

**Minutes  
Zoning Administrator Meeting  
March 10, 2015**

**Staff Present**

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

**Others Present**

Lester Marston  
Jennifer McGowan

**1. CALL TO ORDER**

Zoning Administrator Stump called the meeting to order at 11:03 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 February 19, 2015 meetings are included for review and approval.

Zoning Administrator Stump approved the February 19, 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 20, 2015.

**6. VERIFICATION OF NOTICE**

Assistant Planner Johnson verified the proposed Marston Roof Modification Use Permit (File No. 747-UP-ZA) and McG's Family Fun Center (File No. 666-UP-ZA) were properly noticed in accordance with the provisions of the UMC.

**7. PUBLIC HEARINGS**

**7A. Marston Roof Modification Use Permit, 214 South Bush Street (File No.: 747-UP-ZA):** Request for Approval of a Minor Use Permit to allow two dormers to be erected on each side, of the second story, of an existing roof, to an accessory building of a single family residence. The existing roof height exceeds the maximum height limit of 20 feet by 2 feet for single-family dwellings in (R1) Single Family Residential Zoning.

**Assistant Planner Johnson:**

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

**Lester Marston, applicant:**

- Explained the dormers will not exceed the height of the roof. The dormers will actually be approximately 12 inches below the height of the roof. The peak of the existing roof exceeds the maximum height limit of 20 feet.

**PUBLIC HEARING OPENED: 11:05 a.m.**

**Lester Marston:**

- Has no questions/comments regarding the staff report and project Findings and Conditions of Approval.

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

1 **Zoning Administrator Stump:**

- 2 • Did not request staff give a presentation regarding the Project because the only persons  
3 in attendance are the applicant and staff.  
4 • Has visited the site, likes the Project, and finds it to be a good one.  
5 • Agrees with staff's findings/conclusions there are other similar buildings in the area such  
6 that the Project would not be out of character with the surrounding neighborhood.  
7 • Made the following changes to the Use Permit Findings in Attachment 1 of the staff  
8 report:

- 9     ▪ Finding 1 to read, 'The proposed project, as conditioned, is consistent with the  
10 goals and policies of the General Plan as described on page 2 of the staff report.'  
11     ▪ Finding 3A, second sentence, to read, 'The proposed dormers for the accessory  
12 structure would not change the existing footprint of the building and the proposed  
13 changes are compatible with the existing uses in the neighborhood in that it  
14 would be designed to match the existing architectural style of the of the adjacent  
15 homes and other existing accessory structures with similar dormers in the  
16 neighborhood.'

17  
18 Finding 3A, third sentence to read, 'The proposed dormers height and accessory  
19 structure would not change the existing use of the site.'

20  
21 Strike existing Finding 3B; Finding 3C will be renumbered to be 3B and added  
22 language to the Finding modifying it to read, 'The project has been reviewed by  
23 the Fire Marshal, Police Department, Building Official, and Public Works and any  
24 requirements have been included as conditions of approval. None of these  
25 departments identified any impacts to the public, health, and safety.'

26  
27 Add new Finding 3C to read, 'The dormer height will not exceed the height of the  
28 existing garage and will not block any neighbor's view of scenic vistas.'

- 29 • The proposed Project does not exceed the height of the existing garage building and that  
30 no viewsheds of neighbors will be impaired by the dormers themselves.  
31     ▪ Finding 5, added item D to read, 'No opposition to the Project was expressed  
32 during the public hearing.'  
33 • Made the following changes to the Use Permit Conditions of Approval in Attachment 2 of  
34 the staff report:  
35     ▪ Condition of Approval 5, From the Fire Marshall (Chuck Yates) should read,  
36 'Kevin Jennings.'  
37     Revise Condition of Approval 5 to read, 'If the structure ever becomes a  
38 residential occupancy, fire sprinklers and other fire safety improvements will be  
39 required according to the existing California Fire code.' This modification is  
40 intended to reflect comments made by the Fire Marshal regarding this project in  
41 the event the garage structure is converted to a residential use.  
42  
43

44 **Zoning Administrator Stump** approved Marston Roof Modification Use Permit with the Findings  
45 in Attachment 1 and as modified above and Conditions of Approval with the Conditions of  
46 Approval in Attachment 2 and as modified above.

47  
48 **Lester Marston:**

- 49 • The property to the north of his house is unoccupied and the current property owner is an  
50 absentee landlord. He attempted to contact the property owner to inform him of the  
51 proposed Project but received no response.  
52 • The neighbor immediately across the street submitted a letter in support of the Project.  
53 (This letter has been incorporated into the minutes as attachment 1)  
54 • A neighbor to the north was supportive of the Project.

- The neighbor to the west is a tenant. The owner of this property was supportive of the Project.
- There are no occupants to the south because this is McGarvey Park.
- Every property owner that would be directly impacted by the proposed Project was supportive. .
- Commented on architectural design changes/improvements he plans to make to the existing garage structure in addition to the dormers.

**FINDINGS – USE PERMIT FINDINGS**

**USE PERMIT FINDINGS TO ALLOW  
THE HEIGHT OF AN ACCESSORY STRUCTURE TO EXCEED THE HEIGHT LIMIT WITHIN  
THE SINGLE FAMILY RESIDENTIAL (R1) ZONE BY TWO FEET  
214 SOUTH BUSH STREET, APN 002-251-05  
FILE NO.: 747-UP-ZA**

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 on page 2 in the staff report.
2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as described in Tables 1 of the staff report.
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. Surrounding uses include single family residences and a City Park. The proposed dormers for the accessory structure would not change the existing footprint of the building and the proposed changes are compatible with the existing uses in the neighborhood in that it would be designed to match the existing architectural style of the adjacent homes and the other existing accessory structures with similar dormers in the neighborhood. The proposed dormer height and accessory structure would not change the existing use of the site. The primary use of the site would remain single family residential.
  - 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. None of these departments identified any impact to the public, health, and safety.
  - C. The dormer height will not exceed the height of the existing garage and will not block any neighbor's view of scenic vistas.
4. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (e), Class 11, new Construction of accessory structures which specifically exempt garages. The accessory building contains no living space, so it is similar in nature to a garage since gorges are often used as personal workshops and for storage.
5. 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 February 20, 2015;
- B. Mailed to property owners within 300 feet of the project site on February 20, 2015;
- C. Published in the Ukiah Daily Journal on March 1, 2015;
- D. No opposition to the Project was expressed during the public hearing.

**CONDITIONS OF APPROVAL – MINOR USE PERMIT**

**USE PERMIT CONDITIONS OF APPROVAL TO ALLOW  
THE HEIGHT OF AN ACCESSORY STRUCTURE TO EXCEED THE HEIGHT LIMIT WITHIN  
THE SINGLE FAMILY RESIDENTIAL (R1) ZONE BY TWO FEET  
214 SOUTH BUSH STREET, APN 002-251-05  
FILE NO.: 747-UP-ZA**

From the Planning Department (Michelle Johnson)

1. Approval is granted to allow the height of a detached accessory structure to exceed the height limit within the Single Family Residential (R1) Zone by two feet at 214 South Bush Street based on the project description submitted to the Planning and Community Development Department and as shown on the Site plan date stamped February 11, 2015 except as modified by the following conditions of approval.
2. Construction hours are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. Construction is prohibited on Sundays and holidays recognized by the City of Ukiah.

From the Department of Public Works (Ben Kageyama)

3. No Comment

From the Building Official (David Willoughby)

4. No Comment

From the Fire Marshall (Kevin Jennings)

5. If the structure ever becomes a residential occupancy, fire sprinklers and other safety improvements will be required according to the existing California Fire code.

Standard City Conditions of Approval

6. 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.
7. 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.
8. 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.
9. All conditions of approval that do not contain specific completion periods shall be completed prior to building permit final.

1  
2 10. This Use Permit may be revoked through the City's revocation process if the approved  
3 project related to this Permit is not being conducted in compliance with these stipulations  
4 and conditions of approval; or if the project is not established within two years of the  
5 effective date of this approval; or if the established use for which the permit was granted  
6 has ceased or has been suspended for 24 consecutive months.

7  
8 11. This approval is contingent upon agreement of the applicant and property owner and their  
9 agents, successors and heirs to defend, indemnify, release and hold harmless the City,  
10 its agents, officers, attorneys, employees, boards and commissions from any claim,  
11 action or proceeding brought against any of the foregoing individuals or entities, the  
12 purpose of which is to attack, set aside, void or annul the approval of this application.  
13 This indemnification shall include, but not be limited to, damages, costs, expenses,  
14 attorney fees or expert witness fees that may be asserted by any person or entity,  
15 including the applicant, arising out of or in connection with the City's action on this  
16 application, whether or not there is concurrent passive or active negligence on the part of  
17 the City. If, for any reason any portion of this indemnification agreement is held to be void  
18 or unenforceable by a court of competent jurisdiction, the remainder of the agreement  
19 shall remain in full force and effect.

20  
21 **Break: 11:13 a.m.**

22 **Reconvene: 11:15 a.m.**

23  
24 **7B. McG's Family Fun Center, 1320 South State Street (File No. 666-UP-ZA):** Request for  
25 Approval of a Use Permit and Site Development Permit to allow a family fun center that  
26 would include a laser tag game, arcade machines, and a small indoor concessions stand  
27 where it will sell food and non-alcoholic beverages located at 1320 South State Street,  
28 APN 003-472-37.

29  
30 **Zoning Administrator Stump:**

- 31 • Has visited and is familiar with the site.
- 32 • Dispensed with staff report since the only persons in attendance are staff and the  
33 applicant.

34  
35 **Assistant Planner Johnson:**

- 36 • Confirmed staff has received no public comments regarding the Project.

37  
38 **PUBLIC HEARING OPENED: 11:16 a.m.**

39  
40 **Zoning Administrator Stump:**

- 41 • Referred to the Conditions of Approval in attachment 2 and inquired if staff had any  
42 special conditions to add.
- 43 • Understands a final landscape plan is required (see Conditional of Approval 7).  
44 Acknowledged the DRB did make recommendations in this regard.
- 45 • Asked if the applicant is familiar with the conditions of approval from the Fire Marshal.

46  
47 **Assistant Planner Johnson:**

- 48 • Referred to the Project conditions from the Police Department.
- 49 • Drew attention to Condition of Approval 11 that reads, 'Arcade rules shall be posed in a  
50 visible area or distributed in written fashion to customers and arcade employees shall be  
51 trained to monitor and discourage congregations of customers in the outdoor parking  
52 areas or on abutting lots.'

53  
54 **Jennifer McGowan:**

- 55 • Has reviewed the staff report. .

- 1 • Understands the Project conditions of approval required by the Police Department.  
2 • Confirmed understanding of the conditions of approval required by the Fire Marshal.  
3 • Asked about condition of approval 10 that reads, 'Arcade occupancy shall be restricted to  
4 a maximum of 60 persons,' and asked if this represents the fire code occupancy  
5 requirement.  
6

7 **Assistant Planner Johnson:**

- 8 • The 60 persons maximum represents the maximum number the persons the applicant  
9 expects and indicated to staff that would occupy the building at any given time.  
10

11 **Jennifer McGowan:**

- 12 • Asked if this was a number the Fire Marshal would typically come up with related to  
13 maximum occupancy.  
14

15 **Assistant Planner Johnson:**

- 16 • Confirmed the building has a maximum occupancy restriction, but is not familiar with the  
17 associated number maximum and recommended the applicant talk to the Fire Marshal  
18 and/or the Building Official.  
19

20 **Zoning Administrator Stump:**

- 21 • Asked if the applicant is fine with a maximum of 60 persons.  
22

23 **Jennifer McGowan:**

- 24 • Since she is operating a business, would want the maximum number of occupants to be  
25 a higher number. Would like to have as many patrons as she can safely have inside the  
26 building at one time.  
27

28 **PUBLIC HEARING CLOSED: 11:20 a.m.**  
29

30 **Zoning Administrator Stump:**

- 31 • The Project is a good one.  
32 • Agrees with staff's finding related to the General Plan finding that the Project will help  
33 support a strong local economy. The business will provide jobs, is a great place for  
34 children to have fun and is something the community will benefit from.  
35 • There are some places in the staff report that references a minor use permit and should  
36 say minor use permit and minor site Development permit.  
37 • The staff report points out the Zoning Administrator has some discretion related to  
38 parking and landscaping.  
39 • Made the following changes/additions to the Findings in Attachment 1 of the staff report:  
40     ▪ Finding 2 to read, 'The proposed arcade use, as conditioned, is consistent with  
41 the applicable development standards of the C-2 (Heavy Commercial Zoning  
42 District and the Findings for the Use Permit and Site Development Permit can be  
43 made as listed in Tables 3 and 4 and below.'  
44     ▪ Finding 5 to read, 'The proposed arcade use, as conditioned, will not be  
45 detrimental to the public's health, safety, and welfare since the size of the  
46 commercial building will not expose large groups of persons to hazards from  
47 aircraft or other hazards, and because it is the re-use of an existing building with  
48 ample parking.'  
49     ▪ Finding 7 add language to read, 'No opposition to the project was expressed at  
50 the public hearing.'  
51     ▪ Add new Finding 8 to read, 'The preliminary landscape plan is hereby deemed  
52 reasonable and appropriate because the project involves the re-use of an  
53 existing building on a substantially paved site with very little non-paved areas for  
54 planting new plants.' This finding is necessary because certain landscaping  
55 requirements are not being satisfied by this project and the Zoning Administrator



1 6. The proposed project is exempt from the provisions of the California Environmental Quality  
2 Act (CEQA) pursuant to Section 15303 Class 3 (c), New Construction and Conversion of  
3 Small Structures, which allows structures up to 10,000 square feet to be converted from one  
4 use to another in urbanized areas when the use does not involve significant amounts of  
5 hazardous materials, where all necessary public services and facilities are available, and the  
6 surrounding area is not environmentally sensitive based on the following:

- 7  
8 A. The total building square footage is 3,500 square feet;  
9 B. The business does not use large amounts of hazardous materials;  
10 C. The site is developed with existing buildings, public utilities and services already  
11 are available at the site and no expansion of the existing buildings are proposed  
12 as part of the project;  
13 D. The location is not environmentally sensitive and no drainage courses or bodies  
14 of water (such as creeks or streams).

15  
16 7. Notice of the proposed project was provided in the following manner as required by the  
17 Zoning Ordinance:

18  
19 Posted in three places on the project site on February 20, 2015;  
20 Mailed to property owners within 300 feet of the project site on February 20, 2015;  
21 Published in the Ukiah Daily Journal on March 1, 2015;  
22 No opposition to the project was expressed at the public hearing.

23 8. The preliminary landscape plan is hereby deemed reasonable and appropriate because the  
24 project involves the re-use of an existing building on a substantially paved site with very little  
25 non-paved areas for planting new plants.

26 9. The parking plan is hereby deemed reasonable and appropriate because the number of  
27 striped spaces generally meets the requirement for commercial recreation uses and the site  
28 has ample convenient overflow parking.  
29

30 **TO APPROVE A MINOR USE PERMIT AND SITE DEVELOPMENT PERMIT FOR A FAMILY**  
31 **FUN CENTER; LASER TAG GAME; ARCADE MACHINES; AND A SMALL INDOOR**  
32 **CONCESSIONS STAND LOCATED**  
33 **AT 1320 SOUTH STATE STREET, APN 003-472-37**  
34 **FILE NO.: MUNIS 666**  
35

36 1. Approval is granted for the operation of a commercial recreation facility at 1320 South State  
37 Street based on the project description submitted to the Planning and Community  
38 Development Department and as shown on the Site Plan date stamped January 02,2015  
39 except as modified by the following conditions of approval.  
40

41 2. Any construction shall comply with the "Standard Specifications" for such type of construction  
42 now existing or which may hereafter be promulgated by the Engineering Department of the  
43 City of Ukiah; except where higher standards are imposed by law, rule, or regulation or by  
44 action of the Planning Commission.  
45

46 3. In addition to any particular condition imposed, any construction shall comply with all building,  
47 fire, electric, plumbing, occupancy, and structural laws, regulations and ordinances in effect  
48 at the time the Building Permit is approved and issued.  
49

50 4. Applicant shall be required to obtain and maintain any permit or approval, which is required  
51 by law, regulation, or ordinance, be it required by Local, State, or Federal agency.  
52

53 5. The approved Use Permit may be revoked through the City's revocation process if the  
54 approved project related to the Permit is not being conducted in compliance with the  
55 stipulations and conditions of approval; or if the project is not established within two years of

1 the effective date of approval; or if the established and use for which the permit was granted  
2 has ceased or has been suspended for twenty-four (24) consecutive months.

- 3
- 4 6. Except as otherwise specifically noted, the Use Permit shall be granted only for the specific  
5 purposes stated in the action approving the Permit and shall not be construed as eliminating  
6 or modifying any building, use, or zone requirements except as to such specific purposes.  
7
- 8 7. The applicants shall submit a Final Landscape Plan to the Planning Department and this plan  
9 shall be approved by the Director of Planning prior to the issuance of a Certificate of  
10 Occupancy. Plan shall be planted prior to for the commercial structure unless the Director  
11 determines that an alternate planting schedule would be more favorable to the plants. This  
12 plan shall include, but not be limited to the following:  
13
- 14 (a) Recommendation's from Nick Thayer Design Review Board Member;
  - 15 (b) The use of bush and tree species that grow well in the Ukiah climate, including native  
16 vegetation;
  - 17 (c) The planting of deciduous trees in perimeter areas of the parking lot, where feasible;
  - 18 (d) A planting legend that includes the names, location, coverage area, and the anticipated  
19 maximum height and canopy cover of all vegetation at the time of maturity;
  - 20 (e) A planting schedule for all vegetation installed on the site; and
  - 21 (f) A maintenance schedule for existing or proposed vegetation, including a watering  
22 schedule and irrigation system design.
- 23
- 24 9. All landscaping shall be maintained in a neat, weed-free manner, and may not be removed or  
25 substantially altered unless the Director of Planning reviews and approves the removal or  
26 replacement of vegetation determined to be diseased, unstable, hazardous, or poorly located  
27 on the site. Any vegetation removed from the site shall be replaced with similar vegetation  
28 approved by the Planning Director.  
29
- 30 10. Arcade occupancy shall be restricted to a maximum of 60 persons or shall comply with the  
31 fire and building code requirements for occupancy.  
32
- 33 11. Arcade rules shall be posted in a visible area or distributed in written fashion to customers  
34 and arcade employees shall be trained to monitor and discourage congregations of  
35 customers in the outdoor parking areas or on abutting lots.  
36
- 37 12. All conditions that do not contain specific completion periods shall be completed prior to  
38 release of final building inspection and issuance of a Certificate of Occupancy for the primary  
39 building on the site.  
40

41  
42 Standard City Conditions of Approval

- 43
- 44 1. Business operations shall not commence until all permits required for the approved use,  
45 including but not limited to business license, tenant improvement building permit, have  
46 been applied for and issued/finaled.  
47
  - 48 2. No permit or entitlement shall be deemed effective unless and until all fees and charges  
49 applicable to this application and these conditions of approval have been paid in full.  
50
  - 51 3. 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.  
56

- 1 4. A copy of all conditions of this Use Permit shall be provided to and be binding upon  
2 any future purchaser, tenant, or other party of interest.  
3  
4 5. All conditions of approval that do not contain specific completion periods shall be  
5 completed prior to building permit final.  
6  
7 6. This Use Permit may be revoked through the City's revocation process if the approved  
8 project related to this Permit is not being conducted in compliance with these stipulations  
9 and conditions of approval; or if the project is not established within two years of the  
10 effective date of this approval; or if the established use for which the permit was granted  
11 has ceased or has been suspended for 24 consecutive months.  
12  
13 7. This approval is contingent upon agreement of the applicant and property owner and their  
14 agents, successors and heirs to defend, indemnify, release and hold harmless the City,  
15 its agents, officers, attorneys, employees, boards and commissions from any claim,  
16 action or proceeding brought against any of the foregoing individuals or entities, the  
17 purpose of which is to attack, set aside, void or annul the approval of this application.  
18 This indemnification shall include, but not be limited to, damages, costs, expenses,  
19 attorney fees or expert witness fees that may be asserted by any person or entity,  
20 including the applicant, arising out of or in connection with the City's action on this  
21 application, whether or not there is concurrent passive or active negligence on the part of  
22 the City. If, for any reason any portion of this indemnification agreement is held to be void  
23 or unenforceable by a court of competent jurisdiction, the remainder of the agreement  
24 shall remain in full force and effect.  
25  
26 8. All signage shall comply with the City of Ukiah sign regulations.

27  
28 **8. ADJOURNMENT**

29 There being no further business, the meeting was adjourned at 11:25 a.m.  
30  
31

32 \_\_\_\_\_  
33 Cathy Elawadly, Recording Secretary  
34

3.3.15

Attachment # 1

**RECEIVED**

**MAR 10 2015**

**CITY OF UKIAH  
BUILDING/PLANNING DEPARTMENT**

To Whom it May Concern -

May this letter confirm that  
we are in full support of  
the Marston's "Roof Modification."

Sincerely,

Stacey Sheldon  
Calvin Turnwall

430 W. Stephenson  
UKiah, CA  
95482