

**Minutes  
Zoning Administrator Meeting  
January 7, 2010**

**Staff Present**

Charley Stump, Zoning Administrator  
Kim Jordan, Senior Planner  
Jennifer Faso, Associate Planner  
Cathy Elawadly, Recording Secretary

**Others Present**

Rob Gainger  
Chris Ives  
Marvin Trotter  
Jack Freeman, Project Applicant  
Chris Keen  
Jim Sartain  
Marshall Kelly  
Linda Lynch  
Claudia Copple  
John Eisenzopf

**1. CALL TO ORDER**

Zoning Administrator Stump called the meeting to order at 2:18 p.m. in Conference Room No. 3, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

**2. SITE VISIT VERIFICATION**

Staff confirmed the site visit for item 6A.

**3. APPROVAL OF MINUTES: November 12, 2009**

Zoning Administrator Stump approved the minutes for November 12, 2009.

**4. APPEAL PROCESS**

Zoning Administrator Stump read the appeal process. For matters heard at this meeting, the final date to appeal is January 19, 2010.

**5. VERIFICATION OF NOTICE**

Associate Planner Faso confirmed Minor Use Permit 09-39 UP-ZA was legally noticed in accordance with the provisions of the Ukiah Municipal Code.

**6. PUBLIC HEARINGS**

**6A. Minor Use Permit 09-39 UP-ZA**, 275 South Orchard Avenue, APN 002-247-07. Request for approval of a minor use permit to allow a 7,348 square foot dialysis clinic within an existing commercial building.

Associate Planner Faso presented the staff report. No written public comments were received by staff.

**Zoning Administrator Stump:**

- Verified with staff that the project will consist of a 14-station dialysis clinic and a medical office for a doctor (kidney specialist).
- Asked about whether there will be exterior building improvements.
- The rear portion of the building is being leased separately by a different tenant for a different type of use.

Associate Planner Faso: No exterior building improvements have been proposed at this time except for a signs, which is a separate process.

**PUBLIC HEARING OPENED: 2:23 p.m.**

**Jack Freeman, Project Architect/Applicant:**

- The scope of the project has been well addressed by staff.
- Provided everyone with a copy of the site plan to demonstrate the location for parking/access areas. Also provided a floor plan.
- Minor exterior alterations will be made to the exterior of the building- the addition of windows where the actual dialysis procedures occur, as well as improvements to the front portion of the building under the canopy to effectively coordinate with new wall layout.
- While painting the exterior of the building is not a condition of approval, the applicants are open to staff's recommendation to clean up the front of the building.

**Zoning Administrator Stump:**

- Asked about the occupancy and the total number of persons anticipated that will be in the facility at any one time.
- Verified the square footage for the building that includes the physician's office.

**Jack Freeman:** With 14 work stations and staff, the anticipated maximum total number of persons is 25, no more than 30 when there is a shift change. Unlike a retail establishment, a dialysis clinic is a "destination" business with the building would be occupied by the patients being served and staff providing the clinical services.

**Zoning Administrator Stump:**

- Asked if the applicants have questions concerning the project findings and conditions of approval.

**Jack Freeman:**

- No questions regarding the project finding/conditions. They appear to be standard requirements.
- Does not anticipate any problems conforming to the project findings/conditions.
- The applicants have indicated the occupancy for the building will not exceed 25 persons maximum of 30 at any one and the building will remain one-story.

**Rob Grainger, Chief Financial Officer, Ukiah Valley Medical Center:**

- On behalf of UVMC Administration and Dr. Marvin Trotter's earlier endorsement support approval of the project.

**Zoning Administrator Stump:** Noted Marvin Trotter, M.D., was present earlier and offered his project support.

**PUBLIC HEARING CLOSED: 2:28 p.m.**

**Zoning Administrator Stump:**

- Project consistency with the Airport Master Plan was not indicated in the staff report. The project is located in the B2 Infill zone where the understandable approach would be to place land use restrictions in these areas, but the County Airport Land Use Commission, City staff and consultants after review of the Airport Master Plan determined that what makes sense is to allow developments and densities similar to what is existing in these areas. This became the policy that was incorporated into the Airport Master Plan for the B2 Infill areas north of Airport. What this means in terms of density is that no project/development is allowed that exceeds 90 persons per acre. Another restriction is that buildings must not exceed a height of two stories. There are also restrictions relevant to high density residential development, which is not applicable to this project.
- New finding No 5 was added to address compliance with the Airport Master Plan: Finding No. 5. The proposed project, as conditioned, is consistent with the purpose and the applicable requirements of the Ukiah Municipal Airport Master Plan based on the following:

- A. The project complies with the B2 Infill policy of the county wide Compatibility Plan which is applicable to the entire B2 zone. Furthermore the project will not will not exceed the density of 90 people per acre.
- B. The proposed project will not expand the existing single story footprint of the building.
- Has visited the site, agrees with the staff report and findings/other conditions of approval imposed for the project.

**Zoning Administrator Stump:** Approved Minor Use Permit 09-39 UP with Findings 1-4 and Conditions of Approval 1-19 with the addition of a finding to address compliance with the Airport Master Plan.

**DIALYSIS CLINIC, INC. MINOR USE PERMIT  
APPLICATION #09-39-UP-ZA  
275 SOUTH ORCHARD AVENUE, APN 002-274-07**

**USE PERMIT FINDINGS TO ALLOW THE OPERATION OF A DIALYSIS CLINIC AT 275 SOUTH ORCHARD AVENUE.**

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

1. The proposed project, as conditioned, is consistent with the General Plan land use designation of the property in that the project is consistent with Economic Development Goal ED-1 to support a strong local economy in that the project would allow the use of an existing building to house a new business that will service the citizens of Ukiah and the Ukiah Valley.
2. The proposed project, as conditioned, is consistent with the purpose and applicable requirements of the zoning district based on the following:
  - A. Specific uses allowed are determined by the zoning, which allows for a determination of appropriate use.
  - B. The Planning Director and Senior Planner have determined that the proposed Dialysis Clinic is an appropriate use with approval of a use permit within the C-1 Zone.
  - C. The project meets the intent of this zoning district in that the Dialysis Clinic will provide business opportunities along Orchard Avenue which is a major transportation corridor within the City.
  - D. The proposed project meets the parking requirements of the zoning code in that the project will provide 25 vehicle parking spaces.
3. The proposed project, as conditioned, is compatible with surrounding land uses and shall not be detrimental to the public's health, safety and general welfare based on the following:
  - A. The project site is located within an existing commercial corridor and is surrounded by various retail and commercial uses.
  - B. The project was reviewed by the City Building Official and Fire Marshal their comments have been added as conditions of approval.
  - C. The project is required to comply with the 1) California Building Code for any tenant improvements as applicable 2) City's Noise Ordinance and 3) all other applicable City, Local Agency, State and Federal requirements.
  - D. A Determination of Appropriate Use was made on October 8, 2009 (See attachment 3).

4. The proposed project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities and Section 15303 Class 3 (c) based on the following:
  - A. The project involves minor alterations to an existing commercial building that will not enlarge the footprint of the building.
  - B. The project involves a structure not exceeding 10,000 square feet in floor area.
  - C. The project is not located within an environmentally sensitive area in that the site is located on an arterial street and in an urban area that includes a variety of commercial businesses. The site is developed with a building that has been used in the past currently used and will continue to be used for retail sales and associated parking areas and landscaping. No water courses, wildlife, wildlife habitat, floodway or flood plain or other environmentally sensitive areas are present.
5. The proposed project, as conditioned, is consistent with the purpose and the applicable requirements of the Ukiah Municipal Airport Master Plan based on the following:
  - A. The project complies with the B2 Infill policy of the county wide Compatibility Plan which is applicable to the entire B2 zone. Furthermore the project will not exceed the density of 90 people per acre.
  - B. The proposed project will not expand the existing single story footprint of the building.

**USE PERMIT CONDITIONS OF APPROVAL TO ALLOW THE OPERATION OF A DIALYSIS CLINIC AT 275 SOUTH ORCHARD AVENUE.**

1. Approval is granted for the operation of dialysis clinic as described in the project description submitted to the Community Development and Planning Department and date stamped November 2, 2009 and as shown on the plans submitted to the Community Development and Planning Department and date stamped November 2, 2009, except as modified by the following conditions of approval.
2. This Use Permit is granted subject to the following operating characteristics:
  - A. Operation of a 7,348 square foot, 14 station dialysis clinic.
  - B. Days and hours of operation shall be limited to Monday through Saturday 7am to 5 pm.
  - C. The maximum number of employees shall be 21 full time employees.
3. Signs are not included as part of this approval. Signs require application for and approval of a sign/building permit.
4. On plans submitted for building permit, these conditions of approval shall be included as notes on the first sheet.

From the Department of Public Works ( Ben Kageyama)

5. If the building permit value of work exceeds \$101,180, or the proposed improvements create the net addition of two or more plumbing fixture units to the building, the exiting sanitary lateral shall be tested in accordance with Ukiah Valley Sanitation District Ordinance No. 30, and repaired or replaced if required.
6. Applicable Ukiah Valley Sanitation District sewer connection fees shall be paid at time of building permit issuance.

7. If the building permit value is equal to or greater than one-third of the value of the existing structure, curb, gutter, sidewalk, and street trees, along the subject property frontage, shall be installed or repaired if needed, pursuant to Section 9181 of the Ukiah City Code.
8. Any 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.

From the Fire Marshall ( Chuck Yates )

9. This is a remodel of the existing structure with a fire flow over 2,000 g.p.m. An automatic fire suppression system will be installed throughout ( Ukiah Municipal Code Section 5216 Adopting CFC 903.2 ( a ) ). Additional sprinkler installation requirements will follow with the sprinkler permit review.
10. As determined by Fire Marshal at time of building permit review, a hydrant may be required.

From the Building Official ( David Willoughby)

11. When the total construction costs of alterations does not exceed \$126, 784.66, then a minimum of 20% of the cost of construction shall be applied toward removing barriers and increasing accessibility to the existing building and the facility. The order of improvement to be made is as following.
  - A. accessible entrance
  - B. accessible route to the altered area
  - C. accessible restrooms
  - D. accessible telephones
  - E. accessible drinking fountains
  - F. accessible parking
12. If the total construction cost of alterations exceeds the above threshold then all requirements for accessibility shall comply with the requirements of Division 1 for new buildings.

Standard City Requirements

13. This Use Permit may be revoked through the City's revocation process if the approved project related to this Permit is not being conducted in compliance with these stipulations and conditions of approval; or if the project is not established within two years of the effective date of this approval; or if the established use for which the permit was granted has ceased or has been suspended for 24 consecutive months.
14. Business operations shall not commence until all permits required for the approved use, including but not limited to business license, tenant improvement building permit, have been applied for and issued/finished.
15. No permit or entitlement shall be deemed effective unless and until all fees and charges applicable to this application and these conditions of approval have been paid in full.
16. The property owner shall 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 fire, building, electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect at the time the Building Permit is approved and issued.

17. A copy of all conditions of this Use Permit shall be provided to and be binding upon any future purchaser, tenant, or other party of interest.
18. All conditions of approval that do not contain specific completion periods shall be completed prior to building permit final.
19. This approval is contingent upon agreement of the applicant and property owner and their agents, successors and heirs to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

**7. ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:31 p.m.

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Charley Stump, Zoning Administrator

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Cathy Elawadly, Recording Secretary