



# City of Ukiah

## ZONING ADMINISTRATOR

Monday, October 24, 2016; 3:00 p.m.  
Conference Room 1



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### AGENDA

**1. CALL TO ORDER**                      **Conference Room 1, Ukiah Civic Center**  
**300 Seminary Avenue, Ukiah**

**2. SITE VISIT VERIFICATION**

**3. APPROVAL OF MINUTES**

The minutes from the September 29, 2016 meetings are included for review and approval.

**4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**

The Zoning Administrator welcomes input from the audience. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments.

**5. APPEAL PROCESS**

All determinations of the Zoning Administrator regarding minor discretionary planning permits are final unless a written appeal, stating the reasons for the appeal, is filed with the City Clerk within ten (10) days of the date the decision was made. An interested party may appeal only if he or she appeared and stated his or her position during the hearing on the decision from which the appeal is taken. For matters heard at this meeting, the City Clerk will accept appeals no later than **Thursday, November 3, 2016 at 5:00 p.m.**

**6. VERIFICATION OF NOTICE**

**7. PUBLIC HEARING**

**A. Caddell & Williams request for a Minor Use Permit to extend hours of operation at 108 W. Clay Street.**

APN 002-265-07, (File No.: 2149-UP-ZA): An application has been received from Caddell & Williams for Zoning Administrator approval of a Minor Use Permit to allow extended hours of operation at a proposed specialty tasting room at 108 W Clay Street.

**8. ADJOURNMENT**

**The City of Ukiah complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. If possible, please contact the City of Ukiah at (707) 463-6752 or (707)463-6207 at least 72 hours prior to the meeting time.**

**Minutes  
Zoning Administrator Meeting  
September 29, 2016**

**Staff Present**

Kevin Thompson, Zoning Administrator  
Michelle Johnson, Assistant Planner  
Cathy Elawadly, Recording Secretary

**Others Present**

Larry Pardini

**1. CALL TO ORDER**

Acting Zoning Administrator Thompson called the meeting to order at 10:00 a.m. in Conference Room No. 1, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

**2. SITE VISIT VERIFICATION**

Acting Zoning Administrator Thompson confirmed the site visit.

**3. APPROVAL OF MINUTES**

The minutes from the March 31, 2016 meeting are included for review and approval.

Acting Zoning Administrator Thompson approved the March 31, 2016 meeting minutes, as submitted.

**4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**

**5. APPEAL PROCESS**

Acting Zoning Administrator Thompson read the appeal process. For matters heard at this meeting the last day to appeal with the City Clerk is October 10, 2016 at 5:00 p.m.

**6. VERIFICATION OF NOTICE**

Planning staff verified the proposed Crane Mount Solar Panel Minor Variance at 4 Banker Boulevard was properly noticed in accordance with the provisions of the UMC.

**7. PUBLIC HEARINGS**

**7A. Crane Ground Mount Solar Panel Minor Variance 4 Banker Boulevard; APN 003-010-51, (File No.: 2107-VAR-ZA):** An application has been received from Eric Crane for Zoning Administrator approval of a Minor Variance to allow encroachment into the front setback for the addition of a 20 x 30-foot ground mounted solar array accessory structure located at 4 Banker Boulevard.

**Zoning Administrator Thompson:**

- Reviewed the staff report and finds it be thorough and nicely written.
- Dispensed with the staff report.

**PUBLIC HEARING OPENED: 10:07 a.m.**

**Larry Pardini:**

- Owns property next door to applicant.
- Reviewed the project plans with planning staff and has no problem with the proposed project.

**Assistant Planner Johnson:**

- Explained a variance was necessary for approval of the project because the Ground Mounted solar array accessory structure encroaches into the front yard setback. Section 9020 of the Zoning Code requires structures within the Single-Family Residential districts

1 to maintain 20 feet for dwellings and 30 feet for garages and accessory structures for the  
2 front yard setback.

3  
4 **PUBLIC HEARING CLOSED: 10:10 a.m.**

5  
6 **Zoning Administrator Thompson:**

- 7 • Has visited the site.  
8 • Agrees with staff's analysis of the project.  
9 • Is fine with the proposed project findings and conditions of approval.

10  
11 **Zoning Administrator Thompson** approved Crane Ground Mount Solar Panel Minor Variance  
12 File No.: Munis 2107-VAR-ZA based on the Findings in Attachment 1 of the staff report and  
13 subject to the conditions of approval in attachment 2 of the staff report.

14  
15 **8. ADJOURNMENT**

16 There being no further business, the meeting was adjourned at 10:13 a.m.

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19 \_\_\_\_\_  
20 Cathy Elawadly, Recording Secretary

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23 **Attachment 1**

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27 **DRAFT VARIANCE FINDINGS TO ALLOW THE REDUCTION IN A FRONT YARD SETBACK**  
28 **FROM 30 FEET TO 10 FEET TO ALLOW FOR THE ADDITION OF A 20 X 30- FOOT GROUND**  
29 **MOUNTED SOLAR ARRAY ACCESSORY STRUCTURE WITHIN THE**  
30 **(R-1) SINGLE-FAMILY RESIDENTIAL ZONE**

31  
32 The following findings are supported by and based on information contained in this staff report,  
33 the application materials, and the public record.

34  
35 1. The following special circumstances apply to the subject property; therefore; the strict  
36 application of the code will deprive the property owner privileges enjoyed by other properties  
37 within the (R-1) Medium Density Residential zone.

38  
39 a) The subject property is located on an irregular shaped parcel that is narrow along the  
40 street frontage and heavily wooded as you move west up the hill away from the front of  
41 the parcel. In an effort to preserve the existing tree coverage the applicant has identified  
42 one of the few areas that could efficiently support the ground mounted solar accessory  
43 structure.

44  
45 b) The subject property contains a house approved and built prior to the current zoning  
46 setback requirements.

47  
48 2. The issuance of this variance will not constitute a grant of special privilege based on the  
49 following:

50  
51 a. Other properties within this neighborhood and within the (R-1) zoning district have  
52 reduced setbacks that do not comply with current zoning ordinance regulations.

53  
54 3. The granting of this variance will not be detrimental to the surrounding property owners based  
55 on the following:

- 1 a. The granting of this variance will maintain and exceed the required 5-foot side yard  
2 setback and 5-foot rear yard setback. Therefore, the privacy of the neighbors will not  
3 be compromised.
- 4 b. As the solar array is proposed, it faces upward to maximize the sun exposure; in  
5 addition, the proposed location is on a slope above an existing bunker giving the  
6 accessory structure the appearance of a carport from street view. The neighbor to the  
7 north is hidden by several mature Oak trees; and the neighbor to the south will not be  
8 directly affected based on the location of the residences being slightly tucked into the  
9 hillside.
- 10 c. The proposed variance will not decrease existing parking, thus not intensifying  
11 existing parking use.
- 12 d. A building permit is required for the addition, ensuring that it will be safely constructed  
13 and will comply with Building and Fire Code requirements.
- 14 4. The proposed project is exempt from the provisions of CEQA pursuant to CEQA  
15 Guidelines Section 15305, Class 5(a) minor alterations in land use limitations based on  
16 the following.  
17  
18 a. The project involves minor alterations in land use limitations which do not result  
19 in the creation of any new parcels; specifically, this project involves a variance  
20 from front yard setbacks.  
21  
22 b. The project is not located within an environmentally sensitive area in that the site  
23 is located in an established residential neighborhood.  
24  
25 c. No water courses, wildlife, wildlife habitat, floodway or flood plain or other  
environmentally sensitive areas are affected by the proposed project.

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27 **Attachment 2**  
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31 **DRAFT VARIANCE FINDINGS TO ALLOW THE REDUCTION IN A FRONT YARD SETBACK**  
32 **FROM 30 FEET TO 10 FEET TO ALLOW FOR THE ADDITION OF A 20 X 30- FOOT GROUND**  
33 **MOUNTED SOLAR ARRAY ACCESSORY STRUCTURE WITHIN THE**  
34 **(R-1) SINGLE-FAMILY RESIDENTIAL ZONE**  
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- 36 1. Variance approval is granted for a 10 feet front yard setback. This is the result of a  
37 ground mounted solar array accessory structure as shown on the plans submitted to the  
38 Community Development and Planning Department and date stamped August 26, 2016.
- 39 2. Except as otherwise specifically noted, this variance shall be granted only for the specific  
40 purposes stated in the action approving the variance and shall not be construed as  
41 eliminating or modifying any building, use, zoning or other requirements except as to  
42 such specific purposes.  
43  
44
- 45 3. This approved variance may be revoked through the City's revocation process if the  
46 approved project related to the Permit is not being conducted in compliance with the  
47 stipulations and conditions of approval; or if the project is not established within two years

1 of the effective date of approval; or if the established and use for which the permit was  
2 granted has ceased or has been suspended for twenty-four (24) consecutive months.

3  
4 4. On plans submitted for building permit, these conditions of approval shall be included as  
5 notes on the first sheet.

6  
7 From Public Works, Ben Kageyama (707-463-6284)

8  
9 5. If the building permit value of work exceeds \$120,000, the existing sanitary sewer lateral  
10 shall be tested in accordance with City of Ukiah Ordinance No. 1105, and repaired or  
11 replaced if required.

12 6. If the building permit value is equal to or greater than one-third of the value of the existing  
13 structure, the construction of curb, gutter, and sidewalk, and addition of street trees,  
14 along the subject property street frontage, may be required, pursuant to Section 9181 of  
15 the Ukiah City Code.

16 From Building Official, David Willoughby (707-467-5718)

17  
18 7. The applicant must apply for a building permit prior to construction.

19  
20 Standard City Conditions of Approval

21  
22 8. No permit or entitlement shall be deemed effective unless and until all fees and charges  
23 applicable to this application and these conditions of approval have been paid in full.

24  
25 9. The property owner shall obtain and maintain any permit or approval required by law,  
26 regulation, specification or ordinance of the City of Ukiah and other Local, State, or  
27 Federal agencies as applicable. All construction shall comply with all fire, building,  
28 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect  
29 at the time the Building Permit is approved and issued.

30  
31 10. This approval is contingent upon agreement of the applicant and property owner and their  
32 agents, successors and heirs to defend, indemnify, release and hold harmless the City,  
33 its agents, officers, attorneys, employees, boards and commissions from any claim,  
34 action or proceeding brought against any of the foregoing individuals or entities, the  
35 purpose of which is to attack, set aside, void or annul the approval of this application.  
36 This indemnification shall include, but not be limited to, damages, costs, expenses,  
37 attorney fees or expert witness fees that may be asserted by any person or entity,  
38 including the applicant, arising out of or in connection with the City's action on this  
39 application, whether or not there is concurrent passive or active negligence on the part of  
40 the City. If, for any reason any portion of this indemnification agreement is held to be void  
41 or unenforceable by a court of competent jurisdiction, the remainder of the agreement  
42 shall remain in full force and effect.

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Community Development and Planning Department  
300 Seminary Avenue  
Ukiah, CA 95482  
[planning@cityofukiah.com](mailto:planning@cityofukiah.com)  
(707)463-6203

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DATE: October 24, 2016  
TO: Zoning Administrator  
FROM: Kevin Thompson, Interim Planning and Community Development Director  
SUBJECT: Request for an Approval of a Minor Use Permit

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**Recommendation:** Staff recommends the Zoning Administrator approve the proposed request for a Minor Use Permit based on the findings attached in the staff report.

**Project Description:** An application has been received from Caddell & Williams requesting Zoning Administrator approval of a Minor Use Permit at 108 W. (APN 002-265-07) Clay Street to allow extended hours of operation for their specialty beverage and tasting facility. The current operating standards as provided for in the Downtown Zoning Code Section 9224.15 are 10:00 a.m. to 10:00 p.m. The applicant has requested an earlier opening time of 8:00 a.m. and a closing time of 5:00 p.m.

**Setting:** The site 35.5'x 60' or 2,130 square foot lot site is located at 108 W Clay Street. The site is developed with a two-story building that covers a majority of the parcel. The Project site Urban Center (UC) and is surrounded by the following uses:

- North: Alex Thomas Plaza (Public)
- South: Office uses
- East: Office uses
- West: Alex Thomas Plaza (Public)

**General Plan:** The general plan land use designation of the subject property is Commercial. The Project is consistent with Economic Development goal ED-1: *Support a strong local economy*. The addition of a tasting room would provide an opportunity to increase foot traffic and tourism in the Downtown.

**Zoning and Site Analysis:** The project is located in the Urban Center (UC) zoning district. Tasting rooms are allowed without a Use Permit in this district. The applicant has requested a modification to the

Caddell & Williams  
Minor Use Permit  
108 W. Clay Street  
APN 002-265-07  
File No. 2149 UP ZA

1 hours of operations as described above, and this requires a Minor Use Permit. The proposed use will  
 2 occupy an existing building; no additional square footage is proposed with this application. The project  
 3 is located in the Downtown Parking District and is exempt from providing on-site parking. However,  
 4 ample street is available.

5  
 6 **Minor Use Permit.** In order to approve a Minor Use Permit, the findings included in Zoning Ordinance  
 7 section 9262(E) are required to be made. The required findings and staff analysis are included in the  
 8 table below:  
 9

<b>Table 1: Minor Use Permit Analysis</b>	
<b>Use Permit Findings</b>	<b>Staff Analysis</b>
<i>The proposed land use is consistent with the provisions of this Title as well as the goals and policies of the City General Plan.</i>	<p><b>General Plan:</b> The proposed project is consistent with the General Plan in that it promotes a lively Downtown, with pedestrian increased activity. The business is locally owned, furthering General Plan Policies of promoting local businesses.</p> <p><b>Downtown Zoning:</b> Tasting rooms are an allowed use in the Urban Center (UC) district. The reason for this Minor Use Permit request is to allow a business to have extended hours of operation, as described above. The project does not include any additional square footage to the existing building. The project is within the Downtown Parking District and as such is not required to provide on-site parking per Section: 2604 through 2611.</p>
<i>The proposed land use is compatible with surrounding land uses and shall not be detrimental to the public's health, safety and general welfare.</i>	<p><b>All Uses:</b> The project has been reviewed by the Fire Department, Police Department, Electric Department, Building Official, and Public Works Department. The conditions of approval are attached.</p> <p>The project is required to comply with all federal, state and local laws.</p> <p>Tasting Rooms are allowed by right in the UC zoning district. There are no residential uses in the immediate vicinity. The proposed hours of operation: 8:00 a.m. to 5:00 p.m. These hours are compatible with other uses in the immediate vicinity. Given tasting room are allowed in the UC district, and the proposed hours of operation are similar to the surrounding uses this proposal is viewed as compatible with the surrounding neighborhood.</p>

10  
 11 **Project Review:** The Project was referred to internal departments for review and comments. Comments  
 12 and recommended conditions of approval were received from the Police Department, and Planning  
 13 Department.  
 14

1 **Environmental Review:** The proposed project is exempt from the provisions of the California  
2 Environmental Quality Act (CEQA) pursuant to Section 15303 Class 3, conversion of small structures and  
3 Section 15301 Class 1, Existing Facilities based on the following:  
4

5 The use is within an existing structure which is not proposed for expansion with this proposal. The  
6 building is under 10,000 sq.ft.  
7

8 **Public Notice:** A notice of public hearing was provided in the following manner:  
9

- 10     ▪ posted in three places on the project site on October 9, 2016.
- 11     ▪ mailed to property owners within 300 feet of the project site on October 5, 2016; and
- 12     ▪ published in the Ukiah Daily Journal on October 11, 2016.

13  
14 As of the writing of this staff report no correspondence had been received from the public as a result of  
15 the public notice.  
16

17 **Decision Timeline:** The proposed project is subject to the requirements of the Permit Streamlining Act  
18 (PSA). The PSA requires that a decision be made on the project within 60 days of the application being  
19 deemed complete. This application was submitted to the Community Development and Planning  
20 Department on September 22, 2016 and was deemed complete on September 23, 2016. As such, a  
21 decision must be made on the project no later than November 23, 2016. The applicant may request a  
22 onetime extension of the decision timeline. The next regularly scheduled Zoning Administrator meeting  
23 is June 25, 2015.  
24

25 **ATTACHMENTS**

- 26     1. Draft Use Permit & Site Development Permit Findings
- 27     2. Draft Use Permit Conditions of Approval
- 28     3. Project Description

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44 **USE PERMIT FINDINGS**  
45 **TO ALLOW EXTENDED HOURS OF OPERATION FOR A TASTING ROOM**

Caddell & Williams  
Minor Use Permit  
108 W. Clay Street  
APN 002-265-07  
File No. 2149 UP ZA



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- B. The project has been reviewed by the Fire Marshal, Police Department, Building Official, and Public Works and no comments were received.
  - C. The project is required to comply with all federal, state and local laws.
  - D. The proposed hours of operation are compatible with the existing surrounding uses.
  - E. In the project description submitted by the application the hours of operation would be Monday through Sunday 8:00 a.m. to 5:00 p.m.
  - F. The project promotes the public health, safety, and welfare by providing a new local business so that residents do not have to travel out of town for these items or services.
6. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 Class 3 (c), New Construction and Conversion of Small Structures, which allows structures up to 10,000 square feet to be converted from one use to another in urbanized areas when the use does not involve significant amounts of hazardous materials, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive based on the following.
- A. The business does not use hazardous materials.
  - B. The site is developed with existing buildings, public utilities and services already are available at the site and no expansion of the existing buildings are proposed as part of the project.
  - C. The location is not environmentally sensitive and no drainage courses or bodies of water (such as creeks or streams).
7. Notice of the proposed project was provided in the following manner as required by the Zoning Ordinance:
- A. Posted in three places on the project site on October 5, 2016;
  - B. Mailed to property owners within 300 feet of the project site on October 5, 2016; and
  - C. Published in the Ukiah Daily Journal on October 9, 2016.

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- 8. Based on the scope of the project and the fact that there are not any additional opportunities for landscaping on the site, installation of new landscaping is not required.

# Final Use Permit

## Conditions of Approval

**TO ALLOW EXTENDED HOURS OF OPERATION FOR A TASTING ROOM  
WITHIN THE URBAN CENTER (U-C) ZONING DISTRICT  
108 W CLAY STREET, APN 002-265-07  
FILE NO. 2149-MUP ZA**

The Police Department recommends that the Minor Use Permit issued for this project be conditioned on the following:

- 1. That the applicant obtain and maintain any required Alcohol Licenses and any other regulatory licenses required to operate exactly as described by the applicant as submitted with the Minor Use Permit application. Copies of any licenses obtained be supplied to the City for inclusion in the use permit file with the City.
- 2. That the off-sale of alcohol allowed by a Type 21 ABC License issued by the State of California be ancillary to on-site tasting, allowed by an appropriate ABC License issued by the State of California, and that the tasting and ancillary sale of alcohol be in contiguous separate portions of the defined premises only.

Planning Department Conditions:

- 3. Hours of operation shall be 8:00 a.m. to 5:00 p.m.