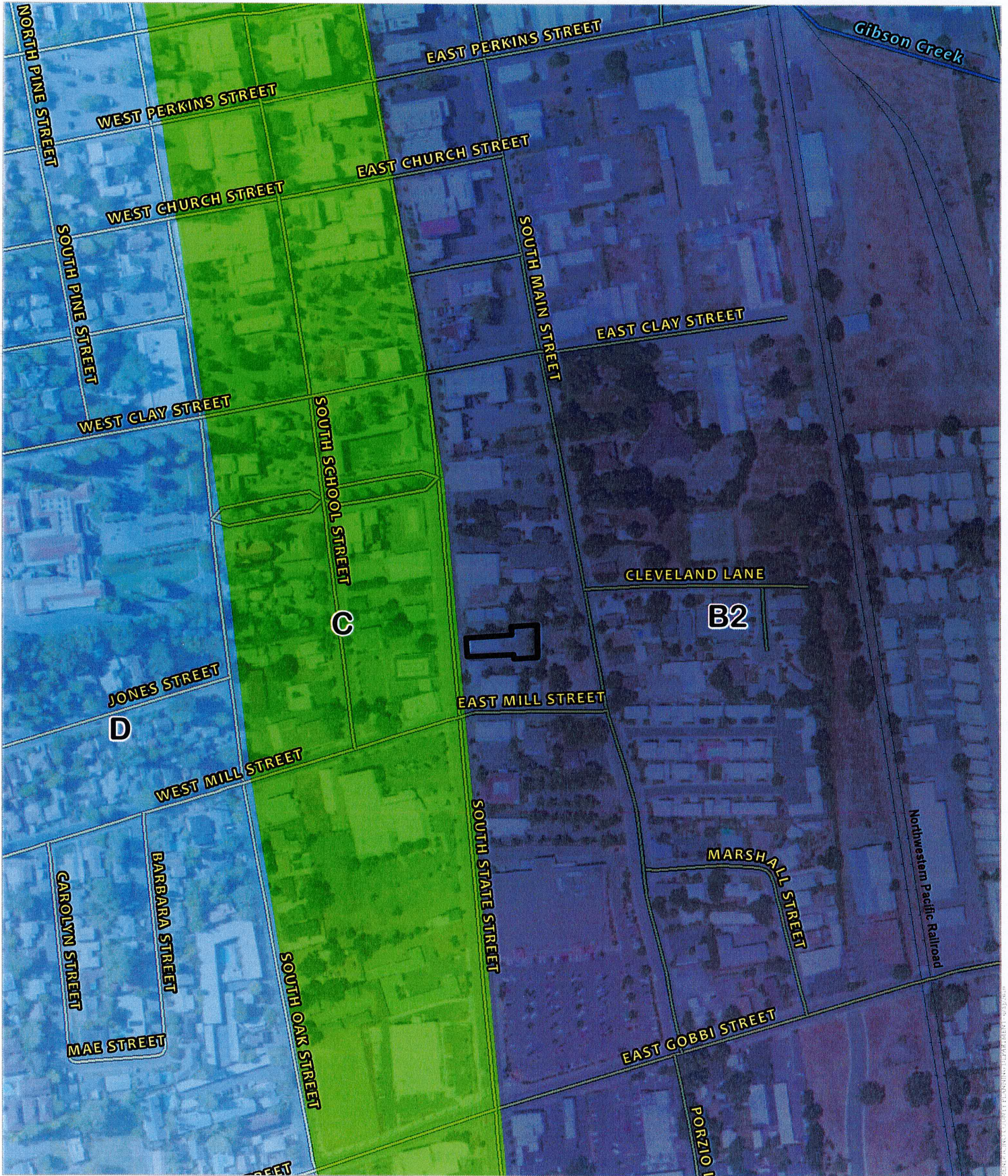







CASE: ALUC 2020-0003
 OWNER: CHANGE, James
 APN: 002-273-25
 APLCT: Element 7 Ukiah, LLC
 AGENT: Christopher Bloom
 ADDRESS: 527 S. State Street, Ukiah

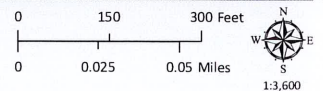
-  City Limits
-  Major Roads
-  Major Rivers
-  Highways

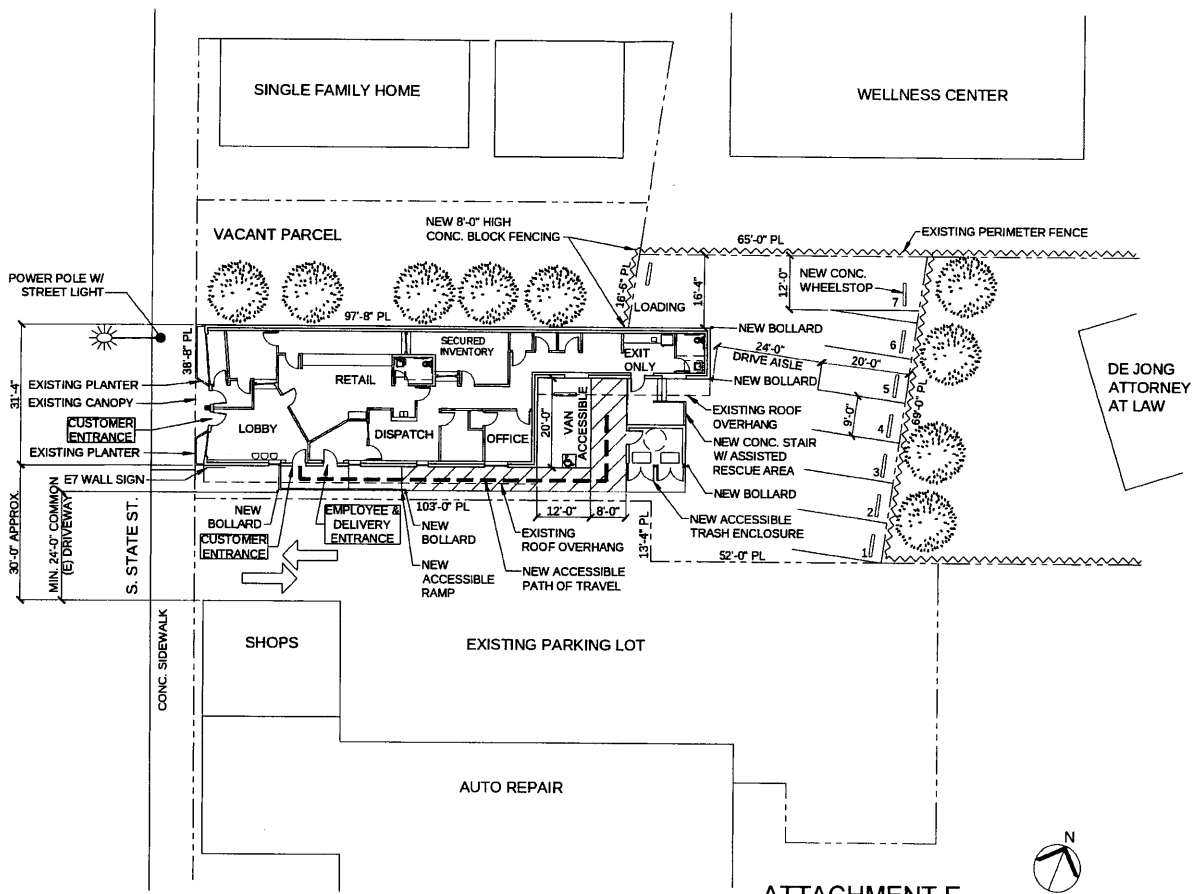




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 APLCT: Element 7 Ukiah, LLC
 AGENT: Christopher Bloom
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-  Named Rivers
-  Public Roads
-  Railroads





ELEMENT 7

Medacino County

Tenant Improvement
 Cannabis Retail Dispensary & Delivery
 527 S. State St., Ukiah, CA 95422
 PROPOSED & EXISTING SITE PLAN

NO.	DATE	REVISION / ISSUE
1		SUBMITTAL BUSINESS LICENSE APPLICATION

APN: 002-273-25-00
 DATE: 08/28/20
 SCALE: 1" = 20'-0"
 SHEET SIZE: 11X17
 SHEET NO.

A01

ATTACHMENT E



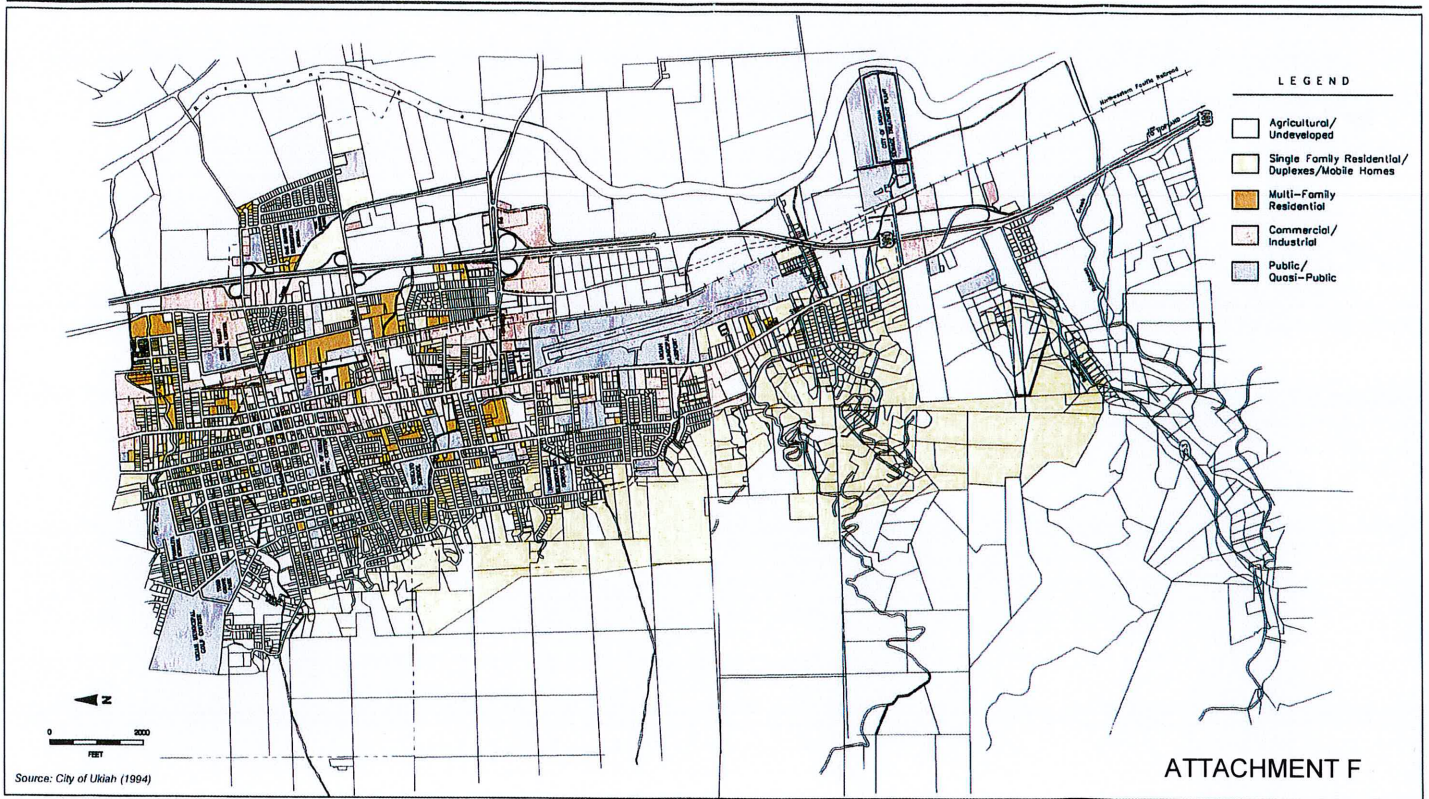


Figure 4U

Existing Airport Vicinity Land Uses
Ukiah Municipal Airport