



**DATE:** April 15, 2024

**TO:** Zoning Administrator

**FROM:** Jesse Davis, Chief Planning Manager

**SUBJECT:** Consideration of a Minor Site Development Permit to renovate and repurpose an existing commercial structure and utilize its previously approved signage allowance for continued restaurant use. The project includes the integration of a drive-through component, as permitted under Ukiah City Code (UCC) §9081, and in compliance with the off-street parking requirements of UCC §9198(D); File No. PA25-000007.

### **SUMMARY**

**OWNER:** Chirayu Patel

**APPLICANT & AGENT:** UK 105 Investments, LLC (Victor Chiang)

**LOCATION:** 105 Pomeroy Street, Ukiah, CA; APN 002-247-02

**TOTAL ACREAGE:** ±0.78 acres

**GENERAL PLAN:** Highway Commercial (HC)

**ZONING DISTRICT:** Community Commercial (C-1)

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption, pursuant to CEQA Guidelines Article 19, Section 15301(a), Existing Facilities

**RECOMMENDATION:** Conditional Approval, based on the Findings in **Attachment 1** and Conditions of Approval in **Attachment 2**.

### **PROJECT LOCATION & EXISTING CONDITIONS**

The ±0.78-acre project site (APN 002-247-02) is located at 105 Pomeroy Street, adjacent to the southbound corridor of U.S. Highway 101, immediately southeast of the intersection of East Perkins Street and Pomeroy Street. The site is situated within a commercially developed area that includes a variety of retail, restaurant, and visitor-serving uses.

The subject parcel features an open parking lot and a vacant, single-story, ±3,100-square-foot commercial structure, formerly operated as a full-service restaurant. The building remains in its original configuration, including a commercial kitchen, dining area, and associated utility infrastructure. Site access is provided via two existing encroachments from Pomeroy Street. The property includes approximately 72 off-street parking spaces, as currently striped, as well as existing signage infrastructure.

### **BACKGROUND**

The existing 3,100-square-foot commercial structure at 105 Pomeroy Street was originally

constructed as a Denny's restaurant, approved under Building Permit No. 251 on August 6, 1968. Over the years, multiple building permits were issued for minor additions, repairs, and renovations to support continued restaurant operations, including the following discretionary permits:

- Site Development Permit (SDP) No. 89-45 – Approved the installation of a 75-foot freeway-oriented pole sign, replacing a prior sign with an internally illuminated sign within 600 feet of U.S. Highway 101.
- Site Development Permit (SDP) No. 95-201 – Authorized a 112-square-foot expansion, including ADA-compliant restroom upgrades and a full interior renovation, as well as replacement of the existing pole signage.

Denny's operated continuously from 1969 until 2023; however, staff notes that building conditions began to significantly deteriorate in 2019.

On September 27, 2019, a violation was issued by the City's Building Inspection Division due to unpermitted remodeling and repairs, as well as concerns related to dry rot and parapet deterioration along the roofline. Restaurant operations ceased in 2023, and since that time, the structure has remained vacant.

## PROJECT DESCRIPTION

On March 10, 2025, the applicant, UK 105 Investments, LLC, formally applied to renovate and reuse the existing commercial structure at 105 Pomeroy Street. The structure, originally constructed in 1969, has historically operated as a 'Formula Restaurant – Eating & Drinking Establishment'. The most recent tenant vacated the structure in 2023, and it has remained unoccupied since. The Applicant proposes to renovate and reuse the existing 3,100-square-foot structure within its current footprint for continued restaurant use as a 'Habit Burger & Grill', integrating a drive-through component as allowed under Ukiah City Code (UCC) §9081 – (Allowed Uses – C1) and in compliance with UCC §9198(D) (Off-Street Parking – Drive Through). A Minor Site Development Permit is required to facilitate façade updates, expand landscaping, and reconfigure parking and site circulation.

The reconfiguration of the parking lot will accommodate the proposed drive-through while incorporating bicycle storage and storage infrastructure per UCC §9086(A)(5): Required Commercial Use - Parking. As requested, there are no changes to the proposed parking lot lighting, beyond the replacement of illuminated signage. On April 2<sup>nd</sup>, 2025, the Applicant provided a revised site plan that is included in **Attachment 3**. The revised site plan facilitates the following modifications in response to the Design Review Board, City Engineer and CALTRANS

Please refer to the project description and design details submitted by the applicant in **Attachment 3** for more information. **Attachment 3** also includes the site plan, architectural plans and elevations, landscaping plan, and site improvement plans. **Attachment 4** includes materials specific to previous sign entitlements, approvals and determinations.

Specific project considerations for the renovation and reuse of the subject property include:

- Renovation of the existing restaurant structure;
- Integration of a drive-through component, located in an underutilized portion of the existing parking lot, with a double-wide queuing area capable of accommodating 13 vehicles;

- Reconfiguration of parking and site layout to comply with City off-street parking standards for drive-through/takeout restaurants, based on the anticipated seating capacity (48 seats) and employee count (maximum shift of 10 employees).
- The final submitted layout provides 43 parking spaces, including compact, EV charging and ADA stalls. The circulation pattern is also reoriented to improve traffic flow on Pomeroy Street.
  - Based on calculations approximately 31 parking spaces are required per UCC 9198(D)(2), or 21 parking spaces per UCC 9086(A)(4).
    - *UCC 9198(D)(2):* Drive-In, Drive-Through and Takeout Restaurants: Minimum of ten (10) parking spaces or one space for each one hundred (100) square feet of gross floor area, whichever is greater and stacking area for at least eight (8) vehicles for drive-up windows.
      - $3100 \text{ Square Feet} = 31 \text{ Parking Spaces} + 8 \text{ vehicle queue minimum}$
    - *UCC 9086(A)(4):* One parking space for every three (3) seats, with a minimum of four (4) spaces. An additional parking space for each two (2) employees at maximum shift.
      - $48 \text{ Seats} / 3 = 16 + (10 \text{ Employees} / 2) = 21 \text{ Parking Spaces} + 8 \text{ vehicle queue}$
- Preservation of existing ingress and egress points, maintaining a 24-foot-wide drive aisle for vehicular circulation, and updating on-site circulation to accommodate installation of drive-through component;
- Enhanced pedestrian and bicycle access, including:
  - Long-term and short-term bicycle parking per UCC §9086(A)(5);
  - A striped pedestrian path of travel from the rear parking area to the restaurant entrance and from the restaurant to the trash enclosure.
- Façade and site improvements, including:
  - Modernization of the building exterior;
  - A proposed landscaping plan commensurate with the size and scale of the proposed project to increase landscaping coverage to more than 20%;
  - Installation of new landscaping along the perimeter and within the parking area to enhance site aesthetics.

## SURROUNDING USES AND ZONING

The property is surrounded by primarily commercial uses that are reviewed in **Table 1**:

TABLE 1: SURROUNDING USES AND ZONING		
	ZONING:	USE:
NORTH	Community Commercial (C-1)	Pear Tree Shopping Center
EAST	N/A	US 101

SOUTH	Community Commercial (C-1)	Shopping Center
WEST	Urban Center (UC)	Gas Station

## ZONING CODE & LAND USE DESIGNATION

**General Plan Land Use Designation – Highway Commercial:** The project site at 105 Pomeroy Street is designated Highway Commercial (HC) under the 2040 Ukiah General Plan. This designation is intended to accommodate commercial development along major transportation corridors, providing a transition between higher-intensity commercial uses along U.S. Highway 101 and nearby residential or Community Commercial uses. The Highway Commercial designation is intended to support a range of activities, but the General Plan cites large-format retail, shopping centers, restaurants, lodging establishments, and other visitor services, like fueling stations or EV charging hubs.

The proposed renovation repurposes the existing restaurant and adds a drive-through, aligning the requested use with the Highway Commercial designation. The project site's adjacency to the U.S. Highway 101 corridor and existing commercial infrastructure makes it a suitable location for continued restaurant use and appears consistent with identified economic and land use policies and goals of the 2040 General Plan.

**Zoning Designation – Community Commercial (C1):** The subject property is zoned Community Commercial (C1) under the City of Ukiah Zoning Ordinance (UCC Chapter 9, Article 7). The C1 zoning district is intended to accommodate commercial uses that serve both the local and regional population, including retail establishments, eating and drinking establishments, personal services, and offices. Unlike other sections of the Ukiah City Code, the C1 zoning district does not distinguish between types of eating and drinking establishments and is understood to allow all restaurant specific activities (e.g. Fast-Food Restaurant (Quick-Service Restaurant - QSR), Full-Service Restaurant (Sit-Down Dining), Café / Coffee Shops, etc. are allowed.

Per UCC §9081 (Restaurants), eating and drinking establishments (including formula restaurants) are allowed by right in the C1 zoning district. However, the addition of a drive through facility requires compliance with UCC §9198(D) (Drive-In, Drive-Through, and Takeout Restaurants), which establishes specific requirements related to vehicle queuing and off-street parking.

**Site Development Permit Requirement:** Based on staff review, the proposed project and use are allowed under the C1 zoning designation but require a Site Development Permit per UCC §9261(B). Although the project does not modify the building footprint, it includes façade changes that modernize the structure's architectural character and appearance. Given the limited scope of these modifications, the Site Development Permit qualifies as minor under UCC §9263(A) and will be scheduled for a public hearing before the Zoning Administrator.

## AGENCY CONSIDERATIONS & REFERRAL

In March 2025, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project (**See Table 2**). Only limited comments were received. All responding departments and agencies are included in **Attachment 5** and comments reflected within the Conditions of Approval, as appropriate.

TABLE 2: AGENCY COMMENTS	
Agency	Comment

City of Ukiah, Community Development Director	None
City of Ukiah, Building Inspection Division	None
City of Ukiah, Fire Prevention Division	None
City of Ukiah, Electrical Utility, Department	Comment – Condition of Approval
City of Ukiah, Public Works Department	Comment Response
California Department of Transportation (District 1)	Comment – Condition of Approval
Mendocino County Air Quality Management District	Comment – Condition of Approval
Ukiah Police Department	No Comment
City of Ukiah, Code Enforcement Division	None
Ukiah Valley Fire Authority	None
City of Ukiah, City Manager's Office	None
City of Ukiah, Water and Sewer	None
Community Services Director	Comment Response

## Design Review Board

At its regular meeting on March 27, 2025, the City of Ukiah Design Review Board (DRB) reviewed the proposed Site Development Permit for the renovation and reuse of the existing commercial structure at 105 Pomeroy Street (APN 002-247-02). Following a presentation by City staff and discussion with the applicant, the DRB considered the site plan, architectural features, and proposed layout, including signage, landscaping, circulation, and parking.

The Board unanimously approved a motion (Meaux/Hawkes) to recommend the project to the Zoning Administrator, subject to the following considerations:

1. **Final Sign Plan:** A Final Sign Plan shall be submitted to and approved by the Community Development Director prior to issuance of any building permit for illuminated signage. All signage must comply with the applicable design and development standards of the Ukiah City Code and remain consistent with prior entitlements or approvals related to signage.
2. **Sidewalk Landscaping Substitution:** In coordination with the City Engineer, the applicant shall increase the landscaping area along the Pomeroy Street sidewalk frontage as a substitute for the required street trees.
3. **Drive-Through Encroachment Design:** As part of the northerly encroachment improvements for the drive-through lane, the applicant shall maintain the existing encroachment width through a combination of striping, landscaping, and curb modifications, while ensuring ADA compliance for the adjacent sidewalk.
4. **Parking Lot Tree Wells:** The applicant shall provide additional space for parking lot tree wells, which will result in a corresponding increase in the number of compact parking stalls.

5. **Parking Supply Adjustment:** The DRB also provided a general recommendation that the Zoning Administrator consider further reducing the total number of parking stalls, where appropriate, to support increased landscaping and site efficiency.

The DRB's recommendation reflects overall support for the project, but with an emphasis on enhancing landscape quality, pedestrian accessibility, and reduced onsite parking. A draft copy of the meeting minutes is included as **Attachment 6**.

On April 2<sup>nd</sup>, 2025, the Applicant provided a revised site plan that is included in **Attachment 3**. The revised site plan facilitates the following modifications in response to the Design Review Board, City Engineer and CALTRANS:

- As part of the northerly encroachment modification onto Pomeroy Street, the Applicant reduced the width through added landscaping and curb adjustments. These improvements increase separation from the Perkins Street intersection as identified by CALTRANS.
- The Applicant expanded the landscaped area along the Pomeroy Street sidewalk frontage in lieu of the standard street tree requirement. This change will be further detailed in the Final Landscaping Plan.
- Additional tree wells were added in the parking lot to improve shade coverage, particularly over the drive aisles. One tree well was relocated to enhance both landscaping effectiveness and site accessibility near the entry.
- Due to the revised layout, the total number of parking stalls was further reduced from 46 to 43.

## **STAFF ANALYSIS**

**AIRPORT LAND USE CONSISTENCY:** The proposed reuse of the structure aligns with the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP), as the subject parcel is located within Compatibility Zone 6 (Traffic Pattern). Compatibility Zone 6 is designated for areas with the lowest levels of airport-related impacts, primarily concerning overflight annoyance and potential hazards related to aircraft operations.

Zone 6 permits most types of urban development and commercial uses, provided they are not highly noise-sensitive or involve large gatherings of people in outdoor spaces. The reuse of the bank structure would be considered 'Normally Compatible' with the only additional criteria being that the intend criteria are met. Zone 6 features a Max. Single-Acre Intensity of 1,200 people per acre.

**SIGNGE:** The proposed Habit Burger & Grill at 105 Pomeroy Avenue (APN 002-247-02) seeks to utilize the existing pole sign associated with the former restaurant at the site. Per Ukiah City Code Section 3227(A)(12), businesses catering to the traveling public along U.S. 101—located within 600 feet of the freeway centerline and 300 feet of an intersecting street—may have a single freestanding sign up to 50 feet in height, subject to Planning Commission approval of a Site Development Permit.

However, signage for this location was previously approved under Site Development Permit (SDP) No. 89-45, which authorized the installation of a 75-foot freeway-oriented pole sign to replace a prior internally illuminated sign within 600 feet of U.S. Highway 101. Staff confirms that the existing pole sign, or a new sign up to 75 feet in height, is allowable under SDP No. 89-45, given that the entitlement was never revoked or expired. Increased signage allowances are

reinforced by the consideration that pole signage was replaced as part of Site Development Permit (SDP) No. 95-201, which was after the adoption of updated signage regulations.

As part of this application (**Attachment 4**), the applicant has proposed reusing the existing pole sign infrastructure. Similar to other permits reviewed by the Zoning Administrator of Planning Commission, Staff recommends conditioning approval on the submission of a Final Sign Plan to be reviewed and approved by the Community Development Director prior to the issuance of building permits to ensure compliance with city standards and previous entitlements.

**ZONING - LAND USE:** The proposed plan demonstrates substantial conformance with applicable zoning requirements and objectives, with noted exceptions where site constraints and project characteristics warrant discretionary consideration. Staff notes that the 'Restaurant' use is 'Allowed' within the C-1 zoning district and that it conforms to the minimum parking requirements of the zoning district.

**PLANT SELECTION AND COMPATIBILITY:** The proposed landscape plan features drought-tolerant species that are appropriate for Ukiah's climate. Although the plan does not emphasize native or regionally sourced plantings as recommended by the Ukiah City Code, the selected species have been thoughtfully chosen based on their cultivar performance and suitability to local conditions. Planning Division Staff recommend further review of the Community Services Department's guidance (**Attachment 5**) to better align the planting plan with City goals that encourage native vegetation.

**TREE PLACEMENT AND SHADING:** The proposal meets requirements for deciduous tree placement along southern and western exposures (**Attachment 3**), ensuring compliance with solar access provisions. The existing parking lot, originally designed in 1969, lacks sufficient tree coverage and currently provides little shade. Based on submittals to the Design Review Board, the applicant estimates an increase in tree coverage over parking areas (excluding driveways and aisles) to 64%; however, full compliance with the 50% shading requirement over all *paved* areas is not projected. Given site constraints, staff acknowledges these limitations while recognizing that the project represents a net improvement over existing conditions. Additionally, off-site redwood trees located on APN 002-247-03 provide supplementary shade not otherwise demarcated on the provided plans, as would proposed tree planting in a City landscape well along Pomeroy Street. On April 2nd, 2025, the Applicant provided a revised site plan that is included in **Attachment 3**. Additional tree wells were added in the parking lot to improve shade coverage, particularly over the drive aisles. One tree well was relocated to enhance both landscaping effectiveness and site accessibility near the entry.

Based on the parking lot design, and the desire to accommodate larger vehicles, strict compliance with tree well requirements could negatively impact maneuverability and site functionality. As part of the 'Final Landscape Plan' staff recommends that additional consideration be given to tree selection and placement in the underutilized landscape areas. As a Condition of Approval, a Final Landscaping Plan must be submitted to and approved by the Community Development Director prior to the issuance of any building permit for renovation.

**PERIMETER LANDSCAPING AND PEDESTRIAN ACCESS:** The project includes a perimeter planting strip with trees and shrubs, meeting applicable standards (**Attachment 3**) for the C-1 zoning district. Due to spatial limitations, integrating sidewalk infrastructure within the landscaped area is impractical. As an alternative, internal striped pedestrian lanes will be provided to enhance safety and circulation. Given the functional limitations of the site, discretionary relief is requested in accordance with zoning provisions. Notably, public sidewalks are already present along the

Pomeroy and Perkins Street frontages, further supporting pedestrian access. Provision of short-term and long-term bike storage.

**STREET TREE PLACEMENT:** Staff supports City Engineer approval to allow street trees within on-site landscape areas rather than the public right-of-way along Pomeroy Street, given existing encroachments and visibility considerations. Coordination with the Community Services Department is encouraged to evaluate the potential for a street tree within the existing planter strip at the terminus of Pomeroy Street. The applicant shall also work with the City Engineer to expand the landscaped area along the Pomeroy Street sidewalk frontage, in place of the standard street tree requirement. This modification shall be incorporated into the Final Landscaping Plan.

**LANDSCAPING COVERAGE AND MAINTENANCE:** The project meets the required 20% landscaping coverage, with more than half of that area dedicated to live plantings, in compliance with applicable objective standards (**Attachment 3**). An automatic irrigation system will be installed in accordance with the State's Model Water Efficient Landscape Ordinance (MWELo). No substantive changes to exterior lighting are proposed, aside from signage illumination. Ongoing landscape maintenance will be ensured through standard conditions of approval. Prior to final occupancy, the applicant must demonstrate full compliance with MWELo by submitting a completed Landscape Documentation Package and a Certificate of Completion signed by a licensed landscape professional. A post-installation irrigation audit, conducted by a certified irrigation auditor, shall also be submitted to the City for review and approval as part of final compliance verification.

There are no on-site mature trees impacted by the project; nearby redwoods are located off-site. Given the adaptive reuse of the site and related constraints, staff finds that strict compliance with all landscaping standards is not feasible without disproportionate impact on site functionality. As proposed, the landscape improvements represent a substantial upgrade from existing conditions and are generally consistent with the intent of the City's zoning and design requirements.

**PARKING AND ZONING:** The project includes a reconfiguration of the site layout and parking area to comply with the City's off-street parking standards for drive-through and takeout restaurant uses. Per Ukiah City Code (UCC) §9198(D)(2), approximately 31 parking spaces would be required based on standard ratios for restaurant uses. Alternatively, under UCC §9086(A)(4), which specifically addresses drive-through facilities, a reduced requirement of 21 parking spaces is applicable based on the proposed 48-seat capacity and a maximum of 10 employees per shift.

The final draft site plan proposes 43 off-street parking spaces, including compact spaces and designated electric vehicle (EV) charging stations. Although this is a reduction from the approximately 71–72 spaces currently striped and historically associated with the previous restaurant use, the proposed parking supply exceeds both applicable code requirements.

In addition to updated parking counts, the circulation pattern has been reoriented to improve internal vehicle movement and reduce conflict points along Pomeroy Street and per the additional requirements of the C-1 zoning district, bicycle storage will be provided. As conditioned, the final site design will incorporate an increased number of compact parking stalls and expanded landscaped areas, balancing functional parking demand with improved site aesthetics and environmental performance. Staff notes that the Applicant does meet the minimum requirement for on-site parking and proposes to substantially reduce the number of existing parking spaces as part of the redesign of an existing parking lot.



## **ENVIRONMENTAL REVIEW**

The proposed project at 105 Pomeroy Street is subject to the California Environmental Quality Act (CEQA) and qualifies for a Categorical Exemption under CEQA Guidelines, Article 19, Class 1, Section 15301 (Existing Facilities) (a), which applies to minor interior or exterior alterations of existing structures within an urbanized area.

The project involves renovations to an existing 3,100-square-foot commercial structure previously occupied by a sit-down restaurant, for reuse as a quick-service restaurant with a drive-through. The building's footprint will remain unchanged, with proposed improvements including interior remodeling, exterior façade upgrades, and the addition of a drive-through lane. No major site grading or disturbance to natural features is proposed with the exception.

The project is consistent with the site's Highway Commercial land use designation, community commercial zoning district, the 2040 Ukiah General Plan, and all relevant local planning policies. Staff has determined that the project will not impact sensitive environmental resources, including habitats for endangered species, geologically sensitive areas, or sites of historical or archaeological significance, nor will it result in a substantial change from the previous long-term restaurant operator.

## **PUBLIC NOTICE**

- Notice of the Public Hearing was provided in the following manner, in accordance with UCC §9263:
- Published in the Ukiah Daily Journal on April 5, 2025; and
- Posted on the Project site on April 4, 2025; and
- Posted at the Civic Center (glass case) on April 4, 2025; and
- Mailed to property owners within 300 feet of the Project parcels on April 5, 2025; and
- Emailed to all agencies having jurisdiction: April 4, 2025.

## **RECOMMENDATION**

Staff recommends that the City of Ukiah Zoning Administrator:

- 1) Conduct a public hearing; and
- 2) Approve the Minor Site Development Permit to renovate and repurpose an existing commercial structure and utilize its previously approved signage allowance for continued restaurant use at 105 Pomeroy Street, Ukiah, CA; APN 002-247-02 as permitted under Ukiah City Code (UCC) §9081, and in compliance with the off-street parking requirements of UCC §9198(D).

## **ATTACHMENTS**

1. Draft Findings
2. Draft Conditions of Approval
3. Application Materials; Project Description; Site Plan; Landscape Plan; Architectural Details & Elevations; Maps
4. Historical Signage Documents (105 Pomeroy Street)
5. Agency Referral Responses
6. Design Review Board Draft Minutes – November 21, 2024