

**Minutes
Zoning Administrator Meeting
January 18, 2011**

Staff Present

Charley Stump, Zoning Administrator
Jennifer Faso, Associate Planner

Others Present

Steven Woodbury, Applicant

1. CALL TO ORDER

Zoning Administrator Stump called the meeting to order at 2:01 p.m. in Conference Room No. 1, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

2. SITE VISIT VERIFICATION

Zoning Administrator Stump confirmed the site visit for item 6A.

3. APPROVAL OF MINUTES: December 21, 2010

Zoning Administrator Stump approved the minutes for December 21, 2010, as submitted.

4. APPEAL PROCESS

Zoning Administrator Stump read the appeal process. For matters heard at this meeting, the final date to appeal is January 31, 2011.

5. VERIFICATION OF NOTICE

Associate Planner Faso confirmed Minor Use Permit 10-21 UP-ZA was legally noticed in accordance with the provisions of the Ukiah Municipal Code.

6. PUBLIC HEARINGS

- A. Minor Use Permit 10-21 UP-ZA, 950 A Waugh Lane APN 003-150-50.** Request for approval of a Minor Use Permit to allow retail sales within a Heavy Commercial (C-2) zone and request for outside sales and display area.

Zoning Administrator Stump dispensed with the staff report and noted the only person in attendance is the applicant.

PUBLIC HEARING OPENED: 2:05 p.m.

Steven Woodbury, applicant:

- Has reviewed the staff report and asked for clarification on difference between outside sales area and display area. Inquired if he can have an outside sales area and an outside display area.

Associate Planner Faso:

- Outside sales and outside display are the same by definition per the city Zoning Ordinance, therefore it would be all one area.

PUBLIC HEARING CLOSED: 2:07 p.m.

Zoning Administrator Stump added the following to Condition of Approval No. 3. Shown in italic .

Condition of Approval No. 3. The outside sales area shall only be located in the area shown on the approved plans. Outside sales shall not occur more than thirty (30) days within a twelve month period. If the amount of days exceeds thirty (30) days within a twelve (12) month period than Planning Commission approval is required. All items shall be displayed in *a neat and orderly*

1 manner and must be removed at the end of the day. The items cannot be located any closer than
2 10 feet from the edge of the city right-of-way (Waugh Lane).

3 **Zoning Administrator Stump** has visited the site, supports approval of the project with amended
4 condition of approval 3, agrees with staff's findings and project conditions and approved Minor
5 Use Permit 10-21 VAR-ZA with Findings 1-9 and Conditions of Approval 1-19.

6
7 **Woody's Trading Post**
8 **Minor Use Permit Findings for Approval**
9 **950 A Waugh Lane, APN 003-150-50**

- 10
11 1. The proposed project, as conditioned, is consistent with the goals and policies of the
12 General Plan as described in Table 1 of the staff report.
- 13 2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as
14 described in Tables 2 of the staff report.
- 15 3. The proposed project, as conditioned, is consistent with the purpose and applicable
16 requirements of the C-2 zoning district based on the following:
- 17 A. With an approved use permit the proposed project that includes retail sales and
18 outside sales is a permitted use within the Heavy Commercial (C-2) zoning
19 district.
- 20 B. The proposed project meets the parking requirements of the zoning code in that
21 the project will provide 4 vehicle parking spaces and 1 bicycle parking spaces
22 and there is sufficient parking for the existing uses on the site.
- 23
- 24 4. The proposed project, as conditioned, is compatible with surrounding land uses and shall
25 not be detrimental to the public's health, safety and general welfare based on the
26 following:
- 27
- 28 A. Surrounding uses include a variety of office, industrial and commercial uses all of
29 which are compatible with the proposed retail use.
- 30 B. The project has been reviewed by the Fire Marshal, Police Department, Building
31 Official, and Public Works and any requirements have been included as
32 conditions of approval.
- 33 C. The project is required to comply with all federal, state and local laws.
- 34 D. The project promotes the public health, safety, and welfare by providing a
35 needed service to the community of Ukiah.
- 36
- 37 5. The proposed project is exempt from the provisions of the California Environmental
38 Quality Act (CEQA) pursuant to Section 15303 (c), New Construction and Conversion of
39 Small Structures, which allows structures up to 10,000 square feet to be converted from
40 one use to another in urbanized areas when the use does not involve significant amounts
41 of hazardous materials, where all necessary public services and facilities are available,
42 and the surrounding area is not environmentally sensitive based on the following.
- 43
- 44 A. The total building square footage is 1,800 square feet.
- 45 B. The business does not use large amounts of hazardous materials.

- 1 C. The site is developed with an existing building and public utilities and services
2 already are available at the site. No expansion of the existing buildings are
3 proposed as part of the project.
4
- 5 6. Notice of the proposed project was provided in the following manner as required by the
6 Zoning Ordinance:
7
 - 8 A. Posted in three places on the project site on January 7, 2011.
 - 9 B. Mailed to property owners within 300 feet of the project site on January 7, 2011
 - 10 C. Published in the Ukiah Daily Journal on January 8, 2011.

Woody's Trading Post
Minor Use Permit Conditions of Approval
950 A Waugh Lane, APN 003-150-50

- 16 1. Approval is granted for the operation of a retail store with occasional outside sales. The
17 outside sales shall not occur more than thirty (30) days within a twelve (12) month period.
18 Approval is granted based on the project description submitted to the Planning and
19 Community Development Department and as shown on the Site plan date stamped
20 November 16, 2010 except as modified by the following conditions of approval.
- 21 2. This Use Permit is granted subject to the following hours of operation :
22 Monday, Tuesday, Wednesday and Friday 9 am - 5 pm
23 Saturday 11 am – 4:30 pm
24 Thursday and Sunday Closed
25
- 26 3. The outside sales area shall only be located in the area shown on the approved plans.
27 Outside sales shall not occur more than thirty (30) days within a twelve month period. If
28 the amount of days exceeds thirty (30) days within a twelve (12) month period than
29 Planning Commission approval is required. All items displayed in a neat and orderly
30 manner and must be removed at the end of the day. The items cannot be located any
31 closer than 10 feet from the edge of the city right-of-way (Waugh Lane).
32
- 33 4. Plans submitted for building permit shall include the location of the required bike rack and
34 is subject to staff review and approval. The bike rack shall be located as close as
35 reasonable to the front entrance to the retail store and shall be installed prior to
36 occupancy.
- 37 5. A Sign permit is required prior to installation of any signage.
- 38 6. Plans submitted for building permit shall show all required parking marked and all parking
39 spaces on the site shall be marked prior to occupancy. This includes the 4 required for
40 the furniture store and the 19 required for the commercial office uses.
- 41 7. On plans submitted for building permit, these conditions of approval shall be included as
42 notes on the first sheet.
43

44 From the Department of Public Works (Ben Kageyama)

- 46 8. If the building permit value of work exceeds \$102,960, of the proposed improvements
47 create the net addition of two or more plumbing fixture units to the building, the existing

1 sanitary sewer lateral shall be tested in accordance with Ukiah Valley Sanitation District
2 Ordinance No. 30, and repaired or replaced if needed.

- 3
4 9. If the building permit value is equal to or greater than one-third of the value of the existing
5 structure, the construction or repair of curb, gutter, sidewalk, and street trees, along the
6 subject street frontage may be required, pursuant to Section 9181 of the Ukiah City
7 Code.
8

9 From the Fire Marshal (Chuck Yates)

- 10
11 10. All applicable requirements of the Fire Marshall shall apply.
12

13 From the Building Official (David Willoughby)

- 14
15 11. A one hour fire wall is required from the floor up to the roof sheathing between Dalerio
16 Trucking and the new retail. Typically this consists of 5/8 type X drywall on each side of
17 2 X 4 wood studs.
18
19 12. The building will need to comply with all accessibility requirements for a retail space
20 including an accessible path from the public way, an accessible entrance, accessible
21 bathroom, accessible counter at point of sale, accessible parking and offloading and all
22 required signage.
23

24 Standard City Conditions of Approval

- 25
26 13. Business operations shall not commence until all permits required for the approved use,
27 including but not limited to business license, tenant improvement building permit, have
28 been applied for and issued/finaled.
29
30 14. No permit or entitlement shall be deemed effective unless and until all fees and charges
31 applicable to this application and these conditions of approval have been paid in full.
32
33 15. The property owner shall obtain and maintain any permit or approval required by law,
34 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
35 Federal agencies as applicable. All construction shall comply with all fire, building,
36 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
37 at the time the Building Permit is approved and issued.
38
39 16. A copy of all conditions of this Use Permit shall be provided to and be binding upon
40 any future purchaser, tenant, or other party of interest.
41
42 17. All conditions of approval that do not contain specific completion periods shall be
43 completed prior to building permit final.
44
45 18. This Use Permit may be revoked through the City's revocation process if the approved
46 project related to this Permit is not being conducted in compliance with these
47 stipulations and conditions of approval; or if the project is not established within two
48 years of the effective date of this approval; or if the established use for which the permit
49 was granted has ceased or has been suspended for 24 consecutive months.
50
51 19. This approval is contingent upon agreement of the applicant and property owner and
52 their agents, successors and heirs to defend, indemnify, release and hold harmless the
53 City, its agents, officers, attorneys, employees, boards and commissions from any
54 claim, action or proceeding brought against any of the foregoing individuals or entities,
55 the purpose of which is to attack, set aside, void or annul the approval of this
56 application. This indemnification shall include, but not be limited to, damages, costs,

1 expenses, attorney fees or expert witness fees that may be asserted by any person or
2 entity, including the applicant, arising out of or in connection with the City's action on
3 this application, whether or not there is concurrent passive or active negligence on the
4 part of the City. If, for any reason any portion of this indemnification agreement is held
5 to be void or unenforceable by a court of competent jurisdiction, the remainder of the
6 agreement shall remain in full force and effect.
7

8 **7. ADJOURNMENT**

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

10
11 _____
12 Charley Stump, Zoning Administrator

13
14 _____
15 Jennifer Faso, Recording Secretary
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