

**Minutes  
Zoning Administrator Meeting  
September 29, 2016**

**Staff Present**

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

**Others Present**

Larry Pardini

**1. CALL TO ORDER**

Acting Zoning Administrator Thompson called the meeting to order at 10:00 a.m. in Conference Room No. 1, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

**2. SITE VISIT VERIFICATION**

**Acting Zoning Administrator Thompson** confirmed the site visit.

**3. APPROVAL OF MINUTES**

The minutes from the March 31, 2016 meeting are included for review and approval.

**Acting Zoning Administrator Thompson** approved the March 31, 2016 meeting minutes, as submitted.

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

**5. APPEAL PROCESS**

**Acting Zoning Administrator Thompson** read the appeal process. For matters heard at this meeting the last day to appeal with the City Clerk is October 10, 2016 at 5:00 p.m.

**6. VERIFICATION OF NOTICE**

Planning staff verified the proposed Crane Mount Solar Panel Minor Variance at 4 Banker Boulevard was properly noticed in accordance with the provisions of the UMC.

**7. PUBLIC HEARINGS**

**7A. Crane Ground Mount Solar Panel Minor Variance 4 Banker Boulevard; APN 003-010-51, (File No.: 2107-VAR-ZA):** An application has been received from Eric Crane for Zoning Administrator approval of a Minor Variance to allow encroachment into the front setback for the addition of a 20 x 30-foot ground mounted solar array accessory structure located at 4 Banker Boulevard.

**Zoning Administrator Thompson:**

- Reviewed the staff report and finds it be thorough and nicely written.
- Dispensed with the staff report.

**PUBLIC HEARING OPENED: 10:07 a.m.**

**Larry Pardini:**

- Owns property next door to applicant.
- Reviewed the project plans with planning staff and has no problem with the proposed project.

**Assistant Planner Johnson:**

- Explained a variance was necessary for approval of the project because the Ground Mounted solar array accessory structure encroaches into the front yard setback. Section 9020 of the Zoning Code requires structures within the Single-Family Residential districts

1 to maintain 20 feet for dwellings and 30 feet for garages and accessory structures for the  
2 front yard setback.

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

5  
6 **Zoning Administrator Thompson:**

- 7 • Has visited the site.  
8 • Agrees with staff's analysis of the project.  
9 • Is fine with the proposed project findings and conditions of approval.

10  
11 **Zoning Administrator Thompson** approved Crane Ground Mount Solar Panel Minor Variance  
12 File No.: Munis 2107-VAR-ZA based on the Findings in Attachment 1 of the staff report and  
13 subject to the conditions of approval in attachment 2 of the staff report.

14  
15 **8. ADJOURNMENT**

16 There being no further business, the meeting was adjourned at 10:13 a.m.

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

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23 **Attachment 1**

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27 **DRAFT VARIANCE FINDINGS TO ALLOW THE REDUCTION IN A FRONT YARD SETBACK**  
28 **FROM 30 FEET TO 10 FEET TO ALLOW FOR THE ADDITION OF A 20 X 30- FOOT GROUND**  
29 **MOUNTED SOLAR ARRAY ACCESSORY STRUCTURE WITHIN THE**  
30 **(R-1) SINGLE-FAMILY RESIDENTIAL ZONE**

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

34  
35 1. The following special circumstances apply to the subject property; therefore; the strict  
36 application of the code will deprive the property owner privileges enjoyed by other properties  
37 within the (R-1) Medium Density Residential zone.

38  
39 a) The subject property is located on an irregular shaped parcel that is narrow along the  
40 street frontage and heavily wooded as you move west up the hill away from the front of  
41 the parcel. In an effort to preserve the existing tree coverage the applicant has identified  
42 one of the few areas that could efficiently support the ground mounted solar accessory  
43 structure.

44  
45 b) The subject property contains a house approved and built prior to the current zoning  
46 setback requirements.

47  
48 2. The issuance of this variance will not constitute a grant of special privilege based on the  
49 following:

50  
51 a. Other properties within this neighborhood and within the (R-1) zoning district have  
52 reduced setbacks that do not comply with current zoning ordinance regulations.

53  
54 3. The granting of this variance will not be detrimental to the surrounding property owners based  
55 on the following:

- 1 a. The granting of this variance will maintain and exceed the required 5-foot side yard
- 2 setback and 5-foot rear yard setback. Therefore, the privacy of the neighbors will not
- 3 be compromised.
- 4 b. As the solar array is proposed, it faces upward to maximize the sun exposure; in
- 5 addition, the proposed location is on a slope above an existing bunker giving the
- 6 accessory structure the appearance of a carport from street view. The neighbor to the
- 7 north is hidden by several mature Oak trees; and the neighbor to the south will not be
- 8 directly affected based on the location of the residences being slightly tucked into the
- 9 hillside.
- 10 c. The proposed variance will not decrease existing parking, thus not intensifying
- 11 existing parking use.
- 12 d. A building permit is required for the addition, ensuring that it will be safely constructed
- 13 and will comply with Building and Fire Code requirements.
- 14
- 15 4. The proposed project is exempt from the provisions of CEQA pursuant to CEQA
- 16 Guidelines Section 15305, Class 5(a) minor alterations in land use limitations based on
- 17 the following.
- 18
- 19 a. The project involves minor alterations in land use limitations which do not result
- 20 in the creation of any new parcels; specifically, this project involves a variance
- 21 from front yard setbacks.
- 22 b. The project is not located within an environmentally sensitive area in that the site
- 23 is located in an established residential neighborhood.
- 24 c. No water courses, wildlife, wildlife habitat, floodway or flood plain or other
- 25 environmentally sensitive areas are affected by the proposed project.

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27 **Attachment 2**

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31 **DRAFT VARIANCE FINDINGS TO ALLOW THE REDUCTION IN A FRONT YARD SETBACK**

32 **FROM 30 FEET TO 10 FEET TO ALLOW FOR THE ADDITION OF A 20 X 30- FOOT GROUND**

33 **MOUNTED SOLAR ARRAY ACCESSORY STRUCTURE WITHIN THE**

34 **(R-1) SINGLE-FAMILY RESIDENTIAL ZONE**

35

- 36 1. Variance approval is granted for a 10 feet front yard setback. This is the result of a
- 37 ground mounted solar array accessory structure as shown on the plans submitted to the
- 38 Community Development and Planning Department and date stamped August 26, 2016.
- 39
- 40 2. Except as otherwise specifically noted, this variance shall be granted only for the specific
- 41 purposes stated in the action approving the variance and shall not be construed as
- 42 eliminating or modifying any building, use, zoning or other requirements except as to
- 43 such specific purposes.
- 44
- 45 3. This approved variance may be revoked through the City's revocation process if the
- 46 approved project related to the Permit is not being conducted in compliance with the
- 47 stipulations and conditions of approval; or if the project is not established within two years

1 of the effective date of approval; or if the established and use for which the permit was  
2 granted has ceased or has been suspended for twenty-four (24) consecutive months.

- 3  
4 4. On plans submitted for building permit, these conditions of approval shall be included as  
5 notes on the first sheet.

6  
7 From Public Works, Ben Kageyama (707-463-6284)

- 8  
9 5. If the building permit value of work exceeds \$120,000, the existing sanitary sewer lateral  
10 shall be tested in accordance with City of Ukiah Ordinance No. 1105, and repaired or  
11 replaced if required.
- 12 6. If the building permit value is equal to or greater than one-third of the value of the existing  
13 structure, the construction of curb, gutter, and sidewalk, and addition of street trees,  
14 along the subject property street frontage, may be required, pursuant to Section 9181 of  
15 the Ukiah City Code.

16 From Building Official, David Willoughby (707-467-5718)

- 17  
18 7. The applicant must apply for a building permit prior to construction.

19  
20 Standard City Conditions of Approval

- 21  
22 8. No permit or entitlement shall be deemed effective unless and until all fees and charges  
23 applicable to this application and these conditions of approval have been paid in full.
- 24  
25 9. The property owner shall obtain and maintain any permit or approval required by law,  
26 regulation, specification or ordinance of the City of Ukiah and other Local, State, or  
27 Federal agencies as applicable. All construction shall comply with all fire, building,  
28 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect  
29 at the time the Building Permit is approved and issued.
- 30  
31 10. This approval is contingent upon agreement of the applicant and property owner and their  
32 agents, successors and heirs to defend, indemnify, release and hold harmless the City,  
33 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.
- 43  
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