

**Minutes
Zoning Administrator Meeting
April 16, 2015**

Staff Present

Charley Stump, Zoning Administrator
Kevin Thompson, Principal Planner
Cathy Elawadly, Recording Secretary

Others Present

Dave Green
Kimberly Kirby
Chris Tucci
Mark Mountanos
Linda Mountanos
Marvin Boesel
Nickolas Thayer

1. CALL TO ORDER

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

2. SITE VISIT VERIFICATION

Zoning Administrator Stump confirmed the site visit.

3. APPROVAL OF MINUTES: The minutes from the March 10, 2015 meeting are included for review and approval.

Zoning Administrator Stump approved the March 10, 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 Wednesday April 29, 2015.

6. VERIFICATION OF NOTICE

Planning staff verified the proposed Northern Counter Tops Use Permit (File No.: 823-UP-ZA) and Mountanos Apartment Conversion (File No.: 844-UP-ZA) were properly noticed in accordance with the provisions of the UMC.

7. PUBLIC HEARINGS

7A. Northern Counter Tops Use Permit, 195 Clara Avenue (File No.: 823-UP-ZA): Request for approval of a Minor Use Permit from David E. Green on behalf of Northern Countertops. The Zoning Administrator will consider approval of Minor Use Permit to allow the fabrication and the establishment of a showroom for laminate and acrylic counters in an existing commercial building located at 195 Clara Avenue. There are no proposed changes to the facade, parking, or landscaping.

Kevin Thompson, Principal Planner:

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

Zoning Administrator Stump:

- Dispensed with the staff report since the only persons present were the applicant and those supporting approval of the Project.

PUBLIC HEARING OPENED: 11:03 a.m.

Dave Green, Applicant:

- Reviewed the staff report and had no questions/comments.
- Is fine with the Project Findings and Conditions of Approval.

1 **Chris Tucci:**

- 2 • Is a tenant in the same building and supports approval of the Project.
3

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

5
6 **Zoning Administrator Stump:**

- 7 • Has visited the site and is familiar with the Project.
8 • The new business is a welcomed addition to the City and thanked the applicant for
9 coming forward with the Project.

10
11 **Zoning Administrator Stump** approved Northern Counter Tops Use Permit with the Findings in
12 Attachment 1 of the staff report and the Conditions of Approval in Attachment 2 of the staff report.
13

14 **FINDINGS – USE PERMIT FINDINGS**

15
16 **TO ALLOW NORTHERN COUNTERTOPS TO OPERATE A MANUFACTURING AND RETAIL**
17 **STORE**
18 **AT 195 CLARA AVE, APN 002-123-10**
19 **FILE NO.: 823**
20

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

- 24 1. The proposed project, as conditioned, is consistent with the goals and policies of the
25 General Plan as described in the staff report.
26
27 2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as
28 described in Table 1 of the staff report.
29
30 3. The proposed project, as conditioned, is consistent with the purpose and applicable
31 requirements of the C-1 zoning district based on the following:
32
33 A. With an approved use permit the proposed project that includes retail sales and light
34 manufacturing is a permitted use within the Community Commercial (C-1) zoning
35 district.
36
37 B. The proposed project meets the parking requirements of the zoning code in that the
38 project will provide adequate on-site parking.
39
40 4. The proposed project, as conditioned, is compatible with surrounding land uses and shall
41 not be detrimental to the public's health, safety and general welfare based on the
42 following:
43
44 A. The project site is located within an existing commercial area and is surrounded
45 mainly by residential/commercial/retail uses.
46 B. The proposed project will occupy a building which was previously used for light
47 manufacturing and retail uses.
48 C. The hours of operation would be consistent with other business in the area and is
49 consistent with standard hours of operation for retail business.
50
51 5. The proposed project is exempt from the provisions of the California Environmental
52 Quality Act (CEQA) pursuant to Section 15303 Class 3 (c), Conversion of Small
53 Structures, which allows structures up to 10,000 square feet to be converted from one
54 use to another in urbanized areas when the use does not involve significant amounts of

1 hazardous materials, where all necessary public services and facilities are available, and
2 the surrounding area is not environmentally sensitive based on the following.
3

- 4 A. The total building square footage is 5,600 square feet.
- 5 B. The business does not use large amounts of hazardous materials.
- 6 C. The site is developed with an existing building, public utilities and services already
7 are available at the site and no expansion of the existing buildings are proposed as
8 part of the project.
9

10 9. Notice of the proposed project was provided in the following manner as required by the
11 Zoning Ordinance:
12

- 13 A. Posted in three places on the project site April 1, 2015
- 14 B. Mailed to property owners within 300 feet of the project site on April 1, 2015; and
- 15 C. Published in the Ukiah Daily Journal on April 1, 2015
16

17 **CONDITIONS OF APPROVAL – MINOR USE PERMIT**

18
19
20 **TO ALLOW NORTHERN COUNTERTOPS TO OPERATE A MANUFACTURING AND RETAIL**
21 **STORE**
22 **AT 195 CLARA AVE, APN 002-123-10**
23 **FILE NO.: 823**
24

- 25 1. Approval is granted for the operation of a light manufacturing and retail store (showroom)
26 at 195 Clara Ave based on the project description submitted to the Planning and
27 Community Development Department and as shown on the Site plan date stamped
28 March 16, 2015 except as modified by the following conditions of approval.
29
- 30 2. This Use Permit is granted subject to the following operating characteristic:
31
 - 32 A. Dates and hours of operation are limited to those indicated in the staff report and
33 provided in the project description;
34
- 35 3. Application for and approval of a Sign Permit/Building Permit from the Planning and
36 Community Development Department is required prior to installation of any future
37 signage.
38
- 39 4. Prior to commencement of business activities, the applicant shall obtain a City of Ukiah
40 business license.
41
- 42 5. On plans submitted for building permit, these conditions of approval shall be included as
43 notes on the first sheet.
44

45 Standard City Conditions of Approval
46

- 47 6. Business operations shall not commence until all permits required for the approved use,
48 including but not limited to business license, tenant improvement building permit, have
49 been applied for and issued/finaled.
50
- 51 7. No permit or entitlement shall be deemed effective unless and until all fees and charges
52 applicable to this application and these conditions of approval have been paid in full.
53
- 54 8. The property owner shall obtain and maintain any permit or approval required by law,
55 regulation, specification or ordinance of the City of Ukiah and other Local, State, or

1 Federal agencies as applicable. All construction shall comply with all fire, building,
2 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
3 at the time the Building Permit is approved and issued.
4

- 5 9. A copy of all conditions of this Use Permit shall be provided to and be binding upon
6 any future purchaser, tenant, or other party of interest.
7
8 10. All conditions of approval that do not contain specific completion periods shall be
9 completed prior to commencement of business.
10
11 11. This approval is not effective until the 10 day appeal period applicable to this Use Permit
12 has expired without the filing of a timely appeal. If a timely appeal is filed, the project is
13 subject to the outcome of the appeal and shall be revised as necessary to comply with
14 any modifications, conditions, or requirements that were imposed as part of the appeal.
15
16 12. This Use Permit may be revoked through the City's revocation process if the approved
17 project related to this Permit is not being conducted in compliance with these stipulations
18 and conditions of approval; or if the project is not established within two years of the
19 effective date of this approval; or if the established use for which the permit was granted
20 has ceased or has been suspended for 24 consecutive months.
21
22 13. This approval is contingent upon agreement of the applicant and property owner and their
23 agents, successors and heirs to defend, indemnify, release and hold harmless the City,
24 its agents, officers, attorneys, employees, boards and commissions from any claim,
25 action or proceeding brought against any of the foregoing individuals or entities, the
26 purpose of which is to attack, set aside, void or annul the approval of this application.
27 This indemnification shall include, but not be limited to, damages, costs, expenses,
28 attorney fees or expert witness fees that may be asserted by any person or entity,
29 including the applicant, arising out of or in connection with the City's action on this
30 application, whether or not there is concurrent passive or active negligence on the part of
31 the City. If, for any reason any portion of this indemnification agreement is held to be void
32 or unenforceable by a court of competent jurisdiction, the remainder of the agreement
33 shall remain in full force and effect.
34

35 **Break: 11:07 a.m.**

36
37 **Reconvene: 11:10 a.m.**

38
39 **7B. Mountanos Apartment Conversion, 406 North School Street (File No.: 844-UP-ZA):**
40 Request for Zoning Administrator approval of a Minor Use Permit from Mark Mountanos
41 to allow the conversion of a 5,500 square foot vacant commercial building on the corner
42 of Henry and North School Street, the former Cheesecake Mama facility. The proposed
43 project would include (4) four dwelling units and the installation of three new street trees
44 on School Street located at 406 North School Street (APN 002-182-21). No on-street
45 parking or signs are proposed for this project.
46

47 **Assistant Planner Johnson:**

- 48
 - Gave a staff report.
 - Planning Staff has received no public comments regarding the proposed Project.

49
50
51 **PUBLIC HEARING OPENED: 11:16 a.m.**

52
53 **Linda Mountanos** had some questions/comments regarding the staff report:

- 54
 - Page 7, questioned sentence that reads, This application was submitted to the Planning
55 and Community Development Department on March 23, 2015 and was deemed complete

1 on April 3, 2015. As such, a decision must be made on the project no later than March
2 23, 2015 and inquired if this date is a typographical error?

- 3 • Page 4, Table 2: Zoning Ordinance and Site Analysis, sentence that reads, 'The
4 applicant has suggested putting statues on both sides to eliminate water from
5 landscaping settling under the foundation of the building and causing damage,' and
6 advised 'statutes' should read 'sculptures.'
- 7 • No other questions/comments regarding the staff report.

8
9

Assistant Planner Johnson:

- 10 • Confirmed the aforementioned date on page 7 of the staff report is a typographical error
11 and should read, 'May 3, 2015.'

12
13

Nick Thayer:

- 14 • Referred to the proposed color palate for the base and trim of the building and would like
15 the paint palate to be more colorful and more in keeping with the character/style of past
16 uses. Suggests consulting with the Held Poage Memorial Home & Research Library
17 concerning the history of the building. This approach may be helpful with selecting an
18 appropriate paint palate.
- 19 • Is of the opinion the Purple Leaf Plum is not the best selection for a street tree and would
20 like to see a tree species that is more 'robust' and that provides for a larger canopy. Did
21 not suggest an alternative species.
- 22 • Looking at the eastern portion of the building pertinent to the location of the proposed
23 street trees sees there is not sufficient space for three trees, particularly with the existing
24 awning on the building that will remain. As such, preference is to have two trees that
25 would provide for a larger, more expansive canopy.
- 26 • Would like the two designated 'open dirt area' as shown in attachment 6 of the staff
27 report to include live plants/vegetation rather than cement sculptures and will even
28 provide/donate the plants in this regard.

29
30

Mark Mountanos:

- 31 • Related to maintenance of the property/building preference is to have a street tree
32 species that is not messy and does not create unnecessary maintenance problems.
- 33 • Has not made a decision about what to do with the designated 'open dirt areas' and will
34 consider live vegetation.
- 35 • Has read the staff report and is fine with the Project Findings and Conditions of Approval.

36
37

Linda Mountanos:

38 Would appreciate input from Nick Thayer with selecting the appropriate color palate for
39 the building.

40
41

Marvin Boesel:

- 42 • Owns property located to the west of the Project.
- 43 • Applicant has done a nice job on the Project.
- 44 • Supports approval of the Project.

45
46

PUBLIC HEARING CLOSED: 11:35 a.m.

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48

Zoning Administrator Stump made the following modifications to the Project Conditions of
49 Approval in attachment 2 of the staff report:

- 50 • Condition of Approval 3, to read, 'Two street trees will be required for this project.'
- 51 • Condition of Approval 12, to read, 'Secondary exit in hallway is required.'
- 52 • Conditions of Approval 15, 18, 19, and 20 with reference to 'Site Development Permit'
53 should read, 'Use Permit.'

54

1 **Zoning Administrator Stump** approved Mountanos Apartment Conversion at 406 North School
2 Street with the Findings in attachment 1 of the staff report and the Conditions of Approval in
3 attachment 2 of the staff report, as modified above.
4

5 **FINDINGS – USE PERMIT FINDINGS**

6
7 **TO ALLOW THE CONVERSION OF A 5,500 SQUARE FOOT VACANT COMMERCIAL**
8 **BUILDING INTO A MULTI-FAMILY RESIDENTIAL DWELLING WITH (4) ONE BEDROOM**
9 **UNITS**
10 **406 NORTH SCHOOL STREET, APN 002-182-21**
11 **FILE NO.: 844**
12

13 The following findings are supported by and based on information contained in this staff report,
14 the application materials and documentation, and the public record.
15

16 The following findings are supported by and based on information contained in this staff report,
17 the application materials and documentation, and the public record.
18

- 19 1. The proposed project, as conditioned, is consistent with the goals and policies of the
20 General Plan as described in the staff report and Table 1.
21
- 22 2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as
23 described in Table 2 of the staff report.
24
- 25 3. The proposed project, as conditioned, will not be detrimental to public health, safety and
26 general welfare based on the following:
27
 - 28 a. The Project has been reviewed by the Building Official, Public Works
29 Department, Police Department and Fire Department. None of these reviewing
30 Departments have concluded that the proposed project would adversely impact
31 the public's health, safety or general welfare. All conditions of approval
32 recommended by these Departments have been applied to the Project and
33 agreed to by the applicants.
34
 - 35 b. The Project is required to comply with all applicable local, state and federal
36 requirements.
37
 - 38 c. Converting the existing vacant building into a multi-family residential dwelling with
39 (4) one bedroom units would not adversely impact the public because it would
40 not increase the existing footprint of the building; would not encroach on the
41 sidewalk; would not adversely affect any adjoining or nearby development; and
42 would not cause adverse parking issues.
43
- 44 4. The proposed project is exempt from the provisions of CEQA pursuant to Section 15301
45 Class 1 (e); Additions to existing structures that do not exceed 10,000 square feet where
46 all public services are available and the project area is not environmentally sensitive.
47 City staff has determined that all public services are currently serving the site and are
48 available to serve the site after the addition is constructed, and the site is characterized
49 as densely urban with no significant plant or animal habitat value.
50
- 51 5. The proposed parking meets the requirements of the City Code. Multiple-Family
52 residential units requires (1) one parking space for one bedroom units however the
53 proposed project is located in the Downtown Parking District 1; all parcels within the
54 downtown parking district no. 1 are not subject to the (C1) zoning district parking
55 standards.

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6. The Zoning Administrator has the authority to modify the required elements of a landscaping plan “depending upon the size, scale, intensity, and location of the development project.” The reduction of landscaping is reasonable and appropriate for the following reasons:
 - a. The footprint of the existing building covers 85% of the parcel, which does not allow for many opportunities to include new landscaping.
 - b. The applicant is proposing to plant three new street trees along the East side of the building along the School Street Frontage.
 - c. There are currently two approximately 16 sq. ft. dirt areas on the South East and South West portions of the building. The applicant has suggested putting statues on both sides to eliminate water from landscaping settling under the foundation of the building and causing damage.
 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 April 3, 2015
 - B. Mailed to property owners within 300 feet of the project site on April 3, 2015; and
 - C. Published in the Ukiah Daily Journal on April 5, 2015

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CONDITIONS OF APPROVAL – MINOR USE PERMIT
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**TO ALLOW THE CONVERSION OF A 5,500 SQUARE FOOT VACANT COMMERCIAL
BUILDING INTO A MULTI-FAMILY RESIDENTIAL DWELLING WITH (4) ONE BEDROOM
UNITS
406 NORTH SCHOOL STREET, APN 002-182-21
FILE NO.: 844**

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Planning Department

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1. Approval is granted for the conversion of a vacant building into a multi-family residential dwelling with (4) one bedroom units at 406 North School Street based on the project description submitted to the Planning and Community Development Department on March 23, 2015 and as shown on the Site plan date stamped March 24, 2015, and Landscaping Plan date stamped April 06, 2015 except as modified by the following conditions of approval.
 2. On plans submitted for building permit, these conditions of approval shall be included as notes on the first sheet.

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46

Department of Public Works

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55
3. Two Street trees will be required for this project. The School Street sidewalk is approximately 8 feet from building to face of curb, which would allow for a minimum 4 foot sidewalk and 3 ½ foot by 5 foot tree wells. Prior to project approval, the site plan should be revised to show proposed tree well locations along School Street at approximate 30 foot intervals.
 4. Applicant shall upgrade existing sidewalk along the North School Street and Henry Street frontages to meet ADA requirements, including at the existing driveway approaches and at the curb ramps at the crosswalks. Public sidewalk improvements outside of the street right-of-way will require a sidewalk easement dedicated to the City.

1
2 5. Standard street tree requirements include street trees spaced approximately every 30 feet
3 along the public street, within tree wells where feasible, otherwise within 5 feet of the back of
4 sidewalk. Street trees shall be in accordance with Standard Detail 602 – tree types to be
5 approved by the City Engineer.

6
7 6. All work within the public right-of-way shall be performed by a licensed and properly insured
8 contractor. The contractor shall obtain an encroachment permit for work within this area or
9 otherwise affecting this area. Encroachment permit fee shall be \$45 plus 3% of estimated
10 construction costs.

11
12 7. City of Ukiah sewer connection fees shall apply for the proposed change to residential use, and
13 shall be paid at the time of building permit issuance.

14
15 8. The existing sanitary sewer lateral shall be tested in accordance with City of Ukiah Ordinance
16 No. 1105, and repaired or replaced if required.

17
18 9. The property is located within the floodplain, and is subject to the floodplain provisions of the
19 California Building Code and National Flood Insurance Program requirements. If determined to be
20 a substantial improvement, verification will be required that the existing structure, is constructed
21 at or above the base flood elevation, and properly flood-proofed.

22
23 Fire Department

24
25 10. Residential Fire Sprinkler system will be required.

26
27 11. Smoke & Carbon Monoxide detectors will be required.

28
29 12. Secondary exit in common hallway is required.

30
31 13. Approved address numbers / letters / visible from the street frontage.

32
33 14. Fire Extinguishers located in common hall, not to exceed 75 feet apart.

34
35 Standard City Conditions of Approval

36
37 15. This approval is not effective until the 10 day appeal period applicable to this Use Permit
38 has expired without the filing of a timely appeal. If a timely appeal is filed, the project is
39 subject to the outcome of the appeal and shall be revised as necessary to comply with
40 any modifications, conditions, or requirements that were imposed as part of the appeal.

41
42 16. The property owner shall obtain and maintain any permit or approval required by law,
43 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
44 Federal agencies as applicable. All construction shall comply with all fire, building,
45 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
46 at the time the Building Permit is approved and issued.

47
48 17. All conditions of approval that do not contain specific completion periods shall be
49 completed prior to building permit final.

50
51 18. Building, Grading or other required Permits shall be issued within two years after the
52 effective date of the Use Permit, or the discretionary actions granted by the permit shall
53 expire. In the event the required Permits cannot be issued within the stipulated period
54 from the project approval date, a one year extension may be granted by the Director of
55 Planning if no new circumstances affect the project which otherwise would render the
56 original approval inappropriate or illegal. It is the applicant's responsibility in such cases

1 to propose the one-year extension to the Planning Department prior to the two-year
2 expiration date.

- 3
- 4 19. Except as otherwise specifically noted, the Use Permit shall be granted only for the
5 specific purposes stated in the action approving the Use Permit and shall not be
6 construed as eliminating or modifying any building, use, or zone requirements except to
7 such specific purposes.
- 8
- 9 20. The approved Use Permit may be revoked through the City's revocation process if the
10 approved project related to the Use Permit is not being conducted in compliance with the
11 stipulations and conditions of approval; or if the project is not established within two years
12 of the effective date of approval; or if the established land use for which the permit was
13 granted has ceased or has been suspended for twenty four (24) consecutive months.
- 14
- 15 21. No permit or entitlement shall be deemed effective unless and until all fees and charges
16 applicable to this application and these conditions of approval have been paid in full.
- 17
- 18 22. This approval is contingent upon agreement of the applicant and property owner and
19 their agents, successors and heirs to defend, indemnify, release and hold harmless the
20 City, 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 **8. ADJOURNMENT**

32 There being no further business, the meeting was adjourned at 11:39 a.m.

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35 _____
36 Cathy Elawadly, Recording Secretary
37