

**Minutes
Zoning Administrator Meeting
October 8, 2015**

Staff Present

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

Others Present

**Jeff Gustafson
Howie Hawkes**

1. CALL TO ORDER

Zoning Administrator Stump called the meeting to order at 11:00 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 September 03, 2015 and September 29, 2015 meetings are included for review and approval.

Zoning Administrator Stump approved the September 03, 2015 and September 29, 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 with the City Clerk is Monday, October 19, 2015 at 5:00 p.m.

6. VERIFICATION OF NOTICE

Planning staff verified the proposed Ukiah Valley Medical Center Minor Use Permit File No.: 1294-UP_ZA and Cannon Residence Minor Variance Side-Yard Set Backs File No.: 1234 VAR-ZA were properly noticed in accordance with the provisions of the UMC.

7. PUBLIC HEARINGS

7A. Ukiah Valley Medical Center Minor Use Permit; 326 East Perkins, APN 002-160-08 File No.: 1294-UP-ZA: Request for Zoning Administrator approval of a Minor Use Permit to allow a temporary gravel parking lot for staff during the emergency and intensive care unit construction project; access to the parking lot from an existing parking lot to the east. The proposed 37 space parking lot would be open 7 days a week, 24 hours a day.

Assistant Planner Johnson:

- Gave a staff report as provided for on pages 1-5 of the staff report that includes a project description and staff analysis related to consistency with goal/policies of the Ukiah General Plan.
- Attachment 3 of the staff report specifically outlines the scope of the project that is located on an undeveloped lot.
- Attachment 4 shows the site design for the proposed project.
- The general land use designation is Commercial (C) and the proposed project is located within the boundaries of the DZC that allows for temporary parking lots with approval of a use permit.
- Specifically addressed Conditions of Approval numbers 3, 4 and 5 in attachment 2 and Findings 3a and 4b in attachment 1 for purposes of clarification.

- 1 • Staff received no public comments other than an inquiry from a medical office located to
2 the west of the proposed project asking about the existing building on the site and
3 access.
4 • Staff recommends the Zoning Administrator approve the proposed project based on the
5 Findings in Attachment 1 of the staff report and subject to the Conditions of Approval in
6 Attachment 2 of the staff report.
7

8 **Zoning Administrator Stump:**

- 9 • Referred to page 1 of the staff report relevant to the photo of the lot and requested
10 clarification/confirmation the lot is not vacant and that there is an existing structure on the
11 site.
12 • Requested clarification the proposed project is located in the DZC area and noted page 2
13 of staff report regarding the zoning designation discussion is incorrect.
14

15 **Assistant Planner Johnson:**

- 16 • Confirmed the lot is not vacant and there is an existing structure and added the proposed
17 temporary parking lot will not affect this particular building and/or its function thereof.
18 • Confirmed the proposed temporary parking lot is located in the DZC and for purposes of
19 clarification noted the documented Community Commercial (C1) zoning designation as
20 shown on the map on page 2 of the staff report is incorrect. As such, associated Finding
21 #3 in attachment 1 is correctly written, that the proposed project, as conditioned, is
22 consistent with the Downtown Zoning Ordinance.
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24 **PUBLIC HEARING OPENED: 11:12 a.m.**
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26 **Jeff Gustafson, UVMC, Applicant's Representative:**

- 27 • Has reviewed the staff report and corresponding project findings and conditions of
28 approval.
29 • Since the time UVMC submitted the formal use permit application, Valley Paving
30 conducted an analysis of the subject property where the intent is to seek the maximum
31 number of parking spaces that can be developed on the site. It was determined the lot
32 can accommodate up to 72 parking spaces as opposed to 37 parking space as originally
33 proposed and would like to modify the project in this regard.
34

35 **Zoning Administrator Stump:**

- 36 • Asked about the expansion and whether or not it would go beyond the boundary lines of
37 the parcel.
38

39 **Jeff Gustafson:**

- 40 • Confirmed the expansion would fit within the footprint parameters of the site and in
41 compliance with City zoning standards.
42 • Related to the proposed paved walkways, discussed the location, noted they would be
43 ADA compliant and asked if concrete is an acceptable material for the sidewalks as
44 opposed to paved.
45 • Related to Condition of Approval #4 concerning the use of a dust suppressant during
46 construction noted a dust suppressant is water soluble so during the winter months this is
47 not recommended to be applied because this creates a muddy condition. Added, Valley
48 Paving is currently working out the details on the associated cost for the project. It may
49 be about the same cost to put a two-inch layer of asphalt paving down as opposed to
50 bring in gravel and compacting it, which would minimize the amount of sedimentary runoff
51 as the lot has a one percent slope from the UVMC surgery center south to Perkins Street.
52 While this would not represent a large amount of runoff, it would on heavy rainy days.
53 Since the project is temporary in nature with limitations, the more cost effective approach
54 might be to use a two-inch layer of asphalt paving and asked if this approach is

1 acceptable. Further asked about having to create a 'sedimentary collection pool' near
2 Perkins Street.

3
4 **Zoning Administrator Stump:**

- 5 • The proposed expansion to a maximum 72 parking stalls is required to comply with the
6 DZC development standards for temporary parking lots and should not be a problem.
- 7 • The use of concrete for the sidewalks would be in substantial conformance with the
8 proposed project conditions of approval.
- 9 • Requested clarification the applicant desires to use a thin two-inch layer of asphalt paving
10 as opposed to use of gravel.

11
12 **Jeff Gustafson:**

- 13 • It may be the costs are about the same for the two types of paving applications but would
14 like to reserve the flexibility to choose once the cost figures for the paving options are
15 available.
- 16 • Asked about the different between a minor use permit versus a major use permit.

17
18 **Zoning Administrator Stump:**

- 19 • The aforementioned suggestion is essentially a 'red flag' for him because the City Public
20 Works Department has already reviewed the initial proposal as it relates to drainage
21 and/or other relevant issues. Use of gravel that is compacted for the paving was the
22 accepted approach as opposed to using a thin layer of asphalt particularly if there is a
23 drainage issue where some sort of storm water retention infrastructure is required. In
24 the opinion, the proposed recommendation would be a significant change to what was
25 initially proposed for paving of the parking lot.
- 26 • If it turns out the alternative paving methodology being proposed/considered by the
27 applicant is a cost savings, the project can be amended.
- 28 • Explained the zoning Administrator reviews/approves minor use permits while the
29 Planning Commission reviews/approves major use permits and noted the latter is a more
30 complicated and a time consuming process.

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32 **PUBLIC HEARING CLOSED: 11:18 a.m.**

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34 **Zoning Administrator Stump:**

- 35 • Has visited the site.
- 36 • Agrees with staff's project findings and conditions of approval.
- 37 • The proposed project is important and will serve to temporarily assist with the operational
38 needs of the UVMC.
- 39 • Modified Condition of Approval #1 to reflect 72 parking spaces as opposed to 27.

40
41 **Zoning Administrator Stump** approved Ukiah Valley Medical Center Minor Use Permit,
42 File No.: 1294-UP-ZA based on the Site Development Permit Findings in Attachment 1 of the staff
43 report and the Conditions of Approval in attachment 2 of the staff report with modification to
44 Condition of Approval #1 as discussed above.

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46 **ATTACHMENT 1**

47
48 **FINAL FINDINGS – USE FINDINGS**

49
50 **MINOR USE PERMIT**
51 **TO ALLOW UVMC A TEMPORARY PARKING LOT FOR STAFF**
52 **326 PERKINS STREET, APN 002-160-08**
53 **FILE NO.: 1294-UP-ZA**
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1. The following findings are supported by and based on information contained in this staff report, the application materials and documentation, and the public record.
2. The proposed project is consistent with the General Plan as described in the General Plan goals regarding circulation and transportation.
3. The proposed project, as conditioned, is consistent with the Downtown Zoning Ordinance. The project approved with conditions is compatible with surrounding uses based on the following:
 - A. The Project is temporary in nature and would provide adequate staff parking during UVMC Project construction; parking is to cease once construction of the Project has been completed or a maximum of three years as is required in draft conditions of approval #5.
 - B. The site is located in an area that is primarily developed with the UVMC and medical office uses. The use is consistent with the existing use of the site and surrounding uses on the west side of Hospital Drive.
4. The project will not be detrimental to the public's health , safety and general welfare based on the following:
 - A. Through the use permit the operational characteristics will be regulated, therefore the project would not be detrimental to the surrounding uses;
 - B. The temporary parking lot for staff would be required to comply with City requirements and a condition of approval #4 has been applied to the Project requiring the parking lot to be treated to suppress dust;
 - C. The temporary parking lot for staff would be required to comply condition of approval #5 requiring the temporary parking lot use cease once construction of the Project has been completed or a maximum of three years; whichever comes first;
 - D. The Project has been reviewed by the Public Works Department and as if this report; no comments had been received;
 - E. The project is required to comply with all federal , state and local laws;
 - F. The project is consistent with the Airport Master Plan B2 compatibility zone requirements.
5. The proposed project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15311 Class 11, construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to: (b) Small parking lots.
 - A. No buildings are proposed for construction;
 - B. The temporary parking lot does not use hazardous materials;
 - C. The site is undeveloped, public utilities and services already are available at the site and the nature of the project is temporary;

- D. The Project is consistent with the Commercial general plan designation and all applicable general plan policies as well as with the Downtown Zoning designation and regulations;
 - E. Based on review of the project by Public Works, the site can be adequately served by all required utilities and public services;
 - F. The site and surrounding area are not environmentally sensitive. The Project is temporary in nature. There are no wetlands, creeks, or water bodies on the site.
6. 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 September 28, 2015;
 - B. Mailed to property owners within 300 feet of the project site on September 28, 2015; and
 - C. Published in the Ukiah Daily Journal on September 27, 2015.

ATTACHMENT 2

FINAL CONDITIONS OF APPROVAL

**MINOR USE PERMIT
TO ALLOW UVMC A TEMPORARY PARKING LOT FOR STAFF
326 PERKINS STREET, APN 002-160-08
FILE NO.: 1294-UP-ZA2**

1. Use Permit approval is granted for a temporary parking lot with thirty seven (72) staff vehicle spaces; chain link perimeter security fence; and a paved walkway connecting the proposed temporary parking lot with the Outpatient Pavilion; as shown on the plans and as described in the project description submitted to the Planning and Community Development Department and date stamped September 25, 2015 except as modified by the following conditions of approval.
2. On the plans submitted for building permit, these conditions of approval shall be included as notes on the first sheet.
3. Construction hours are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. Construction is prohibited on Sundays and holidays recognized by the City of Ukiah.
4. While in use for temporary employee parking, the parcel (APN 002-193-15) used for temporary employee parking shall be treated with a dust suppressant as needed to control dust and to prevent the tracking of dirt/dust out onto paved roads;
5. The temporary parking lot use for staff shall cease once construction of the Project has been completed or a maximum of three years; whichever comes first.

Standard City Conditions of Approval

6. This approval is not effective until the 10 day appeal period applicable to this Use Permit has expired without the filing of a timely appeal. If a timely appeal is filed, the project is

1 subject to the outcome of the appeal and shall be revised as necessary to comply with
2 any modifications, conditions, or requirements that were imposed as part of the appeal.
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4 7. The property owner shall obtain and maintain any permit or approval required by law,
5 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
6 Federal agencies as applicable. All construction shall comply with all fire, building,
7 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
8 at the time the Building Permit is approved and issued.
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10 8. All conditions of approval that do not contain specific completion periods shall be
11 completed prior to building permit final.
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13 9. Building, Grading or other required Permits shall be issued within two years after the
14 effective date of the Use Permit, or the discretionary actions granted by the permit shall
15 expire. In the event the required Permits cannot be issued within the stipulated period
16 from the project approval date, a one year extension may be granted by the Director of
17 Planning if no new circumstances affect the project which otherwise would render the
18 original approval inappropriate or illegal. It is the applicant's responsibility in such cases
19 to propose the one-year extension to the Planning Department prior to the two-year
20 expiration date.
21

22 10. Except as otherwise specifically noted, the Use Permit shall be granted only for the
23 specific purposes stated in the action approving the Use Permit and shall not be
24 construed as eliminating or modifying any building, use, or zone requirements except to
25 such specific purposes.
26

27 11. The approved Use Permit may be revoked through the City's revocation process if the
28 approved project related to the Use Permit is not being conducted in compliance with the
29 stipulations and conditions of approval; or if the project is not established within two years
30 of the effective date of approval; or if the established land use for which the permit was
31 granted has ceased or has been suspended for twenty four (24) consecutive months.
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33 12. No permit or entitlement shall be deemed effective unless and until all fees and charges
34 applicable to this application and these conditions of approval have been paid in full.
35

36 13. This approval is contingent upon agreement of the applicant and property owner and
37 their agents, successors and heirs to defend, indemnify, release and hold harmless the
38 City, its agents, officers, attorneys, employees, boards and commissions from any claim,
39 action or proceeding brought against any of the foregoing individuals or entities, the
40 purpose of which is to attack, set aside, void or annul the approval of this application.
41 This indemnification shall include, but not be limited to, damages, costs, expenses,
42 attorney fees or expert witness fees that may be asserted by any person or entity,
43 including the applicant, arising out of or in connection with the City's action on this
44 application, whether or not there is concurrent passive or active negligence on the part of
45 the City. If, for any reason any portion of this indemnification agreement is held to be void
46 or unenforceable by a court of competent jurisdiction, the remainder of the agreement
47 shall remain in full force and effect.
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49 **7B. Cannon Residence Minor Variance Side-Yard Set Backs;** 598 Park Boulevard, APN
50 001-130-15 File No.: 1234 VAR_ZA: Request for Zoning Administrator approval of a
51 Minor Variance to allow encroachment into the side-yard setback for a proposed house
52 addition.
53

54 **Zoning Administrator Stump:**

- 55 • The only persons present are the applicant's representative/staff and dispensed with a
56 staff report.

- Unlike other properties in the Hillside zoning district, the subject property is relatively level.
- Agrees with staff's finding that this property has unique physical characteristics and warrants the consideration of a variance. A 15-foot side-yard setback would be consistent with other setbacks in the area but requiring 30-foot side-yard setbacks for the development would be overly burdensome on this particular property because it is level compared to the other steep properties in the neighborhood having the same zoning designation. The proposed project does not meet the criteria for a parcel located in the Hillside zoning district. As such, it may be the City will take a closer look at this issue.

Principle Planner Thompson:

- Confirmed no public comments have been received by staff concerning the proposed project.

PUBLIC HEARING OPENED: 11:25 a.m.

Howie Hawkes, Contractor and Applicant's Representative:

- Has reviewed the staff report and is fine with the proposed project findings and conditions of approval.

PUBLIC HEARING CLOSED: 11:28 a.m.

Zoning Administrator Stump:

- Has visited and is familiar with the site.
- Likes the project and is of the opinion it will serve a useful purpose for the applicant.

Zoning Administrator Stump approved the Cannon Residence Minor Variance Side-Yard Set Backs, File No.: 1234 VAR-ZA based on the Site Development Permit Findings in Attachment 1 of the staff report and the Conditions of Approval in attachment 2 of the staff report.

Attachment 1

FINAL VARIANCE FINDINGS TO ALLOW A 15 FOOT SIDE YARD SETBACK REDUCTION FOR A HOME ADDITION WITHIN THE (H) HILLSIDE ZONE

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

1. The following special circumstances apply to the subject property; therefore the strict application of the code will deprive the property owner privileges enjoyed by other properties within the H Hillside zone.

- a. The subject site although zoned Hillside, does not contain the characteristics of other parcels zoned Hillside e.g. steep slopes, containing large forested areas, natural rock outcroppings, or areas of runoff or soil erosion.
- b. The subject property contains a house it was approved and built prior to the current zoning setback requirements of the Hillside District. Therefore if the property owner is held to the current regulations he would not be able to enlarge his house as other property owners within this district have been able to do.

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

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- a. Other properties within this neighborhood and within the H zoning district have reduced setbacks that do not comply with current zoning ordinance regulations.

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

- a. The proposed addition will improve the structure's appearance.
- b. The granting of this variance will still maintain a 15 foot setback. Therefore the privacy of the neighbors will not be compromised.
- c. The proposed variance will increase covered parking for the site, thus not intensifying existing parking use.
- d. A building permit is required for the addition, ensuring that it will be safely constructed and will comply with Building and Fire Code requirements.

4. The proposed project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15305, Class 5(a) minor alterations in land use limitations based on the following.

- a. The project involves minor alterations in land use limitations which do not result in the creation of any new parcels; specifically this project involves a variance from side yard setbacks.
- b. The project is not located within an environmentally sensitive area in that the site is located on an arterial street and in an urban area that includes a variety of commercial businesses. The site is developed with a building that has historically been 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.

Attachment 2

FINAL VARIANCE CONDITIONS OF APPROVAL TO ALLOW A 15 FOOT SIDE YARD SETBACK FOR A HOME ADDITION WITHIN THE (H) HILLSIDE RESIDENTIAL ZONE

1. Variance approval is granted for a 15-foot front side-yard setback. This is the result of a home addition as shown on the plans submitted to the Community Development and Planning Department and date stamped September 17, 2015.
2. This approval shall be null and void unless the California Environmental Quality Act/Fish and Game filing fee of \$50 payable to Mendocino County is filed with the City of Ukiah Planning and Community Development Department within five (5) days of this approval.
3. Except as otherwise specifically noted, this variance shall be granted only for the specific purposes stated in the action approving the variance and shall not be construed as eliminating or modifying any building, use, zoning or other requirements except as to such specific purposes.

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2 4. This approved variance may be revoked through the City's revocation process if the
3 approved project related to the Permit is not being conducted in compliance with the
4 stipulations and conditions of approval; or if the project is not established within two years
5 of the effective date of approval; or if the established and use for which the permit was
6 granted has ceased or has been suspended for twenty-four (24) consecutive months.
7
8 5. On plans submitted for building permit, these conditions of approval shall be included as
9 notes on the first sheet.

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

- 12
13 6. The applicant must apply for a building permit prior to construction.
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15 Standard City Conditions of Approval

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17 7. No permit or entitlement shall be deemed effective unless and until all fees and charges
18 applicable to this application and these conditions of approval have been paid in full.
19
20 8. The property owner shall obtain and maintain any permit or approval required by law,
21 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
22 Federal agencies as applicable. All construction shall comply with all fire, building,
23 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
24 at the time the Building Permit is approved and issued.
25
26 9. This approval is contingent upon agreement of the applicant and property owner and their
27 agents, successors and heirs to defend, indemnify, release and hold harmless the City,
28 its agents, officers, attorneys, employees, boards and commissions from any claim,
29 action or proceeding brought against any of the foregoing individuals or entities, the
30 purpose of which is to attack, set aside, void or annul the approval of this application.
31 This indemnification shall include, but not be limited to, damages, costs, expenses,
32 attorney fees or expert witness fees that may be asserted by any person or entity,
33 including the applicant, arising out of or in connection with the City's action on this
34 application, whether or not there is concurrent passive or active negligence on the part of
35 the City. If, for any reason any portion of this indemnification agreement is held to be void
36 or unenforceable by a court of competent jurisdiction, the remainder of the agreement
37 shall remain in full force and effect.
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39 **8. ADJOURNMENT**

40 There being no further business, the meeting was adjourned at 11:32 a.m.

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42 _____
Cathy Elawadly, Recording Secretary