



**Findings of Consistency:  
Missing Middle Ordinance  
CEQA Section 15183 Statutory Exemption  
September 13, 2024**

**SCH No: XXXXXXXXXXXX**

*Prepared by:*

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## I. PROJECT INFORMATION

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<b>Project Title:</b> Missing Middle Ordinance
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<b>CEQA Contact Person and Phone Number:</b> Katherine Schaefer, Planning Manager City of Ukiah, Community Development Department (707) 463-6203 <a href="mailto:KSchaefer@cityofukiah.com">KSchaefer@cityofukiah.com</a>
<b>Applicant:</b> City of Ukiah
<b>Property Owner:</b> City of Ukiah
<b>Project Location:</b> City-wide within the R1, R2, and R3 zoning districts
<b>General Plan Designation:</b> Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR)
<b>Zoning Designation:</b> Low Density Residential (R1), Medium Density Residential (R2), High Density Residential (R3)

## II. INTRODUCTION

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### 1. Purpose of the 15183 Findings of Consistency

California Public Resources Code section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 provide an exemption from additional environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

Section 15183 specifies that examination of environmental effects shall be limited to those effects that:

- (1) Are peculiar to the project or the parcel on which the project would be located, and were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
- (2) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (3) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Section 15183(c) further specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

### 2. Ukiah 2040 General Plan EIR

The Ukiah 2040 General Plan and its associated EIR (SCH# 2022050556) were certified in December 2022. Ukiah 2040 designates land uses defining the type and amount of development that can occur throughout the City and proposed annexation areas through the planning horizon year of 2040 (over approximately 18 years). Ukiah 2040 also includes increased residential densities (number of units) and building intensities (floor area ratio [FAR]) for certain land use designations compared to the existing density and intensity thresholds. Development projections for the project were determined by analyzing vacant and underutilized parcels with the buildout capacity potential that is allowed under the applicable updated land use designations, the incorporation of annexation areas being pursued by the City of Ukiah, and the development of mixed-use designated areas anticipated under Ukiah 2040. Based on the potential land use changes, the project has a maximum buildout potential of an additional 2,350 housing units and an additional 4,514,820 square feet of non-residential use. Overall, Ukiah 2040 would promote infill development; the redevelopment of abandoned, obsolete, or underutilized properties; and the adaptation of existing residential units to support multi-family use. (City of Ukiah, 2022)

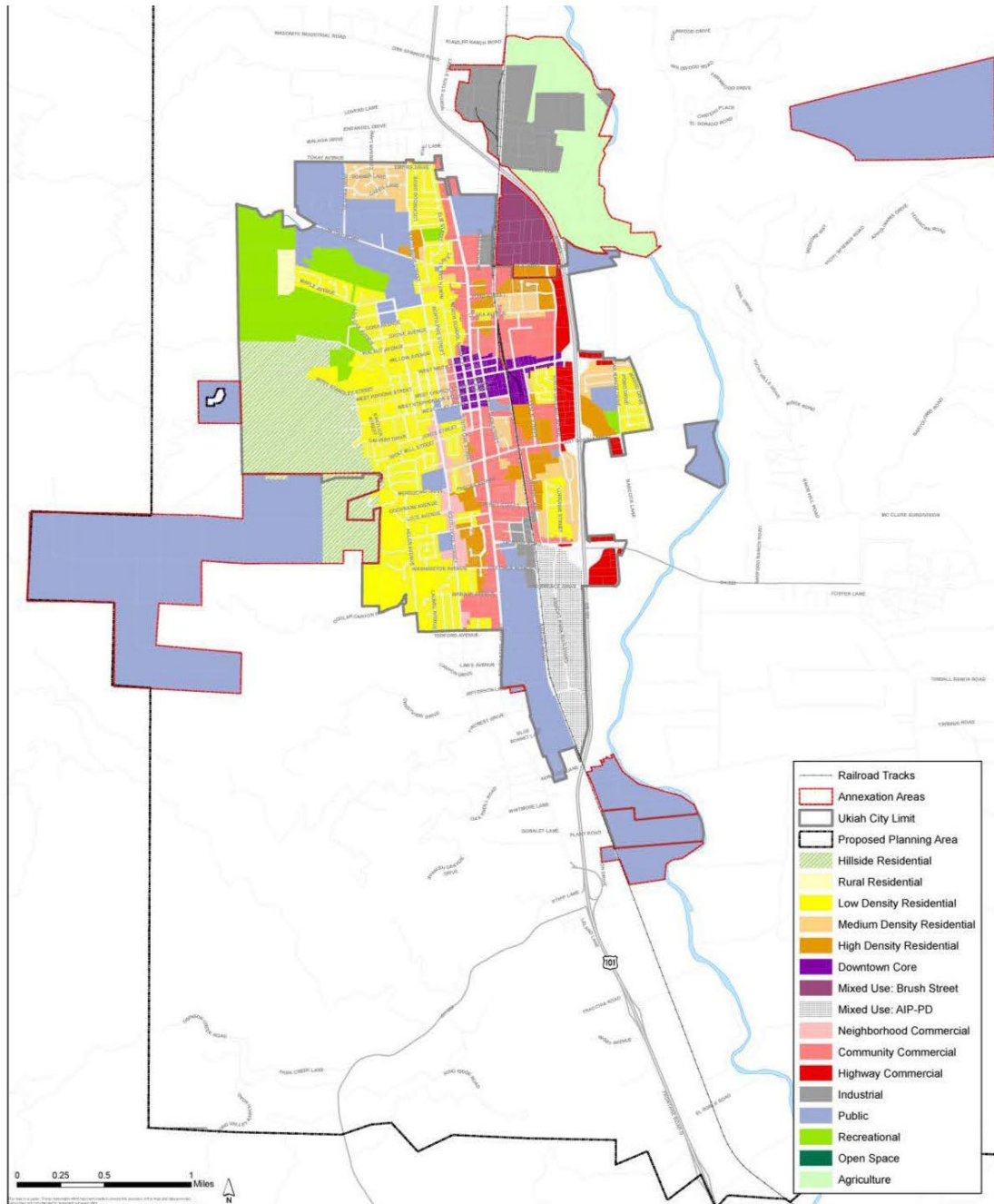
The Ukiah 2040 General Plan EIR comprehensively evaluated environmental impacts that would result from the General Plan's implementation, including information related to existing site conditions, analyses of the types and magnitude of project-level and cumulative environmental impacts, and feasible mitigation measures that could reduce or avoid environmental impacts.

### III. PROJECT BACKGROUND

#### 1. Project Location

The Missing Middle Ordinance (Heretofore known as the “Project”) includes zoning changes affecting low, medium and high density (R1-R3) zoned properties within the City of Ukiah limits. See Exhibit 1, Land Use Map.

**EXHIBIT 1: City of Ukiah – Land Use Map**



## 2. Environmental Setting

The City of Ukiah includes approximately 4.72 square miles. It serves as the County Seat of Mendocino County, as well as the county's commercial hub. Predominant land uses in the City include single family residential, multi-family residential, and commercial uses ranging from local commercial to service commercial, as well manufacturing, industrial and public facilities. Further west is undeveloped open space, and steep, densely vegetated areas interspersed with rural residential lots within the Western Hills and Mendocino County's jurisdiction.

The City of Ukiah sits in the Ukiah Valley in central Mendocino County, with elevations varying from approximately 600-feet above mean sea level up to approximately 3,000 feet in the hills surrounding the city. Ukiah is located along the Highway 101 corridor and near the east/west intersection of Highway 20, two hours north of the Golden Gate Bridge. The City of Ukiah is situated within the Coast Range geologic province. The North Coast Range is comprised of a geologic feature unique to California, the Franciscan Formation, which dictates the vegetative communities. The Franciscan Formation is comprised of serpentine, sandstone, and other sedimentary rocks. This area is characterized by a Mediterranean climate; the winters are cool and wet, and the summers are hot and dry. Annual temperatures for this region range from about 30 to 100 degrees Fahrenheit. The Ukiah Valley is located approximately 30 miles east and inland from the Pacific Ocean. It runs north-south for approximately nine miles, with a maximum width of three miles. The Russian River enters the valley at the north end and runs south along the valley floor.

## 3. Background

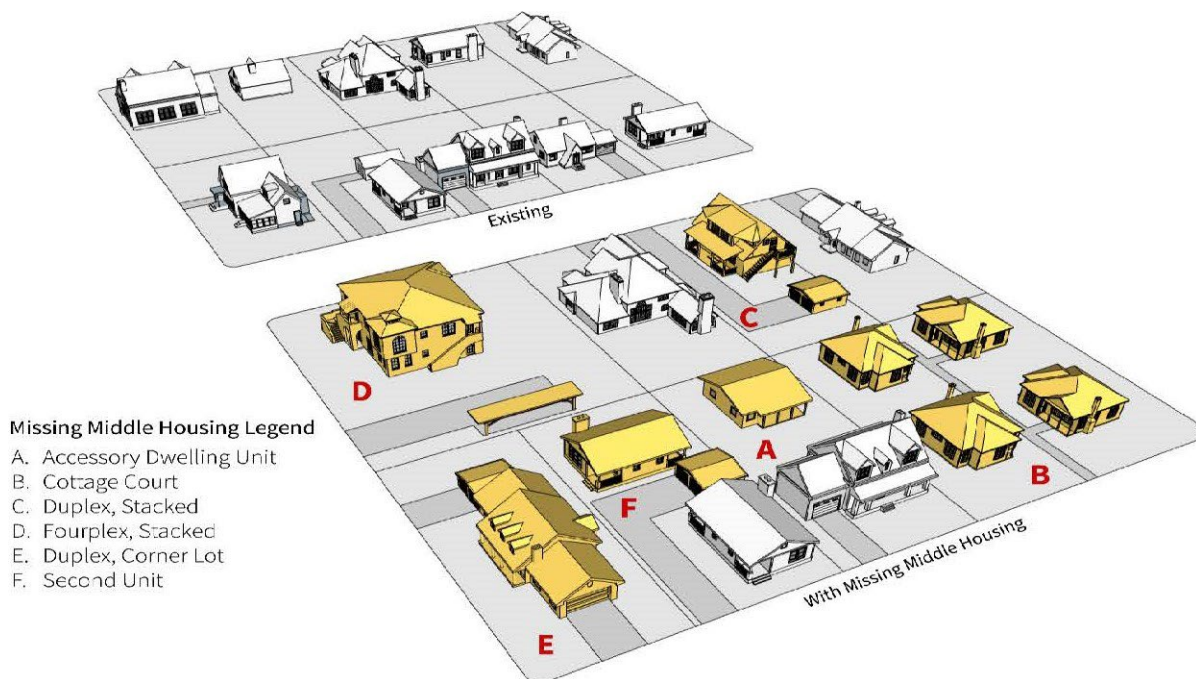
### Ukiah 2040 General Plan

The Project is proposed to carry out the vision of incorporating 'Missing Middle Housing' found within the Ukiah 2040 General Plan. While housing and residential neighborhoods form the fabric that makes the City of Ukiah a cohesive community, finding a place to call home can sometimes be challenging. The City is not affordable for some prospective residents, and the range of housing types and sizes to accommodate varied households is limited. The domination of single-family neighborhoods and the trend towards building single-family homes geared toward higher-income earners has further contributed to the housing issues in the City. The State of California has been working with communities to help meet the number and affordability of housing units needed in the State. As part of the Housing Element process, the State dictates the number of units, at a variety of income levels, for which each region must plan. This process has analyzed the City of Ukiah's capacity for additional housing at 239 units, with 161 earmarked for very-low and low-income and 165 for moderate and above-moderate. To address the diversity of housing needed in Ukiah and meet the requirements of State law, the City of Ukiah strives for communities that are a heterogenous mix of housing types and price points. This housing, which lies between the low end of Medium Density Residential (MDR – 1-14 units/acre) and the high end of High Density Residential (HDR – 1-28 units/acre) is often referred to as "Missing Middle" housing and can include a mix of housing types including duplexes, triplexes, fourplexes, cottage courts/clusters, and townhomes (See **Exhibit 2, Missing Middle Housing**).

As discussed below, and part of the 2040 General Plan, a goal and policies are included to support the development of Missing Middle Housing within existing Ukiah neighborhoods. Exhibit 2 illustrates this concept using a variety of Missing Middle Housing types. In the graphic, the two blocks were laid out to be identical relative to lot lines and existing structures, with the dwelling units shaded in white being existing dwelling units in a variety of sizes, but all being single-family detached homes. The portion of the graphic on the bottom (labeled "With Missing Middle

Housing”) shows that same block with future development. The white shaded structures are those current units remaining and the gold shaded structures are new Missing Middle Housing types. Some are in addition to existing structures (“A” and “F”), one is a replacement structure on an existing lot (“C”), and two show the consolidation of two lots to create one larger lot (“B” and “D”). (City of Ukiah, 2022).

## EXHIBIT 2: Missing Middle Housing (City of Ukiah 2040 General Plan)



## Senate Bill 9 and Development Implications

To continue to stimulate housing, specifically Missing Middle Housing, and remove barriers by local government for expedited housing production, the State enacted Senate Bill 9 (SB 9). SB 9 creates a ministerial approval process for lot splits and duplex construction on parcels zoned for single-family uses, if the project meets specified requirements. Duplex construction or lot splits cannot demolish deed-restricted affordable housing or housing occupied by tenants in the past three years or occur in an historic district. Local governments may impose objective standards, unless they preclude the construction of two units or a lot split. Local agencies may require up to one parking space per unit, unless the parcel is within a half mile of a major transit stop or high-quality transit corridor (similar to ADU requirements).

Housing created pursuant to these provisions cannot be rented for terms shorter than 30 days (no vacation rentals). Applicants for lot splits must sign an affidavit declaring their intent to occupy one of the lots for at least three years, unless the applicant is a community land trust or nonprofit. Local agencies may deny an application for a duplex or lot split if it makes written findings of an adverse impact on public health, safety, or the physical environment. Local governments must identify units constructed pursuant to these provisions in their housing element Annual Progress Report. (City of Ukiah, 2022).

## Ukiah 2040 General Plan Goals and Policies

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To promote the vision for Missing Middle Housing types, the Ukiah 2040 General Plan includes the following goal and policies.

**Goal LU-9** To provide opportunities for housing that can accommodate the needs, preferences, and financial capabilities of current and future residents in terms of different housing types, tenures, density, sizes, and costs.

**Policy LU-9.1 Mixed Residential Neighborhoods**

The City shall encourage creation of mixed residential neighborhoods through new and innovative housing types that meet the changing needs of Ukiah households and expand housing choices in all neighborhoods. These housing types include, but are not limited to, single dwelling units, multi-family dwelling units, accessory dwelling units, small and micro units, use of pre-fabricated homes, and clustered housing/cottage housing

**Policy LU-9.2 Housing Types and Designs**

The City shall support housing types and designs that increase density while remaining consistent with the building scale and character present in existing neighborhoods. This includes multi-family units or clustered residential buildings that provide relatively smaller, less expensive units within existing neighborhoods.

**Policy LU-9.3 Adaptation of Existing Residential Units**

The City shall encourage the adaptation of existing residential units to support multi-family use.

#### **4. Project Elements**

The zoning code amendments proposed in the Project are consistent with the Ukiah 2040 EIR and General Plan as described above. A summary of the proposed amendments is provided in **Appendix A**. The proposed Ordinance Amendment will not require an amendment to the City of Ukiah's 2040 General Plan EIR, as discussed below under *IV. Evaluation of Environmental Impacts*. In addition, no development or physical changes to the environment are proposed.

## **IV. EVALUATION OF ENVIRONMENTAL EFFECTS**

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The following findings are made in compliance with CEQA Section 15183 – Project consistent with a Community Plan or Zoning.

Section 15183 of the State CEQA Guidelines states that a project shall qualify for an exemption if the following findings can be made:

- 1) The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.
- 2) There are no project-specific effects which are peculiar to the project or its site, and which the Ukiah 2040 EIR failed to analyze as significant effects.
- 3) There are no project-specific impacts which the Ukiah 2040 EIR failed to analyze as significant effects.
- 4) There are no potentially significant offsite and/or cumulative impacts that the Ukiah 2040 EIR failed to evaluate.



- 5) There is no substantial new information that results in more severe impacts than anticipated by the Ukiah 2040 EIR.

A discussion of staff's finding of each potential environmental effect is provided below.

## 1. Density

**The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.**

### Finding

The Project is consistent with the development density established by the Ukiah 2040 General Plan.

### Discussion

Article 4 (R1) Low Density Residential District

In the Low Density Residential Zone, the minimum lot size is proposed to be reduced to 4,500sf (from 6,000sf). The total area for Low Density Residential zoning within the City of Ukiah is 626 acres, or 23.7% of the City area. The maximum density allowance in the Ukiah 2040 General Plan for Low Density Residential is 15 dwelling units per acre. The density incurred by the change from 6,000 sf to 4,500 sf is shown below. As 9.68 still falls well below the maximum density of 15 dwelling units/acre, this proposed change remains consistent with the development density of the Ukiah 2040 General Plan.

**Table 1  
Maximum Density in the R1 Zone**

	<b>Lot Size (sf)</b>	<b>Max Density (du/ac)</b>
Current R1 Zoning Density	6,000	7.26
Proposed R1 Zoning Density	4,000	9.68

The introduction of 'Missing Middle Housing' in the form of 'cottage dwelling groups' and duplexes in the Low Density Residential Zone would not increase density, as they would be held to the same density standards as single-family homes, as illustrated in Exhibit 2.

The remainder of the zoning ordinance amendments offer no changes to density. In the Medium Density Residential Zone, a remnant phrase that accorded to the prior General Plan "The maximum density is one to fifteen (15) dwelling units per acre of land" has been removed. The remaining language enables this zoning category to be consistent with the Ukiah 2040 General Plan.

## 2. Effects

**There are no project-specific effects which are peculiar to the project or its site, and which the Ukiah 2040 EIR failed to analyze as significant effects**

### Finding

All potential impacts from the Project were evaluated with the Ukiah 2040 EIR. The proposed ordinance has no unique features that were not evaluated within the General Plan EIR.

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## Discussion

The language changes and minor additions, rearrangements and deletions within Appendix A are directly applicable to the Ukiah 2040 General Plan vision of incorporating a more heterogeneous mix of housing types and price points within the City's residential zoning districts. For example, the inclusion of duplexes and multiple-family dwellings as an allowed use, pursuant to applicable design and development standards, removes barriers for low and moderate-income households to be more easily established in zoning designed for traditional single-family housing. In addition, the incorporation of landscaping standards in the Medium Density Residential and High Density Residential districts accord directly with the Ukiah 2040 EIR LU-11.10 Water Efficient Landscaping goal, *The City shall ensure that Zoning Code landscape standards and design guidelines reflect the most current water efficient landscape standards that include native, adaptive, and drought resistant vegetation, as well as provisions for street canopies and streetscape enhancement.* (City of Ukiah, 2022)

## 3. Impacts

**There are no project-specific impacts which the Ukiah 2040 EIR failed to analyze as significant effects**

### Finding

There is no new information as a result of the proposed ordinance amendments that would result in more severe impacts. The amendments are consistent with the Ukiah 2040 General Plan density and land use designations for Low Density Residential, Medium Density Residential and High Density Residential. All potential impacts were evaluated with the General Plan EIR.

### Discussion

Even though changes to height and setbacks are not specifically mentioned by name in the Ukiah 2040 General Plan goals and policies for 'Missing Middle' housing, these changes are implied within Policy LU-9.1 and LU-9.3 in the ability to expand housing choices and increasing density while maintaining the building scale and character present in existing neighborhoods. The setback and height modifications are minor and would more easily allow the implementation of LU-9.1 and LU-9.3.

To the same point, Low Barrier Navigation Centers are also included as allowed pursuant to Government Code sections 65660-65668, and even though not expressly discussed within the Ukiah 2040 General Plan, these and would follow the same density, regulations, and land use patterns of the other housing types in each residential zone.

## 4. Cumulative Impacts

**There are no potentially significant offsite and/or cumulative impacts that the Ukiah 2040 EIR failed to evaluate**

### Finding

There are no potentially significant offsite and/or cumulative impacts as a result of the proposed ordinance amendments.

## Discussion

The Project is consistent with the density and use characteristics of the development considered by the Ukiah 2040 EIR. The EIR considered the incremental impacts of introducing 'Missing Middle' housing and no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.

## 5. New Information

**There is no substantial new information that results in more severe impacts than anticipated by the Ukiah 2040 EIR**

## Finding

There is no substantial new information that results in more severe impacts than anticipated by the Ukiah 2040 EIR.

## Discussion

There is no new information as a result of the proposed ordinance that would result in more severe impacts. This zoning amendments are consistent with the Ukiah 2040 General Plan density and Land Use element. All potential impacts were evaluated with the Ukiah 2040 General Plan EIR.

### *Reducing setbacks, lot standards, and parking requirements*

Reduction of existing standards is crucial for facilitating the development of 'Missing Middle' housing in the City of Ukiah. These regulatory adjustments help to create more flexible and affordable housing options by allowing for previously approved densities in the 2040 General Plan to be applied on existing lots, reducing the barriers for property owners and developers to build diverse housing types like duplexes, triplexes, and townhomes. Staff has proposed reductions in these standards to align with existing allowances for accessory dwelling units (ADUs) and nonconforming structures as currently conveyed in various zoning articles, promoting infill development and increasing the availability of moderate-income housing. No setback is reduced by more than 5', although some requirements are consolidated to the least restrictive consideration. These changes aim to support the City's General Plan housing goals by creating more opportunities for sustainable, walkable, and diverse neighborhoods while still maintaining consistency with existing regulations.

### *Landscaping (R2 & R3):*

Minor updates to the landscaping standards included within the R2 & R3 zoning districts were updated to reflect Ukiah 2040 General Plan goals as discussed above. Drought resistant and native plants shall constitute the majority of plantings selected for developments that do not comply with the City's Objective Design and Development Standards. Notably, any residential construction that utilizes the City's Objective Design and Development Standards must provide landscaping commiserate with the expectations of the 2040 General Plan.

## V. DETERMINATION

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**Summary of Findings:** Section 15378 of the California Environmental Quality Act (CEQA) defines a "Project" as an activity that (1) is a discretionary action by a governmental agency; and

(2) will either have a direct or reasonably foreseeable indirect impact on the environment. (Pub. Res. Cod, § 21065). “Project” means the whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.

The Project includes zoning code amendments to the City of Ukiah’s Municipal Code in order to enact the goal and policies of the Ukiah 2040 EIR and General Plan regarding ‘Missing Middle Housing’. In implementing this housing type, the amendments are designed to also aid in meeting the City’s Regional Housing Needs Allocation (RHNA) by removing barriers (increasing maximum height, decreasing minimum site area, decreasing setbacks, parking) incurred by the existing residential zoning codes to promote a range of housing types and sizes to accommodate varied households.

While the Project is intended to facilitate housing development within the City of Ukiah, it does not include specific development designs or proposals, nor does it grant any entitlements for development. Development could also result in impacts to the physical environment depending on location, intensity, and other siting factors. However, the location, intensity, siting, and timing of such development is unknown.

All future development associated with the proposed zoning code amendments would be in residential or zoning districts where housing development is already generally allowed by right, or with an approved use permit and/or site development permit. Development could also result in impacts to the physical environment depending on location, intensity, and other siting factors. All future development would be analyzed on a project level basis for consistency with land use policies and development standards and would be subject to Building Permits for consistency with building and safety codes. In addition, depending on the type of development, location, and zoning district, future development could also require discretionary and environmental review of their individual and cumulative environmental impacts, as applicable.

In accordance with CEQA Guidelines Section 15183, the Project qualifies for an exemption because the following findings can be made:

- 1) The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.**
- 2) There are no project-specific effects which are peculiar to the project or its site, and which the Ukiah 2040 EIR failed to analyze as significant effects.**
- 3) There are no project-specific impacts which the Ukiah 2040 EIR failed to analyze as significant effects.**
- 4) There are no potentially significant offsite and/or cumulative impacts that the Ukiah 2040 EIR failed to evaluate.**
- 5) There is no substantial new information that results in more severe impacts than anticipated by the Ukiah 2040 EIR.**



Signature

10/17/24

Date

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## VI. APPENDICES

### Appendix A

Summary of Proposed Ordinance Amendments