

**Minutes
Zoning Administrator Meeting
September 3, 2015**

Staff Present

Others Present

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

1. CALL TO ORDER

Zoning Administrator Stump called the meeting to order at 11:10 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 July 22, 2015 meeting are included for review and approval.

Zoning Administrator Stump approved the July 22, 2015 meeting minutes, as submitted.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

5. APPEAL PROCESS

Zoning Administrator Stump corrected the last day to appeal from Friday, September 11, 2015 to Friday, September 14, 2015 at 5:00 p.m.

Zoning Administrator Stump read the appeal process. For matters heard at this meeting the last day to appeal is Friday, September 14, 2015 at 5:00 p.m.

6. VERIFICATION OF NOTICE

Planning staff verified the proposed DJ Sports Locker at 1364 South State Street (File No.: 1219-UP-ZA) was properly noticed in accordance with the provisions of the UMC.

7. PUBLIC HEARINGS

7A. DJ Sports Locker at 1364 South State Street (File No.: 1219-UP-ZA): Request for Zoning Administrator approval of a Use Permit to allow a retail sports apparel store within the Heavy Commercial (C-2) Zoning District at 1364 South Street, APN 003-472-31 File No. 1219-UP-ZA.

Assistant Planner Johnson:

- Gave a project description/presentation as provided for on pages 1 through 7 of the staff report.

Zoning Administrator Stump:

- The applicants are not present.
- Is continuing the hearing with the knowledge the applicants are fine with the proceedings.
- Related to page 2 of staff report that talks about projects located on general plan gateways are subject to a higher standard of design since the gateways provide the first impression of the community as one enters and then travels through the main corridors of the City and noted while Table 1 provides an analysis of the General Plan goals and policies that apply is of the opinion more of an explanation should be have been included why the specific project that is located on a general plan gateway meets the gateway standard.

1 **Planning Assistant Johnson:**

- 2 • Page 6 of the staff report that addresses the section related to project consistency with
3 the Design Guidelines of Commercial Projects Outside the Downtown Design explains
4 that the site is located in the general plan gateway where staff has determined the
5 project is consistent with the required findings for approval of a Use Permit based on the
6 analysis found in table 1 of the staff report and as provided for in the findings required
7 for approval of a Use Permit included in attachment 1.
8

9 **Zoning Administrator Stump:**

- 10 • For future reference related to staff's analysis for consistency with the General Plan,
11 recommends explaining why a particular project meets the higher design standard for
12 uses located in the general plan gateways in this section and/or provide a reference to
13 another section of the document in this regard even though the matter may be
14 referenced somewhere else in the document.
- 15 • Related to page 3 of the staff report, table 2, Summary of B2 Compatibility Criteria,
16 Normally Acceptable Uses, recommends in the future providing more of a detailed
17 explanation about *how* or *why* the use is consistent with low intensity retail uses which
18 are allowed in the B2 zone and assumes the answer in this regard is because the
19 building is only 300 square feet and is similar to other small retail businesses in the
20 area.
21

22 **PUBLIC HEARING OPENED: 11:18 a.m.**

23
24 **PUBLIC HEARING CLOSED: 11:18 a.m.**

25
26 **Zoning Administrator Stump:**

- 27 • Has visited the site and is familiar with the Project.
28 • Is a good project. The proposed small retail use is filling a vacant space that needs to be
29 filled.
30 • The staff report indicates the project is consistent with the landscaping requirements but
31 page 4 of the staff report indicates based on the scope of the project and the fact that
32 there are not any additional opportunities for landscaping on the site; installation of new
33 landscaping is not required. As such, recommends the addition of a Finding #8 to this
34 effect that reads, 'Based on the scope of the project and the fact that there are not any
35 additional opportunities for landscaping on the site, installation of new landscaping is not
36 required.'
37 • The project analysis and corresponding Use Permit findings were well orchestrated.
38 • Would like to see projects such as the proposed project go through a streamlined permit
39 process that would be less time consuming and costly to the applicant.
40

41 **Zoning Administrator Stump** approved DJ Sports Locker File No. 1219-UP-ZA based on the
42 Use Permit Findings in Attachment 1 of the staff report and with the additional of Finding #8 and
43 subject to the Conditions of Approval in attachment 2 of the staff report.
44

45 **8. ADJOURNMENT**

46 There being no further business, the meeting was adjourned at 11:21 a.m.
47

48 _____
49 Cathy Elawadly, Recording Secretary
50
51

52 **ATTACHMENT 1**

53 **DRAFT USE PERMIT FINDINGS**
54 **TO ALLOW A RETAIL SPORTS APPAREL STORE**
55

1 land for this parcel which is greater than the recommended minimum. No change or
2 addition to the structures is proposed as part of this project therefore the open land
3 available in the B2 zone will not change.
4

5 5. The proposed project, as conditioned, is compatible with surrounding land uses and shall
6 not be detrimental to the public's health, safety and general welfare based on the
7 following:
8

9 A. Surrounding uses to the project site include a variety of office commercial/retail uses
10 and residential all of which would be compatible with the proposed retail use.
11

12 B. The proposed site does contain four existing residential units. The units have been
13 established at this location for many years and were established prior to requirement
14 for use permit approval for residential uses. The proposed project would not change
15 or intensity the existing residential use. The proposed retail use would not negatively
16 impact the residential units because the proposed use is a low intensity retail use that
17 would not result in noise or late hours. Furthermore parking for the retail use is
18 located at the front of the parcel and therefore would not impact the parking for the
19 residential units or impact the driveway for the residential units.
20

21 C. The proposed retail use would be less intensive than many of the allowed or
22 permitted uses in the Heavy Commercial (C-2) zone. Such as auto repair and
23 machine shops.
24

25 D. There are 15 onsite commercial retail parking spaces. Eleven parking spaces are
26 required to serve all the commercial retail uses on the site.
27

28 E. The project has been reviewed by the Fire Marshal, Police Department, Building
29 Official, and Public Works and no comments were received.
30

31 F. The project is required to comply with all federal, state and local laws.
32

33 G. The proposed hours of operation are compatible with the existing surrounding uses.
34

35 H. In the project description submitted by the application the hours of operation would
36 be Monday through Sunday 9:00 a.m. to 7:30 p.m.
37

38 I. The project promotes the public health, safety, and welfare by providing a new local
39 business so that residents do not have to travel out of town for these items or
40 services.
41

42 6. The proposed project is exempt from the provisions of the California Environmental
43 Quality Act (CEQA) pursuant to Section 15303 Class 3 (c), New Construction and
44 Conversion of Small Structures, which allows structures up to 10,000 square feet to be
45 converted from one use to another in urbanized areas when the use does not involve
46 significant amounts of hazardous materials, where all necessary public services and
47 facilities are available, and the surrounding area is not environmentally sensitive based
48 on the following.
49

50 A. The building square footage is 300 square feet dedicated to retail sales.
51

52 B. The business does not use large amounts of hazardous materials.
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54 C. The site is developed with existing buildings, public utilities and services already
55 are available at the site and no expansion of the existing buildings are proposed
56 as part of the project.

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D. The location is not environmentally sensitive and no drainage courses or bodies of water (such as creeks or streams).

7. Notice of the proposed project was provided in the following manner as required by the Zoning Ordinance:

- A. posted in three places on the project site on August 21, 2015;
- B. mailed to property owners within 300 feet of the project site on August 21, 2015; and
- C. published in the Ukiah Daily Journal on August 23, 2015.

8. Based on the scope of the project and the fact that there are not any additional opportunities for landscaping on the site, installation of new landscaping is not required.

ATTACHMENT 2

**DRAFT USE PERMIT CONDITIONS OF APPROVAL
 ALLOW A RETAIL SPORTS APPAREL STORE
 WITHIN THE HEAVY COMMERCIAL (C-2) ZONING DISTRICT
 1364 SOUTH STATE STREET, APN 003-472-31
 FILE NO. 1219-UP-ZA**

1. Approval is granted for the operation of a retail store at 1364 South State Street based on the project description submitted to the Planning and Community Development Department and as shown on the Site Plan date stamped August 17, 2015 except as modified by the following conditions of approval.
2. This Use Permit is granted subject to the following operating characteristic:
 - A. Hours of operation are limited to Monday through Sunday 9:00 am to 7:30 pm
 - B. Outside display and/or storage of items is prohibited.
3. Prior to commencement of business and issuance of a business license, a revised site plan showing the following shall be submitted to Planning Staff for review and approval.
 - A. Location of required bike rack and specifications of proposed bike rack. Inverted “u” preferred.
4. Prior to commencement of the business and issuance of a business license, the following shall be completed and are subject to staff approval:
 - A. The required bike rack shall be installed as required in 3a. Inverted “U” style rack is preferred.
5. Application for and approval of a Sign Permit from the Planning and Community Development Department is required prior to installation of any signage.

Standard City Conditions of Approval

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- 6. Business operations shall not commence until all permits required for the approved use, including but not limited to business license, tenant improvement building permit, have been applied for and issued/finaled.
- 7. No permit or entitlement shall be deemed effective unless and until all fees and charges applicable to this application and these conditions of approval have been paid in full.
- 8. The property owner shall obtain and maintain any permit or approval required by law, regulation, specification or ordinance of the City of Ukiah and other Local, State, or Federal agencies as applicable. All construction shall comply with all fire, building, electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect at the time the Building Permit is approved and issued.
- 9. A copy of all conditions of this Use Permit shall be provided to and be binding upon any future purchaser, tenant, or other party of interest.
- 10. All conditions of approval that do not contain specific completion periods shall be completed prior to building permit final.
- 11. This Use Permit may be revoked through the City's revocation process if the approved project related to this Permit is not being conducted in compliance with these stipulations and conditions of approval; or if the project is not established within two years of the effective date of this approval; or if the established use for which the permit was granted has ceased or has been suspended for 24 consecutive months.
- 12. 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.