

**Minutes
Zoning Administrator Meeting
August 26, 2008**

Staff Present

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

Others Present

Lee Vagt
Kathleen Stan Vagt

Zoning Administrator Stump called the meeting to order at 2:05 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.

3. APPROVAL OF MINUTES: August 7, 2008

Zoning Administrator Stump approved the minutes for August 7, 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 September 8, 2008.

5. VERIFICATION OF NOTICE

Zoning Administrator Stump confirmed Minor Use Permit No. 08-26 was legally noticed in accordance with the provision of the Ukiah Municipal Code.

6. PUBLIC HEARINGS

- 6A. Minor Use Permit 08-26:** Lee Vagt, Owner, to allow an 800 square foot portion of an existing commercial building to be converted into residential space.
Location: 461 N. State Street, Ukiah, APN 002-186-03
Environmental Determination: Categorically Exempt.

The applicants are proposing to convert an 800 square foot portion of an existing commercial building into residential space. The property is zoned C-1 (Community Commercial), in which primary land uses include retail, service business and general commercial. The City code does make provisions for mixed-use projects through the Use Permit process.

Zoning Administrator Stump dispensed with the presentation of the staff report, noting only the persons present are the applicants and staff.

Zoning Administrator Stump confirmed with the applicant the second door on the northern portion of the building would replace the existing allowing for essentially ½ of the building to be for residential space and the other for commercial.

PUBLIC HEARING OPENED: 2:08 p.m.

Lee Vagt requested clarification regarding fire wall requirement relative to Item 3, comments from the Building Department that reads, "It appears the North side of the building is less than 5 feet from the property line. This wall will need to be of a 1 hour fire resistive construction with no openings, no overhang, and may require a parapet wall or a 1 hour fire resistive ceiling assembly within 5 feet of the wall line."

Zoning Administrator Stump stated the City Building Official would be able to answer questions specific to the fire wall requirements.

Lee Vagt also inquired regarding compliance with item 2, comments from the Water and Sewer Department that reads, "At the building permit phase for the proposed improvements the Water and Sewer Department will require that the applicant comply with the City of Ukiah's sewer lateral testing ordinance which will require the existing sewer lateral be water pressure tested and that a cctv inspection is performed. If the lateral fails the required tests, the lateral shall be repaired or replaced and retested until the lateral passes the required test."

Zoning Administrator Stump stated City Water Utilities Engineer Specialist Rick Sands would be able to assist with questions/concerns regarding the sewer lateral water pressure test and any other related questions.

Lee Vagt referred to Condition of Approval No. 7, and inquired regarding the definition of 'required discretionary entitlements.'

Zoning Administrator Stump stated the Use Permit process is essentially the required discretionary entitlement. This condition is considered a 'standard' condition of approval imposed for projects.

The applicant had no other project questions/concerns.

PUBLIC HEARING CLOSED: 2:15 p.m.

Zoning Administrator Stump acted the approve Minor Site Development Permit No. 08-26 with Findings 1-3 and Conditions of Approval 1-13.

Findings for Minor Use Permit 08-26:

1. With an approved Use Permit the proposed project is consistent with the goals and policies of the Ukiah General Plan's Commercial (C) land use designation along with the goals and policies of the Housing Element to provide housing for all economic segments of the community.
2. The proposed residential use, as conditioned, is consistent with the intent and development standards of the C-1 Zoning District.
3. The proposed residential use is compatible with the adjacent uses and as conditioned will not be detrimental to public health, safety, and general welfare.

Conditions of Approval: The following Conditions of Approval shall be made a permanent part of Minor Use Permit 08-07, these conditions shall remain in force regardless of property ownership, and shall be implemented in order for this entitlement to remain valid:

1. 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.
2. This approval is not effective until the 10 day appeal period applicable to this Permit has been exceeded.
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. 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.
6. 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.
7. This approval is not effective unless and until all other required discretionary entitlements have been granted, issued or approved as applicable. 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. A valid business license shall be obtained and maintained in good standing for the life of the business. All signs shall comply with Chapter 7 of Division 3 of the Ukiah City Code (www.cityofukiah.com).
8. All conditions that do not contain specific completion periods shall be completed prior to certificate of occupancy for the apartment.
9. Applicant shall be required to obtain and maintain any permit or approval required by law, regulation, specification or ordinance of the City of Ukiah and other Local, State, or Federal agencies as applicable. All construction shall comply with all building, fire, electric, plumbing, occupancy, and structural laws, regulations and ordinances in effect at the time the Building Permit is approved and issued.
10. The use, site, improvements, landscaping, and all other elements shall be operated and maintained consistent with the approved project and in good standing and repair for the life of the project, notwithstanding any change in ownership.
11. A copy of all conditions of this Permit shall be provided to and be binding upon any future purchaser, tenant or other party of interest.
12. A one hour separation wall shall be required between an "R" occupancy and a "B" occupancy, as required by the City of Ukiah Fire Marshal.
13. A building permit shall be required for all interior and exterior alterations to the building.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 2:16 p.m.

Charley Stump, Zoning Administrator

Cathy Elawadly, Recording Secretary