Minutes  
Zoning Administrator Meeting  
November 19, 2015

Staff Present  
Charley Stump, Zoning Administrator  
Michelle Johnson, Assistant Planner  
Cathy Elawadly, Recording Secretary

Others Present  
Cynthia Crook  
Bruce Crook  
Zack Schat  
Matt Bogner

1. CALL TO ORDER  
Zoning Administrator Stump called the meeting to order at 11:04 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 visit.

3. APPROVAL OF MINUTES  
The minutes from the October 08, 2015 meeting are included for review and approval.  

Zoning Administrator Stump approved the October 08, 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 Friday, December 4, 2015 at 5:00 p.m.

6. VERIFICATION OF NOTICE  
Planning staff verified the proposed World Gym #2 File No.: 1368-UP-ZA was properly noticed in accordance with the provisions of the UMC.

7. PUBLIC HEARINGS  
7A. World Gym #2 at 590 South School Street; APN 002-271-16; (File No.: 1368-UP-ZA):

Assistant Planner Johnson gave a project presentation as provided for on pages 1-10 of the staff report and noted:
- The proposed changes to the project include: 1) new exterior paint; 2) striped parking; 3) replacing the existing landscaping on the Mill Street frontage; 4) new signage.
- The project is located in the Neighborhood Commercial (CN) zoning district that states all commercial land uses are limited in hours of operation from 7:00 a.m. to 6:00 p.m., except where the Planning Commission approves alternative hours through the discretionary permit review process. However, since the project is a minor use permit the Zoning Administrator would make this determination.
- The project does not meet the 20% live planting coverage requirement or the 50% shade coverage requirement for parking lots by providing for one tree for every four parking spaces. Staff has made landscaping recommendations regarding potential landscaping opportunities as provided for in staff analysis and the project findings and conditions of approval.
- Staff is recommending approval of the proposed satellite gym to the existing World Gym located on Main Street based on the draft findings in attachment 1 and subject to the draft conditions of approval in attachment 2.

PUBLIC HEARING OPENED: 11:10 a.m.
Zoning Administrator Stump:
- Finding 5(H) states a small number of customers are anticipated after hours with regard to the 24-hour operation and asked about the number of customers anticipated.
- Asked about the number of customers that typically come in the morning.
- Related to the issue of noise, asked the applicant about his assessment of the building. It appears to be well insulated. Inquired whether the new gym will have exercise classes because such classes do generate noise.

Cynthia Crook:
- Owns property adjacent to the subject property to the north.
- Related to the issue of noise, asked if the proposed gym business includes a ‘Cross-fit’ emphasizes.
- Asked about the number of parking spaces and how many of the parking spaces will be used by staff.

Bruce Crook:
- Expressed concern about possible overflow parking onto his property located to the north.

Matt Bogner:
- Has reviewed the staff report and has no questions/comments/concerns in this regard.
- Estimates based on what occurs at the World Gym on Main Street that at any given time there will be a few customers that come to the gym from 10:00 p.m. to 11:00 p.m. Has observed no customers are in the gym from the hours of midnight to 4:00 a.m. Customers typically come to the gym at 9:00 a.m. and stay to about 11:00 a.m. Noted on a ‘high capacity’ night there are typically no more than 10 or so customers and on an average night five persons would be in attendance.
- Approximately 20 persons come to the World Gym during the morning hours beginning at 5:00 a.m., but this would depend on the type of morning.
- Confirmed the new gym will have no exercise classes. The existing building was constructed as a ‘tilt-up’ building with a six to eight-inch concrete block wall. In terms of noise, would not likely hear anything on the exterior and the type of activities that occur inside do not generate noise. Most of the applicant’s business model revolves around machine-based equipment and/or known in the gym business as ‘main-stream machinery’ that creates a much ‘mellower’ environment than what a ‘gym’ typically once was.
- If there were to be a congregation of 15 to 20 people for one particular activity, this would not occur in late night hours but rather during normal business hours.
- Refers to his gym as a ‘functional training’ facility and is not of a ‘Cross Fit’ design and explained how so. A Cross Fit gym design is ‘machined defined’ whereas a functional training gym is ‘user defined’ and explained how so. Cross-fit is not his business model.
- Confirmed the number of on-site parking spaces is 23 of which one space will be reserved for staff. Notes one of his employees rides a skateboard to work.
- One benefit to having the gym located in the Downtown area is to encourage bicycle/walkability. Many of his clients live on the west side of Ukiah with the opportunity for them bicycle/walk to the gym. Another benefit is after a workout, there is the likelihood his clients will walk/bicycle to the Downtown to dine or shop, thus contributing to a more vibrant community by living healthier.
- Will do his best to discourage his customers from parking in Mr. Cook’s parking lot and noted his site has more than ample parking accommodations, including on-street parking accommodations.

Zoning Administrator Stump:
- Related to the matter of landscaping asked staff to elaborate on the proposed landscaping improvements.
Assistant Planner Johnson:
- The Ukiah Police Department has recommended modifications to the existing landscaping to improve visibility for safety purposes as provided for attachment 6 of the staff report.
- The proposed project does not comply with the City’s 50% shade requirement for parking lots such that there is a landscaping opportunity to remove the Oleanders on Oak Street and plant six trees from the City’s approved street tree list which would bring the project closer to consistency with the 50% shade coverage requirement for parking lots as well as provide shade to the building. There are currently no parking lot trees and based on the required 23 vehicle parking and the design of the existing parking lot there is little opportunity to place a tree between every four parking stalls. Therefore, the applicant is requesting an exception to the 50% tree shade coverage requirement for parking lots. Referred to attachment 4 regarding the landscaping and noted the applicant proposes to plant Black Adder Phormium and Festuca Mairei - Atlas Fescue (grass) in the existing landscaping strip along the Oak and corner of Mill Street frontages. The planting of the six trees would offset the one tree for every four parking spaces within the parking lot and provide shade for the parking lot and west building exposure. With the aforementioned proposed landscaping and the landscaping the applicant proposes for the Mill Street frontage (See attachment 4), this would be a good opportunity to increase the 20% live plantings in those areas and the aesthetics of the site.

Zoning Administrator Stump:
- Requested clarification staff is recommending removal of the Oleanders and replace with trees and shrubs.
- Asked if the applicant was amenable to the proposed landscaping?
- Asked if planting a tree on Mill Street is a consideration?

Assistant Planner Johnson:
- Confirmed the aforementioned inquiry regarding removal of the Oleanders and replace with trees and shrubs.
- Acknowledged there is the opportunity to plant a tree in the existing empty tree well on the Mill Street frontage with a tree from the approved City street tree list and consulted with Public Works Department about whether or not it would be too close to the egress to the building. Public Works determined a tree would work well in this location. There is also a vacant landscaping island in the front of the building on School Street where there is the opportunity to plant trees or other landscaping.

Matt Bogner:
- Is fine with the proposed landscaping. Would like the landscaping to complement that which exists in the downtown.

Zoning Administrator Stump:
- Is fine with removal of the Oleanders and landscaping replacement that allow for increased visibility from the street.
- Is not supportive of requiring the applicant plant street trees in the public right-of-way and will leave this to the discretion of the applicant. Zoning Administrator Stump referenced the Public Works condition of approval requiring street trees if a certain financial threshold is reached for the project.
- The two large Redwood trees in front of the building on School Street are located on City property and have nothing to do with this project or property.

PUBLIC HEARING CLOSED: 11:19 a.m.

Zoning Administrator Stump:
- Has visited the site.
The project is a great project in that it is a reuse of an existing building in the Downtown area.

The new satellite gym will bring more people closer to the Downtown such that after a workout people can visit the Downtown.

The use and location is an ideal for persons to walk or bicycle to the facility.

The gym facility is a use that will not generate noise or light impacts.

Not necessary for applicant to replant empty tree well on Mill Street or in vacant landscaping island in the front of the building on School Street. Applicant has the option in this regard, unless the Department of Public Works requires street trees per the Ukiah City Code.

Revised Condition of Approval #3 to read:
Applicant shall submit a Final Landscape Plan to the Director of Planning for review and which must be approved prior to issuance of the Building Permit. The Final Landscape Plan shall address the issues raised in the staff report regarding the inconsistencies with the 50% shade requirement; 4 trees for every one parking space in parking lots with 12 or more vehicle parking spaces, and the 20% required live plantings. Applicant shall submit a Final Landscape Plan to the Director of Planning for review and which must be approved prior to issuance of the Building Permit. The Final Landscape Plan shall address the issues raised in the staff report regarding the inconsistencies with the 50% shade requirement; 4 trees for every one parking space in parking lots with 12 or more vehicle parking spaces, and the 20% required live plantings. The landscaping shall reflect the approval made by the Zoning Administrator on November 19, 2015 that includes the following:

a) Removal of the oleanders on Oak Street and plant 6 trees from the approved street tree list and Black Adder Phormium and Festuca Mairei (similar to what the applicant has proposed on Mill Street) in the existing landscaping strip along the Oak and corner of Mill Street frontages; this would offset the (1) One tree; for every (4) four parking spaces within the parking lot; and provide shade for the parking lot & west building exposures;

Added new Condition of Approval #16 to read:
The project site is located within the B-2 Infill zone (Extended Approach-Departure Zone) on the Airport Compatibility Zone Map and is subject to moderate risks and frequent noise intrusions from aircraft. A maximum density is 43 people is permitted at one time.

Zoning Administrator Stump approved World Gym #2 File No.: 1368-UP-ZA based on the Site Development Permit Findings in Attachment 1 of the staff report and the Conditions of Approval in attachment 2 in the staff report with modification to Condition of Approval #3 and the addition of Condition of Approval #16.

8. ADJOURNMENT
There being no further business, the meeting was adjourned at 11:22 a.m.

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

1. The proposed project, as conditioned, is consistent with the goals and policies of the General Plan as described in Table 1 of the staff report.

2. The proposed project, as conditioned, is consistent with the Zoning 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 the (CN) Neighborhood Commercial zoning district based on the following:
   A. With an approved use permit the proposed project that includes personal services establishment is a permitted use within the (CN) Neighborhood Commercial zoning district.
   B. The proposed project meets the parking requirements of the zoning code in that 23 vehicle parking spaces and two bicycle parking spaces are required for the proposed personal services establishment use.
   C. The existing parking lot has no trees; and does not meet the required 50% shade requirement. There is an opportunity to increase the shade coverage in the existing landscape strip along Oak Street. Based on the site visit staff has identified three locations that provide opportunities to bring the project closer to conformance with the following landscaping requirements for Neighborhood Commercial Zoning Ordinance 9068 Additional Requirements.
      a) Removal of the oleanders on Oak Street and plant 6 trees from the approved street tree list and Black Adder Phormium and Festuca Mairei (similar to what the applicant has proposed on Mill Street) in the existing landscaping strip along the Oak and corner of Mill Street frontages; this would offset the (1) One tree; for every (4) four parking spaces within the parking lot; and provide shade for the parking lot & west building exposures;
      b) replant existing empty tree well on the Mill Street frontage with tree from approved street; next to the entrance to the parking lot (see attachment 5; photos); and

4. The proposed project, as conditioned, is consistent with the Airport Compatibility requirements for the B2 Infill zone based on the following:
   A. The proposed project would be a personal services establishment and would provide a 24-hour exercise gym facility acting as a satellite gym to the existing World Gym on Main Street. This use is consistent with low intensity retail uses which are allowed in the B2 zone.
   B. The B2 airport zone allows 90 people per acre therefore, given that the site is .48 of an acre the maximum density cannot exceed 43 people (.48 acre site X 90 people/acre).
C. The applicant stated the “Personal Improvement” gym or health club use would have a maximum of 43 persons at peak hour; and 1 employee during staff hours. The total density at one given time would be 43 people.

D. The size of the parcel is 21,070 square feet (.48 acre). The footprint of the commercial building is 7,910 square feet which leaves 62% of open land for this parcel which is greater than the recommended minimum.

5. The proposed project, as conditioned, is compatible with surrounding land uses and shall not be detrimental to the public’s health, safety and general welfare based on the following:
   A. Surrounding uses to the project site include a variety of office commercial/retail and residential uses all of which would be compatible with the proposed Personal Service Establishment Use.
   B. The proposed project site is 21,070 square feet and is developed with a 7,910 square feet commercial building. The building was established in 1969 and has been operated under the Ukiah Daily Journal for the last 47 years. The proposed project would not change or intensify the existing commercial use. The proposed personal services establishment use would not negatively impact the surrounding commercial and residential uses because the proposed use is low intensity and would not result in excessive noise.
   C. The proposed personal service establishment use would be less intensive than many of the allowed or permitted uses in the surrounding Community Commercial (C1) zone such as auto repair; movie theatre and convenience stores.
   D. There are 23 existing onsite vehicle parking spaces; and 23 vehicle parking spaces are required to serve the total personal services establishment uses.
   E. The project has been reviewed by the Fire Marshal, Building Official, with no comments; and the Police and Public Works Department comments are attached.
   F. The project is required to comply with all federal, state and local laws.
   G. The proposed hours of operation are compatible with the existing surrounding uses.
   H. Staff hours would include Monday-Friday 7:00 a.m. to 7:00 p.m.; and Saturday and Sundays 9:00 a.m. to 2:00 p.m. Similar to the existing World Gym on Main Street the proposed project would also have 24-hour key card access. Given the small number of customers anticipated after hours, the impact of 24 hours operation is viewed as negligible and will not be incompatible with the surrounding neighborhood.
   I. The project promotes the public health, safety, and welfare by providing a new local business so that residents do not have to travel out of town for these items or services.

The proposed project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities, which allows additions to existing building and installation of replacement signage; and Section 15303 Class 3(c), Conversion of existing small structures from one use to anther provided the building does not exceed 10,000 square feet based on the following.

- the building square footage is 7,910 square feet;
- the business does not use any amounts of hazardous materials;
• the site is developed with existing buildings, public utilities and services already
  available at the site and no expansion of the existing buildings are proposed
  as part of the project; and
• The location is not environmentally sensitive and no drainage courses or bodies
  of water (such as creeks or streams).

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 November 05, 2015;
B. mailed to property owners within 300 feet of the project site on November 05,
  2015; and

ATTACHMENT 2

FINAL USE PERMIT CONDITIONS OF APPROVAL
TO ALLOW A PERSONAL SERVICE ESTABLISHMENT
IN AN EXISTING 7,910 SQUARE FOOT COMMERCIAL BUILDING
WITHIN THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT
590 SOUTH SCHOOL STREET, APN 002-271-16
FILE NO. 1368

1. Approval is granted for the operation of a personal service establishment at 590 South
   School Street based on the project description submitted to the Planning and Community
   Development Department and as shown in Site Plans date stamped November 02, 2015;
   and the revised Project Description; Landscaping Plan; and Sign Plan date stamped
   November 09, 2015.

2. This Use Permit is granted subject to the following operating characteristic:

   A. Staff hours would include Monday-Friday 7:00 a.m. to 7:00 p.m.; and
   Saturday and Sundays 9:00 a.m. to 2:00 p.m.; and include 24-hour key card
   access.

3. Applicant shall submit a Final Landscape Plan to the Director of Planning for review and
   which must be approved prior to issuance of the Building Permit. The Final Landscape
   Plan shall address the issues raised in the staff report regarding the inconsistencies with
   the 50% shade requirement; 4 trees for every one parking space in parking lots with 12 or
   more vehicle parking spaces, and the 20% required live plantings. Applicant shall submit
   a Final Landscape Plan to the Director of Planning for review and which must be
   approved prior to issuance of the Building Permit. The Final Landscape Plan shall
   address the issues raised in the staff report regarding the inconsistencies with the 50%
   shade requirement; 4 trees for every one parking space in parking lots with 12 or more
   vehicle parking spaces, and the 20% required live plantings. The landscaping shall
   reflect the approval made by the Zoning Administrator on November 19, 2015 that
   includes the following::
a) removal of the oleanders on Oak Street and plant 6 trees from the approved street tree list and Black Adder Phormium and Festuca Mairei (similar to what the applicant has proposed on Mill Street) in the existing landscaping strip along the Oak and corner of Mill Street frontages; this would offset the (1) One tree; for every (4) four parking spaces within the parking lot; and provide shade for the parking lot & west building exposures;

4. The landscaping plans submitted with the building permit shall include an irrigation plan that is consistent with the Cal Green Building Code.

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

6. All proposed outdoor lighting must be downcast, fully shielded and International Dark Sky Association approved or equivalent.

7. 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

8. 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.

9. All required landscaping shall be properly maintained to insure the long-term health and vitality of the plants, shrubs and trees. Proper maintenance means, but is not limited to the following:

   A. Regular slow, deep watering when feasible. The amount of water used shall fluctuate according to the season, i. e., more water in summer, less in the winter.

   B. Additional watering shall occur during long periods of severe heat and drying winds, and reduced watering shall be used during extended periods of cool rainy weather.

   C. Fertilizer shall only being used on trees during planting. Shrubs may receive periodic fertilizer according to the recommendations of a landscaping professional.

   D. Weed killers shall not be used on or near trees.

   E. The tree ties and stakes shall be checked every six months to ensure they do not constrict the trunks and damage the trees.
F. Tree ties and stakes shall be removed after 1 to 3 years to ensure they do not
damage the trunk of the tree and its overall growth.

G. Any tree that dies or is unhealthy due to pests, disease or other factors, including
vandalism, shall be replaced with the same or similar tree species, or an
alternative species approved by the department of Planning and Community
Development.

H. All trees shall be properly pruned as appropriate. No topping cuts shall be
made. All pruning shall follow standard industry methods and techniques to
ensure the health and vitality of the tree.

10. 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.

11. 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.

12. 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.

13. All conditions of approval that do not contain specific completion periods shall be
completed prior to building permit final.

14. 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.

15. 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.
16. The project site is located within the B-2 Infill zone (Extended Approach-Departure Zone) on the Airport Compatibility Zone Map and is subject to moderate risks and frequent noise intrusions from aircraft. A maximum density is 43 people is permitted at one time.

From the Public Works Department (Ben Kageyama 467-5774)

The Department of Public Works has reviewed the above referenced project and offers the following comments for your consideration:

1. If the building permit value is equal to or greater than one-third of the value of the existing structure, the construction, repair or upgrade of curb, gutter, and sidewalk to meet current ADA standards, and addition of street trees, along the subject property street frontages, may be required, pursuant to Section 9181 of the Ukiah City Code.

2. If a building permit value of work exceeds $116,075 (amount adjusted annually), or the proposed improvements create the net addition of two or more plumbing fixture units to a building, the existing sanitary sewer lateral shall be tested in accordance with City of Ukiah Ordinance No. 1105, and repaired or replaced if required.

3. If new plumbing fixtures are proposed, City of Ukiah sewer connection fees shall apply and be paid at the time of building permit issuance.

4. All driveway and parking areas shall be paved with asphaltic concrete, concrete, or other alternative surfacing, subject to approval by the City Engineer.

These comments are applicable to the building permit for the proposed improvements, with further review being performed at the time of building permit application.

From the Police Department (Nancy Sawyer 467-5708)

1. School Street-East side of building
   a) Remove junipers and plant low growing shrubs to limit hiding areas.
   b) The block wall fronting the handicapped access could be opened up to allow visibility from the street to limit hiding areas (suggestion only, as this could be cost prohibitive to the project).

2. Mill Street-South side of building
   a) Remove junipers and plant low growing shrubs to limit hiding areas.
   b) Trim bamboo plants at the base to form a v to allow visibility behind shrub. Keep shrub to 3 feet tall.
3. Oak Street-Westside of building
   a) Trim oleanders down to three feet and trim base to form a v-to allow visibility from street through shrubs.
   b) Check the nighttime lighting to see if any additional lighting might be needed in parking area.

4. General Building
   a) Additional outside lighting should be installed around the perimeter of building where lights are absent.
   b) Use good lighting at all exterior doors and common areas.
   c) Keep all plantings maintained.