

**Minutes
Zoning Administrator Meeting
February 19, 2015**

Staff Present

Charley Stump, Zoning Administrator
Michelle Johnson, Assistant Planner
Cathy Elawadly, Recording Secretary

Others Present

Richard Ruff
Robert Palafox
Ray Threde
Antonia Munoz
Amber Munoz
Ethan Narvaez

1. CALL TO ORDER

Zoning Administrator Stump called the meeting to order at 11:00 a.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.

3. APPROVAL OF MINUTES: The minutes from the January 29, 2015 meetings are included for review and approval.

Zoning Administrator Stump approved the January 29, 2015 meeting minutes, as submitted.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

5. APPEAL PROCESS

Zoning Administrator Stump read the appeal process. For matters heard at this meeting the last day to appeal is March 2, 2015.

6. VERIFICATION OF NOTICE

Assistant Planner Johnson verified the proposed Ellie's Mutt Hut Outdoor Dining Site Development Permit (File No: 623-SDP-ZA) and Crossfit Mendocino Minor Use Permit (File No.: 637-UP-ZA) were properly noticed in accordance with the provisions of the UMC.

7. PUBLIC HEARINGS

7A. Ellie's Mutt Hut Outdoor Dining Site Development Permit, 723 South State Street (File No.: 623-SDP-ZA): Request for approval of a Minor Site Development Permit for a 628 square foot outdoor dining deck at Ellie's Mutt Hut restaurant and approval of a Minor Use Permit to allow the expansion of the existing outdoor dining use. 732 South State Street; APN 003-031-41.

Planning Assistance Johnson:

- Confirmed staff has received no public comments regarding the project.

Zoning Administrator Stump:

- The applicant and staff are the only persons in attendance; therefore, dispensed with the staff report.
- Referenced project Condition of Approval 21 that reads, 'Applicant shall obtain an Outdoor Dining Permit and comply with all requirements thereof. This includes annual renewal of the permit and City required insurance,' and noted this pertains to an administrative permit in connection with the Public Works Department because the outdoor dining deck/project is located in the public right-of-way.

PUBLIC HEARING OPENED: 11:02 a.m.

1 **Richard Ruff, Architect and applicant representative:**

- 2 • Has no questions/concerns regarding the staff report.
3 • Is fine with the Project Findings and Conditions of Approval.
4

5 **PUBLIC HEARING CLOSED: 11:05 a.m.**
6

7 **Zoning Administrator Stump:**

- 8 • The proposed outdoor dining facility is a nice addition to the existing restaurant.
9 • Thanked the applicant and applicant representative for articulating a project the
10 community can enjoy/appreciate.
11

12 **Zoning Administrator Stump** approved Ellie's Mutt Hut Outdoor Dining Site Development
13 Permit, 723 South State Street (File No.:623-SDP-ZA) with Findings in attachment 1 for the Site
14 Development Permit, Findings in attachment 2 for the Use Permit and Conditions of Approval in
15 attachment 3 for the Site Development Permit.
16

17 **SITE DEVELOPMENT PERMIT FINDINGS**

18
19 **FINDINGS FOR APPROVAL OF THE CONSTRUCTION OF A 628 SQUARE FOOT**
20 **OUTDOOR DINING DECK AND EXPANDED OUTDOOR**
21 **DINING USE AT ELLIE'S MUTT HUT RESTAURANT**
22 **732 SOUTH STATE STREET, UKIAH**
23

24 The following findings are supported by and based on information contained in this staff report,
25 the application materials and documentation, and the public record.
26

- 27 1. The proposed project, as conditioned, is consistent with the goals and policies of the
28 General Plan as described in the staff report and Table 1.
29
30 2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as
31 described in Table 2 of the staff report.
32
33 3. The location, size, and intensity of the proposed project will not create a hazardous or
34 inconvenient vehicular or pedestrian traffic pattern because the Department of Public
35 Works has reviewed the proposal and supports the project. They have found that the
36 proposed outdoor dining deck would not create a hazard for pedestrians or motorists
37 because it would not encroach on the public sidewalk or street and would not encroach
38 on the "vision triangle" for motorists at the corner of South State Street and Freitas
39 Avenue.
40
41 4. The accessibility of off-street parking areas and the relation of parking areas with respect
42 to traffic on adjacent streets will not create a hazardous or inconvenient condition to
43 adjacent or surrounding uses because the on-site parking, as well as the off-site parking
44 has not created hazards in the past and would not create hazards if the proposed project
45 is approved. This is primarily due to the low volume of traffic on Freitas Avenue, which
46 restaurant goes cross if they parking in the off-site parking lot.
47
48 5. The proposed project will not restrict or cut out light and air on the property, or on the
49 property in the neighborhood; nor will it hinder the development or use of buildings in the
50 neighborhood, or impair the value thereof because the project involves a deck addition
51 with a roof trellis on the side of the existing building facing South State Street. It would
52 be situated a substantial distance from the buildings on adjoin properties and would not
53 restrict or cut out light and air on the properties.
54
55 6. The improvement of any commercial or industrial structure will not have a substantial
56 detrimental impact on the character or value of an adjacent residential zoning district

1 because the project involves a deck addition with a roof trellis on the side of the existing
2 building facing South State Street. It has been reviewed by the City Design Review
3 Board, who unanimously found it to match the architecture of the existing building. The
4 DRB unanimously supported the project.
5

- 6 7. The proposed development will not excessively damage or destroy natural features,
7 including trees, shrubs, creeks, and the natural grade of the site because The proposed
8 project would require the removal of some landscaping (see above). However, no natural
9 features, trees or creeks would be impacted.
- 10
11 8. There is sufficient variety, creativity, and articulation to the architecture and design of the
12 structure(s) and grounds to avoid monotony and/or a box-like uninteresting external
13 appearance because The project involves a deck addition with a roof trellis on the side of
14 the existing building facing South State Street. It has been reviewed by the City Design
15 Review Board, who unanimously found it to match the architecture of the existing
16 building.
17
- 18 9. The proposed project is exempt from the provisions of CEQA pursuant to Section 15301
19 Class 1 (e); Additions to existing structures that do not exceed 10,000 square feet where
20 all public services are available and the project area is not environmentally sensitive.
21 City staff have determined that all public services are currently serving the site and are
22 available to serve the site after the addition is constructed, and the site is characterized
23 as densely urban with no significant plant or animal habitat value.
24
- 25 10. The proposed parking meets the requirements of the City Code. The proposed minor
26 expansion of the existing off-site parking off Freitas Avenue (striping of 4 new spaces) is
27 permissible as off-site parking because the property is owned by the applicants.
28
- 29 11. The Zoning Administrator has the authority to modify the required elements of a
30 landscaping plan "depending upon the size, scale, intensity, and location of the
31 development project." The reduction of landscaping from 18% to 11% is reasonable and
32 appropriate for the following reasons:
33
- 34 a. The existing parcel size is unusually small when compared to other commercial
35 parcels adjacent to the site and in the general vicinity. In fact, the subject parcel
36 is the smallest commercial parcel on the this block on South State Street south of
37 Gobbi Street, as well as the block to the south.
38
 - 39 b. Additionally, many of the larger commercially developed parcels in the area do
40 not meet the 20% coverage landscaping requirement, so that it is reasonable to
41 provide equity and allow the much smaller parcel to have a similar amount of
42 landscaping.
43
- 44 12. Notice of the proposed project was provided in the following manner as required by the
45 Zoning Ordinance:
46 A. posted in three places on the project site on February 9, 2015;
47 B. mailed to property owners within 300 feet of the project site on February 6, 2015;
48 C. published in the Ukiah Daily Journal on February 8, 2015
49

50 **USE PERMIT FINDINGS**

51 **FINDINGS FOR APPROVAL OF THE CONSTRUCTION OF A 628 SQUARE FOOT** 52 **OUTDOOR DINING DECK AND EXPANDED OUTDOOR** 53 **DINING USE AT ELLIE'S MUTT HUT RESTAURANT** 54 **732 SOUTH STATE STREET, UKIAH** 55 56

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

- 3
- 4 1. The proposed project, as conditioned, is consistent with the goals and policies of the
5 General Plan as described in the staff report and Table 1.
- 6
- 7 2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as
8 described in Table 2 of the staff report.
- 9
- 10 3. The proposed project, as conditioned, will not be detrimental to public health, safety and
11 general welfare based on the following:
12
 - 13 a. The Project has been reviewed by the Building Official, Public Works
14 Department, Police Department and Fire Department. None of these reviewing
15 Departments have concluded that the proposed project would adversely impact
16 the public's health, safety or general welfare. All conditions of approval
17 recommended by these Departments have been applied to the Project and
18 agreed to by the applicants.
 - 19
 - 20 b. The Project is required to comply with all applicable local, state and federal
21 requirements.
 - 22
 - 23 c. Expanding the outdoor dining an additional 34 seats would not adversely impact
24 the public because it involves adding a outdoor dining deck that would not
25 encroach on the sidewalk; would not adversely affect any adjoining or nearby
26 development; and would not cause adverse parking issues.
 - 27
- 28 4. The proposed project is exempt from the provisions of CEQA pursuant to Section 15301
29 Class 1 (e); Additions to existing structures that do not exceed 10,000 square feet where
30 all public services are available and the project area is not environmentally sensitive.
31 City staff have determined that all public services are currently serving the site and are
32 available to serve the site after the addition is constructed, and the site is characterized
33 as densely urban with no significant plant or animal habitat value.
- 34
- 35 5. The proposed parking meets the requirements of the City Code. The proposed minor
36 expansion of the existing off-site parking off Freitas Avenue (striping of 4 new spaces) is
37 permissible as off-site parking because the property is owned by the applicants.
- 38
- 39 6. The Zoning Administrator has the authority to modify the required elements of a
40 landscaping plan "depending upon the size, scale, intensity, and location of the
41 development project." The reduction of landscaping from 18% to 11% is reasonable and
42 appropriate for the following reasons:
43
 - 44 a. The existing parcel size is unusually small when compared to other commercial
45 parcels adjacent to the site and in the general vicinity. In fact, the subject parcel
46 is the smallest commercial parcel on the this block on South State Street south of
47 Gobbi Street, as well as the block to the south.
 - 48
 - 49 b. Additionally, many of the larger commercially developed parcels in the area do
50 not meet the 20% coverage landscaping requirement, so that it is reasonable to
51 provide equity and allow the much smaller parcel to have a similar amount of
52 landscaping.
 - 53
- 54 7. Notice of the proposed project was provided in the following manner as required by the
55 Zoning Ordinance:
56
 - D. posted in three places on the project site on February 9, 2015;

- E. mailed to property owners within 300 feet of the project site on February 6, 2015;
- F. published in the Ukiah Daily Journal on February 8, 2015

CONDITIONS OF APPROVAL

**SITE DEVELOPMENT AND USE PERMIT CONDITIONS OF APPROVAL TO ALLOW
THE CONSTRUCTION OF A 628 SQUARE FOOT OUTDOOR DINING DECK AND
EXPANDED OUTDOOR DINING USE AT ELLIE’S MUTT HUT RESTAURANT
732 SOUTH STATE STREET, UKIAH**

General

1. Approval is granted for the 628 square foot outdoor dining deck and expanded outdoor dining use as described in the project description and associated materials submitted to the Planning and Community Development Department and date stamped December 2, 2015 (description) and January 8, 2015 (revised plans).
2. Plans submitted for building permit shall be in substantial conformance with the plans conditionally approved by the Zoning Administrator.
3. Signs require application for and approval of a Sign Permit from the Planning and Community Development Department.
4. Construction hours 7:00 a.m. to 7:00 p.m. Monday through Friday. Saturday 9:00 a.m. to 4:00 p.m., unless specifically approved by the Public Works Director. Construction is prohibited on Sundays and holidays recognized by the City of Ukiah, unless approved by the Public Works Director. Interior construction is exempt from these hours provided that construction noise is not audible at the project property lines.
5. On plans submitted for building permit these conditions of approval shall be included as notes on the first sheet.

Standard City Conditions

6. This Site Development Permit and 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.
7. This approval is not effective until the 10 day appeal period applicable to this Site Development Permit and Use Permit have expired without the filing of a timely appeal. If a timely appeal is filed, the project is subject to the outcome of the appeal and shall be revised as necessary to comply with any modifications, conditions, or requirements that were imposed as part of the appeal.
8. 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.
9. 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.

- 1 10. A copy of all conditions of this Use Permit shall be provided to and be binding upon any
2 future purchaser, tenant, or other party of interest.
- 3
- 4 11. All conditions of approval that do not contain specific completion periods shall be
5 completed prior to building (outdoor dining deck) occupancy.
- 6
- 7 12. This approval is contingent upon agreement of the applicant and property owner and their
8 agents, successors and heirs to defend, indemnify, release and hold harmless the City,
9 its agents, officers, attorneys, employees, boards and commissions from any claim,
10 action or proceeding brought against any of the foregoing individuals or entities, the
11 purpose of which is to attack, set aside, void or annul the approval of this application.
12 This indemnification shall include, but not be limited to, damages, costs, expenses,
13 attorney fees or expert witness fees that may be asserted by any person or entity,
14 including the applicant, arising out of or in connection with the City's action on this
15 application, whether or not there is concurrent passive or active negligence on the part of
16 the City. If, for any reason any portion of this indemnification agreement is held to be void
17 or unenforceable by a court of competent jurisdiction, the remainder of the agreement
18 shall remain in full force and effect.
- 19
- 20 13. Use of the outdoor dining deck shall not commence until all permits required for the
21 approved use, including but not limited to business license, building permit, or other have
22 been applied for and issued/finaled.
- 23
- 24 14. In addition to any other condition imposed, any construction shall comply with all
25 building, fire, electric, plumbing, occupancy, and structural laws, regulations and
26 ordinances in effect at the time the Building Permit is approved and issued.
- 27

28 **Planning and Community Development**

- 29
- 30 15. Prior to the placement/installation of any sign(s), the applicant shall make application for
31 and receive approval of a sign permit. Any signage shall be in substantial conformance
32 with the conceptual signs approved by the Zoning Administrator.
- 33
- 34 16. Prior to occupancy, the applicants shall create and strip the 4 new parking stalls on the
35 adjoin property owned by the applicants.
- 36
- 37 17. Prior to occupancy, the applicant shall install the proposed bicycle parking spaces.
- 38
- 39 18. Any new exterior lighting shall be kept to a minimum to provide adequate security. All
40 exterior lighting fixtures shall be low wattage and recognized by and consistent with the
41 fixtures endorsed by the International Dark Sky Association. The exterior lighting fixtures
42 shall be hooded and downcast and shall not glare onto adjacent properties, streets or up
43 towards the night sky.
- 44

45 **Public Works Department**

- 46
- 47 19. Street trees shall be in conformance with Standard Detail 602 – tree type to be approved
48 by City Engineer. One street tree shall be required, located within a tree well in the
49 Freitas Avenue sidewalk, or within 5 feet behind the back of sidewalk.
- 50
- 51 20. 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%
of estimated construction costs.

- 1 21. Applicant shall obtain an Outdoor Dining Permit and comply with all requirements thereof.
2 This includes annual renewal of the permit and City required insurance
- 3 22. If a building permit value of work exceeds \$113, 200, or the proposed improvements
4 create the net addition of two or more plumbing fixture units to a building, the existing
5 sanitary sewer lateral shall be tested in accordance with City of Ukiah Ordinance No.
6 1105, and repaired or replaced if required.
- 7 23. If the building permit value is equal to or greater than one-third of the value of the existing
8 structure, the construction, repair or upgrade of curb, gutter, and sidewalk, along the
9 building's street frontages, may be required, pursuant to Section 9181 of the Ukiah City
10 Code.

11 **Electric Utility**

- 12
13 24. There is an existing secondary conduit that feeds the Mutt Hutt from the north and this
14 particular conduit feeds the Mutt Hutt service panel. The conduit is located approximately
15 4' - 6' off the back of sidewalk, directly in the path of the proposed dining area to be built
16 (Landing – ADA Ramp). The customer/contractor will need to call/phone in a USA Locate
17 in order to have the distribution facilities marked by a designated electric department
18 employee. After the locate is called in, the contractor can "Pot Hole" the existing
19 secondary conduit, prior to any excavation/trenching/foundation work in order to identify it
20 and protect it against damage. The conduit can remain in its current location, but needs
21 to be protected in the areas where the foundation may be poured to include footings or
22 pier block locations. The preferred method to safeguard our conduit would be to encase
23 the conduit using red concrete and electrical flagging tape to help protect against future
24 damage or dig ins.
25

26 **Fire Department**

- 27
28 25. The Plans submitted for a Building Permit shall meet all Fire Code requirements.
29

30 **Building Official**

- 31
32 26. Prior to conducting any work on the property that requires a Building Permit, the
33 applicants shall apply for and secure a Building Permit.
34
35 27. Prior to occupancy, the applicants shall receive final inspections and approval to occupy.
36
37 28. All encroachments in to the public right-of-way shall meet City of Ukiah requirements and
38 Chapter 32 of the 2013 California Building Code.
39
40 29. When alterations or additions are made to existing buildings or facilities, an accessible
41 path of travel to the specific area of alteration or addition shall be provided. The primary
42 accessible path of travel shall include: 1) A primary entrance to the building or facility; 2)
43 Toilet and bathroom facilities serving the area; 3) Signs.
44
45 30. Prior to issuance of a Building Permit, the applicant shall secure approval from the
46 Mendocino County Environmental Health Department. Evidence of such approval shall
47 be submitted with the Building Permit application.
48

49 **Recess: 11:07 a.m.**

50 **Reconvene: 11:09 a.m.**

- 51
52 **7B. Crossfit Mendocino Minor Use Permit, 171 Brush Street, Unit F (File No.: 637-UP-**
53 **ZA):** Request for approval of a Minor Use Permit to allow a group fitness studio;

1 associated office and equipment room; in an existing commercial building located at 171
2 Brush Street, Unit F, APN 002-191-15.
3

4 **Assistant Planner Johnson:**

- 5 • Presented the project as provided for on pages 1-6 of the staff report.
- 6 • Confirmed staff has received no comments/questions concerning the proposed Project.
7

8 **Zoning Administrator:**

- 9 • Has visited and is familiar with the site.
- 10 • Agrees with staff's conclusion regarding the landscaping as specifically addressed on
11 page 4 of the staff report.
- 12 • Acknowledged the site has some very nice trees.
13

14 **PUBLIC HEARING OPENED: 11:13 a.m.**

15
16 **Antonio Nunoz:**

- 17 • Appreciates that the site has many mature Redwood trees.
- 18 • Intends to take care of the trees on the site.
- 19 • Has incorporated the 'Redwood tree' as a business symbol.
20

21 **Amber Nunoz:**

- 22 • Is fine with the Findings and Conditions of Approval.
- 23 • Questioned the protocol regarding of Condition of Approval 1 from the Fire Department
24 concerning inspection of the wall separating this occupancy from the next.
25

26 **Zoning Administrator Stump:**

- 27 • Suggested arranging a meeting with the Fire Marshal in this regard.
- 28 • Asked if the applicants are familiar with the conditions of approval regarding the bike rack
29 and signage.
- 30 • The large storage containers on the site need to be removed.
- 31 • The project description submitted to Planning staff concerning the hours of operation
32 states 'This schedule could be subject to change in the future based on growth of the
33 business and/or clients' needs,' and suggested should the business expand/grow in the
34 future the applicants may want to consider expanding the hours of operation provided this
35 does not impact/conflict with other uses in the area.
36

37 **Amber Nunoz:**

- 38 • Confirmed the bike rack has been ordered and understands a sign permit is required for
39 a new sign.
- 40 • Is working on removal of the storage containers.
- 41 • Confirmed if the business is successful/grows would likely want to expand the hours of
42 operation to be able to effectively meet the needs of the clientele.
43

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

45
46 **Zoning Administrator Stump:**

- 47 • The Project is a good one.
- 48 • Agrees with staff conclusions the City supports local/home-grown businesses such as the
49 proposed new group fitness studio.
- 50 • Made the following recommendations/changes to the Project Findings and Conditions of
51 Approval:
 - 52 1. Revise Finding 1 to read, 'The proposed project, as conditioned, is consistent with
53 the goals and policies of the General Plan as described in Table 1 of the staff report.'
 - 54 2. Add new Finding 7 to read, 'The landscaping requirements are waived due to the
55 special unique circumstance that the property is already heavily landscaped. The

1 applicants are simply moving into an existing building and not proposing any exterior
2 construction; therefore, the landscaping requirement is waived by the Zoning
3 Administrator.'

4 3. Amended Condition of Approval 2 to read,

- 5 • 'Hours of operation are limited to Monday through Saturday, (between 6:00
6 and 10:00 AM) and evening (between 5:00 and 8:00 PM) and Saturday
7 classes only in the morning (between 8:00 and 10:00 AM). Additional hours
8 may be granted by the Director of Planning and Community Development
9 provided they would not cause impact to surrounding businesses.
- 10 • Outside display and/or storage of items is prohibited.
- 11 • The maximum number of employees on the maximum shift is two.'

12
13 **Zoning Administrator Stump** approved Crossfit Mendocino Minor Use Permit, 171 Brush Street,
14 Unit F (File No.: 637-UP-ZA) with Findings in attachment 1 and Conditions of Approval in
15 attachment 2 as modified and added above.

16
17 **FINDINGS – USE PERMIT FINDINGS**

18
19 **DRAFT USE PERMIT FINDINGS TO ALLOW A GROUP FITNESS STUDIO; ASSOCIATED**
20 **OFFICE AND EQUIPMENT ROOM; IN AN EXISTING COMMERCIAL BUILDING**
21 **171 BRUSH STREET, UNIT F, APN 002-191-15**
22 **FILE NO. 637-UP-ZA**

23
24 The following findings are supported by and based on information contained in this staff report,
25 the application materials and documentation, and the public record.

- 26
27 1. The proposed project, as conditioned, is consistent with the goals and policies of the
28 General Plan as described in Table 1 of the staff report.
- 29
30 2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as
31 described in Table 2 of the staff report.
- 32
33 3. The proposed project, as conditioned, is consistent with the purpose and applicable
34 requirements of the C-2 zoning district based on the following:
 - 35
36 A. With an approved use permit the proposed project that includes group fitness studio
37 is a permitted use within the Heavy Commercial (C-2) zoning district.
 - 38
39 B. The proposed project meets the parking requirements of the zoning code in that the
40 project will provide eight (8) vehicle parking spaces and one (1) bicycle parking space
41 as required by the zoning code.
 - 42
43 C. There are 78 parking spaces on the site; the other existing uses require 36 parking
44 spaces; this leaves 42 available spaces for the proposed recreational use. The
45 proposed recreational use would require eight (8) parking spaces, this would leave
46 34 unoccupied vehicle parking spaces; therefore there is sufficient parking on the site
47 for both the existing uses and proposed recreational use.

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4. 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. Surrounding uses include a variety of office, industrial and commercial uses all of which are compatible with the proposed recreational use.
 - B. The project has been reviewed by the Fire Marshal, Police Department, Building Official, and Public Works and any requirements have been included as conditions of approval.
 - C. The project is required to comply with all federal, state and local laws.
 - D. The project promotes the public health, safety, and welfare by providing a needed service to the community of Ukiah.
5. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (c), New Construction and Conversion of Small Structures, which allows structures up to 10,000 square feet to be converted from one use to another in urbanized areas when the use does not involve significant amounts of hazardous materials, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive based on the following.
 - The total building square footage is 1,875 square feet.
 - The business does not use large amounts of hazardous materials.
 - The site is developed with an existing building and public utilities and services already are available at the site. No expansion of the existing buildings are proposed as part of the project.
6. Notice of the proposed project was provided in the following manner as required by the Zoning Ordinance:
 - A. Posted in three places on the project site on May 31, 2012.
 - B. Mailed to property owners within 300 feet of the project site on May 31, 2012.
 - C. Published in the Ukiah Daily Journal on June 3, 2012.
7. The Landscaping requirements are waived due to the special unique circumstance that the property is already heavily landscaped. The applicants are simply moving into an existing building and no proposing any exterior construction; therefore, the landscaping requirement is waived by the Zoning Administrator.

CONDITIONS OF APPROVAL – MINOR USE PERMIT

1 **USE PERMIT CONDITIONS OF APPROVAL TO ALLOW A GROUP FITNESS STUDIO;**
2 **ASSOCIATED OFFICE AND EQUIPMENT ROOM;**
3 **IN AN EXISTING COMMERCIAL BUILDING**
4 **171 BRUSH STREET, UNIT F, APN 002-191-15**
5 **FILE NO. 637-UP-ZA**

6
7 **Planning and Community Development**

- 8
9 1. Approval is granted for the operation of a retail store at 171 Brush Street, Unit F based
10 on the project description submitted to the Planning and Community Development
11 Department and as shown on the Site plan date stamped December 5, 2014 except as
12 modified by the following conditions of approval.
- 13
14 2. This Use Permit is granted subject to the following operating characteristic:
- 15 ▪ Hours of operation are limited to Monday through Saturday, (between
16 6:00 and 10:00 AM) and evening (between 5:00 and 8:00 PM) and
17 Saturday classes only in the morning (between 8:00 and 10:00 AM).
18 Additional hours may be granted by the Director of Planning and
19 Community Development provided they would not cause impact to
20 surrounding businesses.
 - 21 ▪ Outside display and/or storage of items is prohibited.
 - 22 ▪ The maximum number of employees on the maximum shift is two.
- 23
24 3. Plans submitted for building permit shall include the location of the required bike rack and
25 is subject to staff review and approval. The bike rack shall be located as close as
26 reasonable to the front entrance to the retail store and shall be installed prior to
27 occupancy.
- 28
29 4. Prior to the placement/installation of any sign(s), the applicant shall make application for
30 and receive approval of a sign permit. Any signage shall be in substantial conformance
31 with the conceptual signs approved by the Zoning Administrator.
- 32
33 5. The two large unauthorized storage containers shall be removed from the site as
34 proposed by the applicants.
- 35
36 6. On plans submitted for building permit, these conditions of approval shall be included as
37 notes on the first sheet.

38
39
40 **Fire Department**

- 41
42 1. I have no comments regarding this project at this time. However if and when it get
43 approved I would like to visit the site to inspect the wall separating this occupancy for the
44 next.
- 45

1 **Building Official**

- 2
- 3 1. A building permit is required for the installation of the building sign.
- 4

5 **Standard City Conditions of Approval**

- 6
- 7 1. Business operations shall not commence until all permits required for the approved use,
- 8 including but not limited to business license, tenant improvement building permit, have
- 9 been applied for and issued/finaled.
- 10
- 11 2. No permit or entitlement shall be deemed effective unless and until all fees and charges
- 12 applicable to this application and these conditions of approval have been paid in full.
- 13
- 14 3. The property owner shall obtain and maintain any permit or approval required by law,
- 15 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
- 16 Federal agencies as applicable. All construction shall comply with all fire, building,
- 17 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
- 18 at the time the Building Permit is approved and issued.
- 19
- 20 4. A copy of all conditions of this Use Permit shall be provided to and be binding upon
- 21 any future purchaser, tenant, or other party of interest.
- 22
- 23 5. All conditions of approval that do not contain specific completion periods shall be
- 24 completed prior to building permit final.
- 25
- 26 6. This Use Permit may be revoked through the City's revocation process if the approved
- 27 project related to this Permit is not being conducted in compliance with these stipulations
- 28 and conditions of approval; or if the project is not established within two years of the
- 29 effective date of this approval; or if the established use for which the permit was granted
- 30 has ceased or has been suspended for 24 consecutive months.
- 31
- 32 7. This approval is contingent upon agreement of the applicant and property owner and their
- 33 agents, successors and heirs to defend, indemnify, release and hold harmless the City,
- 34 its agents, officers, attorneys, employees, boards and commissions from any claim,
- 35 action or proceeding brought against any of the foregoing individuals or entities, the
- 36 purpose of which is to attack, set aside, void or annul the approval of this application.
- 37 This indemnification shall include, but not be limited to, damages, costs, expenses,
- 38 attorney fees or expert witness fees that may be asserted by any person or entity,
- 39 including the applicant, arising out of or in connection with the City's action on this
- 40 application, whether or not there is concurrent passive or active negligence on the part of
- 41 the City. If, for any reason any portion of this indemnification agreement is held to be void
- 42 or unenforceable by a court of competent jurisdiction, the remainder of the agreement
- 43 shall remain in full force and effect.
- 44

45 **8. ADJOURNMENT**

46 There being no further business, the meeting was adjourned at 11:20 a.m.

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49 _____

50 Cathy Elawadly, Recording Secretary

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