

**CITY OF UKIAH
ZONING ADMINISTRATOR MINUTES
Conference Room #1
300 Seminary Avenue
Ukiah, CA 95482
October 5, 2017
10:00 a.m.**

STAFF PRESENT

Craig Schlatter, Zoning Administrator
Adele Phillips, Associate Planner
Kevin Thompson, Acting Recording Secretary

OTHERS PRESENT

Shannon Lappin

1. CALL TO ORDER

The Zoning Administrator called the meeting to order at 10:02 a.m. in Conference Room No. 1, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

Zoning Administrator Craig Schlatter presiding.

2. SITE VISIT VERIFICATION

Staff confirmed.

3. APPROVAL OF MINUTES

Zoning Administrator Craig Schlatter approved the Minutes of July 11, 2017, as submitted.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

No public comment was received.

5. APPEAL PROCESS

Note: For matters heard at this meeting the final date to appeal is October 15, 2017 at 5:00 p.m.

6. VERIFICATION OF NOTICE

Staff confirmed.

7. PUBLIC HEARING

- a. **File No.: Munis 2974-UP-ZA** Request for Minor Use Permit to expand an existing small home daycare to a large home daycare at 211 Clara Avenue; APN: 002-126-03. Environmental Determination: Statutorily Exempt, per Article 18 Section 15274(a).

Presenter: Associate Planner Adele Phillips.

Zoning Administrator Schlatter made the following corrections to the staff report:

- Page 2, lines 14-15, revised to state, "Half the number of children are picked up at 12:30 pm, and the other half are picked up at 3:00 pm."
- Page 2, lines 23-25, revised to state, "Setting. The subject property is located at 211 Clara Ave., and is developed with a single-family residence that includes a driveway that can accommodate two cars – one of which will be available to clients for drop-off and pick-up of students."

PUBLIC HEARING OPENED: 10:09 A.M.

Public Comment: Shannon Lappin talked about her daycare operations, specifically with regard to how the children in her daycare would never be left unattended.

PUBLIC HEARING CLOSED: 10:12 A.M.

Zoning Administrator Schlatter approved Minor Use Permit to expand an existing small home daycare to a large home daycare at 211 Clara Avenue based on the Findings in Attachment 4 of the staff report and subject to the Conditions of Approval in Attachment 3 of the staff report and approval agreement letter.

ATTACHMENT 4

**FINDINGS TO ADOPT A USE PERMIT FOR A
LARGE FAMILY DAYCARE
SWEET PEA NURSERY SCHOOL
211 CLARA AVENUE; APN 002-126-03
FILE NO.: 2974**

Recommendation for the Approval of the Minor Use Permit. The Planning Department's recommendation for conditional approval of Minor Use Permit to establish a large family daycare at an existing single-family residence, is based in part on the following findings. The findings are supported by and based on information contained in the 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 the staff report.
2. The proposed project, as conditioned, is consistent with the uses in the R-2 zoning district standards. The R-2 zoning district allows a large family daycare with approval of a Use Permit.
3. The proposed project, as conditioned, is consistent with the development standards for the R-2 zoning district as described in the staff report.
4. 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 analysis included in the staff report, including the following:
 - A. Based on information from Community Care Licensing there are no other daycares adjacent to the subject property; therefore, there is not an overconcentration of large family daycares in the neighborhood.
 - B. Two onsite parking spaces are located on the property, 1 of which is available during the day for use by parents dropping off and picking up children. There are additional parking spaces along the parcel frontage and additional street parking available in the immediate neighborhood. With the condition requiring staggered pickup and drop-off times, this will provide adequate parking for the daycare. The additional vehicles from the daycare would not create a traffic hazard or substantially increase vehicle trips.

- C. Fencing. The property is fenced on all four sides, and complies with the location, height, and fencing type required in the zoning ordinance.
 - D. The project has been reviewed by the Fire Marshal, Police Department, and Public Works, and any requirements have been included as conditions of approval.
 - E. The project is required to comply with all federal, state and local laws.
 - F. The project promotes the public health, safety, and welfare by providing a licensed in-home daycare within the City of Ukiah.
5. The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 18 Section 15274 (a) in that CEQA does not apply to the establishment or operation of a large family daycare home, which provides in-home care for up to fourteen children as defined in Section 1596.78 of the Health and Safety Code.
6. Notice of the proposed project was provided in the following manner as required by the Zoning Ordinance:
- published in the Ukiah Daily Journal September 24, 2017
 - posted on the Project site September 21, 2017
 - posted at the Civic Center (glass case) 72 hours prior to hearing
 - mailed to property owners within 300 feet of the parcels included in the Project on September 19, 2017.

ATTACHMENT 3

**CONDITIONS OF APPROVAL
TO ADOPT A MINOR USE PERMIT
LARGE FAMILY DAYCARE
SWEET PEA NURSERY SCHOOL
211 CLARA AVENUE; APN 002-126-03
FILE NO.: 2974**

The following Conditions of Approval shall be made a permanent part of Minor Use Permit No. 2974, shall remain in force regardless of property ownership, and shall be implemented in order for this entitlement to remain valid.

Approved Project Description. The project comprises the operation of a large family daycare to provide care for up to fourteen (14) children based on the project description submitted to the Community Development Department and date stamped August 9, 2017, except as modified by the following conditions of approval. The site is 211 Clara Ave., APN 002-126-03.

STANDARD CONDITIONS OF APPROVAL

1. 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. Business operations shall not commence until all permits required for the approved use have been applied for and issued.
2. 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.

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. 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.
5. 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.
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 subject to the outcome of the appeal and shall be revised as necessary to comply with any modifications, conditions, or requirements that were imposed as part of the appeal.
7. All use, construction and the location thereof, or occupancy, shall conform to the application and to any supporting documents submitted therewith, including any maps, sketches, or plot plans accompanying the application or submitted by applicant in support thereof.
8. If any use permitted shall cease for six (6) consecutive months, then the right to any Use Permit permitting such use shall terminate and such Use Permit shall be revocable by the granting body.
9. If any condition is violated or if any required approval is not obtained, then the Use Permit granted shall be null and void; otherwise to continue in full force and effect indefinitely until otherwise terminated and shall run with the land.
10. The approved Use Permit may be revoked through the City's revocation process if the approved project related to the permit is not being conducted in compliance with the stipulations and conditions of approval; or, if the project is not established within two (2) years of the effective date of approval; or, if the established use for which the permit was granted has ceased or has been suspended for twenty-four (24) consecutive months.
11. Except as otherwise specifically noted, any Use Permit shall be granted only for the specific purposes stated in the action approving such Use Permit and shall not be construed as eliminating or modifying any building, use, or zone requirements except as to such specific purposes.

12. If a building permit is applied for and its 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 frontage, may be required, pursuant to Ukiah Municipal Code §9181.
13. If a building permit is applied for and value of work exceeds \$123,679 (amount adjusted annually), the proposed improvements create the net addition of two or more plumbing fixture units to a building, or a bedroom is added, the existing sanitary sewer lateral shall be tested in accordance with City of Ukiah Ordinance No. 1105, and repaired and replaced if required.
14. If new plumbing fixtures are proposed, or bedroom added, City of Ukiah sewer connection fees shall apply and be paid at the time of building permit issuance.

CONDITIONS OF APPROVAL FOR A LARGE FAMILY DAYCARE

1. Prior to operation as a Large Family Daycare, and pursuant to the requirements of State law, the applicant shall be inspected by the local fire authority and receive a fire safety clearance.
2. Applicant shall maintain a current license through the California Department of Social Services and provide the Ukiah Police Department with a copy of license for operation.
3. The applicant shall provide the Ukiah Police Department with the contact information of a 24 hour responsible party for the subject property.
4. The operator of the Large Family Daycare shall provide an informational handout to parents/clients informing them of the following conditions, and is responsible for compliance:
 - a. Hours of operation for the large family daycare are limited to Tuesday through Thursday, 8:30 am to 3:00 pm.
 - b. The drop-off times shall be staggered between the hours of 8:30 am and 9:00 am, and the pick-up times shall be between 12:30 pm and 3:00 pm.
 - c. All parents picking up or dropping off the children shall turn off car engines and walk the children into the day care home.
5. During outside play times the day care provider shall monitor the noise level of the children so as to not adversely impact the surrounding neighbors. If necessary, the day care provider shall take measures to quiet the children which may include bringing the children indoors.
6. Should any recreation equipment exceeding eight feet in height be installed in any yard area intended for daycare use, the equipment shall not be closer than five feet from the rear or side property lines.
7. During the hours of operation of the large family daycare, the driveway shall remain available for the parking of two vehicles.
8. The operation of the Large Family Daycare shall comply with the City of Ukiah Noise Ordinance.

- b. **File No.: Munis 2445-SDP-ZA** Request: Minor Site Development Permit to allow exterior building improvements to include replacement of existing awnings and signage, remove rooftop pyramid, and the addition of downward facing accent lighting at 1139 N. State Street, Kentucky Fried Chicken (KFC). APN 001-360-25. Environmental Determination: Categorically Exempt, per Article 19 Section 15301, Class 1.

Presenter: Associate Planner Adele Phillips.

PUBLIC HEARING OPENED: 10:21 A.M.

Public Comment: None.

PUBLIC HEARING CLOSED: 10:21 A.M.

Zoning Administrator Schlatter approved Minor Site Development permit to allow exterior building improvements to include replacement of existing awnings and signage, remove rooftop pyramid, and the addition of downward facing accent lighting at 1139 N. State Street, Kentucky Fried Chicken (KFC) with the Findings in Attachment 3 of the staff report and subject to the Conditions of Approval in Attachment 2 of the staff report and approval agreement letter.

c. **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:29 a.m.

Cathy Elawadly, Transcriptionist

ATTACHMENT 3

**FINDINGS TO ADOPT A MINOR SITE DEVELOPMENT PERMIT
KFC EXTERIOR REMODEL
1139 N STATE STREET; APN 001-360-25
FILE NO.: 2445**

Recommendation for the Approval of the Minor Site Development Permit. The Planning Department's recommendation for conditional approval of Minor Site Development Permit for the exterior remodel of an existing KFC restaurant ("Project"), is based in part on the following findings. The findings are supported by and based on information contained in the staff report, the application materials and documentation, and the public record.

7. The Project, as conditioned, is consistent with the goals and policies of the General Plan, as described in the staff report. 2. The location, size, and intensity of the proposed project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.
8. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.

9. Sufficient landscaped areas have been reserved for purposes of separating or screening the proposed structure(s) from the street and adjoining building sites, and breaking up and screening large expanses of paved areas.
10. The Project will not restrict or cut out light and air on the property, or on the property in the neighborhood; nor will it hinder the development or use of buildings in the neighborhood, or impair the value thereof.
11. The Project will not have a substantial detrimental impact on the character or value of an adjacent residential zoning district.
12. The Project will not excessively damage or destroy natural features, including trees, shrubs, creeks, and the natural grade of the site.
13. There is sufficient variety, creativity, and articulation to the architecture and design of the structure(s) and grounds to avoid monotony and/or a box-like uninteresting external appearance. The Project has been reviewed by the Design Review Board (DRB), and the applicant has incorporated recommendations of the DRB into the design.
14. Notice of the proposed project was provided in the following manner as required by the Zoning Ordinance:
 - published in the Ukiah Daily Journal September 24, 2017
 - posted on the Project site September 21, 2017
 - posted at the Civic Center (glass case) 72 hours prior to hearing
 - mailed to property owners within 300 feet of the parcels included in the Project on September 19, 2017.

ATTACHMENT 2

**CONDITIONS OF APPROVAL
TO ADOPT A MINOR SITE DEVELOPMENT PERMIT
KFC EXTERIOR REMODEL
1139 N STATE STREET; APN 001-360-25
FILE NO.: 2445**

The following Conditions of Approval shall be made a permanent part of Minor Site Development Permit No. 2445, shall remain in force regardless of property ownership, and shall be implemented in order for this entitlement to remain valid.

Approved Project Description. The project comprises exterior building improvements including replacement of existing awnings and signage, remove rooftop pyramid, and the addition of downward facing accent lighting along the main entryway at 1139 N. State Street, Kentucky Fried Chicken (KFC). APN 002-126-03.

STANDARD CONDITIONS OF APPROVAL

1. Approval is granted for the subject project as described in the project description and associated materials submitted to the Community Development Department and plans date stamped August 29, 2017.

Minutes of the Zoning Administrator, October 5, 2017, Continued:

2. Plans submitted for building permit shall be in substantial conformance with the plans conditionally approved by the Planning Commission.
3. Signs require application for and approval of a Sign Permit from the Planning and Community Development Department.
4. Construction hours 7:00 a.m. to 7:00 p.m. Monday through Friday. Saturday 9:00 a.m. to 4:00 p.m., unless specifically approved by the Public Works Director. Construction is prohibited on Sundays and holidays recognized by the City of Ukiah, unless approved by the Public Works Director. Interior construction is exempt from these hours provided that construction noise is not audible at the project property lines.
5. On plans submitted for building permit these conditions of approval shall be included as notes on the first sheet.
6. This Site Development Permit can 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.
7. This approval is not effective until the 10-day appeal period applicable to this Site Development Permit has expired without the filing of a timely appeal. If a timely appeal is filed, the project is subject to the outcome of the appeal and shall be revised as necessary to comply with any modifications, conditions, or requirements that were imposed as part of the appeal.
8. 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.
9. 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.
10. A copy of all conditions of this Site Development shall be provided to and be binding upon any future purchaser, tenant, or other party of interest.
11. 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.

12. Use of the facility shall not commence until all permits required for the approved use, including but not limited to business license, building permit, or other have been applied for and issued/finished.
13. In addition to any other condition imposed, any construction shall comply with all building, fire, electric, plumbing, occupancy, and structural laws, regulations and ordinances in effect at the time the Building Permit is approved and issued.

SPECIAL CONDITIONS OF APPROVAL

9. All exterior lighting shall be compliant with International Dark Sky standards: lighting must be shielded and downcast, and not have a Correlated Color Temperature (CCT) greater than 3000K.