

**Minutes
Zoning Administrator Meeting
August 1, 2013**

Staff Present

Charley Stump, Zoning Administrator
Jennifer Faso, Associate Planner
Cathy Elawadly, Recording Secretary

Others Present

Steve Crawford
Ziyad Abraham

1. CALL TO ORDER

Zoning Administrator Stump called the meeting to order at 10:04 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 visits.

3. APPROVAL OF MINUTES: July 23, 2013

Zoning Administrator Stump approved the July 23, 2013 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 August 10, 2013.

6. VERIFICATION OF NOTICE

Associate Planner Faso verified Orchard Plaza Sign Program Amendment File No.:13-12-SDP-ZA was properly noticed in accordance with the provisions of the UMC.

7. PUBLIC HEARINGS

7A. Orchard Plaza Sign Program Amendment. (File No. 13-12-SDP-ZA). 115 South Orchard Avenue, APN 002-247-03. Request for Minor Site Development Permit to allow an amendment to the Orchard Plaza Program.

Zoning Administrator Stump noted the aforementioned project is a continuation from the July 23, 2013 Zoning Administrator meeting and no one but the applicants and staff are present, therefore he dispensed with the staff report. Accordingly, at the July 23rd Zoning Administrator meeting: 1) A public hearing was conducted and no public opposition had been expressed regarding the Project; 2) The applicant and his representative provided public testimony; 3) A staff report was prepared for the Project and information was provided about the Project; 4) The Zoning Administrator conducted a detailed site visit, as required and to address concerns expressed by the DRB as provided for on page 3 of the staff report.

PUBLIC HEARING OPENED: 10:08 a.m.

PUBLIC HEARING CLOSED: 10:08 a.m.

Zoning Administrator Stump:

- While the sign on the Sears building (Sign #1 as shown on the applicant's site plan) is not essentially the responsibility of the applicant the sign is a component of the sign amendment project and recommends approval as provided for in Condition of Approval No. 2B.

- 1 ▪ Related to the freestanding sign #16 as shown on the applicant's site plan and located
2 within the parking lot between Stars and CVS, the sign no longer exists because it was
3 hit by a car and knocked down. It was determined the sign should not be replaced for
4 safety reasons and that a condition of approval was added that states that the sign is not
5 allowed.
- 6
- 7 ▪ Related to Sign #19 as shown on the applicant's site plan, approves abandonment of the
8 existing Stars Restaurant sign located on the north elevation of the Stars building and
9 rather than requiring that the applicant remove the sign structure that is constructed into
10 the roof, the applicant shall paint it the same color as the roof to effectively blend in with
11 the existing roof color as provided for in Condition of Approval No. 5.
- 12
- 13 ▪ Related to the proposed new LED sign #17 as shown on the applicant's site plan noted
14 while the DRB had concerns about the proposed sign being somewhat out of character
15 with the existing signage and architecture of the Orchard Plaza shopping center,
16 determined that the shopping center had no 'real' design theme, could not identify what
17 the character of the shopping center is, and indicated he was inclined to approve with the
18 addition of the following two Findings to substantiate this approval:
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20 **Finding No. 7:**

21 The new LED sign would be a new type of sign for the center and as noted by the Design Review
22 Board, could be out of character with the Orchard Plaza shopping center. However, based on
23 detailed field work, the Zoning Administrator could not identify the 'character' or design theme of
24 the shopping center or its collection of business signs. Therefore, the Zoning Administrator finds
25 that the LED sign is not out of character with the appearance or design theme of the shopping
26 center or its display of business signs. It merely adds to the 'eclectic' character of the center and
27 its collection of various sign types and designs.
28

29 **Finding No. 8:**

30 Regarding the Design Review Board's recommendation that the restaurant LED sign be
31 prohibited from displaying pictures of meals, the Zoning Administrator finds that regulating the
32 sign in this way could exceed the City's 'police power' that limits the regulation of commercial
33 signs to time, place and manner, and generally prohibits the regulation of sign content. Time is
34 simply defined as when a message may be displayed; place is where the message may be
35 displayed, and how the message is presented is the manner of the conveyance. Therefore, the
36 Zoning Administrator finds that the displaying of pictures of meals shall be permitted.
37

38 **Zoning Administrator Stump** approved Orchard Plaza Sign Program Amendment
39 File No.: 13-12-SDP-ZA with Findings 1-6 with the addition of new Findings 7 and 8, and
40 Conditions of Approval 1-15.
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42 **7. ADJOURNMENT**

43 There being no further business, the meeting was adjourned at 10:12 a.m.
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46 Charley Stump, Zoning Administrator

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48 Cathy Elawadly, Recording Secretary

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50 **MINOR SITE DEVELOPMENT PERMIT FINDINGS**
51 **TO ALLOW AN AMENDMENT TO THE SIGN PROGRAM FOR**
52 **ORCHARD PLAZA AT 115 NORTH ORCHARD AVENUE, APN 002-247-03**
53 **FILE NUMBER: 13-12-SDP-ZA**
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55 The following findings are supported by and based on information contained in this staff report,
56 the application materials, and the public record.

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1. The proposed project, as conditioned, is consistent with the City of Ukiah *General Plan* as described in Table 1 of the staff report.
2. The proposed project, as conditioned, is consistent with the purpose and applicable requirements of the Sign Ordinance as described in Table 3 of the staff report.
3. The proposed project, as conditioned, is consistent with the purpose and applicable requirements of *Site Development Permits* as described in Table 4 of the staff report.
4. The proposed project, as conditioned, is consistent with the Airport Compatibility requirements for the B2 zone as described in Table 2 of the staff report.
5. The proposed project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15311, Class 11 (a), Accessory Structures which exempts on-premise signs based on the following:
 - A. The project involves modifications to the exterior of the existing building that will not enlarge the footprint of the building.
 - B. The project is not located within an environmentally sensitive area in that the site is located in an urban area that includes a variety of commercial businesses. The site is developed with existing commercial retail buildings used for retail sales and associated parking areas and landscaping. No water courses, wildlife, wildlife habitat, floodway or flood plain or other environmentally sensitive areas are present.
 - C. The proposed on-premise sign includes 1) one new sign and 2) and the legalization of two unpermitted existing signs.
6. A notice of public meeting for the proposed project was provided in the following manner as required by the Ukiah Municipal Code:
 - A. posted in three places on the project site on July 10, 2013;
 - B. mailed to property owners within 300 feet of the project site on July 12, 2013;
 - and
 - C. published in the Ukiah Daily Journal on July 13, 2013.
7. The new LED sign would be a new type of sign for the center and as noted by the Design Review Board, it may be out of character with the Orchard Plaza Shopping Center. However, based on detailed field work, the Zoning Administrator could not identify the “character “or design theme of the shopping center or its collection of business signs. Therefore, the Zoning Administrator finds that the LED sign is not out of character with the appearance or design theme of the shopping center or its display of business signs. It merely adds to the “eclectic” character of the center and its collection of various signs types and designs.
8. Regarding the Design Review Boards recommendation that the restaurant LED sign be prohibited from displaying pictures of meals, the Zoning Administrator finds that

1 regulating the sign in this way could exceed the City's "police power" that limits the
2 regulations of commercial signs to time, place and manner, and generally prohibits the
3 regulation of sign content. Time is simply defined as when a message may be displayed;
4 place is where the message may be displayed, and how the message is presented is the
5 manner of the conveyance. Therefore, the Zoning Administrator finds that the displaying
6 of pictures of meals shall be permitted.

7 **SITE DEVELOPMENT PERMIT CONDITIONS OF APPROVAL**
8 **TO ALLOW AN AMENDMENT TO THE SIGN PROGRAM FOR**
9 **ORCHARD PLAZA AT 115 NORTH ORCHARD AVENUE, APN 002-247-03**
10 **FILE NUMBER: 13-12-SDP-ZA**

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- 12 1. Minor Site Development Permit approval is granted to allow an amendment to the Sign
13 Program for Orchard Plaza as shown on the plans and project description submitted to
14 the Planning Department and date stamped May 7, 2013 except as modified by the
15 following conditions of approval.
 - 16
 - 17 2. Approval is granted for the following signs to be added to the Orchard Plaza Sign
18 Program:
 - 19 A. One new 4-foot X 10-foot LED sign on the north elevation of Stars Restaurant
20 facing Chevron (shown as # 17 on the site plan submitted with application).
 - 21 B. Legalization of one unpermitted 3-foot x 10-foot sign on the north elevation of the
22 former location of Sears (shown as #1 on the site plan submitted with
23 application).
 - 24 C. Abandonment of the existing Stars Restaurant sign located on the north elevation
25 of the Stars building (shown as # 19 on the site plan submitted with application).
 - 26
 - 27
 - 28 3. The images and/or text changes on the LED sign approved in 2A shall not occur more
29 frequently than every thirty minutes.
 - 30
 - 31 4. The existing freestanding sign located in the landscape island between the Stars
32 Restaurant building and CVS is not allowed and shall be removed.
 - 33
 - 34 5. The abandonment of the existing Star Restaurant Sign approved in 2C would result in a
35 vacant sign structure. Therefore the face of the vacant sign shall be painted to match the
36 existing roof. The intent is that the sign structure blend into the existing roof.
 - 37
 - 38 6. Prior to approval of a sign permit for the new LED sign a site plan shall be submitted to
39 the Planning Department that indicates all signs that are included in the Orchard Plaza
40 Sign Program. This includes the sign that were approved as part of the original 1992 sign
41 program and the signs that were approved as part of this application.
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 - 43 7. Application for and approval of a sign permit from the Planning and Community
44 Development Department is required prior to installation of the approved signs.

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46 From the Building Division David Willoughby

- 47
- 48 8. A building permit and electrical permit are required.

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50 Standard Conditions of Approval

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- 52 9. The property owner shall obtain and maintain any permit or approval required by law,
53 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
54 Federal agencies as applicable. All construction shall comply with all fire, building,

1 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
2 at the time the Building Permit is approved and issued.
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4 10. All conditions of approval that do not contain specific completion periods shall be
5 completed prior to building permit final.
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7 11. Building, Sign, Grading or other required Permits shall be issued within two years after
8 the effective date of the Site Development Permit, or the discretionary actions granted by
9 the permit shall expire. In the event the required Permits cannot be issued within the
10 stipulated period from the project approval date, a one year extension may be granted by
11 the Director of Planning if no new circumstances affect the project which otherwise would
12 render the original approval inappropriate or illegal. It is the applicant's responsibility in
13 such cases to propose the one-year extension to the Planning Department prior to the
14 two-year expiration date.
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16 12. Except as otherwise specifically noted, the Site Development Permit Amendment shall be
17 granted only for the specific purposes stated in the action approving the Site
18 Development Permit and shall not be construed as eliminating or modifying any building,
19 use, or zone requirements except to such specific purposes.
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21 13. The approved Site Development Permit Amendment may be revoked through the City's
22 revocation process if the approved project related to the Site Development Permit is not
23 being conducted in compliance with the stipulations and conditions of approval; or if the
24 project is not established within two years of the effective date of approval; or if the
25 established land use for which the permit was granted has ceased or has been
26 suspended for twenty four (24) consecutive months.
27

28 14. No permit or entitlement shall be deemed effective unless and until all fees and charges
29 applicable to this application and these conditions of approval have been paid in full.
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31 15. This approval is contingent upon agreement of the applicant and property owner and
32 their agents, successors and heirs to defend, indemnify, release and hold harmless the
33 City, its agents, officers, attorneys, employees, boards and commissions from any claim,
34 action or proceeding brought against any of the foregoing individuals or entities, the
35 purpose of which is to attack, set aside, void or annul the approval of this application.
36 This indemnification shall include, but not be limited to, damages, costs, expenses,
37 attorney fees or expert witness fees that may be asserted by any person or entity,
38 including the applicant, arising out of or in connection with the City's action on this
39 application, whether or not there is concurrent passive or active negligence on the part of
40 the City. If, for any reason any portion of this indemnification agreement is held to be void
41 or unenforceable by a court of competent jurisdiction, the remainder of the agreement
42 shall remain in full force and effect.
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