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 Mountainos
Linda Mountainos
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 Mountainos 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.
Chris Tucci:
- Is a tenant in the same building and supports approval of the Project.

PUBLIC HEARING CLOSED: 11:05 a.m.

Zoning Administrator Stump:
- Has visited the site and is familiar with the Project.
- The new business is a welcomed addition to the City and thanked the applicant for coming forward with the Project.

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

### FINDINGS – USE PERMIT FINDINGS

**TO ALLOW NORTHERN COUNTERTOPS TO OPERATE A MANUFACTURING AND RETAIL STORE AT 195 CLARA AVE, APN 002-123-10**

**FILE NO.: 823**

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

1. The proposed project, as conditioned, is consistent with the goals and policies of the General Plan as described in the staff report.

2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as described in Table 1 of the staff report.

3. The proposed project, as conditioned, is consistent with the purpose and applicable requirements of the C-1 zoning district based on the following:
   - A. With an approved use permit the proposed project that includes retail sales and light manufacturing is a permitted use within the Community Commercial (C-1) zoning district.
   - B. The proposed project meets the parking requirements of the zoning code in that the project will provide adequate on-site parking.

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. The project site is located within an existing commercial area and is surrounded mainly by residential/commercial/retail uses.
   - B. The proposed project will occupy a building which was previously used for light manufacturing and retail uses.
   - C. The hours of operation would be consistent with other business in the area and is consistent with standard hours of operation for retail business.

5. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 Class 3 (c), 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.

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

9. 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 1, 2015
B. Mailed to property owners within 300 feet of the project site on April 1, 2015; and
C. Published in the Ukiah Daily Journal on April 1, 2015

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<th>CONDITIONS OF APPROVAL – MINOR USE PERMIT</th>
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TO ALLOW NORTHERN COUNTERTOPS TO OPERATE A MANUFACTURING AND RETAIL
STORE
AT 195 CLARA AVE, APN 002-123-10
FILE NO.: 823

1. Approval is granted for the operation of a light manufacturing and retail store (showroom)
at 195 Clara Ave based on the project description submitted to the Planning and
Community Development Department and as shown on the Site plan date stamped
March 16, 2015 except as modified by the following conditions of approval.

2. This Use Permit is granted subject to the following operating characteristic:

A. Dates and hours of operation are limited to those indicated in the staff report and
provided in the project description;

3. Application for and approval of a Sign Permit/Building Permit from the Planning and
Community Development Department is required prior to installation of any future
signage.

4. Prior to commencement of business activities, the applicant shall obtain a City of Ukiah
business license.

5. On plans submitted for building permit, these conditions of approval shall be included as
notes on the first sheet.

Standard City Conditions of Approval

6. Business operations shall not commence until all permits required for the approved use,
including but not limited to business license, tenant improvement building permit, have
been applied for and issued/finaled.

7. 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.

8. 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.

9. 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.

10. All conditions of approval that do not contain specific completion periods shall be completed prior to commencement of business.

11. This approval is not effective until the 10 day appeal period applicable to this Use Permit has 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.

12. This 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.

13. 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.

Break: 11:07 a.m.

Reconvene: 11:10 a.m.

7B. Mountanos Apartment Conversion, 406 North School Street (File No.: 844-UP-ZA):

Request for Zoning Administrator approval of a Minor Use Permit from Mark Mountanos to allow the conversion of a 5,500 square foot vacant commercial building on the corner of Henry and North School Street, the former Cheesecake Mama facility. The proposed project would include (4) four dwelling units and the installation of three new street trees on School Street located at 406 North School Street (APN 002-182-21). No on-street parking or signs are proposed for this project.

Assistant Planner Johnson:
- Gave a staff report.
- Planning Staff has received no public comments regarding the proposed Project.

PUBLIC HEARING OPENED: 11:16 a.m.

Linda Mountanos had some questions/comments regarding the staff report:
- Page 7, questioned sentence that reads, This application was submitted to the Planning and Community Development Department on March 23, 2015 and was deemed complete
on April 3, 2015. As such, a decision must be made on the project no later than March 23, 2015 and inquired if this date is a typographical error?

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

Assistant Planner Johnson:
- Confirmed the aforementioned date on page 7 of the staff report is a typographical error and should read, 'May 3, 2015.'

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

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

Linda Mountanos:
- Would appreciate input from Nick Thayer with selecting the appropriate color palate for the building.

Marvin Boesel:
- Owns property located to the west of the Project.
- Applicant has done a nice job on the Project.
- Supports approval of the Project.

PUBLIC HEARING CLOSED: 11:35 a.m.

Zoning Administrator Stump made the following modifications to the Project Conditions of Approval in attachment 2 of the staff report:
- Condition of Approval 3, to read, ‘Two street trees will be required for this project.’
- Condition of Approval 12, to read, ‘Secondary exit in hallway is required.
- Conditions of Approval 15, 18, 19, and 20 with reference to ‘Site Development Permit’ should read, ‘Use Permit.’
Zoning Administrator Stump approved Mountanos Apartment Conversion at 406 North School Street with the Findings in attachment 1 of the staff report and the Conditions of Approval in attachment 2 of the staff report, as modified above.

**FINDINGS – USE PERMIT FINDINGS**

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

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

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

1. The proposed project, as conditioned, is consistent with the goals and policies of the General Plan as described in the staff report and Table 1.

2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as described in Table 2 of the staff report.

3. The proposed project, as conditioned, will not be detrimental to public health, safety and general welfare based on the following:

   a. The Project has been reviewed by the Building Official, Public Works Department, Police Department and Fire Department. None of these reviewing Departments have concluded that the proposed project would adversely impact the public’s health, safety or general welfare. All conditions of approval recommended by these Departments have been applied to the Project and agreed to by the applicants.

   b. The Project is required to comply with all applicable local, state and federal requirements.

   c. Converting the existing vacant building into a multi-family residential dwelling with (4) one bedroom units would not adversely impact the public because it would not increase the existing footprint of the building; would not encroach on the sidewalk; would not adversely affect any adjoining or nearby development; and would not cause adverse parking issues.

4. The proposed project is exempt from the provisions of CEQA pursuant to Section15301 Class 1 (e); Additions to existing structures that do not exceed 10,000 square feet where all public services are available and the project area is not environmentally sensitive. City staff has determined that all public services are currently serving the site and are available to serve the site after the addition is constructed, and the site is characterized as densely urban with no significant plant or animal habitat value.

5. The proposed parking meets the requirements of the City Code. Multiple-Family residential units requires (1) one parking space for one bedroom units however the proposed project is located in the Downtown Parking District 1; all parcels within the downtown parking district no. 1 are not subject to the (C1) zoning district parking standards.
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

CONDITIONS OF APPROVAL – MINOR USE PERMIT

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

Planning Department

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.

Department of Public Works

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

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

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

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

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

Fire Department

10. Residential Fire Sprinkler system will be required.

11. Smoke & Carbon Monoxide detectors will be required.

12. Secondary exit in common hallway is required.

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

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

Standard City Conditions of Approval

15. This approval is not effective until the 10 day appeal period applicable to this Use Permit has 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.

16. 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.

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

18. Building, Grading or other required Permits shall be issued within two years after the effective date of the Use Permit, or the discretionary actions granted by the permit shall expire. In the event the required Permits cannot be issued within the stipulated period from the project approval date, a one year extension may be granted by the Director of Planning if no new circumstances affect the project which otherwise would render the original approval inappropriate or illegal. It is the applicant’s responsibility in such cases.
1. to propose the one-year extension to the Planning Department prior to the two-year expiration date.

19. Except as otherwise specifically noted, the Use Permit shall be granted only for the specific purposes stated in the action approving the Use Permit and shall not be construed as eliminating or modifying any building, use, or zone requirements except to such specific purposes.

20. The approved Use Permit may be revoked through the City's revocation process if the approved project related to the Use Permit is not being conducted in compliance with the stipulations and conditions of approval; or if the project is not established within two years of the effective date of approval; or if the established land use for which the permit was granted has ceased or has been suspended for twenty four (24) consecutive months.

21. 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.

22. 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.

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

Cathy Elawadly, Recording Secretary