

**Minutes
Zoning Administrator Meeting
March 31, 2016**

Staff Present

Kevin Thompson, Acting Zoning Administrator
Michelle Johnson, Assistant Planner
Cathy Elawadly, Recording Secretary

Others Present

Andrew Bridge
Ellie Threde
Ray Threde

1. CALL TO ORDER

Acting Zoning Administrator Thompson called the meeting to order at 10:02 a.m. in Conference Room No. 1, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

2. SITE VISIT VERIFICATION

Acting Zoning Administrator Thompson confirmed the site visit.

3. APPROVAL OF MINUTES

The minutes from the December 10, 2015 meeting are included for review and approval.

Acting Zoning Administrator Thompson approved the December 10, 2015 meeting minutes, as submitted.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

5. APPEAL PROCESS

Acting Zoning Administrator Thompson read the appeal process. For matters heard at this meeting the last day to appeal with the City Clerk is Monday, April 11, 2016 at 5:00 p.m.

6. VERIFICATION OF NOTICE

Planning staff verified the proposed Bridge Residential Setback Minor Variance 624 A Joseph Street and Ellie's Mutt Hut Accessory Structure 732 South State Street were properly noticed in accordance with the provisions of the UMC.

7. PUBLIC HEARINGS

7A. Bridge Residential Setback Minor Variance 624 A Joseph Street; APN 002-124-20, (File No.: 1567): An application has been received from Andrew Bridges for Zoning Administrator approval of a Minor Variance to allow an 8 feet front setback and a 6.6 feet side setback for an addition to a single family home located at 624 A Joseph Street; APN 002-124-20, (File No.: 1567-VAR-ZA).

Acting Zoning Administrator Thompson:

- Acknowledged staff and the applicant are the only persons in attendance.

Assistant Planner Johnson:

- Gave a project presentation as provided for on pages 1-4 and attachments 1 through 5 of the staff report.
- Recommends project approval based on the Findings in Attachment 1 of the staff report and subject to the Conditions of Approval in Attachment 2 of the staff report.

PUBLIC HEARING OPENED: 10:05 a.m.

Andrew Bridge, Applicant:

- Has reviewed the staff report and project conditions of approval having no comments or questions.

1 **Acting Zoning Administrator Thompson:**

- 2 • Referenced condition of approval from the City Electrical Department that reads, 'The
3 applicant must notify the electrical department prior to removal of the walnut tree several
4 days prior,' and noted this is something the applicant needs to know before cutting the
5 tree down.

6
7 **Andrew Bridge:**

- 8 • Confirmed the tree has been removed and the electric department did come and talked to
9 him prior to removal.

10
11 **PUBLIC HEARING CLOSED: 10:08 a.m.**

12
13 **Acting Zoning Administrator Thompson:**

- 14 • Agrees with staff's analysis of the project.
15 • Is fine with the proposed project findings and conditions of approval.

16
17 **Acting Zoning Administrator Thompson** approved the Bridge Residential Setback Minor
18 Variance File No.: 1567-VAR-ZA based on the Variance Findings in Attachment 1 of the staff
19 report and subject to the Variance Conditions of Approval in attachment 2 in the staff report.

20
21 **FINAL VARIANCE FINDINGS TO ALLOW THE REDUCTION IN A FRONT YARD SETBACK**
22 **FROM 15 TO 8 FEET AND A SIDE YARD SETBACK FROM 10 TO 6.6 FEET TO**
23 **ACCOMMODATE A HOME ADDITION WITHIN THE**
24 **(R2) MEDIUM DENSITY RESIDENTIAL ZONE**
25

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

28
29 1. The following special circumstances apply to the subject property; therefore the strict
30 application of the code will deprive the property owner privileges enjoyed by other properties
31 within the (R-2) Medium Density Residential zone.

- 32
33 a. The subject property contains a house it was approved and built prior to the current
34 zoning setback requirements of the (R-2) Medium Density Residential zone.
35 Therefore, if the property owner is held to the current regulations he would not be
36 able to enlarge his house as other property owners within this district have been able
37 to do.
- 38 b. There are two existing accessory structures and a large established tree on the south
39 side of the residence; it would be infeasible to put the addition on to the rear of the
40 building without removal of the existing structure and tree.

41 2. The issuance of this variance will not constitute a grant of special privilege based on the
42 following:

- 43
44 a. Other properties within this neighborhood and within the (R-2) zoning district have
45 reduced setbacks that do not comply with current zoning ordinance regulations.

46 3. The granting of this variance will not be detrimental to the surrounding property owners based
47 on the following:

- 48
49 a. The proposed addition will improve the structure's appearance.

- 1 b. The granting of this variance will still maintain an 8 feet front yard setback and 6.6
- 2 feet side yard setback. Therefore, the privacy of the neighbors will not be
- 3 compromised.
- 4 c. The proposed variance will not decrease existing parking for the site, thus not
- 5 intensifying existing parking use.
- 6 d. A building permit is required for the addition, ensuring that it will be safely
- 7 constructed and will comply with Building and Fire Code requirements.
- 8 4. The proposed project is exempt from the provisions of CEQA pursuant to CEQA
- 9 Guidelines Section 15305, Class 5(a) minor alterations in land use limitations based on
- 10 the following.
- 11 a. The project involves minor alterations in land use limitations which do not result
- 12 in the creation of any new parcels; specifically this project involves a variance
- 13 from side yard setbacks.
- 14 b. The project is not located within an environmentally sensitive area in that the site
- 15 is located on an arterial street and in an urban area that includes a variety of
- 16 commercial businesses. The site is developed with a building that has historically
- 17 been used for retail sales and associated parking areas and landscaping. No
- 18 water courses, wildlife, wildlife habitat, floodway or flood plain or other
- 19 environmentally sensitive areas are present.
- 20 environmentally sensitive areas are present.

21 **FINAL VARIANCE CONDITIONS OF APPROVAL TO ALLOW THE REDUCTION IN A FRONT**

22 **YARD SETBACK FROM 15 TO 8 FEET AND A SIDE YARD SETBACK FROM 10 TO 6.6 FEET**

23 **TO ACCOMMODATE A HOME ADDITION WITHIN THE**

24 **(R2) MEDIUM DENSITY RESIDENTIAL ZONE**

- 26 1. Variance approval is granted for an 8 feet front yard setback and 6.6 feet side yard
- 27 setback. This is the result of a home addition as shown on the plans submitted to the
- 28 Community Development and Planning Department and date stamped February 16,
- 29 2016.
- 30 2. Except as otherwise specifically noted, this variance shall be granted only for the specific
- 31 purposes stated in the action approving the variance and shall not be construed as
- 32 eliminating or modifying any building, use, zoning or other requirements except as to
- 33 such specific purposes.
- 34 3. This approved variance may be revoked through the City's revocation process if the
- 35 approved project related to the Permit is not being conducted in compliance with the
- 36 stipulations and conditions of approval; or if the project is not established within two years
- 37 of the effective date of approval; or if the established and use for which the permit was
- 38 granted has ceased or has been suspended for twenty-four (24) consecutive months.
- 39 4. On plans submitted for building permit, these conditions of approval shall be included as
- 40 notes on the first sheet.
- 41 4. On plans submitted for building permit, these conditions of approval shall be included as
- 42 notes on the first sheet.

43 From Building Official, David Willoughby (707-467-5718)

- 44 5. The applicant must apply for a building permit prior to construction.

45 From Electrical Department, Scott Bozzoli (707-467-5775)

- 1
2 1. The applicant must notify the electrical department prior to removal of the walnut tree
3 several days prior: in order that the project can be properly noticed. In addition, when the
4 owner is ready to upgrade the panel the electric department needs to review the
5 proposed plans for changes.
6

7 Standard City Conditions of Approval
8

- 9 6. No permit or entitlement shall be deemed effective unless and until all fees and charges
10 applicable to this application and these conditions of approval have been paid in full.
11
12 8. The property owner shall obtain and maintain any permit or approval required by law,
13 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
14 Federal agencies as applicable. All construction shall comply with all fire, building,
15 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
16 at the time the Building Permit is approved and issued.
17
18 9. This approval is contingent upon agreement of the applicant and property owner and their
19 agents, successors and heirs to defend, indemnify, release and hold harmless the City,
20 its agents, officers, attorneys, employees, boards and commissions from any claim,
21 action or proceeding brought against any of the foregoing individuals or entities, the
22 purpose of which is to attack, set aside, void or annul the approval of this application.
23 This indemnification shall include, but not be limited to, damages, costs, expenses,
24 attorney fees or expert witness fees that may be asserted by any person or entity,
25 including the applicant, arising out of or in connection with the City's action on this
26 application, whether or not there is concurrent passive or active negligence on the part of
27 the City. If, for any reason any portion of this indemnification agreement is held to be void
28 or unenforceable by a court of competent jurisdiction, the remainder of the agreement
29 shall remain in full force and effect.
30

31 **7B. Ellie's Mutt Hut Accessory Structure 732 South State Street; APN 003-031-41, (File**
32 **No.: 1610 SDP-ZA):** An application has been received from Ray Threde on behalf of
33 Ellie's Mutt Hut requesting Zoning Administrator approval of a Minor Site Development
34 Permit for the addition of a 448 square foot accessory building on the North West
35 property line. The addition will be used as office space, storage space for dry/bulk
36 supplies, a new walk in refrigerator and two new public restrooms located at 732 South
37 State Street; APN 003-031-41 (File No.: 1610 SDP-ZA).
38

39 **Assistant Planner Johnson:**

- 40 • Gave a staff report as provided for on pages 1-8 and attachments 1 through 5 of the staff
41 report.
42 • The DRB reviewed the proposed project on March 17, 2016 and the minutes for this
43 meeting are included in attachment 4 of the staff report. While the applicant proposed to
44 add one Chinese Pistache Tree to the Freitas Street planter on the south west portion of
45 the property the DRB made the following recommendations regarding landscaping:
46 • Removal of the Juniper bushes.
47 • Addition of two new trees and live groundcover/landscaping in the existing
48 planter on the property line to the west.
49 • Provide live groundcover/landscaping in the existing planter next to the entrance
50 to the parking lot on Freitas Street.
51 • Addition of one new tree and live groundcover/landscaping in the existing planter
52 on State Street.
53 • Requested the applicant consult with Nick Thayer, DRB member regarding
54 landscaping recommendations.
55 • The landscaping recommendations made by Nick Thayer in his email to staff dated
56 March 30, 2016 are included in the minutes as attachment1.

- 1 • The DRB recommended the roof of the accessory structure be 'wood shakes' to match
2 the roof of the existing restaurant building. The applicant has indicated the restaurant
3 building roof will be replaced within the next 10 years and would like the shingles for this
4 building to match the accessory building shingles. As such, the applicant is proposing to
5 a composite roofing product the color of 'Pewter Gray' as shown in the project description
6 in attachment 3 of the staff report.
- 7 • The DRB made other project recommended to include:
 - 8 ▪ The electrical panel be located on the north side of the building and set flush with
9 riser pipe to weatherhead in the wall.
 - 10 ▪ Per City code a five-foot free zone for ADA access.
 - 11 ▪ Fencing for the storage area be per the project plans as provided for in
12 attachment 3 of the staff report.
 - 13 ▪ All trash/recycling on the site be stored behind the proposed fence hidden from
14 the public.
- 15 • Staff recommends approval of the project based on the findings in attachment 1 and
16 subject to the conditions of approval in attachment 2.

17
18 **PUBLIC HEARING OPENED: 10:14 a.m.**

19
20 **Ray Threde, Applicant:**

- 21 • Reviewed the staff report, project conditions of approval, DRB recommendations and
22 made the following comments:

23 Landscaping

- 24 ▪ The addition of the tree at the corner of State Street and Freitas Street would
25 likely block the sign for the restaurant. Is of the understanding the tree must be
26 planted 30 feet from the corner and does not think there is sufficient space for a
27 tree. A tree in this location would likely interfere with the existing power lines.
- 28 ▪ Related to the existing landscaping, noted the Juniper bushes are drought
29 tolerant and have not been watered in 25 years. Is of the opinion adding
30 groundcover and tree on State Street frontage is not a good idea and would like
31 the Juniper bushes in the front of the building to be left. Is fine with removal of the
32 Juniper bushes on the west property line and replace with
33 groundcover/landscaping. This planter area is 50 feet long. Would be fine with
34 the addition of two new trees possible three if feasible. Would be amenable to
35 reviewing the landscaping with Nick Thayer.

36
37 Roof

- 38 ▪ Would like a composite shake roof as described in the project description.

39
40 Electrical Panel

- 41 ▪ Would like the electrical panel to be mounted on the east elevation flush mounted
42 with siding and with the riser pipe enclosed within the wall.

43
44 There was discussion about potential location of trees consistent with City code standards.

45
46 **PUBLIC HEARING CLOSED: 10:27 a.m.**

47
48 Staff made the following revision to finding no.3:

49
50 The City approved the Mutt Hut restaurant prior to adoption of the 20% landscaping lot coverage
51 standard. The existing approved Mutt Hut restaurant has approximately 18% coverage. The
52 proposed project would result in a small change to existing coverage to include a Chinese
53 pistache tree in the existing planter at the entrance to the parking lot on Freitas Street. Pursuant
54 to Section 9087 of the City Code, the Zoning Administrator has the authority to modify the
55 required elements of a landscaping plan "depending upon the size, scale, intensity, and location

1 of the development project.” In this case the existing parcel size is unusually small when
2 compared to other commercial parcels adjacent to the site and in the general vicinity. In fact, the
3 subject parcel is the smallest commercial parcel on the this block on South State Street south of
4 Gobbi Street, as well as the block to the south. Additionally, many of the larger commercially
5 developed parcels in the area do not meet the 20% coverage landscaping requirement, so that it
6 is reasonable to provide equity and allow the much smaller parcel to have a similar amount of
7 landscaping.

8
9 The proposed project was reviewed by the Design Review Board (DRB) on March 17, 2016. The
10 DRB recommended the project for approval based on the following (see attachment 4; DRB
11 Minutes dated March 17, 2016):

- 12 • **removal of the Juniper Bushes on the west property line**
- 13 • **addition of two new trees possibly three if feasible based on conversation with the**
14 **Nick Thayer Design Review Board Member and live groundcover/landscaping in**
15 **the existing planter on the property line to the west**
- 16 • **live groundcover/landscaping in the existing planter next to the entrance to the**
17 **parking lot on Freitas Street**
- 18 • **Based on the location of the business sign, overhead power lines, and line-of-sight**
19 **conflicts the tree planting in the front of the requested by DRB was waived.**
- 20 • **Based on the applicants desire to change the shake shingles on the main building**
21 **the DRB requested match the shingles for the new building was waived.**

22
23 The addition of three new trees and live landscaping in the existing landscape planters would
24 provide shade and bring the project closer to compliance with the 50% shade and 20% live
25 landscaping requirement.

26 Staff made the following revision to conditions of approval no. 4:

27
28 Applicant shall submit a Final Landscape Plan to the Planning Department for review and which
29 must be approved prior to issuance of the Building Permit for the accessory structure. The Final
30 Landscape Plan shall address the issues raised in the staff report and be responsive to the
31 issues raised by the Design Review Boards comments based on the March 17, 2016 meeting that
32 included the following:

- 34 • removal of the Juniper Bushes on the west property line
- 35 • planting a minimum of two new trees, three if feasible based on conversation with the
36 Nick Thayer Design Review Board Member and live groundcover/landscaping in the
37 existing planter on the property line to the west
- 38 • live groundcover/landscaping in the existing planter next to the entrance to the parking lot
39 on Freitas Street

40
41 Staff made the following revision to condition of approval no. 6:

42 Based on the recommendations from the Design Review Board Meeting March 17, 2016 meeting
43 the applicant shall provide a revised project description and site plan that include the following:

- 45 • **the electrical panel mounted on the east elevation shall be flush mounted with**
46 **siding and riser pipe to be enclosed within the wall;**
- 47 • per City code a five-foot free zone for ADA access;
- 48 • fencing for the storage area be per the plan and of a compatible color with the new annex
49 building; and
- 50 • all trash/recycling on shall be stored behind the proposed the proposed fence hidden
51 from the public.

1
2 Staff added the following condition of approval:
3

4 Composite shake roofing as is described in the project description;
5

6 **Acting Zoning Administrator Thompson** approved Ellie's Mutt Hut Accessory Structure File
7 No.: 1610-SDP-ZA based on the Site Development Permit Findings in Attachment 1 of the staff
8 report and subject to the Site Development Permit Conditions of Approval in Attachment 2 of the
9 staff report with revisions to the findings/conditions of approval and with the addition of a new
10 condition of approval related to the roof for the accessory building, as discussed above.
11

12 **FINAL SITE DEVELOPMENT PERMIT FINDINGS**
13 **Minor Site Development Permit**
14 **Mutt Hutt Accessory Structure**
15 **732 South State Street**
16 **City File No. 1610 SDP-ZA**
17

- 18 1. The 448 sq. ft. proposed Accessory Structure is an expansion of an existing commercial
19 use consisting of a Restaurant that is consistent with the goals and policies of the
20 Ukiah General Plan, including Land Use Element requirements for the siting of new
21 structures;
22
- 23 2. The proposed Project, as conditioned, is consistent with the requirements of the zoning
24 ordinance as described in Table 2 of the staff report, and with the approval of the
25 requested modifications to the landscaping requirements;
26
- 27 3. Approval of the modifications to the landscaping requirements is based on the following:
28

29 The City approved the Mutt Hut restaurant prior to adoption of the 20% landscaping
30 lot coverage standard. The existing approved Mutt Hut restaurant has approximately
31 18% coverage. The proposed project would result in a small change to existing
32 coverage to include a Chinese pistache tree in the existing planter at the entrance to
33 the parking lot on Freitas Street. Pursuant to Section 9087 of the City Code, the
34 Zoning Administrator has the authority to modify the required elements of a
35 landscaping plan "depending upon the size, scale, intensity, and location of the
36 development project." In this case the existing parcel size is unusually small when
37 compared to other commercial parcels adjacent to the site and in the general vicinity.
38 In fact, the subject parcel is the smallest commercial parcel on the this block on
39 South State Street south of Gobbi Street, as well as the block to the south.
40 Additionally, many of the larger commercially developed parcels in the area do not
41 meet the 20% coverage landscaping requirement, so that it is reasonable to provide
42 equity and allow the much smaller parcel to have a similar amount of landscaping.
43

44 The proposed project was reviewed by the Design Review Board (DRB) on March
45 17, 2016. The DRB recommended the project for approval based on the following
46 (see attachment 4; DRB Minutes dated March 17, 2016):
47

- 48 • removal of the Juniper Bushes on the west property line
- 49 • addition of two new trees possibly three if feasible based on
50 conversation with the Nick Thayer Design Review Board
51 Member and live groundcover/landscaping in the existing
52 planter on the property line to the west

- live groundcover/landscaping in the existing planter next to the entrance to the parking lot on Freitas Street
- Based on the location of the business sign, overhead power lines, and line-of-sight conflicts the tree planting in the front of the requested by DRB was waived.
- Based on the applicants desire to change the shake shingles on the main building the DRB requested match the shingles for the new building was waived.

The addition of three new trees and live landscaping in the existing landscape planters would provide shade and bring the project closer to compliance with the 50% shade and 20% live landscaping requirement.

4. Based on the required parking 33 parking spaces; 3 bike parking spaces are required: A Condition of Approval has been added requiring specs sheets submitted be submitted with the building permit and is subject to staff review and approval.
5. The Department of Public Works has reviewed the proposal and supports the project. They have found that the proposed accessory structure would not create hazardous or inconvenient conditions for pedestrians or motorists.
6. The Department of Public Works has reviewed the proposal and has found that the on-site parking, as well as the off-site parking has not created hazards in the past and would not create hazards if the proposed project is approved. This is primarily due to the low volume of traffic on Freitas Avenue, which some restaurant patrons cross if they park in the off-site parking lot.
7. The proposed project based on the recommendation from the Design Review Board of three new trees and live landscaping on the west property line would add additional screening and break up the large expanse of paved area and would provide screening for the proposed project.
8. The project includes removal of an existing shed and addition of a 448 sq. ft. accessory building. It would be situated under a large redwood tree that provides a screen and would be a substantial distance from the buildings on adjoining properties and would not restrict or cut out light and air on those properties. it is a one story structure that only reaches a height of 13'-5" above grade, and is not close enough to other properties to restrict light and air or cast shadows.
9. The project involves an addition of a 448 sq. ft. accessory building and modifications to the landscaping. It has been reviewed by the City Design Review Board, who unanimously found it to match the architecture of the existing building. The DRB unanimously supported the project.
10. The proposed project would not require the removal and any trees. Based on the recommendations from the DRB on March 17, 2016 replacement of some landscaping (see above) would be required. However, no natural features, trees or creeks existing on or near the site and therefore none would be impacted.
11. The project includes the addition of an accessory structure that is consistent in color and design of the existing building. It has been reviewed by the City Design Review Board, who unanimously found it to match the architecture of the existing building. The DRB unanimously supported the project.

- 1 12. The proposed project is exempt from the provisions of the California Environmental
2 Quality Act (CEQA) pursuant to Sections 15303, Class 3 (e); construction of small
3 accessory (appurtenant) structures including garages, carports, patios, swimming
4 pools, and fences. City staff has determined that all public services are currently
5 serving the site and are available to serve the site after the addition is constructed,
6 and the site is characterized as densely urban with no significant plant or animal
7 habitat value.

8
9 **FINAL CONDITIONS OF APPROVAL**
10 **Minor Site Development Permit**
11 **Mutt Hutt Accessory Structure**
12 **732 South State Street**
13 **City File No. 1610 SDP-ZA**
14

- 15 1. All use, construction, or occupancy shall conform to the application approved by the
16 Zoning Administrator, and to any supporting documents submitted therewith, including
17 maps, sketches, renderings, building elevations, landscape plans, and alike.
18
19 2. The approved Site Development Permit may be revoked through the City's revocation
20 process if the approved project related to the Permit is not being conducted in
21 compliance with the stipulations and conditions of approval; or if the project is not
22 established within two years of the effective date of approval; or if the established land
23 use for which the permit was granted has ceased or has been suspended for twenty-four
24 (24) consecutive months.
25
26 3. Except as otherwise specifically noted, the Site Development Permit shall be granted
27 only for the specific purposes stated in the action approving the Permit and shall not be
28 construed as eliminating or modifying any building, use, or zone requirements except as
29 to such specific purposes.
30
31 4. Applicant shall submit a Final Landscape Plan to the Planning Department for review and
32 which must be approved prior to issuance of the Building Permit for the accessory
33 structure. The Final Landscape Plan shall address the issues raised in the staff report
34 and be responsive to the issues raised by the Design Review Boards comments based
35 on the March 17, 2016 meeting that included the following:
36
37
 - removal of the Juniper Bushes on the west property line
 - planting a minimum of two new trees, three if feasible based on
38 conversation with the Nick Thayer Design Review Board
39 Member and live groundcover/landscaping in the existing
40 planter on the property line to the west
 - live groundcover/landscaping in the existing planter next to the
41 entrance to the parking lot on Freitas Street
42
43
44
45 5. Plans submitted for building permit shall include spec sheets for the required bike rack for
46 three bicycles and is subject to staff review and approval. The bike rack shall be located
47 as close as reasonable to the front entrance as identified on the approved site plan and
48 shall be installed prior to occupancy.
49
50 6. Based on the recommendations from the Design Review Board Meeting March 17, 2016
51 meeting the applicant shall provide a revised project description and site plan that
52 include the following:
53
54
 - the electrical panel mounted on the east elevation shall be flush mounted with
55 siding and riser pipe to be enclosed within the wall;

- per City code a five-foot free zone for ADA access;
- fencing for the storage area be per the plan and of a compatible color with the new annex building; and
- all trash/recycling on shall be stored behind the proposed the proposed fence hidden from the public.

7. Composite shake roofing as is described in the project description;
8. On plans submitted for building permit, if required, these conditions of approval shall be included as notes on the first sheet.
9. All proposed outdoor lighting must be downcast, fully shielded and International Dark Sky Association approved or equivalent.

Standard City Conditions of Approval

10. Any construction shall comply with the "Standard Specifications" for such type of construction now existing or which may hereafter be promulgated by the Engineering Department of the City of Ukiah; except where higher standards are imposed by law, rule, or regulation or by action of the Zoning Administrator.
11. In addition to any particular condition imposed, any construction shall comply with all building, fire, electric, plumbing, occupancy, and structural laws, regulations and ordinances in effect at the time the Building Permit is approved and issued.
12. All work within the City right-of-way shall be performed by a properly licensed Contractor with a current City of Ukiah Business License. Contractor must submit copies of proper insurance coverage (Public Liability, \$1,000,000; Property Damage, \$1,000,000) and current Workman's Compensation Certificate.
13. An encroachment permit from the Public Works Department is required to perform all work with the street right-of-way.
14. All conditions that do not contain specific completion periods shall be completed prior to release of final building inspection and issuance of a Certificate of Occupancy for the primary building on the site.
15. No permit or entitlement shall be deemed effective unless and until all fees and charges applicable to this application and these conditions of approval have been paid in full.
16. A copy of all conditions of this Site Development Permit shall be provided to and be binding upon any future purchaser, tenant, or other party of interest.
17. All conditions of approval that do not contain specific completion periods shall be completed prior to building permit final.
18. All required landscaping shall be properly maintained to insure the long-term health and vitality of the plants, shrubs and trees. Proper maintenance means, but is not limited to the following:
 - A. Regular slow, deep watering when feasible. The amount of water used shall fluctuate according to the season, i. e., more water in summer, less in the winter.
 - B. Additional watering shall occur during long periods of severe heat and drying winds, and reduced watering shall be used during extended periods of cool rainy weather.

- C. Fertilizer shall only being used on trees during planting. Shrubs may receive periodic fertilizer according to the recommendations of a landscaping professional.
- D. Weed killers shall not be used on or near trees.
- E. The tree ties and stakes shall be checked every six months to ensure they do not constrict the trunks and damage the trees.
- F. Tree ties and stakes shall be removed after 1 to 3 years to ensure they do not damage the trunk of the tree and its overall growth.
- G. Any tree that dies or is unhealthy due to pests, disease or other factors, including vandalism, shall be replaced with the same or similar tree species, or an alternative species approved by the department of Planning and Community Development.
- H. All trees shall be properly pruned as appropriate. No topping cuts shall be made. All pruning shall follow standard industry methods and techniques to ensure the health and vitality of the tree.

19. This Site Development 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.

20. 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.

From the Electrical Department (Jimmy Lozano 467-5774)

- 1. Because this is a commercial building the applicant will have to have a test bypass meter panel. Before the purchase of his meter panel, we request that the applicant provides a three digit EUSERC drawing number to us, so that we can verify that this service panel will qualify with the EUSERC drawing numbers that the Electric Department has pre- qualified as acceptable.

From the Public Works Department (Ben Kageyama 467-5774)

The Department of Public Works has reviewed the above referenced project and offers the following comments for your consideration:

- 1. Street trees shall be in conformance with Standard Detail 602 – tree type to be approved by City Engineer. One street tree shall be required, within 5 feet behind the back of sidewalk of Freitas Avenue.
- 2. All work within the public right-of-way shall be performed by a licensed and properly insured contractor. The contractor shall obtain an encroachment permit for work

1 within this area or otherwise affecting this area. Encroachment permit fee shall be
2 \$45 plus 3% of estimated construction costs.

- 3
4 3. City of Ukiah sewer connection fees shall apply and be paid at the time of building
5 permit issuance.
6
7 4. If connecting to an existing sanitary sewer lateral, it shall be tested in accordance
8 with City of Ukiah Ordinance No. 1105, and repaired or replaced if required.
9
10 5. If the building permit value is equal to or greater than one-third of the value of the
11 existing structure, the construction, repair or upgrade of curb, gutter, and sidewalk,
12 along the building's street frontages, may be required, pursuant to Section 9181 of
13 the Ukiah City Code.
14

15 **8. ADJOURNMENT**

16 There being no further business, the meeting was adjourned at 10:33 a.m.

17
18 _____
19 Cathy Elawadly, Recording Secretary
20

Michelle Johnson

From: Nicholas Thayer <mail@lateafternoon.com>
Sent: Wednesday, March 30, 2016 12:13 PM
To: Michelle Johnson
Cc: ray.threde@sbcglobal.net
Subject: Re: Landscaping Recommendations DRB 03172016

Thanks Michelle,

Howdy Ray,

Trees: Will need irrigation through out their lives, but Dogwoods seem the only logical tree for the Mutt Hut.

Could be the evergreen Dogwood or one of the hybrid selections. Images attached of various Dogwoods.

Groundcover plants; one easy shrub, one easy grass and one easy perennial:

Shrub:

Lavandula dentata

Grass:

Pennisetum messiacum 'Red Bunny Tails'

Perennial:

Gaura lindheimeri

Planted in equal numbers, even in a random layout, will hold the design together.

All the Best, Nick

Nicholas Thayer
mail@lateafternoon.com
707-462-5133 office
707-362-0680 mobile

On Mar 28, 2016, at 5:18 PM, Michelle Johnson <mjohnson@cityofukiah.com> wrote:

Hello Nick,

Yes; they are going to do a small 448 accessory structure on the North West property line for storage and two new public restrooms. They are no longer going to do the outdoor dining area on State Street. I have a draft copy of the minutes from March 17, 2016 meeting as a reference.

The applicant is in favor of the recommendation and is looking forward to working with you.

The applicant is the owner of Ellie's Mutt Hutt
Ray Threde 707-462-5062
ray.threde@sbcglobal.net

Let me know if you have any more questions.

-Michelle





