

**Minutes  
Zoning Administrator Meeting  
December 10, 2015**

**Staff Present**

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

**Others Present**

Richard Wise  
LaRae Wise  
Lance Peterson  
Mary Lee Davis  
Eugene Davis

**1. CALL TO ORDER**

Zoning Administrator Stump called the meeting to order at 11:08 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 November 19, 2015 meeting are included for review and approval.

Zoning Administrator Stump approved the November 19, 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 21, 2015 at 5:00 p.m.

**6. VERIFICATION OF NOTICE**

Planning staff verified the proposed Wise Garage Conversion File No.: 1389 UP-ZA was properly noticed in accordance with the provisions of the UMC.

**7. PUBLIC HEARINGS**

**7A. Wise Garage Conversion Minor Use Permit 628 Grove Avenue; APN 001-111-17; File No.: 1389 UP-ZA:** An application has been received from Rick Wise for Zoning Administrator approval of a Minor Use Permit to convert the existing garage into a studio unit as a second dwelling on the property behind the main house to be used as a guest house and/or rental. The proposed project includes one vehicle parking space at the rear of the main house access through the alley off of Spring Street. Second dwelling units on parcel developed with a single-family residence are allowed in (R1) Single-Family Residential; however, since the proposed project does not meet the minimum required parking and setback requirements, a Use Permit is required.

**Assistant Planner Johnson:**

- Gave a project presentation as provided for on pages 1–4 of the staff report.
- Is recommending project approval 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.

**Zoning Administrator Stump:**

- The project requires approval from the Zoning Administrator and is categorically exempt from CEQA review and explained why.
- Asked about the size of the proposed accessory building and determined it is 320 sq. ft.

**Assistant Planner Johnson:**

- 1 • The proposed project is a conversion of the existing single-car garage into a studio unit  
2 as a second dwelling on the property behind the main house.  
3 • The proposed project includes one vehicle parking place at the rear of the main house  
4 accessed through the alley off of Spring Street. While second dwelling units on parcels  
5 developed with a single-family residence are allowed in R-1 Single-Family Residential,  
6 the project does not meet the minimum required setback requirements and requires  
7 approval of a Use Permit.  
8

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

10  
11 **Richard Wise, Applicant:**

- 12 • Has reviewed the staff report and is fine with the project Findings and Conditions of  
13 Approval.  
14

15 **Eugene Davis:**

- 16 • Resides next door to the proposed project.  
17 • Has observed the garage structure is located in the setback area.  
18 • Does not support project approval because of the potential for the alley to be blocked.  
19 There is space for one vehicle to park off the alleyway but essentially no more without  
20 blocking the alley. Is concerned about visitors/relatives parking in the alley. If the  
21 alleyway is blocked, he cannot get in or out and this is the only access to his garage.  
22 • Another issue is the person living in the house located on the corner of the alleyway and  
23 Spring Street operates a daycare and has safety concerns about the children with more  
24 cars accessing the alley because these children play in the alley.  
25

26 **Mary Lee Davis:**

- 27 • Would like clarification regarding the parking and what the building will contain since 320  
28 sq. ft. is not very much space, particularly for living.  
29

30 **Richard Wise:**

- 31 • The accessory structure would be used as an efficiency unit for him and wife to stay  
32 when they come to visit their daughter who resides in the main house.  
33

34 **LaRae Wise:**

- 35 • She and her husband purchased the home located at 628 Grove Avenue for their 25-year  
36 old daughter who has multiple disabilities, including intellectual disabilities. Her daughter  
37 will be transitioning from residential care to living in the Grove Avenue home with  
38 supported living services in which caregivers will be taking care of her. As such, the intent  
39 is to remodel the garage for her and her husband to stay when they visit their daughter.  
40 She and her husband reside in Laytonville and can travel to Ukiah to visit without having  
41 to bring her back and forth. She will be centrally located so that she can receive the  
42 services she needs.  
43 • While the proposed studio unit is small it would sufficiently serve the needs of her and her  
44 husband when visiting their daughter so that her daughter has privacy.  
45 • Does not intend to have a lot of company and her daughter does not receive a lot of  
46 company.  
47 • Chose to purchase the home on Grove Avenue because it is a walkable neighborhood  
48 and the City municipal park is located nearby.  
49 • The home was not purchased as an investment to rent out randomly but rather  
50 purchased for her daughter.  
51 • The studio building will have a bed, small couch, tiny kitchenette, a small bathroom and  
52 will not be used for fulltime living. The studio will function more like a guest house.  
53

54 **Mary Lee Wise:**

- 55 • Asked about whether the applicant's daughter would have a caregiver.

1 **LaRae Wise:**

- 2 • Confirmed her daughter does have caregivers on a daily basis. Her daughter needs  
3 assistance 24 hours a day and cannot be left alone. Her daughter attends a day program  
4 and comes home in the evening. The caregivers that come to the house to help with her  
5 daughter's daily activities/self-living and care work for an agency and rotate shifts and  
6 technically do not live at the house.  
7

8 **Lance Peterson:**

- 9 • Resides on Dora Avenue and lives right across the alley from the proposed project.  
10 • Operates a business from his home.  
11 • The alley is very important as it acts as the only access to resident's garages and  
12 vehicles.  
13 • Uses the alley for his business. Trucks access the alley for his business operation and he  
14 has an agreement with his neighbor to use her area off the alleyway for some parking  
15 from time to time.  
16 • Referred to attachment 5 of the staff report/City staff comments regarding the proposed  
17 project and expressed concern about what might happen if the property is sold and  
18 potential issues with parking/traffic congestion and/or blocking/clogging of the alleyway.  
19 The Fire Marshal indicated in his comments that 'access via the alleyway to the rear of  
20 the property is problematic for emergency vehicles, especially fire apparatus. The  
21 alleyway is extremely narrow and is not well maintained.' Acknowledged garbage trucks  
22 do use the alley to service some customers that live on Grove Avenue.  
23 • Talked about the condition of the alleyway to the east and how users/property owners  
24 have to perform maintenance by trimming bushes, etc., for that portion of the alleyway  
25 that has an out-of-state owner so cars/trucks can travel through. If the trimming is not  
26 done, trucks particularly cannot get through the alleyway.  
27 • Parking is a problem in the alleyway.  
28 • Referred to attachment 3 of the staff report that shows photographs concerning the  
29 condition of alleyway where the previous owner of the house constructed a flowerbed  
30 structure and also used it to store rubbish. Noted the fence extends right out to the alley  
31 edge.  
32 • Is concerned the secondary unit at 628 Grove Avenue could become a rental unit where  
33 other homeowners in the neighborhood would have no recourse to problems that could  
34 occur in the alley such as parking congestion, traffic and blocking of the alleyway. Would  
35 like to see the fence line put right back up to the edge of the garage so there would  
36 actually be more than one parking place. At some point there will be more than one car  
37 and this will 'clog' the alley.  
38 • Observed the former owner of the primary house used the parking space in the alleyway  
39 area and noted much of time did not pull completely up to the garage where the car  
40 extended into the alleyway.  
41

42 **LaRae Wise:**

- 43 • If my husband and me are the only persons that would be parking in the driveway off the  
44 alleyway does not understand how this could be a problem.  
45

46 **Lance Peterson:**

- 47 • Asked what if the daughter moved into another facility and the house is sold. Anyone who  
48 purchases the house can rent out the primary and studio units that could create parking  
49 issues in the alleyway.  
50 • Is of the opinion the proposed project has the possibility to impede his ability to do  
51 business efficiently should parking be a problem in the alleyway.  
52

53 **LaRae Wise:**

- 54 • The intent of buying the home is for her daughter to live long term since she is only 25  
55 years old and so that she would never have to move again.

- 1 • Acknowledged this is a 'big move' for her family.  
2 • If the potential for blocking the alleyway where Mr. Peterson does business is a problem  
3 asked why not put up a 'No Parking' sign.  
4

5 **Zoning Administrator Stump:**

- 6 • The parking area in the rear of the property where the studio unit is to be located appears  
7 to be 'pretty wide.' Only one parking space is required for the studio unit. Asked if there  
8 would ever be a need for more than one car to park in the alleyway?  
9

10 **LaRae Wise:**

- 11 • If more than one car was to park in the alleyway it would be for loading and unloading  
12 purposes only and would not be parked there unattended.  
13 • Related to emergency access, the Fire Marshal indicated the Fire Department plans to  
14 use Grove Avenue and not the alleyway and that she and her husband must make  
15 certain there is a continuous paved path from Grove Avenue to both doors of the studio  
16 unit on the property for emergency services purposes.  
17 • The parking space in the rear driveway off the alleyway would be for a compact car.  
18

19 **Zoning Administrator Stump:**

- 20 • The project has been reviewed by the Fire Department and Public Works Department  
21 and is fine with the proposal.  
22

23 **Lance Peterson:**

- 24 • Cited an incident concerning a neighbor that used to reside next door to the proposed  
25 project where emergency vehicles did have to use the alley to assist this person.  
26

27 **LaRae Peterson:**

- 28 • Has no problem removing the flowerbed structure.  
29

30 **Zoning Administrator:**

- 31 • The parking space is intended for one car and is concerned about more cars being  
32 parked in the alleyway and blocking it.  
33 • Has no problem with someone dropping off and picking up because this would not be  
34 considered 'parking.'  
35 • Acknowledged the alleyway is not particularly wide where people using it for business  
36 and/or to access their garages must be cognizant of parking and not to block/clog it.  
37 • Going westerly toward Spring Street sees there is a lot of activity occurring in this  
38 alleyway. The house on the left that operates a daycare has play toys and other things  
39 that are going on. The applicants have no control over what other activities occur in the  
40 alleyway that impedes access. Will consult with Public Works and Planning staff to  
41 make certain the alleyway is kept clear and accessible such that violations are  
42 investigated and addressed from a public safety standpoint, separately from the  
43 proposed matter.  
44

45 **Lance Peterson:**

- 46 • Would like to see a bigger parking area because he is familiar with what has occurred in  
47 the past such that there is no room to adequately park in the parking space. People will  
48 park across from that parking space and then there is the alley itself as well as some  
49 room on the other side that is used for access and parking where people stay all day and  
50 'clogs things up.'  
51

52 **Zoning Administrator Stump:**

- 53 • Asked if the aforementioned scenario is on the alleyway itself or on someone's property?  
54  
55

**Lance Peterson:**

- 1 • Confirmed this is on someone's private property where 'people drive around too.'
- 2 • Referred to the photo renderings of the parking area and supports making alterations to
- 3 this area to allow for more space that could accompany a second car.
- 4

5 There was discussion about the type of alterations that could be done to create room for a  
6 second parking space such as reconstructing the fence, removal of the planter/flowerbed  
7 structure and removal of rubbish, etc.

8  
9 **Zoning Administrator Stump:**

- 10 • Acknowledged there would have to be some sort of protections in place so that if the  
11 property is sold and since the Use Permit travels with the land that any future owner  
12 would have to abide by those same restrictions.
- 13 • Asked if the applicants would be adverse to a project condition that only one car is  
14 allowed to park in the driveway off the alley and that any more than one car parked in this  
15 area would be a violation of the use permit that would jeopardize the use permit entirely.
- 16 • Explained the process regarding a violation of a use permit and possible revocation  
17 thereof.
- 18 • There is room for one car to park in the driveway off the alleyway and noted the  
19 accumulation of rubbish and/or other things occurring in this area could cause the car to  
20 park differently by extending outward into the alleyway or preclude parking altogether so  
21 it is important to address these issues such that parking is not a problem.
- 22 • The driveway needs to be kept nice and tidy so a car can pull up effectively to the  
23 building and does not cause a problem to the alley.
- 24 • An option if we are to proceed with approval of the project is to limit parking in the  
25 driveway off the alleyway to one car, but if the applicants want the ability to park two cars,  
26 they can make some changes to the fence line to create two spaces and consult with  
27 Planning staff to see if the use permit application can be amended to allow two cars to  
28 park and this would require Zoning Administrator approval.
- 29

30 **Eugene Davis:**

- 31 • The existing garage presently has a sliding door that slides west and does not open all  
32 the way because it hits his fence. This is how close the garage is to the fence line.
- 33

34 **LaRae Wise:**

- 35 • The aforementioned door would become obsolete.
- 36 • Would be inclined/open to moving the fence line back to create more parking space.
- 37

38 **Zoning Administrator Stump:**

- 39 • It appears the applicants would be amenable to adding a condition that allows for one car  
40 to park in the driveway off the alleyway, but with some improvements made on the  
41 subject property allow for a second parking space.
- 42

43 **PUBLIC HEARING CLOSED: 11:40 a.m.**

44  
45 **Zoning Administrator Stump:**

- 46 • Thanked everyone who participated in the discussion that helped shape the project into a  
47 nice one and with looking at neighborhood issues concerning the alleyway and exploring  
48 ways/methods for resolution thereof.
- 49 • The proposed project is a good one with a few issues that essentially concerns the  
50 alleyway.
- 51 • The studio unit is small, is located in an existing building and there is no new construction  
52 outside other than some interior work.
- 53 • Applauds the applicants for the project intent of helping their daughter in a special  
54 circumstance situation.
- 55

1 **PUBLIC HEARING RE-OPENED: 11:40 a.m.**

2  
3 **LaRae Wise:**

- 4 • While the plan is not to rent the studio unit, there may be a need and an opportunity for  
5 visiting physicians to rent the unit fully furnished for the time they are working in the area  
6 where the applicants would have access to the unit in between times when the unit is not  
7 rented. The applicants are not interested in a fulltime renter because of the worry of  
8 renters accumulating 'stuff.'

9  
10 **Mary Lee Davis:**

- 11 • Asked where the applicants live.

12  
13 **LaRae Wise:**

- 14 • She and her husband reside in Laytonville. The reason the house on Grove Avenue was  
15 purchased for her daughter is because the medical and other services for their daughter  
16 are so much more available in Ukiah. The applicants can visit their daughter and stay in  
17 the studio unit without having to move their daughter back and forth so much from  
18 Laytonville.

19  
20 **PUBLIC HEARING CLOSED: 11:43 a.m.**

21  
22 **Zoning Administrator Stump:**

- 23 • Is of the opinion the project issues have been worked out/resolved.  
24 • Proposed the addition of the following Conditions of Approval:  
25 1. Only one car shall be allowed to park in the driveway off the alley unless the fence on  
26 the subject property is reconstructed to create a second parking space that meets  
27 City Code requirements.  
28 2. All the second residential unit standards contained in section 9016 of the Ukiah City  
29 Code shall be complied with except for the yard setback distance approved herein.  
30 • Advised no outdoor storage is to occur in the parking areas.  
31 • Will ask City staff to look into the alley issue about obstruction and what can be done to  
32 make certain the alleyway remains open and clear at all times. Staff can provide an  
33 update to the public members speaking at this meeting about what is being done  
34 concerning the alleyway issues.

35  
36 **Zoning Administrator Stump** approved the Wise Garage Conversion Minor Use Permit File No.:  
37 1389-UP-ZA based on the Site Development Permit Findings in Attachment 1 of the staff report  
38 and subject to the Conditions of Approval in attachment 2 in the staff report with the addition of  
39 two new conditions of approval, as referenced above.

40  
41 **8. ADJOURNMENT**

42 There being no further business, the meeting was adjourned at 11:44 a.m.

43  
44 \_\_\_\_\_  
45 Cathy Elawadly, Recording Secretary

46  
47 **ATTACHMENT 1**

48  
49 **Final FINDINGS – USE PERMIT FINDINGS**

50  
51 **FINAL USE PERMIT FINDINGS TO ALLOW**  
52 **THE CONVERSION OF AN EXISTING GARAGE INTO A STUDIO UNIT AND/OR RENTAL AT**  
53 **628 GROVE AVENUE; APN 001-111-17**  
54 **FILE NO.: 1389- UP-ZA**  
55

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

- 3  
4 1. The proposed project, as conditioned, is consistent with the goals and policies of the  
5 General Plan as described in the staff report.  
6  
7 2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as  
8 described in Tables 1 of the staff report.  
9  
10 3. The proposed project, as conditioned, is compatible with surrounding land uses and shall  
11 not be detrimental to the public's health, safety and general welfare based on the  
12 following:  
13  
14 A. Surrounding uses include single family residences; a Middle School, and  
15 Public Park. The proposed garage remodel into a granny unit or rental space  
16 accessory would not change the existing footprint of the building and the  
17 proposed changes are compatible with the existing uses in the neighborhood  
18 in that it would be designed to match the existing architectural style of the  
19 adjacent homes and the other existing accessory structures in the  
20 neighborhood. The proposed accessory structure would not change the  
21 existing use of the site. The primary use of the site would remain single  
22 family residential.  
23 B. The project has been reviewed by the Fire Marshal, Electric Department,  
24 Building Official, and Public Works and any requirements have been included  
25 as conditions of approval.  
26  
27 4. The proposed project is exempt from the provisions of the California Environmental  
28 Quality Act (CEQA) pursuant to Section 15303 (e) Class 11, new constructions of  
29 accessory structures which specifically exempts garages. The accessory building  
30 contains no living space, so it is similar in nature to a garage since garages are often  
31 used as personal workshops and for storage.  
32  
33 5. Notice of the proposed project was provided in the following manner as required by the  
34 Zoning Ordinance:  
35 A. Posted in three places on the project site on November 25, 2015;  
36 B. Mailed to property owners within 300 feet of the project site on November 25,  
37 2015;  
38 C. Published in the Ukiah Daily Journal on November 29, 2015.

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40 **ATTACHMENT 2**

41  
42 **Final CONDITIONS OF APPROVAL – MINOR USE PERMIT**

43  
44 **FINAL USE PERMIT CONDITIONS OF APPROVAL TO ALLOW**  
45 **THE HEIGHT OF AN ACCESSORY STRUCTURE TO EXCEED THE HEIGHT LIMIT WITHIN**  
46 **THE SINGLE FAMILY RESIDENTIAL (R1) ZONE BY TWO FEET**  
47 **214 SOUTH BUSH STREET, APN 002-251-05**  
48 **FILE NO.: 747-UP-ZA**

49  
50 From the Planning Department (Michelle Johnson)  
51

- 1 1. Approval is granted to allow the conversion of an existing garage into a studio unit as a  
2 second dwelling on the property behind the main house to be used as a studio unit and/or  
3 rental within the Single Family Residential (R1) at 628 Grove Avenue based on the  
4 project description submitted to the Planning and Community Development Department  
5 and as shown on the Site plan date stamped November 12, 2015 except as modified by  
6 the following conditions of approval.  
7  
8 2. Construction hours are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through  
9 Saturday. Construction is prohibited on Sundays and holidays recognized by the City of  
10 Ukiah.  
11  
12 3. All the second residential unit standards contained in section 9016 of the Ukiah City Code  
13 shall be complied with except for the yard setback distance approved herein.  
14  
15 4. Only one car shall be allowed to park in the driveway off the alley unless the fence on the  
16 subject property is reconstructed to create a second parking space that meets City Code  
17 requirements.  
18

19 From the Department of Public Works (Ben Kageyama)

20  
21 The Department of Public Works has reviewed the above-referenced project and offers  
22 the following comments for your consideration:  
23

- 24 1. The existing sanitary sewer lateral shall be tested in accordance with City of Ukiah  
25 Ordinance No. 1105, and repaired or replaced if required.  
26 2. City of Ukiah sewer connection fees shall apply to the proposed second dwelling,  
27 and shall be paid at the time of building permit issuance. The current sewer  
28 connection fee for a studio or one bedroom unit is \$9,820.  
29 3. If the building permit value is equal to or greater than one-third of the value of the  
30 existing structure, the construction, repair or upgrade of curb, gutter, and sidewalk,  
31 and addition of street trees, along the subject property street frontage, may be  
32 required, pursuant to Section 9181 of the Ukiah City Code.  
33 4. All driveway and parking areas shall be paved with asphaltic concrete, concrete, or  
34 other alternative surfacing, subject to approval by the City Engineer.  
35

36 These comments are applicable to the building permit for the proposed improvements,  
37 with further review being performed at the time of building permit application.  
38

39 From the Building Official (David Willoughby)

40  
41 A building permit is required to change the occupancy and to perform the associated  
42 improvements. All current code requirements for the construction of a dwelling will be  
43 required. The following comments are intended to aid the applicant in realizing possible  
44 requirements for the project and are not intended as a plan review.  
45

- 46 • A building permit application, 4 copies of an 8 1/2" x 11" plot plan, 2 copies of the  
47 California Energy calculations, and 3 sets of construction drawings showing all  
48 structural and life safety requirements will need to be submitted.
- 49 • The following items are required:
  - 50 1. A fire sprinkler system.
  - 51 2. Low flow plumbing fixtures.
  - 52 3. A fire wall if the structure is less than 3' from the property line.
  - 53 4. A vapor barrier at the slab (epoxy or similar coating).
  - 54

5. Meet current structural and seismic requirements.
6. Meet current electrical, mechanical, and plumbing requirements.
7. This conversion will trigger the requirement to obtain a Sewer Lateral Testing Permit which requires a plumber video the sewer line and provide a water test. If the test does not pass then the sewer line will need to be repaired or replaced (usually replaced).
8. Sewer connection fees will need to be paid (a one bedroom dwelling is \$9,820.00).

- Costs for City of Ukiah Electric for a new electrical drop (new electrical service or subpanel from existing service)?
- Costs for City of Ukiah Water Dept. for a new water service (or using existing water service if large enough)?

From the Fire Marshall (Kevin Jennings)

1. A residential fire sprinkler system shall be installed. The owner is changing its current use from a garage or storage to residential.
2. Access via the alley way to the rear of the property is problematic for emergency vehicles, especially fire apparatus. The alley way is extremely narrow and is not well maintained. Access via a concrete or other acceptable hard surface walkway from the Grove Street side shall be required.
3. Proper address for the "new "conversion shall be required, and clearly visible from the Grove Street Frontage.

Standard City Conditions of Approval

1. 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.
2. 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.
3. 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.
4. All conditions of approval that do not contain specific completion periods shall be completed prior to building permit final.
5. 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.
6. 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,

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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.