

**Minutes
Zoning Administrator Meeting
September 29, 2015**

Staff Present

Charley Stump, Zoning Administrator
Kevin Thompson, Principal Planner
Shannon Riley, Senior Management Analyst
Cathy Elawadly, Recording Secretary

Others Present

Kevin Provance
Paul Luna

1. CALL TO ORDER

Zoning Administrator Stump called the meeting to order at 10:02 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.

2. APPROVAL OF MINUTES

3.

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 with the City Clerk is Monday, October 12, 2015 at 5:00 p.m.

6. VERIFICATION OF NOTICE

Planning staff verified the proposed Tesla Motors Minor Site Development Permit at 351 S. Oak Street was properly noticed in accordance with the provisions of the UMC.

7. PUBLIC HEARINGS

7A. Tesla Motors Minor Site Development Permit to construct an eight vehicle charging station at 351 S. Oak Street.

Zoning Administrator Stump:

- Staff and the applicants are the only persons present.
- Dispensed with the staff report.
- Noted the lighting system/fixtures proposed for the project is International Dark Sky Association compliant and designed to provide adequate safety for persons using the supercharging stations in the parking lot.
- Asked about DRB comments regarding the design aspects of the project.

Principal Planner Thompson:

- Staff has received no public comments regarding the project.
- Staff is recommending the Zoning Administrator approve the project based on the Findings in attachment 1 of the staff report and subject to the Conditions of Approval in attachment 2 of the staff report.
- The lighting system is 'LED' energy efficient.
- The DRB reviewed the project on September 17, 2015 where the primary concern was the use of 'Trex' material for enclosure of the equipment and recommended replacement of 'Trex' material with hardboard/concrete siding or stucco using a natural earth tone color. The applicants have agreed with the recommendation with plans to use 'hardiePanel vertical siding' for the equipment enclosure and have provided a detail in the revised site plans to reflect this change. A material/color sample has been provided that is incorporated into the minutes as attachment 1.

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

2
3 **Kevin Provance, Planning Manager, Tesla Motors:**

- 4
- Has reviewed the staff report.
 - Concurs with the project findings and conditions of approval and commented if any modification or additional conditions are necessary beyond what is stipulated in the staff report and/or site visit would like to reserve the right to negotiate if there are associated issues concerning those conditions that may relate to landscaping, lighting, parking etc.
 - Requested clarification regarding the appeal period.
 - Requested clarification staff is in agreement with the revised site plan.
 - Inquired whether staff had any issue/concern with the landscaping plan and/or any other 'open' concern?

13
14 **Zoning Administrator Stump:**

- 15
- Confirmed that 10 days at 5:00 p.m. is the standard time appeal time.
 - Clarified if the Zoning Administrator is inclined to approve the proposed project such that there is a need to modify or add a condition this is will occur during the Zoning Administrator hearing and not afterward.

19
20 **Principal Planner Thompson:**

- 21
- Confirmed staff is in agreement with the revised site plans.
 - Staff is fine with the landscaping plan and noted to address the DRB's concern/recommendations regarding the tree proposed for removal and the need to provide root protection for the existing street tree during boring of the electrical lines underneath the parking lot staff has included conditions to this effect.

26
27 **Kevin Provance:**

- 28
- Related to the tree proposed for removal inquired if this tree could be relocated rather than replaced?

30
31 **Principle Planner Thompson:**

- 32
- Is fine with leaving the matter of the tree removal whether it should be relocated or replaced to the discretion of the applicant.

34
35 **Zoning Administrator Stump:**

- 36
- Added should the applicant desire to make certain minor project modifications after project approval, the Zoning Administrator is required to make a determination whether or not the project and its proposed modification(s) is in substantial conformance with what was previously/initially approved. There is a certain latitude associated with project modifications after project approval such that, for instance, if a tree is not going to be damaged but relocation is a better option than replacement this would be considered in 'substantial conformance' with what was initially approved.

43
44 **Paul Luna, Tesla Motors:**

- 45
- Is fine with staff's project findings and conditions of approval.

46
47 **PUBLIC HEARING CLOSED: 10:13 a.m.**

48
49 **Zoning Administrator Stump:**

- 50
- Has visited the site.
 - Agrees with staff's project findings and conditions of approval and staff's analysis concerning general plan/zoning code consistency.
 - Is pleased with the project and noted the project has 'good' site design and architecture.

1 **Zoning Administrator Stump** approved based on the Site Development Permit Findings in
2 Attachment 1 of the staff report and the Conditions of Approval in attachment 2 of the staff report.

3
4 **8. ADJOURNMENT**

5 There being no further business, the meeting was adjourned at 10:14 a.m.

6
7 _____
8 Cathy Elawadly, Recording Secretary

9
10 **ATTACHMENT 1**

11 **Final FINDINGS – SITE DEVELOPMENT PERMIT FINDINGS**

12
13 **TO ALLOW TESLA MOTORS TO OPERATE AN ELECTRICAL VEHICLE CHARGING**
14 **AT 351 S OAK STREET, APN 002-262-05**
15 **FILE NO.: 1268**

16
17 The following findings are supported by and based on information contained in this staff report,
18 the application materials and documentation, and the public record.

- 19
20 1. The proposed project, as conditioned, is consistent with the goals and policies of the
21 General Plan as described in the staff report.
22
23 2. The proposed project, as conditioned, is consistent with the Downtown Zoning Ordinance
24 as described in the staff report.
25
26 3. The proposed project will not create a hazardous or inconvenient vehicular or pedestrian
27 traffic pattern based on the following:
28 A. The proposed project will occupy an existing parking lot that provides adequate
29 access from S. School Street and S. Oak Street.
30
31 4. The accessibility of off-street parking areas and the relation of parking areas with
32 respect to traffic on adjacent streets will not create a hazardous or inconvenient
33 condition to adjacent or surrounding uses
34
35 A. The project site is located within an existing parking lot and is surrounded mainly by
36 residential/commercial/retail uses.
37
38 5. Sufficient landscaped areas have been reserved for purposes of separating or
39 screening the proposed structure(s) from the street and adjoining building sites,
40 and breaking up and screening large expanses of paved areas.
41
42 A. The project is located within an existing parking lot, that contains landscaped areas.
43 The project proposes the removal of one small tree, the project has been
44 conditioned to replace the removed tree.
45
46 6. The proposed development will not restrict or cut out light and air on the property, or
47 on the property in the neighborhood; nor will it hinder the development or use of
48 buildings in the neighborhood, or impair the value thereof.
49
50 A. The project includes one small enclosure for the electrical equipment, the maximum
51 height is 8 feet, and will not cut off light or air to any neighboring properties.
52
53

- 1 7. The improvement of any commercial or industrial structure will not have a
2 substantial detrimental impact on the character or value of an adjacent residential zoning
3 district.
4
- 5 A. The project does not propose the construction of a structure, therefore will not have
6 detrimental impacts associated with the project.
7
- 8 8. The proposed development will not excessively damage or destroy natural features,
9 including trees, shrubs, creeks, and the natural grade of the site.
10
- 11 A. The project will be located in an existing parking lot containing no natural features. The
12 project proposes the removal of one small tree, the project has been conditioned to
13 replace the removed tree.
14
- 15 9. There is sufficient variety, creativity, and articulation to the architecture and design
16 of the structure(s) and grounds to avoid monotony and/or a box-like uninteresting external
17 appearance.
18
- 19 A. Posted in three places on the project site September 11, 2015
20 B. Mailed to property owners within 300 feet of the project site on September 11, 2015, and
21 C. Published in the Ukiah Daily Journal on September 13, 2015
22

23
24 **ATTACHMENT 2**
25

26 **Final CONDITIONS OF APPROVAL – MINOR SITE DEVELOPMENT PERMIT**
27

28
29 **TO ALLOW TESLA MOTORS TO OPERATE AN ELECTRICAL VEHICLE CHARGING**
30 **STATION**
31 **AT 351 S OAK STREET, APN 002-262-05**
32 **FILE NO.: 1268**
33

- 34 1. Approval is granted for the development of an electrical vehicle charging station at 351
35 S Oak Street based on the project description submitted to the Planning and Community
36 Development Department and as shown on the Site plan date stamped September 10,
37 2015.
38
- 39 2. This Use Permit is granted subject to the following operating characteristic:
40
- 41 A. Hours of operation are 24 hours 7 days a week.
42
- 43 3. On plans submitted for building permit, these conditions of approval shall be included as
44 notes on the first sheet.
45
- 46 4. The tree proposed for removal shall be replaced with a 24" box Platanus x acerifolia
47 'Bloodgood' tree.
48
- 49 5. The health of existing street shall be monitored for potential damage created by boring
50 electrical lines underneath the parking lot. If extensive damage occurs to the root
51 system as a result of boring, the applicant shall replace any damaged street tree.
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53 Standard City Conditions of Approval
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- 6. Charging operations shall not commence until all permits required for the approved use, including, site improvements 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 applicant 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 Site Development 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 commencement of operation.
- 11. This approval is not effective until the 10 day appeal period applicable to this Site Development Permit has expired without the filing of a timely appeal. If a timely appeal is filed, the project is subject to the outcome of the appeal and shall be revised as necessary to comply with any modifications, conditions, or requirements that were imposed as part of the appeal.
- 12. This Site Development 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.
- 13. 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.



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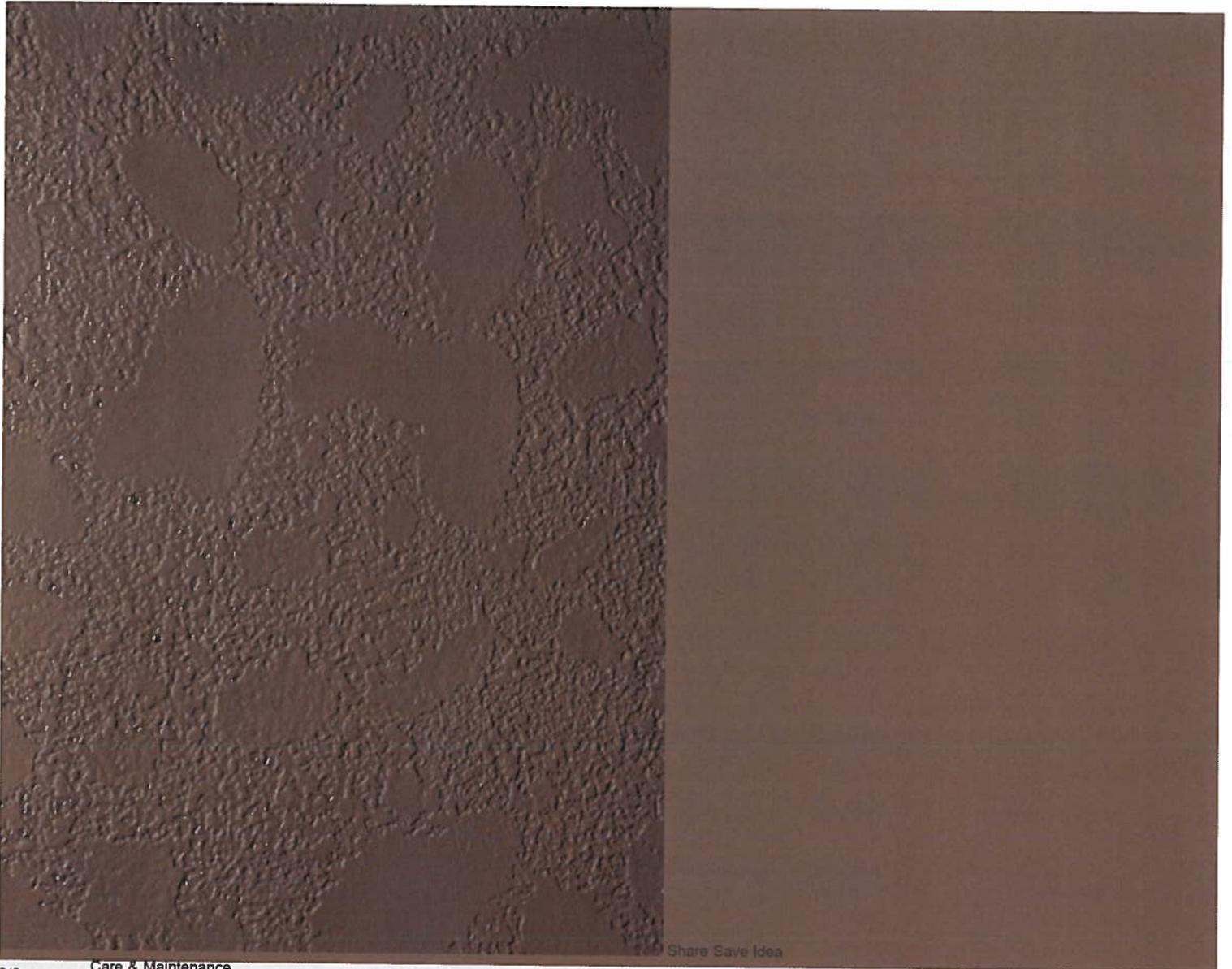
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