

**Minutes
Zoning Administrator Meeting
June 4, 2015**

Staff Present

Charley Stump, Zoning Administrator
Michelle Johnson, Assistant Planner
Cathy Elawadly, Recording Secretary

Others Present

Doug Guillon

1. CALL TO ORDER

Zoning Administrator Stump called the meeting to order at 11:04 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 April 14, 2015 meeting and April 16, 2015 meeting are included for review and approval.

Zoning Administrator Stump approved the April 14, 2015 and April 16, 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 Monday, June 15, 2015.

6. VERIFICATION OF NOTICE

Planning staff verified the proposed Crush Restaurant Outdoor Dining Use Permit and Site Development Permit (File No.: 954-UP-ZA) was properly noticed in accordance with the provisions of the UMC.

7. PUBLIC HEARINGS

7A. Crush Restaurant Outdoor Dining Minor Use Permit and Site Development Permit, 1180 Airport Park Boulevard (File No.: 954-UP-ZA): Request for approval of a Minor Use Permit and Site Development Permit from Doug Guillon. The Zoning Administrator will consider approval of a Minor Use Permit and Site Development Permit to allow outdoor dining and Off-Site Parking at Crush Restaurant located at 1180 Airport Park Boulevard, APN 180-070-24.

Assistant Planner Johnson:

- Gave a project description/staff report.
- Made the follow corrections to the staff report:
- Page 3, lines 5 and 6, sentence should read, 'The outdoor dining would provide 20 new potential jobs and allow the restaurant to provide an outdoor dining experience to its customers and increase seating by 56.'
- Page 5, Table 2: Zoning Ordinance and Site Analysis, first sentence that reads, 'The parcel to the east adjacent to Crush that would be used for offsite overflow parking is currently vacant and was formally used as a lumber yard,' term 'east' should read 'west.'
- Page 7, Table 3: Use Permit Analysis, Outdoor Dining, the sentence that reads, 'The applicant has proposed 33 additional overflow vehicle parking spaces on the parcel west, '33' should be '56.'
- Made the following correction to Attachment 1 (Draft Use Permit & Site Development Permit Findings) of the staff report:

1 Finding #2: Normally Acceptable Uses, Delete second and third sentences: 'Live
2 entertainment is similar to parks and playgrounds.' 'The barbeque is similar to extending
3 the restaurant kitchen outdoors.' Fourth sentence should read, 'Offsite parking would
4 locate vehicles on the adjacent site to the west, which is located in compatibility zone B1
5 and C.'

- 6 • Staff recommends approval of the project based on the Findings on attachment 1 and
7 subject to the conditions of approval in attachment 2.

8
9 **Zoning Administrator Stump:**

- 10 • Referred to Condition of Approval #4 and asked if the outdoor barbecue component is
11 part of the proposed project?

12
13 **PUBLIC HEARING OPENED: 11:12 a.m.**

14
15 **Doug Guillon:**

- 16 • The outdoor barbecue element was associated with another project that was approved
17 for a prior use located at 1180 Airport Park Boulevard.
- 18 • Asked if the proposed landscaping plan is acceptable; otherwise had no
19 questions/concerns regarding the staff report/Findings/Conditions of Approval.

20
21 **Zoning Administrator Stump:**

- 22 • Since the outdoor barbecue element was approved for a prior use, it is not a component
23 of the proposed project.

24
25 **Assistant Planner Johnson:**

- 26 • Related to the matter of landscaping for the project, noted the following:
 - 27 ○ The site is currently landscaped; no landscaping would be removed as part of the
28 project application.
 - 29 ○ The applicant is proposing to include 30" deep perimeter planters that will be
30 planted similar to the existing landscaping planter to the north adjacent to the
31 Fairfield Inn along the property line.
 - 32 ○ Staff is recommending the Zoning Administrator require the proposed 30"
33 landscaping planters be planted consistent with the existing planter along Airport
34 Park Boulevard and not the proposed planter on the north property line adjacent
35 to the Fairfield Inn. The landscaping on the north property line is primarily
36 hedges tall, thick and hearty and consistent with what is typically planted as a
37 screen.
 - 38 ○ Staff and the applicant have concerns with security. The landscaping along
39 Airport Park Boulevard consists of tall, light grasses, ground cover and flowering
40 plants and would accent the area, reduce heat and provide an aesthetically
41 pleasing outdoor experience while maintain visibility to the patio area. Draft
42 Finding 3 F has been provided to support the above recommendation and reads,
43 'The site is currently landscaped no landscaping would be removed as part of
44 the application. The applicant is proposing to include 30" deep perimeter
45 planters that will be planted similar to the existing landscaping planter to the
46 north adjacent to the Fairfield Inn along the property line. Because of the nature
47 of the proposed plants as dense screen as condition of approval has been
48 added to use the plant palette found on the Airport Park Boulevard street
49 frontage that includes grasses, groundcover and flowering plants to insure
50 visibility as security precautions.'

51
52 **Doug Guillon:**

- 53 • Thought he read in the staff report that a new entrance will be added for the outdoor
54 dining area. To clarify there is an existing entrance such that the stamped concrete

1 design feature for this entrance will match the outdoor dining area. No new entrance is
2 being proposed for the project.
3

4 **Assistant Planner Johnson:**

- 5 • Referred to site plans sheet A-3 that indicates 'new concrete sidewalk addition' and
6 showed location.

7
8 **Doug Guillon:**

- 9 • Confirmed while there will be a new concrete sidewalk addition it is not a new entrance.
- 10 • Confirmed replacement of the existing door with full glass aluminum door.
- 11 • The built-in wait station with roll-down security door will be a separate permit that will
12 come later.

13
14 **Zoning Administrator Stump:**

- 15 • From a planning perspective the built-in wait station will be considered at this hearing.
16 Should the built-in wait station not happen, the project would still be in 'substantial
17 conformance' such that this proposed aspect of the project is 'a minor detail' and will add
18 language to Condition of Approval # 1 to reflect that the project will be in constructed in
19 substantial conformance with the plans.
- 20 • Requested clarification the signed parking agreements for the overflow parking have
21 been executed.

22
23 **Assistant Planner Johnson:**

- 24 • Confirmed the parking agreements for overflow parking have been signed.

25
26 **PUBLIC HEARING CLOSED: 11:18 a.m.**

27
28 **Zoning Administrator Stump** made the following corrections/additions to the conditions of
29 approval in attachment 2 of the staff report:

- 30 • Condition of Approval #1: Add language that reads, 'The outdoor dining area shall be
31 constructed in substantial conformance with the plans approved herein.'
- 32 • Condition of Approval #4: Delete and renumber conditions of approval in attachment 2.
- 33 • Condition of Approval #11: First sentence to read, 'In the event that the offsite parking to
34 the west; adjacent to the Crush parcel #180-070-03 and the site to the south; across the
35 street to Crush parcel #180-070-38 is no longer available or if the leases are terminated
36 alternative offsite parking shall immediately be provided.'

37
38 **Zoning Administrator Stump:**

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

42
43 **Zoning Administrator Stump** approved Crush Restaurant Outdoor Dining and Off-Site Parking
44 Use Permit with the Findings in Attachment 1 of the staff report and the Conditions of Approval in
45 Attachment 2 of the staff report, as modified above.

46
47 **8. ADJOURNMENT**

48 There being no further business, the meeting was adjourned at 11:18 a.m.
49

50
51 _____
52 Cathy Elawadly, Recording Secretary
53

ATTACHMENT 1

USE PERMIT & SITE DEVELOPMENT PERMIT FINDINGS

Crush Italian Steakhouse
Outdoor Dining and Off-Site Parking
1180 Airport Park Boulevard, APN 180-070-24;
1220 Airport Park Boulevard, APN 180-070-72;
and Northeast Corner Commerce Drive/Airport Road, APN 180-070-03
File No. 954-SDP/UP/ZA

1. The proposed project, as conditioned, is consistent with the General Plan based on the following:

- A. The general plan land use designation is Master Plan Area (MPA) which is intended for larger land areas where a specific plan is developed in order to provide for a mix of uses and/or development standards in order to address the precise planning needs of the area. This MPA is implemented through the Airport Industrial Park Planned Development (AIP-PD) which includes the development standards and uses allowed within AIP-PD.
- B. The proposed use is an accessory use to the primary restaurant use of the parcel. Restaurants are an allowed use in the Professional Office areas of the AIP-PD; therefore, the proposed uses are also consistent with this designation.
- C. The Project would support a strong local economy (goal ED-1) by providing an opportunity that is currently limited outside of the Ukiah Downtown Zoning District. The outdoor dining would provide 20 new potential jobs and allow the restaurant to provide an outdoor dining experience to its customers and increase seating by 56; which could potentially increase revenue.

2. The proposed project, as conditioned, is consistent with requirements of the applicable Airport Compatibility zones based on the following:

- **Normally Acceptable Uses:** The uses are considered accessory to the restaurant use. Intensive retail is a normally acceptable use in the C zone and the existing restaurant use is consistent with this use. Offsite parking would locate vehicles on the adjacent site to the west, which is located incompatibility zone B1 and C. Automobile parking is allowed in both the B1 and C zones.

- **Maximum Density:** B The applicant is requesting approval of outdoor dining to provide an additional 56 seats and 20 employees on the maximum shift, the existing approved seating/floor plan submitted as part of this Use Permit application shows seating/occupancy for 253 people (see attachment 2). The proposed 56 seats plus the existing 253 people would be equivalent to 309 people ($56 + 253 = 309$). This exceeds the maximum density for the site by 135 people ($309 - 174 = 135$). Planning staff provides the following density calculation in support of the 309 person occupancy maximum for Planning Commission consideration.
- The site that would be used for offsite parking is 2.53 acres.
- One-half of these parcels (approximately the area that could be used for off-site parking) is located in zone C. Zone C allows a maximum of 150 people per acre.
- Counting $\frac{1}{2}$ of the 2.53 parcel as Project Area and applying the 150 people per acre density maximum would allow an additional 189 people ($2.53 \text{ acres} \times 0.5 \times 150 = 189$). Using the above calculation a maximum of 363 people would be allowed on the Crush parcel and on the portion of the parcel used for parking ($174 + 189 = 363$), which exceeds the occupancy requested by the applicant and the maximum allowed by the Fire Code by 17 people ($363 - 309 = 54$).
- **Open Land:** The footprint of the building comprises 20% of the parcel. This leaves 80% of the parcel as "open land" which exceeds the minimum recommended for the C zone. The parcel that would be used for offsite/overflow parking is mostly vacant and undeveloped and currently provides more than 30% open land as required. Parking lots are considered "open land." Since the area that would be used for parking is located in the B1 and C zones and parking lots are considered "open land," the Project is consistent with this requirement.

3. The proposed project, as conditioned, is consistent with the applicable requirements of Airport Industrial Park Ordinance 1098 for parcels identified as Professional Office as described in the staff report, including the following:

- A. The proposed use is an accessory use to the allowed primary use of a Restaurant in the AIP-PD.
- B. The proposed outdoor dining use is considered an accessory uses to the restaurant located at 1180 Airport Park Boulevard. The off-site overflow parking for the outdoor dining and restaurant on APN 180-070-03 is the only use of this parcel and parking lots are allowed in the AIP-PD. The off-site overflow parking for the outdoor dining and restaurant on APN 180-070-72 is an accessory use to the Comfort Inn and is allowed in the AIP-PD.
- C. The Project includes providing off-site overflow parking on a parcel located to the west of Crush Restaurant (APN 180-070-03) and a parcel south of Crush across the street. The

additional parking provided on these sites would provide adequate parking for the additional traffic associated with the increased number of seating and new employees or the restaurant. A condition of approval has been applied to the Project requiring alternative off-site parking be provided in the event that APN 180-070-03 is no longer available for parking.

- D. The bike parking required by Use Permit 06-42 is currently non-functional due to location and inadequate anchoring of the rack. A condition of approval has been applied to this Use Permit requiring this rack to be installed at the front of the building and properly anchored.
 - E. There is adequate parking for the outdoor dining, there are utilities and sanitary facilities to serve the proposed accessory use, no signs are proposed as part of the project and Crush restaurant has a current business license application.
 - F. The site is currently landscaped no landscaping would be removed as part of this application. The applicant is proposing to include 30" deep perimeter planters that will be planted similar to the existing landscaping planter to the north adjacent to the Fairfield Inn along the property line. Because of the nature of the proposed plants as dense screens a condition of approval has been added to use the plant palette found on the Airport Park Blvd street frontage that includes grasses, groundcover and flowering plants to insure visibility as security precautions.
 - G. No signs are proposed as part of this Project. The only signage that may be associated with the Project may be directional signage related to the off-site overflow parking. Directional signage is allowed by the Sign Ordinance without the need for a sign permit.
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.
5. The proposed project, as conditioned, is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 Class 3, conversion of small structures and Section 15301 Class 1, Existing Facilities based on the following:
- A. The proposed use is an accessory use to the existing restaurant use of the building and site located at 1180 Airport Park Boulevard.
 - B. The offsite overflow would occur on the site to the west; adjacent to the Crush parcel #180- 070-03 and has previously been used for the display of vehicles for sale; and the site south; across the street to Crush parcel #180-070-38 is currently been used as extra parking for customers of the Comfort Inn. The area to be used for vehicle parking is currently paved and lighted.
 - C. Both parcels are currently developed and no construction or development is required to serve the proposed uses.

D. Both parcels are developed and located in an area where utilities and services are available to serve the proposed uses.

E. The location of both parcels is not environmentally sensitive and does not include any drainage courses or bodies of water. Commercial landscaping, including trees planted as part of development of the restaurant, would not be affected by the proposed uses.

6. A notice of public hearing for the proposed project was provided in the following manner:

- posted in three places on the project site on May 21, 2015;
- mailed to property owners within 300 feet of the project site on May 21, 2015;
- and published in the Ukiah Daily Journal on May 24, 2015.

As of the writing of this staff report no correspondence had been received from the public as a result of the public notice.

Use Permit and Site Development Permit Conditions of Approval

Crush Italian Steakhouse
Outdoor Dining and Off-Site Parking
1180 Airport Park Boulevard, APN 180-070-24;
1220 Airport Park Boulevard, APN 180-070-72;
and Northeast Corner Commerce Drive/Airport Road, APN 180-070-03
File No. 954-SDP/UP/ZA

1. Approval is granted for outdoor dining and off-site overflow parking as an accessory uses to Crush Italian Steakhouse located at 1180 Airport Park Boulevard with the off-site overflow parking located to the west; adjacent to the Crush parcel #180-070-03 and the site to the south; across the street to Crush parcel #180-070-38 and as described in the Project Description date stamped June 02, 2015 and as shown on the revised plans date stamped June 03, 2015 except as modified by the following conditions of approval. The outdoor dining area shall be constructed in substantial conformance with the plans approved herein.
2. Prior to commencement of any uses allowed by this Use Permit, the applicant shall install any additional bike parking required by the Zoning Administrator in the location required by the Zoning Administrator.
3. The outdoor dining and offsite overflow parking are allowed only as accessory uses to the primary restaurant use of the site and building.
4. The off-site parking located to the west; adjacent to the Crush parcel #180-070-03 and the site to the south; across the street to Crush parcel #180-070-38 are permitted subject to the following:
 - A. The approved location of the off-site parking for the Crush Restaurant is approved in the location shown in attachment 4, site plan. A revised location may be approved by the Planning Director. A request for a different location shall be submitted to the Planning Director in writing with the reason for the relocation and a revised site plan showing the proposed location. The revised location is subject to staff review Planning Director approval.
5. In order to comply with airport compatibility requirements, ensure adequate parking, and compatibility with surrounding uses, the maximum number of persons allowed for outdoor dining, including customers dining in the restaurant, is 309 plus a maximum of 45 employees. These numbers are consistent with Use Permit 06-42 (Red Hawk Restaurant).
6. Prior to commencement of any uses allowed by this Use Permit, the applicant shall install three bike parking spaces in order to comply with the bike parking required by Use Permit 06-42 (use permit for the restaurant). One additional bike parking space is required for the outdoor dining use approved as part of this use permit (Use Permit 954-SDP/UP/ZA), resulting in a total of four (4) bike parking spaces for the restaurant and outdoor dining

1 uses. The applicant shall work with Planning staff to determine the appropriate location for
2 the bike racks.

3
4 7. The total number of seats both indoors and outdoors may not exceed 309. Maximum number
5 of outside seats shall not exceed 56.

6
7 8. Outdoor live music is prohibited.

8
9 9. There shall be no amplification of music.

10
11 Planning Department

12
13 10. In the event that the offsite parking to the west; adjacent to the Crush parcel #180-070-03
14 and the site to the south; across the street to Crush parcel #180-070-38 is no longer available, or
15 if the leases are terminated alternative offsite parking shall be provided. A written request for
16 approval of an alternative location shall immediately be provided. The Planning Department
17 shall review the request and determine if the alternative offsite parking is subject to
18 administrative review, requires an amendment to this Use Permit, and/or is subject to other
19 permitting requirements. All required approvals shall be obtained prior to use of the alternative
20 site.

21
22 11. Landscaping for the proposed 30" deep perimeter planters shall be consistent with the
23 grasses, ground cover and flowering plants found in the existing landscape planter located
24 on the Airport Park Blvd street frontage.

25
26 Building Department

27
28 12. A building permit will be required for the replacement of the existing exterior door with a
29 full glass door and any electrical and plumbing associated with the project.

30
31 Environmental Health Department

32
33 13. The Division of Environmental Health requires that a complete set of plans for a proposed
34 outdoor dining wait (staff) station, manufacturers material and equipment technical
35 specification sheets, and a minor plan review be submitted to the Mendocino County
36 Environmental Health Division for review and approval. Plans shall be submitted prior to the
37 commencement of construction.

38
39 Standard Conditions of Approval

40
41 14. Business operations shall not commence until all permits required for the approved use,
42 including but not limited to business license, tenant improvement building permit, have been
43 applied for and issued/finaled.

44
45 15. No permit or entitlement shall be deemed effective unless and until all fees and charges
46 applicable to this application and these conditions of approval have been paid in full.

47
48 16. The property owner shall obtain and maintain any permit or approval required by law,

1 regulation, specification or ordinance of the City of Ukiah and other Local, State, or Federal
2 agencies as applicable. All construction shall comply with all fire, building, electric, plumbing,
3 occupancy, and structural laws, regulations, and ordinances in effect at the time the Building
4 Permit is approved and issued.

5
6 17. A copy of all conditions of this Use Permit shall be provided to and be binding upon any
7 future purchaser, tenant, or other party of interest.

8
9 18. All conditions of approval that do not contain specific completion periods shall be completed
10 prior to building permit final.

11
12 19. This Use Permit may be revoked through the City's revocation process if the approved
13 project related to this Permit is not being conducted in compliance with these stipulations
14 and conditions of approval; or if the project is not established within two years of the
15 effective date of this approval; or if the established use for which the permit was granted has
16 ceased or has been suspended for 24 consecutive months.

17
18 20. This approval is contingent upon agreement of the applicant and property owner and their
19 agents, successors and heirs to defend, indemnify, release and hold harmless the City, its
20 agents, officers, attorneys, employees, boards and commissions from any claim, action or
21 proceeding brought against any of the foregoing individuals or entities, the purpose of which
22 competent jurisdiction, the remainder of the agreement shall remain in full force and effect.
23