

**Minutes  
Zoning Administrator Meeting  
May 15, 2008**

**Staff Present**

Zoning Administrator Stump  
Jennifer Faso, Associate Planner  
Cathy Elawadly, Recording Secretary

**Others Present**

Judy Cocoran  
Brian Cocoran  
Mike McCoy  
Sonia Anzilotti  
Edwin King  
Josey Shun  
Richard Hansen  
Terry McEntee  
Elizabeth MacDougall

Zoning Administrator Stump called the meeting to order at 2:00 p.m. in Conference Room No. 1, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

**2. SITE VISIT VERIFICATION**

Staff confirmed the site visit for item 6A and 6B.

**3. APPROVAL OF MINUTES: April 24, 2008**

**Zoning Administrator Stump** approved the minutes for April 24, 2008, as submitted.

**4. APPEAL PROCESS**

**Zoning Administrator Stump** read the appeal process. For matters heard at this meeting, the final date to appeal is May 27, 2008.

**5. VERIFICATION OF NOTICE**

**Associate Planner Faso** confirmed Minor Variance No. 08-12 and Minor Variance 08-05 were legally noticed in accordance with the provisions of the Ukiah Municipal Code.

**6. PUBLIC HEARINGS**

- 6A. Minor Variance No. 08-12:** Brian & Judy Corcoran, Owner, to allow the driveway parking located within the front and side yard setbacks to count as the required on-site parking within an R-1 Zoning District.  
Location: 1106 W. Church, Ukiah APN 001-211-06  
Environmental Determination: Categorically Exempt

**Associate Planner Faso** provided a brief overview of the project as follows:

- The applicants are seeking a variance to allow the driveway parking located within the front and side yard setbacks to count as the required on-site parking within the R-1 Zoning District, which essentially allows for the relocation of the site's required off-street parking onto the driveway within the 20-foot front yard setback and the 10-foot side yard setback.
- The UMC requires all properties in the R-1 zone to provide two off-street parking spaces and off-street parking is defined by the Code as "required on-site parking beyond all setback lines of a lot." In this case, the site currently has one space located outside of the setback wherein with the proposed garage conversion the off-street parking requirement would not be met.
- As noted above, the applicants intend to convert the existing garage thereby relocating the on-site parking to the driveway. A variance is required to allow the parking on this location and the garage conversion because a portion of the driveway is within the front and side yard setback. Variance approval is needed before the garage conversion can be approved by the Planning Department.

- Three findings must be made to support the granting of a variance according to Section 9264 of the UMC pertinent to 1) because of special circumstance applicable to the property the applicant would not be deprived of privileges enjoyed by other properties, 2) the variance would not be a grant of special privilege, and 3) the variance would not be detrimental to surrounding property owners.
- Staff's analysis determined the three findings to support approval can be made and are provided for on pages 2 and 3 of the staff report.
- Staff is recommending approval subject to the findings/standard conditions of approval.

**PUBLIC HEARING OPENED: 2:06 p.m.**

**Judy Cocoran** commented the existing garage is too small to park a car and be able to get out of the car and therefore she and her husband have never used the garage for its intended purpose. She intends to convert the garage into a 'pantry' for storage purposes. She and her husband will continue to park in the driveway whereby the neighborhood will not be affected by project approval. The applicants will not be building anything that would be obvious from the street.

**Zoning Administrator Stump** reiterated while the proposed garage conversion is not part of the hearing, it displaces one parking space. The applicants have always parked in the driveway. Since the UMC requires two on-site parking spaces, one of which is located outside of the setback, a variance is required to allow parking in this location. The variance would allow the one car displaced by the conversion to park in the driveway for a total of two cars on the site wherein no on-street parking facilities would be utilized.

**Sonia Anzilotti** expressed concern the project will change the neighborhood, particularly with regard to on-street parking and eluded the neighborhood is very congested with so many people parking on the street. She also commented on the poor condition of Church street and the lack of curb, gutter, and sidewalks that is a problem in the neighborhood in terms of pedestrian safety and with cars parking on private property because curbside parking is not available.

**Mike McCoy** stated his mother lives in the neighborhood and he is concerned the project might further impact the neighborhood relative to on-street parking. He also expressed concern regarding the potential for increased on-street parking in an already congested neighborhood. People are parking on his mother's property because there is no designated curbside parking accommodations. He commented the streets in the neighborhood are narrow, which is also a problem. He further commented on the proposed garage conversion and has observed the existing structure is at least 30 feet long.

**Judy Cocoran** stated she and her husband will park on-site and on-street parking would only be utilized when visitors come. She and her husband are cognizant of the parking problems and their intent is not to further impact the neighborhood in any way and no other structure is planned for the site in terms of providing for additional living space.

**Zoning Administrator Stump** noted the points expressed above about the parking situation is well taken, and stated the applicants do not intent to further impact the neighborhood. The proposed car garage conversion will not change the neighborhood.

**Zoning Administrator Stump** will advise the City Public Works Department concerning the condition of the streets in the neighborhood. It may be the Traffic Engineering Committee (TEC) can address the parking problems and staff can provide the appropriate information about the process.

**PUBLIC HEARING CLOSED: 2:13 p.m.**

**Zoning Administrator Stump** has visited the site and observed Church Street is narrow and rough and that parking is not orderly like in other neighborhoods. He also observed the site,

reviewed the staff report, and agrees with staff's findings and conclusions. If, however, this was a project that was going to increase parking on the street or increase the number of on-site parking in the setback beyond what is occurring, he would be concerned because of the nature of the neighborhood. In this case, no changes to the neighborhood will be made as a result of the project.

**Zoning Administrator Stump** approved Minor Variance No. 08-10 with Findings 1-3 and Conditions of Approval 1-9.

Corcoran Variance No.08-12

Findings:

1. The property is located in one of the cities' older residential neighborhoods on a small lot where undersize single car garages are typical. Because the garage is undersize, the applicant has never been able to use the garage for parking, therefore forcing the parking onto the driveway which is partially located within the front and side yard setbacks. The circumstances of the lot deprive the property owner of the ability to use the garage for parking, therefore leaving the only option for parking in the driveway. Creating a parking space in another location on the lot is not practical due to the location of the dwelling unit.
2. The issuance of the variance would not constitute a grant of special privilege because other properties within this neighborhood have undersized garages and use their driveways for parking.
3. The issuance of the variance would not be detrimental to the surrounding property owners because the existing oversized driveway on this parcel can accommodate parking without having a negative impact on the neighborhood or the adjacent properties. The location of the parking space within the side yard setback will not adversely affect uses on the adjoining parcel as it is not located near a bedroom or area that would be used for outdoor recreation. There is adequate area outside the street right of way to accommodate a nine by eighteen foot parking space on the driveway without encroaching into the public sidewalk.

Standard Conditions:

1. The parking space located on the driveway shall not be covered or convey any future right to create a covered parking space within the setback. Parking on the driveway shall not project into the public right of way, including encroaching into the public sidewalk.
2. This approval is not effective until the 10 day appeal period applicable to this Permit has been exceeded, and any timely filed appeal has been
3. This approval shall be null and void unless the California Environmental Quality Act/Fish and Game filing fee of \$ 50 payable to Mendocino County is filed with the City of Ukiah Planning and Community Development Department within five (5) days of this approval.
4. No Permit or entitlement shall be deemed effective unless and until all fees and charges applicable to the application and Conditions of Approval have been paid in full.
5. All use, construction, or occupancy shall conform to the application approved by the Zoning Administrator and to any supporting documents submitted therewith or made part of the administrative record, including staff reports, maps, sketches, renderings, building elevations, landscape plans, and other submittals or documents.

6. Except as otherwise specifically noted, this Permit shall be granted only for the specific purposes stated in the action approving the Permit and shall not be construed as eliminating or modifying any building, use, zoning or other requirements except as to such specific purposes.
7. This approved Permit may be revoked through the City's revocation process if the approved project related to the Permit is not being conducted in compliance with the stipulations and conditions of approval; or if the project is not established within two years of the effective date of approval; or if the established and use for which the permit was granted has ceased or has been suspended for twenty-four (24) consecutive months.
8. This approval is not effective unless and until all other required discretionary entitlements have been granted, issued or approved as applicable.
9. Any work, improvement, expenses or other encumbrance incurred by the applicant, owner or other party in reliance upon any entitlement, approval or permit which has not been granted, issued or approved is at your own risk.

**6B. Minor Variance No. 08-05:** Edwin Kang, Applicant/Michael and Annie Wabin, Owner; to allow variance for reduction in the side yard setback and relief from the on-site parking requirements within an R-2 Zoning District.  
Project location: 327 Mill Street, Ukiah APN 001-304-02  
Environmental Determination: Categorically Exempt

**Break: 2:15 p.m.**

**Reconvene: 2:19 p.m.**

**Associate Planner Faso** provided a brief overview of the project as follows:

- The applicant is seeking two variances to accommodate the construction of a duplex on a vacant lot. The first variance request is to allow a reduction in the side yard setbacks and the second is to provide relief from the on-site parking requirements.
- With regard to the request for variance from setback requirements in the R-2 Zoning District (Medium Density Residential), staff determined there is sufficient evidence to make the required findings to allow the proposed duplex to encroach into the required 10-foot side yard setbacks as provided for on page 3 of the staff report. Specifically, the applicant has applied for a variance to allow the proposed 'in-fill' project to encroach into the side yard setbacks. Within the R-2 Zone a 10-foot side yard setback is required for all primary structures, but the applicant is proposing a six-foot side yard setback on the east side and a nine-foot 8.5-inch side yard setback on the west side.
- With regard to the request for variance from on-site parking requirements, the UMC parking requirements for a duplex is two on-site independently accessible parking spaces per unit for a total of four parking spaces. The applicant is proposing three on-site parking spaces with a corresponding driveway. Therefore, the project does not meet the parking standards wherein a variance is required.
- Staff evaluated the site and determined there is sufficient evidence to make the required findings to allow relief from the required on-site parking standards, including Finding 4 that alludes to the proposed reduction of one required on-site parking space would not adversely impact the health, safety, or general welfare of the public. As is customary in the neighborhood, the proposed driveway will be able to accommodate additional parking if needed. While the driveway cannot be counted as the required on-site parking staff is of the opinion future occupants will park in the driveway whereby the neighborhood will not be impacted by additional cars on the street.
- Staff recommends approval subject to the project findings and conditions provided for in the staff report.

**Zoning Administrator Stump** requested clarification that the driveway would be able to accommodate up to three other cars in addition to the three on-site parking spaces.

**Associate Planner Faso** affirmed this would be the case.

**PUBLIC HEARING OPENED: 2:22 p.m.**

**Edwin Kang** commented on the development and explained how and why the project originated. The owners of the property intend to relocate and retire in Ukiah whereby they would live in one of the units and rent the other unit. They chose the site because it is located in the Downtown and in close proximity to services. Because the site has development constraints subject to UMC requirements, it has taken time to effectively design the project.

**Richard Hansen** resides in the neighborhood and his primary concern is the project could further impact Mill Street in terms of traffic and parking. So many neighborhoods in the community have congested streets because of garage conversions and people owning more than two vehicles. He is pleased the development has the capability of accommodating six vehicles on site. He supports the project.

**Terry McEntee** explained the project from a construction perspective and stated the site happens to be the last lot in a developed neighborhood that has been in existence for 60 years. His review of County records indicates the lot has many discrepancies. His intent when considering the project was to create a design compatible with the neighborhood, the appearance would not draw attention to itself, and a good fit for the small lot.

**Elizabeth MacDougall** resides in the neighborhood and expressed concern regarding the issues of privacy, drainage and the potential for increased traffic congestion in the neighborhood.

There was a discussion about drainage and the potential for flooding on Mill Street during the rainy seasons since the street slopes downward beginning from the western hills.

**Richard Hansen** also commented on the matter of drainage in the neighborhood, noting a neighbor took extensive measures to mitigate drainage problems on his property.

**Josey Shun** assisted with the purchase of the lot and acknowledged while the lot is small the applicants are working with the developer to create a nice project that would complement the neighborhood.

**Zoning Administrator Stump** stated Condition 7 ensures the proposed development does not adversely impact adjoining properties wherein a detailed grading and drainage plan may be required prior to the issuance of the building permit and subject to review by the Public Works Department.

**Zoning Administrator Stump** recommended the upper windows on the west elevation be modified to address the privacy issue expressed by Elizabeth MacDougall and added condition 17 to read, 'The west elevation of the proposed duplex shall be designed to protect the privacy of the neighbors specifically in regards to second story windows, subject to review at time of building permit.'

**Edwin King** will work with the building contractor in this regard.

**Elizabeth MacDougall** supports approval of the project.

**PUBLIC HEARING CLOSED: 2:42 p.m.**

**Zoning Administrator Stump** has reviewed the staff report, has visited the site, is familiar with the project and agrees with staff's findings and conditions of approval.

**Zoning Administrator Stump** approved Minor Variance No. 08-05 with Findings 1-3 and Conditions of Approval 1-16 and the addition of condition 17, as outlined in the staff report and discussed above.

Wabin Variance No. 08-05

Findings:

1. The project site is a vacant lot that is situated between two developed lots and is unique in that it is long and narrow. This 56' wide lot is considerably narrower than the adjacent lots and given its narrowness the required 10 foot side yard setbacks would limit the property owner's allowable building area, which is available to adjacent properties.
2. The issuance of the variance from the side yard setbacks would not constitute a grant of special privilege because the other properties in the area are physically wider and therefore are able to meet the setback requirements of this district and have full development options for their property.
3. The approval of this variance to allow a reduction in the side yard setbacks would not be detrimental to the surrounding property owners because the proposed duplex will be situated on the lot in a manner that will not impose on the adjacent properties privacy and the design and scale of the structure will be in keeping with the character of the neighborhood.
4. The proposed reduction of one required on-site parking space would not adversely impact the health, safety, or general welfare of the public. As is customary in this neighborhood the proposed driveway will be able to accommodate additional parking if needed. Although it cannot be counted as the required on-site parking staff believes that the future occupants will park in the driveway and therefore the neighborhood will not be impacted by additional cars on the street

Conditions:

1. The proposed duplex shall be designed with consideration of adjacent neighbors in regards to location windows and outside areas.
2. The proposed switchback stairway, shall be redesigned to a straight stairway to accommodate emergency personal and equipment, subject to review and approval by the City Fire Department.
3. The side yard access way shall be maintained and paved to facilitate emergency responder and shall be shown on the building permit plans, subject to review and approval.
4. Sidewalk improvements, minimum 5 feet wide, shall be required along the project frontage of Mill Street. At proposed driveway approaches, an ADA compliant sidewalk shall be constructed – normally comprised of a minimum 4 foot wide level sidewalk behind the sloped driveway apron for wheelchair accessibility. Public sidewalk improvements outside of the street right-of-way will require a sidewalk easement dedicated to the City, subject to Public Works review and approval prior to issuance of building permit.

5. All areas of on-site circulation shall be paved with a minimum of 2 inches of AC on 6 inches base, or other alternative surfacing as approved by the City Engineer. This includes the proposed driveway and parking area.
6. Standard frontage improvements shall include street trees spaced approximately every 30' that are within 5' of the back of sidewalk. Street trees shall be installed in accordance with City Standard Drawing No 601. Tree types shall be approved by the City Engineer prior to issuance of building permit.
7. Based on topographic information, the subject property appears to drain in a southeasterly direction, away from Mill Street and onto adjoining properties. To ensure the proposed development does not adversely impact those adjoining properties, a detailed grading and drainage plan may be required prior to issuance of the building permit, subject to review by the Public Works Department.
8. All work within the public right-of-way shall be performed by a licensed and properly insured contractor. The contractor shall obtain an encroachment permit for work within this area or otherwise affecting this area. Encroachment permit fee shall be \$45 plus 3% of estimated construction costs.
9. This approval is not effective until the 10 day appeal period applicable to this Permit has been exceeded, and any timely filed appeal has been
10. This approval shall be null and void unless the California Environmental Quality Act/Fish and Game filing fee of \$ 50 payable to Mendocino County is filed with the City of Ukiah Planning and Community Development Department within five (5) days of this approval.
11. No Permit or entitlement shall be deemed effective unless and until all fees and charges applicable to the application and Conditions of Approval have been paid in full.
12. All use, construction, or occupancy shall conform to the application approved by the Zoning Administrator and to any supporting documents submitted therewith or made part of the administrative record, including staff reports, maps, sketches, renderings, building elevations, landscape plans, and other submittals or documents.
13. Except as otherwise specifically noted, this Permit shall be granted only for the specific purposes stated in the action approving the Permit and shall not be construed as eliminating or modifying any building, use, zoning or other requirements except as to such specific purposes.
14. This approved Permit may be revoked through the City's revocation process if the approved project related to the Permit is not being conducted in compliance with the stipulations and conditions of approval; or if the project is not established within two years of the effective date of approval; or if the established and use for which the permit was granted has ceased or has been suspended for twenty-four (24) consecutive months.
15. This approval is not effective unless and until all other required discretionary entitlements have been granted, issued or approved as applicable.
16. Any work, improvement, expenses or other encumbrance incurred by the applicant, owner or other party in reliance upon any entitlement, approval or permit which has not been granted, issued or approved is at your own risk.
17. The west elevation of the proposed duplex shall be designed to protect the privacy of the neighbors specifically in regards to second story windows, subject to review at time of building permit.

7. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:25 p.m.

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Charley Stump, Zoning Administrator

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Cathy Elawadly, Recording Secretary