

**CITY OF UKIAH
ZONING ADMINISTRATOR MINUTES
Conference Room #1
300 Seminary Avenue
Ukiah, CA 95482
April 27, 2017
10:00 a.m.**

STAFF PRESENT

Ben Kageyama, Acting Zoning Administrator
Adele Phillips, Associate Planner
Cathy Elawadly, Recording Secretary

OTHERS PRESENT

Listed below, Respectively

1. CALL TO ORDER

The Zoning Administrator called the meeting to order at 10:00 a.m. in Conference Room No. 1, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

Acting Zoning Administrator Ben Kageyama presiding.

2. SITE VISIT VERIFICATION

Staff confirmed.

3. APPROVAL OF MINUTES

Acting Zoning Administrator Kageyama approved the Minutes of March 9, 2017, as submitted.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

No public comment was received.

5. APPEAL PROCESS

Note: For matters heard at this meeting the final date to appeal is May 8, 2017 at 5:00 p.m.

6. VERIFICATION OF NOTICE

Staff confirmed.

7. PUBLIC HEARING

- a. File No.: Munis 2586-VAR-ZA** Request: Minor Variance to reduce front yard setback by 50% and allow for on-site tandem parking at 304 S. Spring Street, APN 001-262-06. Environmental Determination: §151305-Class 5(a) Categorically Exempt.

Presenter: Adele Phillips, Associate Planner.

PUBLIC HEARING OPENED: 10:08 A.M.

Public Comment: Tom Winters, Larry Puterbaugh.

PUBLIC HEARING CLOSED: 10:14 A.M.

Acting Zoning Administrator Kageyama approved Minor Use Permit for the Minor Variance to reduce front yard setback by 50% and allow for on-site tandem parking at 304

Minutes of the Zoning Administrator, April 27, 2017, Continued:

South Spring Street based on the Findings in the staff report and subject to the Conditions of Approval in Attachment D of the staff report.

Note: The staff report and attachment D are included with the minutes for the record.

- b. File No.: Munis 2583-VAR-ZA** Request: Minor Variance to allow encroachment into the front and side-yard setbacks to allow for the construction of an open porch, and a trellis-style carport at 910 W. Standley Street, APN 001-184-04. Environmental Determination: §151305-Class 5(a) Categorically Exempt.

Presenter: Adele Phillips, Associate Planner.

Acting Zoning Administrator Kageyama subsequent to request by applicant continued the proposed project for a Minor Variance to allow encroachment into the front and side-yard setbacks to allow for the construction of an open porch, and a trellis-style carport at 910 W. Standley Street to a date certain of May 25, 2017 at 10:00 a.m.

8. ADJOURNMENT

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

Cathy Elawadly, Recording Secretary

AGENDA ITEM NO. ___
Department of Planning and Community Development
300 Seminary Ave.
Ukiah, CA 95482
planning@cityofukiah.com
(707) 463-6203



Date: April 10, 2017
To: Zoning Administrator
From: Adele Phillips, Associate Planner
Subject: Request for minor variance to allow encroachment into the front and side-yard setbacks to allow for the construction of a 628± sf single-storey bedroom addition to 304 S. Spring St.; APN 001-262-06; File No. 2586 VAR-ZA.

PROJECT DESCRIPTION

The Owner/Applicant is requesting the following: A) a 10' front yard setback, where the code requires 20' (§9020(A)), and B) relaxation of §9021 Required Parking (A) which states that each parking space must be "independently accessible" to allow for tandem parking; to allow for C) the construction of a 628± sf single-storey bedroom addition to a single family residence in the Single Family Residential (R1) Zone. The subject residence currently has no first floor bedrooms, and the aforementioned improvement will facilitate the Owner/Applicant's plans to make an accessible bedroom at the ground floor level.

Setting. The subject property is located on the southwest corner of the intersection of S. Spring and Stephenson streets. Development on the subject property comprises a 2 storey residence centrally-located on the subject property, and framed by mature trees. It is neighbored to the west, south, and east by residential uses on lots of similar size, approximately 7,000 sf. To the north the property is neighbored by a parking lot and the eastern extent of the former Albertinum School for Boys, identified in the September 1999, *Ukiah Historical and Architectural Survey Update* as the Albertinum School Historic District. The same report and its predecessor, the 1984-1985, *City of Ukiah Architectural and Historical Resources Inventory Report* identified the subject property as an example of vernacular architecture with Greek Revival influences. Features of the "Winters" residence, built in 1882, include a gabled two-storey wing facing to the east and west, with eave returns in the gable ends, and a pent-roofed porch extending along the east elevation. The form, eave returns, and door and window designs are trademarks of many structures built in the 1870s. The building has been subject to several minor alterations and additions, as well as interior modifications, however, and the 1999 report determined that in the context of Ukiah, better examples of this style of home exist, and with fewer alterations.

Background. The subject property's current configuration is the result of concurrent projects Minor Subdivision No. 07-10 and Variance No. 07-09, which allowed for the subdivision of a 13,200 sf property into 2 lots, and granted relief for the subject property from the 70 ft corner lot width requirement of the Ukiah Municipal Zoning Code. Minor Subdivision No. 07-10 was approved by the City Engineer on August 30, 2007.

STAFF ANALYSIS

Agency Comments. The proposed variance has been reviewed by Building Division, Public Works Division, and the Ukiah Valley Fire Department.

Agency	Response	Response Date
Ukiah Valley Fire District	No Comment	March 23, 2017
City of Ukiah Public Works	Consider adequacy of parking	March 20, 2017
City of Ukiah Building Official	No Comment	March 27, 2017

General Plan Consistency. The General Plan Land Use designation of the subject property is Low Density Residential. This designation allows for “detached or attached single family residence.” The existing residence is consistent with this designation; furthermore, the use will not change if a variance is approved.

Zoning Consistency. The subject property is zoned Single Family Residential (R1). The purpose of the R1 district is to preserve, enhance, and protect the low density residential neighborhoods in the community. The R1 zone is intended for residential areas characterized predominately by single-family use, and with typical single-family residential subdivision lots ranging in size from 6,000 sf to 10,000 sf in size.

Chapter 2 Article 3 §9020 Required Yard Setbacks establishes the following:

Front yard: 20 ft for residences and accessory structures, and 30 ft for garages

Side yard: 10 ft for residences and 5 ft for accessory structures

Rear yard: 20 ft for residences and 5 ft for accessory structures

Chapter 2 Article 3 §9021(A) asserts that the “*minimum parking area required in single-family residential (R-1) districts is two (2) on site independently accessible spaces for each dwelling unit.*”

The residence in its current configuration meets both yard setback and parking requirements, and is considered to be in conformance with the R1 zoning district. The proposed addition would not affect the western side yard setback, but would require a 50% reduction of the northerly front yard setback from 20 ft to 10 ft. Additionally, the proposed addition will encroach in the parking area established by Minor Subdivision No. 07-10 such that it would no longer be feasible to park two cars side-by-side.

Variance Findings. Exceptions to the required yard setback regulations may be sought through the variance process. Ukiah City Code Division 9 Chapter 2 Article 20 §9264 requires the hearing body responsible for action on the variance request make specific findings prior to approval:

Finding A. “*Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Article deprives such property of privileges enjoyed by other property in the vicinity and subject to identical zoning regulations.*”

The subject property is located on a corner lot with large, established trees limiting developable areas. The mature trees are an asset to the neighborhood, and provide valuable habitat for local wildlife. Dense development should be encouraged so as to avoid creating development pressure on such habitat.

Finding B. “*The issuance of the variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and subject to identical zoning regulations.*”

Neighboring properties to the west and east of the subject property, and within the same zoning district, currently enjoy similarly-reduced front yard setbacks.

Finding C. “*The granting of the variance would not be detrimental to surrounding property owners.*”

The applicant has demonstrated that they are able to provide onsite parking for two vehicles as required by the zoning code, provided that he is allowed to park cars in a tandem fashion. The proposed location of the driveway is effectively the same as approved previously, but lengthened and shifted westerly 5± ft from its current location. Use of the area will not change or become more intensive as a result. Additionally, tandem parking is a commonly employed strategy by many property owners on an informal basis. Lastly, the proposed variance has been reviewed by Building Division, Public Works Division, and the Ukiah Valley Fire Department. No agencies voiced concern.

For the above reasons, the granting of the variance will not be detrimental to the surrounding property owners.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15305, Class 5(a), which exempts minor alterations in land use limitations which do not result in the creation of any new parcels.

REVIEW PROCESS

Decision Timeline. The proposed project is subject to the requirements of the Permit Streamlining Act (PSA). The PSA requires that a decision be made on the project within 60 days of the application being deemed complete.

This application was submitted to the Department of Planning and Community Development on March 13, 2017, and was deemed complete on April 5, 2017. As such, a decision must be made on the project no later than June 5, 2017. The applicant may request a onetime extension of the decision timeline.

Public Notice. A notice of public hearing was posted in three places on the project site on April 11, 2017; mailed to property owners within 300 ft of the project site on April 11, 2017; and, published in the Ukiah Daily Journal on April 16, 2017.

RECOMMENDATION

Staff recommends that the Zoning Administrator conditionally approve the variance request based on the draft findings and subject to the draft conditions of approval.

ATTACHMENTS

- A. Application
- B. Location Map
- C. Agency Comments
- D. Draft Variance Conditions of Approval

DRAFT VARIANCE CONDITIONS OF APPROVAL TO ALLOW THE REDUCTION IN THE FRONT & SIDE-YARD SETBACK TO ALLOW FOR: A) A 10' FRONT YARD SETBACK, WHERE THE CODE REQUIRES 20' (§9020(A)), AND B) RELAXATION OF §9021 REQUIRED PARKING (A) WHICH STATES THAT EACH PARKING SPACE MUST BE "INDEPENDENTLY ACCESSIBLE" TO ALLOW FOR TANDEM PARKING; TO ALLOW FOR C) THE CONSTRUCTION OF A 628± SF SINGLE-STORY BEDROOM ADDITION TO A SINGLE FAMILY RESIDENCE IN THE R1 SINGLE-FAMILY RESIDENTIAL ZONE

1. Variance approval is granted for a 628± sf single-storey bedroom addition to a single family residence within the front yard setback of 304 S Spring; APN 001-262-06; as shown on the plans submitted to the Department Planning and Community Development, date stamped March 13, 2017.
2. Except as otherwise specifically noted, this variance shall be granted only for the specific purposes stated in the action approving the variance and shall not be construed as eliminating or modifying any building, use, zoning or other requirements except as to such specific purposes.
3. This approved variance may be revoked through the City's revocation process if the approved project related to the Permit is not being conducted in compliance with the stipulations and conditions of approval; or, if the project is not established within two (2) years of the effective date of approval; or, if the established and use for which the permit was granted has ceased or has been suspended for twenty-four (24) consecutive months.
4. 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.
5. 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.
6. 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.

Special Conditions

7. A paved driveway of minimum width of 10 ft and extending a minimum of 40 ft in length from the right-of-way line shall be constructed along the western property boundary. On-site parking and driveway surfaces shall be paved with permeable paving materials that allow storm water to infiltrate site soils where feasible, including hardscaping materials such as permeable concrete or brick pavers on a free draining rock bedding, concrete wheel strips, or other surfacing acceptable to the City Engineer.

8. Prior to the Final of the building permit, the existing driveway apron and curb cut on Stephenson Street shall be reconstructed to match the width and alignment of the new tandem parking area. An Encroachment Permit shall be obtained from the City by a licensed contractor prior to doing any construction within the public street right-of-way. Encroachment permit fee shall be \$45.00 plus 3% of estimated construction costs. Improvements shall be done by licensed contractors carrying a current City of Ukiah Business License and who shall submit copies of proper insurance coverage.