

**Minutes
Zoning Administrator Meeting
January 29, 2015**

Staff Present

Tim Eriksen, Deputy Zoning Administrator
Michelle Johnson, Assistant Planner
Cathy Elawadly, Recording Secretary

Others Present

Francisco Sanchez
Nohemi Sanchez
Halde Sanchez
Lawrence Mitchell
Aaron Adams
Margot Winters
Bonnie Pinsaz

1. CALL TO ORDER

Deputy Zoning Administrator Eriksen called the meeting to order at 11:01 a.m. in Conference Room No. 1, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

2. SITE VISIT VERIFICATION

Deputy Zoning Administrator Eriksen confirmed the site visit.

3. APPROVAL OF MINUTES: The minutes from the December 18, 2014 and January 8, 2015 meetings are included for review and approval.

Deputy Zoning Administrator Eriksen approved the December 18, 2014 and January 8, 2015 meeting minutes, as submitted.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

5. APPEAL PROCESS

Deputy Zoning Administrator Eriksen read the appeal process. For matters heard at this meeting the last day to appeal is February 9, 2015.

6. VERIFICATION OF NOTICE

Assistant Planner Johnson verified the proposed Restaurant Renovation Site Development Permit at 499 South State Street (File No. 598) was properly noticed in accordance with the provisions of the UMC.

7. PUBLIC HEARINGS

7A. Restaurant Renovation Site Development Permit, 499 South State Street (File No.: 598): Review and recommendation Zoning Administrator approval of a Site Development Permit to modify the existing building, parking lot and landscaping located 499 North State Street, APN 002-152-07.

Assistant Planner Johnson:

- Presented the Project and project description as provided for in the staff report.
- Referred to page 3 of the staff report and noted Table 3: Zoning Ordinance and Site Analysis should read, 'Table 2: Zoning Ordinance and Site Analysis.'
- Referred to page 5 of the staff report and noted Table 4: Site Development Permit Analysis should read 'Table 3: Site Development Permit Analysis.'

PUBLIC HEARING OPENED: 11:05 a.m.

Lawrence Mitchell, Project Architect and applicant representative:

- Described/explained the Project objectives and corresponding proposed modifications to the existing site that are provided for on page 1 of the staff report and attachment 3 of the

- 1 staff report, including a discussion about the proposed materials treatment and paint
2 scheme for the building.
- 3 • Referenced the PRC comments dated January 28, 2015 from the City Building Official
4 that are included in the minutes as attachment 1 and has no problem with the
5 requirements.
 - 6 • Provided staff with a copy of the revised floor plans that are included in the minutes as
7 attachment 2.
 - 8 • Requested clarification all comments made by the DRB at the January 8, 2015 meeting
9 concerning the recommended landscaping species/corresponding species alternatives
10 have been properly addressed and showed the location of the recommended plant
11 species on the site plans.

12
13 **Associate Planner Johnson** verified:

- 14 • The minutes from DRB meeting of January 8, 2015 were included in the staff report as
15 attachment 5.
- 16 • Project Finding 12 states, 'The Design Review Board found the proposed Yucca Whipple
17 to be unacceptable as it contains individual spines/thorns and is not the most pedestrian-
18 friendly of plants. The Design Review Board recommends replacing the proposed Yucca
19 Whipple with two (2) Guadalupe Palms and corresponding Condition of Approval 4
20 states, 'The Yucca Whipple proposed to be planted on the site shall be replaced with two
21 (2) Guadalupe Palms as recommended by the Design Review Board.'

22
23 **Bonnie Pinsz:**

- 24 • Operates the commercial business across the street to the north.
- 25 • Is concerned about the neighborhood and alcohol being served at night for the restaurant
26 establishment having the potential to further encourage vandalism to properties in the
27 neighborhood.
- 28 • Is pleased the property will once again be inhabited and properly cared for.

29
30 **Aaron Adams:**

- 31 • Operates the commercial property east of the proposed Project.
- 32 • Expressed concern about the drainage in the graveled area between the two properties
33 and with having access for maintenance purposes.

34
35 **Halde Sanchez:**

- 36 • Supports the drainage in the area functions properly and has no problem with Mr. Adams
37 making certain this occurs.
- 38 • Related to the issue of potential vandalism, surveillance cameras will be installed to
39 deter vandalism.

40
41 **Deputy Zoning Administrator Eriksen:**

- 42 • Is familiar with the drainage in the area and supports that the draining for the site will be
43 properly maintained.

44
45 **PUBLIC HEARING CLOSED: 11:15 a.m.**

46
47 **Deputy Zoning Administrator Eriksen** approved Restaurant Renovation Site Development
48 Permit, 499 South State Street (File No.: 598) with Findings in attachment 1 and Conditions of
49 Approval in attachment 2.

50
51 **8. ADJOURNMENT**

52 There being no further business, the meeting was adjourned at 11:18 a.m.

53
54
55 _____
Cathy Elawadly, Recording Secretary

FINDINGS – SITE DEVELOPMENT PERMIT FINDINGS

**SITE DEVELOPMENT PERMIT FINDINGS TO ALLOW RESTAURANT RENOVATION
SITE DEVELOPMENT PERMIT FOR AN ADDITION,
PARKING LOT MODIFICATIONS, AND LANDSCAPING AT
499 NORTH STATE STREET, APN 002-152-07
CITY FILE NUMBER: 598**

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

1. The proposed project, as conditioned, is consistent with the goals and policies of the General Plan as described in the staff report.
2. The proposed project, as conditioned, is consistent with the development standards for the C-1 zoning district as described in Table 3 of the Staff Report.
3. The location, size and intensity of the proposed project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern based on the following:
 - A. The project site is currently developed with a vacant commercial building. The proposed changes to the project site would not change the existing vehicular traffic pattern and would create a designated pedestrian path of travel. Therefore the project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.
4. The project site is currently developed with a vacant commercial building. The accessibility of the existing off-street parking and driveway will not change as a result of the proposed accessory structure therefore no hazardous or inconvenient conditions will be created on adjacent streets.
5. The applicant/project proposes 9 parking spaces rather than the 15 that are required by code. The Zoning Administrator can reduce the required parking if unique circumstances and constraints are present on the site. In this case, staff recommends the Zoning Administrator conclude that the 4 spaces are acceptable based on the following:
 1. The existing parking lot is small and irregular in shape as compared to other parking lots in the area, which makes it impossible to add an additional parking space without removing landscaping and other on-site amenities.
 2. The existing parking lot is legal non-conforming in terms of landscaping coverage and to add an additional parking space would mean taking out landscaping, which would increase the non-conformity.
 3. The code requirements for the size and configuration for ADA parking spaces demands a significant amount of space, which further precludes the applicants from adding an additional regular space to the parking lot.
 4. There is adequate on-street parking in the vicinity to supplement any parking needs of the business.

- 1 6. The proposed project would not change the existing height and therefore the proposed
2 project will not restrict or cut out light and air on the property or on the property in the
3 neighborhood. The project would not hinder the development or use of the buildings in
4 the neighborhood in fact the proposed project may generate value in the neighborhood.
5
- 6 7. The project site is not located adjacent to residential zoning districts; therefore, the
7 improvement of any commercial or industrial structure will not have a substantial
8 detrimental impact on the character or value of an adjacent residential zoning district
9
- 10 8. The site is located in a commercial area developed with an existing commercial building.
11 No water courses, wildlife, wildlife habitat, floodway or flood plain or other
12 environmentally sensitive areas will be disturbed as a result of this project.
13
- 14 9. On December 11, 2014 and January 8, 2015, the City Design Review Board reviewed the
15 project and voted 5-0 to recommend Zoning Administrator approval.
16
- 17 10. The proposed project is consistent with the requirements of the Ukiah Airport Master Plan
18 as described in Table 2 of the staff report.
19
- 20 11. The project is consistent with the City of Ukiah Commercial Development Design
21 Guidelines because it will significantly renovate an existing older shop front in the
22 downtown and the project has been reviewed and found acceptable by the Downtown
23 Design Review Board.
24
- 25 12. The Design Review Board found the proposed Yucca Whipple to be unacceptable as it
26 contains individual spines/thorns and is not the most pedestrian-friendly of plants. The
27 Design Review Board recommends replacing the proposed Yucca Whipple with two (2)
28 Guadalupe Palms.
29

30 ENVIRONMENTAL REVIEW

31
32 The proposed project is exempt from the provisions of CEQA pursuant to CEQA Guidelines
33 Section 15301, Existing Facilities, which allows exterior modifications, additions to existing
34 building and installation of replacement signage, Section 15304, Minor Alterations to Land, which
35 allows new landscaping, and Section 15311, and Accessory Structures, which allows new signs.
36

- 37 A. The Project includes interior/exterior alterations to an existing building in order to upgrade
38 the project site. The interior modifications include a 420 square foot addition for storage
39 and required appliances. These modifications do not result in an expansion of the use or
40 an increase in capacity.
41
- 42 B. The Project is consistent with the Commercial general plan designation and all applicable
43 general plan policies as well as with the Community Commercial zoning designation and
44 regulations based on the analysis in the staff report.
45
- 46 C. Based on review of the project by Public Works, the Electric Department, Police
47 Department and Fire Marshal, the site can be adequately served by all required utilities
48 and public services.
49
- 50 D. The Project is a development site comprised primarily of impervious surfaces (parking lot
51 and building). The site and surrounding area are not environmentally sensitive. The
52 Project includes the addition of new trees, ornamental grass, landscaping boulders and
53 mulch. There are no wetlands, creeks, or water bodies on the site.
54
- 55 E. The Project includes six new trees.
56

1 F. The Project includes the replacement of one freestanding sign along the State Street
2 frontage.
3

4 A notice of public hearing was provided in the following manner as required by the Ukiah
5 Municipal Code.
6

- 7 • posted in three places on the project site on January 16, 2015;
- 8 • mailed to property owners within 300 feet of the project site on January 16, 2015; and
- 9 • published in the Ukiah Daily Journal on January 18, 2015.

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12 **CONDITIONS OF APPROVAL – SITE DEVELOPMENT PERMIT**

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14 **SITE DEVELOPMENT PERMIT CONDITIONS OF APPROVAL TO ALLOW**
15 **RESTAURANT RENOVATION SITE DEVELOPMENT PERMIT FOR AN ADDITION,**
16 **PARKING LOT MODIFICATIONS, AND LANDSCAPING AT**
17 **499 NORTH STATE STREET, APN 002-152-07**
18 **CITY FILE NUMBER: 598**
19

- 20 1. Site Development Permit approval is granted to allow the exterior modifications as shown
21 on the plans and as described in the project description submitted to the Planning and
22 Community Development Department and date stamped November 14, 2014, as except
23 as modified by the following conditions of approval.
24
- 25 2. On plans submitted for building permit, these conditions of approval shall be included as
26 notes on the first sheet.
27
- 28 3. Construction hours are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through
29 Saturday. Construction is prohibited on Sundays and holidays recognized by the City of
30 Ukiah.
31
- 32 4. The Yucca Whipple proposed to be planted on the site shall be replaced with two (2)
33 Guadalupe Palms as recommended by the Design Review Board.
34

35 From the Building Official (David Willoughby)
36

- 37 5. A permit is required for the proposed work.
38

39 From Public Works (Ben Kageyama)
40

41 The following are standard requirements applicable to this project:
42

- 43 6. Applicant shall upgrade existing sidewalk along North State Street and Norton Street to
44 meet ADA requirements, including at the existing driveway approaches and at the curb
45 ramp at the crosswalk. Public sidewalk improvements outside of the street right-of-way
46 will require a sidewalk easement dedicated to the City.
47
- 48 7. Street trees shall be provided in accordance with the approved site plan and shall be
49 installed in accordance with City Standard Drawing No 601.
50
- 51 8. All work within the public right-of-way shall be performed by a licensed and properly
52 insured contractor. The contractor shall obtain an encroachment permit for work within
53 this area or otherwise affecting this area. Encroachment permit fee shall be \$45 plus 3%
54 of estimated construction costs.
55

- 1 9. If additional plumbing fixtures are proposed, City of Ukiah sewer connection fees shall
2 apply, and shall be paid at the time of building permit issuance.
3
4 10. If a building permit value of work exceeds \$113,200, or the proposed improvements
5 create the net addition of two or more plumbing fixture units to a building, the existing
6 sanitary sewer lateral shall be tested in accordance with City of Ukiah Ordinance No.
7 1105, and repaired or replaced if required.
8
9 11. A grease interceptor shall be required and sized in accordance with the California
10 Plumbing Code.
11

12 From the Electric Department (Jimmy Lozano)
13

- 14 12. a) The existing 2 pot transformer bank located across the street (NE corner of the lot) will
15 be feeding the new proposed service panel via an overhead feed.
16
17 b) The existing transformer bank has enough capacity to feed the proposed service panel
18 as is. If the scope of work/project changes from the proposed size of the new service
19 panel, this may trigger a transformer upgrade from a 50Kva to a 75Kva Transformer (on
20 the bigger transformer of the two).
21
22 c) Should the transformer bank or the overhead secondary service need to be upgraded
23 or the applicant wishes to underground the new secondary feed, the
24 Contractor/Developer will incur the cost. The cost will include labor, materials and
25 equipment (to be determined) to the existing transformer bank, new underground
26 secondary feed or upgrade the overhead secondary service to the service panel for the
27 project.
28
29 d) Applicant to confirm service panel size i.e. 400A 208Y/120V 3-phase or 400A
30 240/120V 1-phase.
31
32 e) The electrical service panels must have Test-By-Pass facilities and the customer will
33 need to provide panel specifications and the appropriate EUSERC drawing numbers for
34 the panels, prior to purchase.
35
36

37 From the County of Mendocino Environmental Health (Brian Hoy)
38

- 39 13. Mendocino County Environmental Health Division Requires an application for plan
40 review, one complete set of plans and manufacturer's technical specification sheets for
41 all equipment and materials, and a fee of \$565.00 for a major plan review and approval.
42

43 Standard City Conditions of Approval
44

- 45 14. This approval is not effective until the 10 day appeal period applicable to this Site
46 Development Permit has expired without the filing of a timely appeal. If a timely appeal is
47 filed, the project is subject to the outcome of the appeal and shall be revised as
48 necessary to comply with any modifications, conditions, or requirements that were
49 imposed as part of the appeal.
50
51 15. The property owner shall obtain and maintain any permit or approval required by law,
52 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
53 Federal agencies as applicable. All construction shall comply with all fire, building,
54 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
55 at the time the Building Permit is approved and issued.
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- 16. All conditions of approval that do not contain specific completion periods shall be completed prior to building permit final.
- 17. Building, Grading or other required Permits shall be issued within two years after the effective date of the Site Development Permit, or the discretionary actions granted by the permit shall expire. In the event the required Permits cannot be issued within the stipulated period from the project approval date, a one year extension may be granted by the Director of Planning if no new circumstances affect the project which otherwise would render the original approval inappropriate or illegal. It is the applicant's responsibility in such cases to propose the one-year extension to the Planning Department prior to the two-year expiration date.
- 18. Except as otherwise specifically noted, the Site Development Permit shall be granted only for the specific purposes stated in the action approving the Site Development Permit and shall not be construed as eliminating or modifying any building, use, or zone requirements except to such specific purposes.
- 19. The approved Site Development Permit may be revoked through the City's revocation process if the approved project related to the Site Development 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 land use for which the permit was granted has ceased or has been suspended for twenty four (24) consecutive months.
- 20. 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.
- 21. 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.

PRC COMMENTS

DATE: December 17, 2014
PLANNING PERMIT #: 598
OWNER/APPLICANT: Lawrence Mitchell
PROPERTY ADDRESS: 499 N. State St.
FROM: David Willoughby (Building Official)

Building permits will be required for the proposed construction of the restaurant addition and remodel.

The following comments are intended to aid the applicant in realizing some of the items required to be incorporated in the building and plans when submitted for the building permit. This is not a plan check for the permit.

- When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided. The primary accessible path of travel shall include:
 1. A primary entrance to the building or facility.
 2. Toilet and bathing facilities serving the area.
 3. Drinking fountains serving the area (not required for the restaurant).
 4. Public telephones serving the area (if present) and
 5. Signs.
- A single unisex accessible bathroom is shown on the plans. Based on the occupancy and the occupant load of this building separate accessible bathrooms are required for men and women.
- A Mendocino County Air Quality Management District asbestos clearance is required for this project prior to the issuance of the building permit.
- A Mendocino County Environmental Health approval is required for this project prior to issuance of the building permit.
- Electrical calculations will be required on the plans to show that the proposed electrical service is of sufficient size to meet the demands of the electrical loads.

RECEIVED

JAN 28 2015

CITY OF UKIAH
BUILDING/PLANNING DEPARTMENT

