

**Minutes  
Zoning Administrator Meeting  
September 18, 2008**

**Staff Present**

Zoning Administrator Stump  
Jennifer Faso, Associate Planner

**Others Present**

Ziyad Ibrahim  
Cathleen Riley  
Robert Axt

**1. CALL TO ORDER**

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 6B.

**3. APPROVAL OF MINUTES: August 26, 2008**

**Zoning Administrator Stump** approved the minutes for August 26, 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 29, 2008.

**5. VERIFICATION OF NOTICE**

**Zoning Administrator Stump** confirmed Minor Use Permit No. 08-29 was legally noticed in accordance with the provision of the Ukiah Municipal Code.

**6. PUBLIC HEARINGS**

- 6B. Site Development Permit 08-22:** Katherine Elliott, Owner, proposed comprehensive façade improvement to the building at the corner of State and Church Street. Location: 1106 W. Church, APN 001-211-06.  
Environmental Determination: Categorically Exempt.  
Application has been withdrawn; scope of project has been reduced therefore Site Development Permit is no longer required.

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

**Robert Axt** stated the address should be 106 W. Church as opposed to 1106 W. Church. Staff acknowledged the application has been withdrawn.

**PUBLIC HEARING CLOSED: 2:07 p.m.**

- 6B. Minor Use Permit 08-29:** Ziyad Ibrahim, Owner, proposed conversion of an existing commercial building into a restaurant. No alterations to the site, hardscape or drainage is proposed. Location: 1200 S. State Street, Ukiah, APN: 003-540-38.  
Environmental Determination: Categorically Exempt.

**Planning Director Stump** dispensed with presentation of the staff report.

**PUBLIC HEARING OPENED: 2:09 p.m.**

**Robert Axt** advised the number of seats in the restaurant have been reduced to 53 from 59. The applicants have modified the plans for the interior of the building and reduced the number of seats to allow for additional counter space.

**Robert Axt** questions whether Condition of Approval No. 13 should not be made a project condition.

Staff and the applicants addressed Condition of Approval No. 13 and discussed whether there is a need for overflow parking with the adjacent property owner of Ukiah Food and Liquor.

**Associate Planner Faso** stated allowing for overflow parking is not necessary with the reduction in the number of restaurant seats.

Staff/applicants modified Condition of Approval No. 13 to read, "The property owner and the adjacent property owner of Ukiah Food and Liquor shall enter into an agreement to share existing trash enclosure on the Ukiah Food and Liquor site."

**Robert Axt** addressed the matter of signage for the project and proposed to replace the existing pole sign with a monument sign in the same location with a different configuration.

Staff/applicants modified Condition of Approval No. 14 to read, "Sign permit shall be obtained prior to installation of new signs, and every effort shall be made to keep the new monument sign at 8 feet or less."

**Zoning Administrator Stump** advised the Mendocino Air Quality Management District has contacted the City Planning Department regarding the interior building remodel and whether there are existing materials in the building that may be hazardous.

**Ziyad Ibrahim** stated samples of the sheetrock and insulation are being examined to make sure these materials do not contain asbestos.

**Zoning Administrator Stump** stated prior to issuance of the building permit, the Mendocino Air Quality Management District must provide clearance regarding any hazardous materials.

There was discussion concerning possible exterior improvements to include accommodations for outdoor seating, as well as for landscaping and/or other improvements.

There was also a general discussion concerning interior improvements to the building.

**PUBLIC HEARING CLOSED: 2:17 p.m.**

**Zoning Administrator Stump** commented the project is 'good' for the neighborhood and the site is well suited for a restaurant.

**Zoning Administrator Stump** approved Minor Use Permit No. 08-29 with Findings 1-3 and Conditions of Approval 1-17 with modifications to Conditions of Approval Nos. 13 and 14.

**RECOMMENDATION AND FINDINGS:** Planning Department staff recommends approval of Minor Use Permit No. 08-29, based on the following findings supported by this Staff Report:

**Use Permit Findings:** The following findings are affirmed pursuant to Ukiah Municipal Code Section 9262(E) as stated below and evidenced in this report:

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 Economic Development section.
2. The proposed restaurant use, as conditioned, is consistent with the intent and development standards of the C-2 Zoning District.

3. The proposed restaurant 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 08-29, 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. All conditions that do not contain specific completion periods shall be completed prior to certificate of occupancy for the apartment.
8. 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.
9. 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.
10. 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.
11. A building permit shall be required for all interior and exterior alterations to the building.
12. The plans submitted for Building Permit shall include a cover page with a copy of the Minor Use Permit Approval and Conditions of Approval. Failure to comply with this condition could cause a delay in processing the Building Permit.

13. The property owner and the adjacent property owner of Ukiah Food and Liquor shall enter into an agreement to share the existing trash enclosure on the Ukiah Food and Liquor site.
14. Sign permit shall be obtained prior to installation of new signs, every effort shall be made to keep the new monument sign at 8 feet or less.
15. Per the requirements of the City Public Works Department sidewalks along the South State Street and Washington Avenue frontages shall meet current ADA requirements, including at the existing driveway approaches. Where public sidewalk improvements are constructed outside of the street right-of-way, the owner shall dedicate a sidewalk easement to the City. Any damaged curb, gutter and sidewalk shall be repaired and any abandoned driveway openings shall be removed. Any work within the public right-of-way, if required, shall be performed by a licensed and properly insured contractor. Encroachment permit fee shall be \$45 plus 3% of estimated construction cost.
16. A separate permit is required for the hood and duct suppression system (fee is \$105; includes plan check, test and inspection.) Plans and installation must be by a licensed C-16 contractor. System must comply with UL-300, NEPA 17A. There is also the requirement for inspections, every six months (or after activation) by a qualified individual.
17. The building and site will need to meet all accessibility requirements for a new building, per requirements of the City of Ukiah Building Department.

**7. ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:20 p.m.

---

Charley Stump, Zoning Administrator

---

Cathy Elawadly, Transcriptionist