



**PLANNING COMMISSION
STAFF REPORT- REZONE & USE PERMIT**

**SEPTEMBER 5, 2019
R_2019-0005/U_2019-0008**

SUMMARY

OWNER/APPLICANT: MENDORICA LLC
1206 4TH ST
SANTA ROSA, CA 95404

AGENT: NICK CASTON
3655 CLEVELAND AVE
SANTA ROSA, CA 95403

REQUEST: Rezone and Use Permit to rezone the subject parcel from General Commercial (C2) to Limited Industrial (I1) and allow for cannabis retail.

LOCATION: 2± miles north of Ukiah center, on the east side of N. State St. (CR 104), 0.3± miles north of its intersection with Orr Springs Rd. (CR 223). Located at 2397 N. State St., Ukiah (APN 169-242-08).

TOTAL ACREAGE: 0.5± Acres

GENERAL PLAN: Industrial (I)

ZONING: General Commercial (C2:12K)

SUPERVISORIAL DISTRICT: 1st District (Brown)

ENVIRONMENTAL DETERMINATION: Exempt per CCR 15183 and Categorically Exempt per Section 15301, Class 1

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: SAM VANDY VANDEWATER

BACKGROUND

PROJECT DESCRIPTION: Rezone and Use Permit to rezone the subject parcel from General Commercial (C2) to Limited Industrial (I1) and allow for cannabis retail. The rezone will bring consistency between the existing General Plan Land Use Designation of the parcel and the zoning code.

SITE CHARACTERISTICS: The subject parcel is accessed by North State Street and is located in the Ukiah Valley Fire Protection District. For utilities, the parcel is within the Ukiah Valley Water District and Sanitation District and is provided electricity by PG&E. One permitted structure currently exists on the parcel, formally use as a mortuary, and little vegetation remains except on the eastern periphery.

RELATED APPLICATIONS: The subject parcel was created by major division **MD 76-73**.

PUBLIC SERVICES:

Access: North State Street (CR 104)
Fire District: Ukiah Valley Fire Protection District
Water District: Millview Water District
Sewer District: Ukiah Valley Sanitation District
School District: Ukiah Unified School District

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES (ACRES)	USES
NORTH	Commercial (C)	Limited Commercial (C1)	1.3±	Commercial
EAST	Industrial (I)	General Industrial (I2)	20.5±	Commercial
SOUTH	Industrial (I)	General Industrial (I2)	20.5±	Commercial
WEST	Commercial (C)	General Commercial (C2)	1.4±	Commercial

AGENCY COMMENTS: On June 14, 2019, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	Comment
Environmental Health	Comment
Building Inspection	Comment
Assessor	No Comment
Tax Collector	No Response
Air Quality Management District	Comment
California Highway Patrol	No Comment
Mendocino County Sheriff's Office	No Response
Millview Water District	No Response
Ukiah Valley Fire Protection District	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

KEY ISSUES

- 1. General Plan and Zoning Consistency:** The subject parcel has a General Plan Land Use Designation of Industrial (I) as defined by Chapter 3: Development Element of the Mendocino County General Plan. The Industrial classification is intended,

"to be applied to lands suited for major industrial uses, where necessary services such as transportation systems and utilities exist or can be efficiently provided, where disruption of proximate uses will be least, and where the potential for environmental disruption is minimal or can be adequately controlled. This classification is intended to protect these lands from the pressures of development and preserve them for future use as designated."

The project is consistent with the General Plan designation as it is located within the developed corridor of North State Street. The subject parcel is also served by North State Street, a publically maintained road, further showing the parcel's consistency with the Industrial General Plan designation. Due to the size of the parcel, major industrial uses may be difficult to establish, but the proposed use permit for cannabis retail could be complemented by additional industrial cannabis operations, such as distribution, testing, processing, and manufacturing. The potential for industrial cannabis cultivations exists as well.

The proposed project includes the rezone of the parcel from the current General Commercial (C2) zoning district to the Limited Industrial (I1) zoning district. The purpose of the rezone is to establish consistency between the Industrial General Plan Land Use Designation and the zoning district. Upon the adoption of the Ukiah Valley Area Plan, the General Plan Land Use Designation of number of parcels was changed to encourage specific types of spatial development and land use. The subject parcel was included in this

change, thus making this rezone a necessary action to begin such development. In addition to bringing the zoning into compliance, the proposed rezone would be a prerequisite for the use permit.

The proposed zoning district for the subject parcel would be Limited Industrial (I1), which is intended,

“to create and preserve areas where manufacturing and industrial uses which evidence no or very low nuisance characteristics may locate. Nonindustrial uses which support or are adjuncts to industrial uses and are compatible with such uses are permitted within the zone particularly administrative, sales and service uses.”

With regards to the use permit, the rezone would make the proposed project consistent with both the General Plan and the zoning district. The intended use as a cannabis retail location would be still be consistent in the Limited Industrial zoning district, despite being less industrial than other uses. However, industrial cannabis uses may also be permitted, such as cannabis distribution, processing, and manufacturing, thus increasing the potential development of the parcel. Being enclosed by major transit route (North State Street), as well as other industrial zoned parcels, helps to ensure the nuisance aspects of any future operations are managed and do no impact surrounding residential and commercial areas.

2. Use Permit Findings: The proposed use permit is required to meet the use permit findings set forth in the Mendocino County Code (MCC Section 20.196.020). Below is the discussion of each finding and how the use permit appropriately meets those requirements.

A. *That the establishment, maintenance or operation of a use or building applied for is in conformity with the General Plan;*

As shown in the previous section, the proposed rezone and use permit are in conformity of the General Plan, with the approval of the rezone being a prerequisite for the use permit. The intended business permitted by the use permit is compatible with the General Uses of the Industrial Land Use Designation.

B. *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;*

The proposed project is already connected to the Millview Water District and Ukiah Valley Sanitation District. Additionally, the project gains access from North State Street and is located within Ukiah Stormwater Area, ensuring appropriate drainage.

C. *That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;*

The proposed rezone is exempt by California Code of Regulations Section 15183 and the proposed use permit was determined to be categorically exempt. However, the proposed use of a cannabis retail business is less intensive than other permitted industrial uses, thus the project will not be a detriment to the wellbeing of surrounding neighbors or the environment. Conditions of Approval are recommended to ensure the use permit aspects of the project will not create a nuisance.

D. *That such use preserves the integrity of the zoning district.*

Similarly to the General Plan conformity finding above, compliance with the Mendocino County Code zoning district is discussed in the previous section. The rezone from General Commercial (C2) to Limited Industrial (I1) and the subsequent use permit requirement ensures the integrity.

- 3. Environmental Protection:** The rezone is exempt from CEQA pursuant to Section 15183 as due to special circumstances and the change in zoning being consistent with the General Plan. The use permit is categorically exempt from the provisions of CEQA, pursuant to Section 15301, Class 1 of Article 19 of the California Environmental Quality Act Guidelines. The Class 1 exemption applies to “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.” The proposed project meets the criteria of Section 15301 and has been determined to not have a significant effect on the environment and, therefore, is exempt from the provisions of CEQA.
- 4. Ukiah Valley Area Plan:** The proposed project is subject to the Ukiah Valley Area Plan and has been found to be consistent with the policies of the Plan. In particular, Policy LU 1.4a Land Use Planning encourages increasing land use density and capacity. The project supports this policy by providing more opportunity for industrial cannabis development along the retail proposed by the use permit.

RECOMMENDATION

By resolution, the Planning Commission recommends that the Board of Supervisors grant the rezone and approve the use permit for the Project, as proposed by the applicant, based on the facts and evidence contained in the record and subject to the conditions of approval.

DATE

SAM VANDEWATER
PLANNER II

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Rezone Exhibit Map
- D. Site Map
- E. Floor Plans
- F. Elevations
- G. Zoning Map
- H. General Plan Map
- I. Adjacent Owner Map
- J. Fire Hazards Map
- K. Dam Inundation Map
- L. Stormwater Map
- M. Water District Map
- N. Miscellaneous Map

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):