

**Minutes  
Zoning Administrator Meeting  
May 8, 2014**

**Staff Present**

Charley Stump, Zoning Administrator  
Michelle Johnson, Planning Intern  
Cathy Elawadly, Recording Secretary

**Others Present**

Carol Callier McClendon  
Isabel Gomez  
Eduardo Gutierrez  
Geraro Vega  
Miles Gordon

**1. CALL TO ORDER**

Zoning Administrator Stump called the meeting to order at 10:30 a.m. in Conference Room No. 3, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

**2. SITE VISIT VERIFICATION**

Zoning Administrator Stump confirmed the site visits.

**3. APPROVAL OF MINUTES:** The minutes from the April 24, 2014 meetings will be available for review and approval at the Zoning Administrator hearing.

Zoning Administrator Stump approved the April 24, 2014 minutes, as submitted.

**4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**

No one came forward to speak 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 May 19, 2014.

**6. VERIFICATION OF NOTICE**

Staff verified that the proposed Gomez Large Family Daycare Use Permit (File No. 14-01-UP-ZA) and Village Circle Community Garden Use Permit (File No. Munis 68) were properly noticed in accordance with the provisions of the UMC.

**7. PUBLIC HEARINGS**

**7A. Gomez Large Family Daycare Use Permit, 1760 Lockwood Drive (File No. 14-01-UP-ZA).** Request for Zoning Administrator approval of a Minor Use Permit to allow a large family daycare at 1760 Lockwood Drive, APN 001-381-05. The applicant currently operates a licensed small family daycare at this location.

Planning Intern Johnson gave a staff report.

**Zoning Administrator Stump:**

- Referred to attachment 2 of the staff report, Condition of Approval No. 3 that reads, 'The drop-off times shall be between the hours of 7:00 a.m. and 9:00 a.m. and the pick-up times shall be between 4:30 p.m. and 9:00 p.m.,' and asked for clarification if the intent of the condition is to provide 'staggering' of times for drop-off and pick-up for the daycare facility.
- Asked if staff has received any comments regarding the proposed project from the neighborhood?

**Planning Intern Johnson:**

- Clarified the drop-off and pick-up times are staggered throughout the day.
- Confirmed staff has received no public comments regarding the Project.

**PUBLIC HEARING OPENED: 10:46 a.m.**

1 **Eduardo Gutierrez representing Isabel Gomez, Applicant:**

- 2 • Has reviewed the staff report with Isabel Gomez and they have no questions/comments.  
3

4 **PUBLIC HEARING CLOSED: 10:47 a.m.**

5  
6 **Zoning Administrator Stump:**

- 7 • Referred to Table 2, Impact Analysis of the staff report, Hours of Operation, and made a  
8 correction to the language that reads, 'The small family daycare currently operates from 7  
9 am to 9 pm' and this same language should also be changed in Table 3: Use Permit  
10 Analysis. Clarified again, the current hours of operation for the small family daycare  
11 would be from 7 am to 9 pm and will continue for the large family daycare should the  
12 proposed Minor Use Permit application be approved.
- 13 • Referred to attachment 1 on page 7 of the staff report, and made the following revisions:  
14 1) Finding No. 1 revised to read, 'The proposed project as conditioned is consistent with  
15 the goals and policies of the General Plan as described on page 2 of the staff report.'  
16 2) Finding No. 3 revised to read, 'The proposed project is consistent with the  
17 development standards for the R-1 zoning district standards as described on pages 2  
18 and 3 of the staff report.'
- 19 • Referred to attachment 2 on page 9 of the staff report and revised Condition of Approval  
20 No. 4 to read, 'Outside playtime shall be between the hours of 9:00 a.m. and 6:00 p.m.,  
21 and shall not exceed a total of 4 hours per day.'

22  
23 **Zoning Administrator Stump** approved Gomez Large Family Daycare Use Permit File No. 14-  
24 01-UP-ZA Findings 1-6 and Conditions of Approval 1-28, as modified above.  
25

26 **USE PERMIT FINDINGS TO ALLOW A LARGE FAMILY DAYCARE TO PROVIDE CARE FOR**  
27 **UP TO FOURTEEN (14) CHILDREN**  
28 **1760 LOCKWOOD DRIVE, APN 001-381-05**  
29 **FILE NO. 14-01-UP-ZA**  
30

31 The following findings are supported by and based on information contained in this staff report,  
32 the application materials and documentation, and the public record.  
33

- 34 1. The proposed project, as conditioned, is consistent with the goals and policies of the General  
35 Plan as described on page 2 of the staff report.  
36
- 37 2. The proposed project, as conditioned, is consistent with the uses R-1 zoning district  
38 standards. The R-1 zoning district allows a large family daycare with approval of a Use  
39 Permit.  
40
- 41 3. The proposed project, as conditioned, is consistent with the development standards for the R-  
42 1 zoning district as described on pages 2 and 3 of the staff report.  
43
- 44 4. The proposed project, as conditioned, is compatible with surrounding land uses and shall not  
45 be detrimental to the public's health, safety and general welfare based on the analysis  
46 included in Tables 2 and 3 of the staff report, including the following:  
47
- 48 A. Based on information from Community Care Licensing there are no other daycares  
49 adjacent to the subject property; therefore, there is not an overconcentration of large  
50 family daycares in the neighborhood.  
51
- 52 B. Two onsite parking spaces are located in the driveway and one is available during the  
53 day for use by parents dropping off and picking up children. There is one parking space  
54 along the parcel frontage and additional street parking available in the immediate  
55 neighborhood. With the condition requiring staggered pickup and drop-off times, this will  
56 provide adequate parking for the daycare.

- 1  
2 C. Drop off and pick up times will be staggered throughout the day. Given two on-site  
3 parking spaces, parents dropping-off and picking-up children can pull off the street to  
4 park. As such, the additional vehicles from the expansion of the daycare would not create  
5 a traffic hazard or substantially increase vehicle trips over what exists with the small  
6 family daycare.  
7  
8 D. The property is fenced on three sides with a six foot wood fence. There is also a wood  
9 fence dividing the front yard from the rear creating a play area for the children. The rear  
10 fencing separating the neighbor to the north is not solid and therefore does not provide  
11 privacy or noise attenuation. Draft condition of approval number 6 has been added to  
12 address this concern.  
13  
14 E. Draft condition of approval number 5 has been added to limit outside play time to 9:00  
15 AM to 6:00 PM in the effort to minimize noise disturbance to the neighbors and to make  
16 the use compatible with the surrounding single-family land uses.  
17  
18 F. The project has been reviewed by the Fire Marshal, Police Department, Building Official,  
19 and Public Works and any requirements have been included as conditions of approval.  
20  
21 G. The project is required to comply with all federal, state and local laws.  
22  
23 H. The project promotes the public health, safety, and welfare by providing a licensed in  
24 home daycare within the City of Ukiah.  
25  
26 5. The proposed project is statutorily exempt from the provisions of the California Environmental  
27 Quality Act (CEQA) pursuant to Article 18 Section 15274 (a) in that CEQA does not apply to  
28 the establishment or operation of a large family daycare home, which provides in-home care  
29 for up to fourteen children as defined in Section 1596.78 of the Health and Safety Code.  
30  
31 6. Notice of the proposed project was provided in the following manner as required by the  
32 Zoning Ordinance:  
33  
34     ▪ posted in three places on the project site on April 28, 2014;  
35     ▪ mailed to property owners within 300 feet of the project site on April 25, 2014; and  
36     ▪ published in the Ukiah Daily Journal on April 27, 2014.  
37

38 **USE PERMIT CONDITIONS OF APPROVAL TO ALLOW A LARGE FAMILY DAYCARE TO**  
39 **PROVIDE CARE FOR UP TO FOURTEEN (14) CHILDREN**  
40 **1760 LOCKWOOD DRIVE, APN 001-381-05**  
41 **FILE NO. 14-01-UP-ZA**  
42

- 43 1. Approval is granted for the operation of a large family daycare to provide care for up to  
44 fourteen (14) children. Approval is granted based on the project description submitted to  
45 the Planning and Community Development Department and date stamped March 19,  
46 2014 and as shown on the site plan date stamped January 29, 2014, except as modified  
47 by the following conditions of approval.  
48  
49 2. Hours of operation for the large family daycare are limited to Monday through Friday 7:00  
50 a.m. to 9:00 p.m.  
51 3. The drop-off times shall be between the hours of 7:00 a.m. and 9:00 a.m. and the pick-up  
52 times shall be between 4:30 p.m. and 9:00 p.m.  
53  
54 4. Outside play time for the children shall only be between the hours of 9:00 a.m. and 6:00  
55 p.m. and shall not exceed a total of 4 hours per day.  
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- 1 5. All parents picking up or dropping off the children shall turn off car engines and walk the  
2 children into the day care home.  
3
- 4 6. During outside play times the day care provider shall monitor the noise level of the  
5 children so as to not adversely impact the surrounding neighbors. If necessary the day  
6 care provider shall take measures to quiet the children which may include bringing the  
7 children indoors.  
8
- 9 7. Parents dropping off and picking up children shall park in the driveway when available as  
10 to not add to traffic congestion on the Lockwood Drive.  
11
- 12 8. When parents are dropping-off or picking-up children car engines shall be turned off and  
13 the children shall be walked to the door.  
14
- 15 9. The operator of the Large Family Daycare shall provide an informational handout to  
16 parents/clients informing them of conditions of approval 2 through 8.  
17
- 18 10. In the future, should recreation equipment exceeding eight feet in height be installed in  
19 any yard area intended for day care use, the equipment shall not be closer than five feet  
20 from the rear or side property lines.  
21
- 22 11. Prior to the operation of the large family daycare, the owner shall apply for and be issued  
23 a City of Ukiah Business license.  
24
- 25 12. Conversion of the carport to living space requires approval of an amendment to this Use  
26 Permit and application for and approval of a building permit.  
27
- 28 13. During the hours of operation of the large family daycare, the carport shall remain  
29 available for the parking of one vehicle (i.e. no storage of items or other use that renders  
30 the carport unavailable for parking).  
31
- 32 14. The operation of the Large Family Daycare shall comply with the City of Ukiah Noise  
33 Ordinance.  
34
- 35 15. The day care provider/property owner Isabel Gonzales shall acknowledge by signing the  
36 conditions of approval that she understands the conditions of approval for operation of  
37 the large family daycare at this location.  
38

39 From the Fire Marshal (Kevin Jennings)  
40

- 41 16. This occupancy is classified as an R-3; Large Family Day Care. Smoke alarms are  
42 required in accordance with CFC 907.2.10.1.2.  
43
- 44 17. Section 907.2.6.3.4 applies regarding System annunciation.  
45
- 46 18. Fire extinguisher is highly recommended.  
47
- 48 19. A fire inspection is required and a fee of \$50.00 will be charged.  
49

50 From the Building Official (David Willoughby)  
51

- 52 20. Smoke detectors are required in each bedroom and the hallway giving access to the  
53 bedroom.  
54
- 55 21. A fire extinguisher is required with a minimum 2A10BC rating.  
56

1 22. A manual fire alarm pull station is required that will actuate an audible alarm throughout  
2 the home at a minimum level of 15 DB. Above ambient noise level. Locate the pull station  
3 on the path of egress to or at the front door as required by the Fire Marshall.  
4

5 Standard City Conditions of Approval  
6

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

10  
11 24. No permit or entitlement shall be deemed effective unless and until all fees and charges  
12 applicable to this application and these conditions of approval have been paid in full.  
13

14 25. The property owner shall obtain and maintain any permit or approval required by law,  
15 regulation, specification or ordinance of the City of Ukiah and other Local, State, or  
16 Federal agencies as applicable. All construction shall comply with all fire, building,  
17 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect  
18 at the time the Building Permit is approved and issued.  
19

20 26. A copy of all conditions of this Use Permit shall be provided to and be binding upon  
21 any future purchaser, tenant, or other party of interest.  
22

23 27. This Use Permit may be revoked through the City's revocation process if the approved  
24 project related to this Permit is not being conducted in compliance with these stipulations  
25 and conditions of approval; or if the project is not established within two years of the  
26 effective date of this approval; or if the established use for which the permit was granted  
27 has ceased or has been suspended for 24 consecutive months.  
28

29 28. This approval is contingent upon agreement of the applicant and property owner and their  
30 agents, successors and heirs to defend, indemnify, release and hold harmless the City,  
31 its agents, officers, attorneys, employees, boards and commissions from any claim,  
32 action or proceeding brought against any of the foregoing individuals or entities, the  
33 purpose of which is to attack, set aside, void or annul the approval of this application.  
34 This indemnification shall include, but not be limited to, damages, costs, expenses,  
35 attorney fees or expert witness fees that may be asserted by any person or entity,  
36 including the applicant, arising out of or in connection with the City's action on this  
37 application, whether or not there is concurrent passive or active negligence on the part of  
38 the City. If, for any reason any portion of this indemnification agreement is held to be void  
39 or unenforceable by a court of competent jurisdiction, the remainder of the agreement  
40 shall remain in full force and effect.  
41

42 **7B. Village Circle Community Garden Use Permit, 210 East Gobbi Street (File No.,**  
43 **Munis 68).** Request for Zoning Administrator approval of a Minor Use Permit to allow a  
44 community garden at 210 East Gobbi Street, APN 003-040-79.  
45

46 **Planning Intern Johnson** gave a staff report.  
47

48 **Zoning Administrator Stump:**

- 49 • Is in receipt of two memorandums from staff regarding the proposed Project that have  
50 been incorporated into the minutes as attachments 1 and 2:
  - 51 ○ Attachment 1 is the revision of Condition of Approval No. 1 as recommended by  
52 Planning Intern Johnson that reads, 'Approval is granted for the operation of a  
53 community garden as described in the project description submitted to the  
54 Planning Department and date stamped March 18, 2014, revised sample garden  
55 contract submitted to the Planning Department and date stamped March 24,  
56 2014, email received by Miles Gordon April 11, 2014 site plan submitted to the

1 Planning Department and date stamped March 18, 2014 and the site plan with  
2 parking submitted to the Planning Department and date stamped March 24,  
3 2014, expect as modified by the following conditions of approval.'

- 4 ○ Attachment 2 is an email from Captain Trent Taylor dated April 16, 2014 to  
5 Planning Intern Johnson and a follow-up letter from Captain Trent Taylor dated  
6 March 28, 2014.

- 7 • Has been informed by staff that the second page of the applicant's project description  
8 consisting of three pages was inadvertently omitted in the agenda packet and has been  
9 incorporated into the minutes as attachment 3 as part of the project description.
- 10 • Asked about the source of water for the community garden project.

11  
12 **Planning Intern Johnson:**

- 13 • The applicant has indicated the property owners will provide water to the parcel.

14  
15 **PUBLIC HEARING OPENED: 10:57 p.m.**

16  
17 **Miles Gordon:**

- 18 • Referred to the site plans and demonstrated the location of the water source and how it  
19 would work.
- 20 • Is fine with the staff report.

21  
22 **PUBLIC HEARING CLOSED: 10:58 p.m.**

23  
24 **Zoning Administrator Stump:**

- 25 • Has visited and is familiar with the site.
- 26 • Staff, City Council and the Planning Commission have expressed their support for  
27 community gardens and indicated they should be an allowed use wherever possible  
28 within the boundaries of the Downtown Zoning Code (DZC) and citywide.
- 29 • The community garden appears to be in a good location in that the land is currently  
30 vacant, is adjacent to one of City's largest multi-family housing projects, and located on  
31 one of the City's primary gateways that would present a pleasing image for the City.
- 32 • Confirmed there has been no public opposition to the Project.

33  
34 **Public Hearing Re-Opened: 10:59 p.m.**

35  
36 **Carol McClendon:**

- 37 • Resides in Village Circle.
- 38 • Is highly supportive of community garden projects.
- 39 • Expressed concern regarding potential vandalism noting homeless/transient persons  
40 frequently populate the area and routinely vandalize it creating a public nuisance for  
41 residents and inquired whether or not a fence is proposed.
- 42 • Inquired who can access the garden.
- 43 • Asked about street parking.
- 44 • Asked about soil contamination from past uses.

45  
46 **Miles Gordon:**

- 47 • Talked about the intent of community gardens and how they function.
- 48 • The garden will be fenced to include the Oak trees on the parcel that are typically used  
49 as shade and/or for other reasons by the homeless/transient persons.
- 50 • Related to street parking and vehicles, while a community garden is open to all public  
51 citizens, persons who reside near a particular garden typically are the persons tending it  
52 and walk to the site. Some Village Circle residents have expressed an interest in the  
53 garden. Most community gardens are within walking distance of the residents who would  
54 be tending the garden and cited examples of other existing community gardens and how  
55 they function in this regard.

- Vandalism is discouraged such that surplus food is often given away to the public.
- The soil has been tested and is not contaminated.

**Geraro Vega:**

- Manages/oversees the Cleveland Lane Community Garden.
- Vandalism was initially a problem at the Cleveland Lane Community Garden, but after the fence was constructed and surplus food was available, vandalism was no longer a problem.

**Zoning Administrator Stump:**

- Agrees with the approach taken for fencing.
- Is of the opinion demand for parking would be unlikely since most users of the garden would walk and would be from the nearby Summercreek apartments and other apartments near a previous community garden nearby.
- Referred to Table 2 of the staff report, Summary of Project Consistency with the Zoning Ordinance, Parking, subparagraph that reads, Staff has included a draft condition of approval that requires the community garden contract to include an item that encourages users of the garden to walk or bike to the garden,' and added Condition of Approval No. 15 to reflect this language.

**Zoning Administrator Stump** approved Village Circle Community Garden Use Permit File No. Munis 68 with Findings 1-5 and Conditions of Approval 1-23 with modification to Condition of Approval No. 1 and the addition of Condition of Approval No. 15.

**FINDINGS FOR APPROVAL OF A MINOR USE PERMIT FINDINGS TO ALLOW  
A COMMUNITY GARDEN AT  
210 EAST GOBBI STREET/APN 003-040-79**

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

1. The proposed project, as conditioned, is consistent with the City of Ukiah General Plan as described in the staff report.
2. The proposed project, as conditioned, is consistent with the compatibility requirements of the Ukiah Municipal Airport Master Plan 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 Zoning Ordinance as described in Table 2 of the staff report, including the following:
  - A. Community gardens are an allowed use with approval of a use permit.
  - B. The zoning ordinance does not include a parking requirement specific to community gardens. Based on the information provided by the applicant and their experience with other community gardens, the garden would generate very little parking demand and there is adequate public street parking to serve the parking needs of the neighborhood and users of the garden.
  - C. Detached accessory structures are allowed by the Zoning Ordinance subject to the setbacks and height requirements of the zoning district in which they are located and zoning ordinance section 9179D.
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 as described in Table 4 of the staff report and based on the analysis and conditions of approval described in Table 3 of the staff report:

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- A. The project will provide a well maintained green space that will enhance the appearance of the area
  - B. The project will allow people to grow fruits and vegetables for their own consumption and/or donation
  - C. The project will provide a gardening and recreation opportunities in an area that has limited recreation opportunities
  - D. The project will result in more “eyes on the street”
  - E. The project will create an opportunity for interaction between neighborhood residents and a gathering place for families and neighbors involved in the garden.
  - F. The Project was reviewed by the Building Official, Police Department, Fire Department, Public Work Department, and Electric Department. Any conditions of approval requested by these departments have been included as conditions of approval for the Project.
  - G. The project is required to comply with all applicable local, state and federal codes and requirements, including the City’s Noise Ordinance.
4. The proposed use permit is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15303, Section 15303 Class 3(e), New Construction or Conversion of Small Structures, which allows the construction of accessory structures and Section 15304, Class 4(b), Minor Alterations to Land, which allows new gardening.
- A. a 50 square foot shed for the storage of tools and materials and a 30 square foot cold frame may be installed/constructed which is consistent with the accessory structures exempted by Section 15303, Class 3(e);
  - B. a 5-foot tall fence would enclose the garden which is consistent with the accessory structures exempted by Section 15303, Class 3(e); and
  - C. the project includes the planting of 28 in ground garden plots which is consistent with the new gardening exempted by Section 15304, Class 4(b).
5. A notice of public meeting for the proposed project was provided in the following manner as required by the Ukiah Municipal Code:
- posted in three places on the project site on May 25 & May 28, 2014;
  - mailed to property owners within 300 feet of the project site on May 25, 2014; and
  - published in the Ukiah Daily Journal on May 27, 2014.

**USE PERMIT CONDITIONS OF APPROVAL TO ALLOW  
A COMMUNITY GARDEN AT  
210 EAST GOBBI STREET/APN 003-040-79**

1. Approval is granted for the operation of community garden as described in the project description submitted to the Planning Department and date stamped March 18, 2014, revised sample garden contract submitted to the Planning Department and date stamped March 24, 2014, email received by Miles Gordon April 11, 2014 site plan submitted to the Planning Department and date stamped March 18, 2014 and the site plan with parking submitted to the Planning Department and date stamped March 24, 2014, expect as modified by the following conditions of approval.
2. Days and hours of operation are limited to daily from 7:00 a.m. to dusk.
3. Outside sales/farm stand shall be limited to May through October and shall not occur more than 30 days in a 12 month period. Items offered sale are limited to those grown on the site.

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4. Based on a 33,248 (.76 acre) parcel, the maximum number of people on the site is limited to 68 people. A sign shall be posted on the site in a visible location identifying the maximum occupancy of the site. The sign text, size and location are subject to staff review and approval. The staff approved sign and location shall be installed prior to commencement of garden activities. Note: This sign is exempt from the requirements for a sign permit.
5. Except as required by condition #3 above, signs are limited to identification, informational, and directional signs in conformance with the City of Ukiah sign ordinance requirements.
6. Use of motorized equipment (such as weed eaters, leaf blowers, rototillers) shall be limited to weekdays from eight o'clock (8:00) A.M. to seven o'clock (7:00) P.M. and weekends and holidays recognized by the City of Ukiah from ten o'clock (10:00) A.M. to five o'clock (5:00) P.M.
7. Water conservation shall be practiced. Drip irrigation is required unless demonstrate to garden manager and City staff that drip irrigation is infeasible. Mulch and compost shall be used in order to reduce the amount of water needed for garden plots.
8. The Project shall comply with the City of Ukiah Noise Ordinance.
9. The following accessory structures are allowed: tool sheds, greenhouses, cold-frames, hoop houses, compost bins, rain barrel systems, picnic tables, benches, bike racks, garden art, and fences subject to the development standards of the zoning district in which the community garden and application for and issuance of a building permit (if a building permit is required). Commercially maintained portable bathrooms are allowed as accessory structures; provided, that they comply with accessibility standards and comply with the development standards of the zoning district in which the community garden is located. The lot coverage for all accessory structures shall not exceed 10% of the square footage of the parcel.
10. All pest and weed control shall be accomplished through organic means using the least toxic methods available. If unsure how to combat pests, weeds, and diseases organically, contact the garden team leader or other qualified professionals or organizations for guidance and resources.
11. Smoking, drinking alcoholic beverages, using illegal drugs, and gambling are prohibited. Weapons, pets and other animals (except service animals) are also prohibited.
12. Garden 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/finished.
13. Conditions of approval 2-11 shall be included as part of the garden contract or provided as an attachment to the garden contract in order to provide users of the community garden of the conditions of use associated with the community garden. A copy of the amended garden contract or the garden contract with the conditions of approval included as an attachment shall be submitted to planning staff for review and approval. The staff approved contract and attachment shall be provided to gardeners prior to their use of the community garden.
14. On plans submitted for building permit, if a building permit is required, these conditions of approval shall be included as notes on the first sheet.

1 15. The contract used by the Community Gardens organization shall include language to  
2 encourage walking and biking to the community garden.  
3

4 From the Department of Public Works ( Ben Kageyama)  
5

6 16. Project activities shall be conducted to prevent sediment from entering the street or creek  
7 channel. Any materials tracked or deposited onto the street shall immediately be picked  
8 up. Disturbed areas and stockpiles within the property shall be protected and monitored  
9 during the rainy season, and silt fence or other measures installed if needed to contain  
10 sediment on the site.

11 From the Building Official (David Willoughby)  
12

13 17. The proposed structures area 5-foot by 10-foot shed and a 3-foot by 10-foot cold frame. If  
14 different or larger structures are proposed then a building permit may be required.  
15

16 From the Electric Department (Jimmy Lozano)  
17

18 18. Utility conduit is located along the frontage of the parcel and may be located under the  
19 sidewalk or underground within the first five feet of the front property line. In order to not  
20 interfere with the utility conduit, structures shall be located a minimum of 5-feet from the  
21 front property line. The applicant may install the proposed fencing within 5-feet of the  
22 front property line (potential location of conduit) subject to the requirement that if access  
23 to the conduit is necessary, the applicant is responsible for any necessary repairs or  
24 replacement of fencing that may require removal/modification in order to access the  
25 conduit.  
26

27 Standard City Requirements  
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29 19. This Use Permit may be revoked through the City's revocation process if the approved  
30 project related to this Permit is not being conducted in compliance with these stipulations  
31 and conditions of approval; or if the project is not established within two years of the  
32 effective date of this approval; or if the established use for which the permit was granted  
33 has ceased or has been suspended for 24 consecutive months.  
34

35 20. No permit or entitlement shall be deemed effective unless and until all fees and charges  
36 applicable to this application and these conditions of approval have been paid in full.  
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38 21. The property owner shall obtain and maintain any permit or approval required by law,  
39 regulation, specification or ordinance of the City of Ukiah and other Local, State, or  
40 Federal agencies as applicable. All construction shall comply with all fire, building,  
41 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect  
42 at the time the Building Permit is approved and issued.  
43

44 22. A copy of all conditions of this Use Permit shall be provided to and be binding upon any  
45 future purchaser, tenant, or other party of interest.  
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47 23. All conditions of approval that do not contain specific completion periods shall be  
48 completed prior to building permit final.  
49

50 24. This approval is contingent upon agreement of the applicant and property owner and their  
51 agents, successors and heirs to defend, indemnify, release and hold harmless the City,  
52 its agents, officers, attorneys, employees, boards and commissions from any claim,  
53 action or proceeding brought against any of the foregoing individuals or entities, the  
54 purpose of which is to attack, set aside, void or annul the approval of this application.  
55 This indemnification shall include, but not be limited to, damages, costs, expenses,

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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 11:10 p.m.

\_\_\_\_\_  
Charley Stump, Zoning Administrator

\_\_\_\_\_  
Cathy Elawadly, Recording Secretary

1. Approval is granted for the operation of community garden as described in the project description submitted to the Planning Department and date stamped ~~February-March~~ 18, 2014, ~~the~~ revised sample garden contract submitted to the Planning Department and date stamped March 24, 2014, ~~email received by Miles Gordon April 11, 2014, and as shown on the~~ site plan and garden plan submitted to the Planning Department and date stamped ~~February-March~~ 18, 2014 and the site plan with parking submitted to the Planning Department and date stamped March 24, 2014, expect as modified by the following conditions of approval.

### **Commercial Possibilities**

Based on the current zoning of the property as Heavy Commercial (C-2), we foresee the potential for gardeners to bring surplus produce to the farmers market or set up a maximum once-a-week farm stand during harvest months. The farm stand would be located by the oak trees at the northern entrance to the garden and be open to the public. Parking for the farm stand will be available as street parking along Village Circle, or in the empty lot to the north of the garden.

### **Garden Design**

The size of the Village Circle property will allow for between 50 and 60 individual garden plots which will be designed as in-ground garden beds, similar to the Cleveland Lane and State Street Community Garden designs. All community members involved in the garden will be responsible for maintaining the garden, and will be required to sign a contract (sample contract attached). The contract states such things as: hours of operation (dawn until dusk), garden fees, parking criteria, water conservation methods, and responsibility for maintenance of the garden. At the Cleveland Lane and State Street Community Gardens, gardeners typically spend around 3-4 hours tending their garden plot per week. Additionally, most participants tend to do their gardening during the weekend and/or after business hours. The community garden will be used to grow seasonal fresh produce, flowers, and landscaping plants. Such seasonal vegetables will be determined by the community members.

### **Landscaping**

Outside of the 50-60 garden plots for food production, there will be 3ft wide beds of perennial plants and flowers inside of the garden fencing on the side adjacent to Village Circle. Outside of the fencing on the parcel will be mulching up to the sidewalk to prevent weeds and unwanted grasses.

### **Parking**

Neither additional parking nor increased car traffic is foreseen at the proposed garden site, considering Village Circle Community Garden will be bordered by apartments to the South, large housing complexes to the East on Waugh Lane, and numerous gardeners to the North from the soon to be closed Cleveland Land Community Garden. Outreach and recruitment for gardeners at the Village Circle Community Garden will focus solely on the surrounding neighborhood, creating a setting in which gardeners walk to the garden site. At the Cleveland Lane, Washington Avenue, and State Street Community Gardens – where most gardeners live within close proximity to the garden – gardeners walk to the garden and only drive when bringing garden supplies (compost, mulch, plants, etc.). Experience at these Community Gardens has shown that car transport of materials happens infrequently and almost always after business hours and/or on the weekends. Parking as needed would be street parking on Village Circle and in the empty lot to the north of garden. Deliveries of compost and mulch would also be made through the lot to the north of the garden.

**Sent:** Wednesday, May 07, 2014 8:15 AM  
**To:** Kim Jordan  
**Subject:** FW: Village Circle Community Garden Use Permit  
**Attachments:** PRC Use Permit VC Comm Garden.doc

Attachment # 3

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Captain Trent Taylor**  
**Services Commander**  
**Ukiah Police Department**  
**300 Seminary Ave.,**  
**Ukiah, CA 95482**  
**Desk: (707)463-6247**  
**email: [ttaylor@cityofukiah.com](mailto:ttaylor@cityofukiah.com)**

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**From:** Trent Taylor  
**Sent:** Wednesday, April 16, 2014 4:40 PM  
**To:** Michelle Johnson  
**Cc:** 'Miles Gordon'  
**Subject:** Village Circle Community Garden Use Permit

Michelle,

As we discussed, I had a lengthy conversation with Miles Gordon on the phone today and he enlightened me on how they have developed and managed a number of community gardens in our community over the years. Based on that discussion, the Police Department will work with them, should this project be approved, to deal with security issues as they may come up. With that said I would change my comments as follows:

1. I would now suggest that a perimeter fence as they described in their application would be sufficient as it is their intent and expectation is to have the fence act as a boarder not something to keep people out.
2. I would suggest enforceable No Trespassing Signs on the inside of the fence facing the Railroad Right of Way only if they have an expectation that we enforce trespassing in the garden. If there is no expectation of that, then they do not need to have any signs.
3. Based on Miles description to me that they have little if any history of theft or other issues with structures in their gardens, I will make it a suggestion, not a requirement that they have electricity with surrounding all-night lighting with secured locking doors windows and the structures be alarmed. Again with the understanding that by not having the structures and their surrounding set up this way they will not have an expectation that the Police Department will be able to effectively prevent theft and vandalism issues as well as we would if they were in place.

One further comment, we do believe that by having a Community Garden at this location it will most likely be a

**Ukiah, CA 95482**  
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**email: [ttaylor@cityofukiah.com](mailto:ttaylor@cityofukiah.com)**



# Ukiah Police Department

Safety, Professionalism, Community Service

**Chris Dewey**  
Chief of Police

**March 28, 2014**

**Project Review – Village Circle Community Garden Use Permit  
File #68**

**In reviewing this application the Police Department has the following concerns and requests:**

- 1. Because of the nature of nomadic transient activity that evolves into criminal behavior on the railroad right of way adjacent to this site and the prior criminal activities on the actual property that this project is to be sited on, we would request that a 6 foot chain link fence with locking gates be required around the entire perimeter of the site.**
- 2. Enforceable “No Trespassing” signs be posted on the above fence every 20 feet.**
- 3. That all structures constructed on the site have electricity with surrounding all-night lighting, be secured with locking doors and windows and be alarmed.**

**By: \_\_\_\_\_  
Captain Trent Taylor  
Services Commander**