

**CITY OF UKIAH
ZONING ADMINISTRATOR MINUTES
Conference Room #3
300 Seminary Avenue
Ukiah, CA 95482
March 13, 2018
10:00 a.m.**

STAFF PRESENT

Craig Schlatter, Zoning Administrator
Cathy Elawadly, Recording Secretary

OTHERS PRESENT

Ziyad Alex Ibrahim
Kathy Branson
Roy Branson
James Roberts
Raakesh Patel

1. CALL TO ORDER

The Zoning Administrator called the meeting to order at 10:00 a.m. in Conference Room No. 3, 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 October 5, 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 March 23, 2018 at 5:00 p.m.

6. VERIFICATION OF NOTICE

Staff confirmed.

7. PUBLIC HEARING

- a. **File No.: Munis 2809-VAR-ZA:** Request for Zoning Administrator approval of a Minor Variance Permit to allow a reduction of the required number of parking spaces from 65 off-street spaces to 34 at 697 S. Orchard Avenue. APN 002-340-36. The zoning district is Community Commercial (C-1).

Presenter: Zoning Administrator Craig Schlatter:

- Advised Planning staff was not present.
- Introduced the project and reviewed the staff report.

PUBLIC HEARING OPENED: 10:05 A.M.

Public Comments:

Ziyad Abraham, Applicant:

- The plan for the existing building that was formerly a restaurant for use as public worship/religious assembly has been reviewed by planning and police/fire staff.
- Site improvements will be made for aesthetically pleasing purposes on a site that is located on a City gateway.
- The current parking configuration supports a maximum occupancy of 102 persons for the church. By comparison, the maximum occupancy for the restaurant was 154 persons. The proposed church has a congregation of approximately 30 members such that the existing parking can accommodate this size of congregation.
- Customers of the Super 8 Motel do use the proposed church parking spaces and this creates damage to the pavement.
- The church use would generate less of a parking impact to the neighborhood than the restaurant use because the congregation size is ±30 people and the hours of congregation consist of two hours, three times a week (Sundays, Wednesdays, and Fridays). Much of the time there is no traffic on Sundays and the Wednesday meetings are conducted at night when most people working during the day have left and traffic has subsided.
- While the owner of the Super 8 Motel would like to see another restaurant at the proposed church location, he does not want to open another restaurant.

Raakesh Patel:

- Owns the hotel located to the north and east of the proposed church project.
- Is concerned with the proposed reduction of the required number of parking spaces from 65 auto off-street parking spaces to 34 auto as triggered by a building permit application to allow for change of use from a restaurant to church. Is of the opinion the proposed minor variance would be problematic and a safety hazard since South Orchard Avenue and the intersection of E. Gobbi/S. Orchard Avenue are highly traveled by the trucks, buses, and automobiles and the California Highway Patrol has an office on S. Orchard Avenue where people travel to get appropriate licensing and inspections. Also, the US Post Office is located in the vicinity of the proposed project that adds to traffic impacts for the neighborhood.
- The existing hotel has a parking plan based on an occupancy of 93 persons and questioned the parking plan and how it is being approved for an occupancy of 83 persons for the church.
- The proposed parking would be problematic for emergency vehicles.
- Does not support project approval, as proposed.
- Understands that sometimes customers of the hotel did park in the restaurant parking lot and dined at the restaurant.
- There are problems with transients also in the area because there is no fence on the freeway side of the properties.
- When the church site was a restaurant use the hotel granted an easement for access purposes for this use only.

Roy Branson:

- Has observed semi-trucks parked sideways onto the church property that are patrons of the motel and take up multiple parking spaces.
- Is of the opinion parking should not be a problem for the church project. The motel has designated parking according to the use as does the church.

James Roberts:

- The subject property is zoned Community Commercial (C-1).
- The proposed church use would create less traffic impacts to the neighborhood than the restaurant.
- Since the church will not be in use but three days a week it is likely the parking lot will be used by other members of the public.
- Is of the opinion the proposed church project is a good fit for the neighborhood.

PUBLIC HEARING CLOSED: 10:16 A.M.

Zoning Administrator Schlatter approved Minor Variance Permit to allow a reduction of the required number of parking spaces from 65 off-street parking spaces to 34 at 697 S. Orchard based on the Findings in Attachment 1 and subject to the Conditions of Approval in Attachment 2 of the staff report and approval agreement letter.

b. **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:18 a.m.

Cathy Elawadly, Recording Secretary

ATTACHMENT 1

**FINDINGS TO ADOPT A MINOR VARIANCE PERMIT FOR A
PARKING REDUCTION FOR
AMAZING LOVE CHRISTIAN FELLOWSHIP
697 S ORCHARD AVE.; 002-340-36
FILE NO.: 18-3402**

Recommendation for the Approval of the Minor Variance Permit. The Planning Department's recommendation for conditional approval of Minor Variance Permit to grant exception to parking requirements per UCC §9086, 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 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 C-1 zoning district.

- a) The proposed use as a church is limited in scope, comprising a congregation of ± 30 persons and operating for 2 hours per day, 3 days a week. The existing parking can accommodate 102 persons; approximately triple the congregation size. Strict application of the off-street parking and loading code (UCC §9198(D)(5)) based on the building's occupancy number, rather than the proposed scope of use and the existing parking facilities, would deny the applicant the enjoyment of an allowed use, a privilege afforded by other properties in the C-1 zoning district.
- 2) The issuance of this variance will not constitute a grant of special privilege based on the following:
 - a) Per UCC §9086, the existing parking lot can support an occupancy of 102 persons. A condition of approval has been written which limits the occupancy to that which can be supported by the existing parking facility. Therefore, the issuance of the variance will not constitute a granting of special privilege as it limits the activity on site to that which the site can support.
- 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 not increase the intensity of the proposed use.
 - c) The granting of the variance will not enable use of the property at greater intensity than existing parking facilities can support.
 - d) A building permit is required for the improvements made to the building supporting its use as a church, ensuring that it will be safely constructed and will comply with Building and Fire Code requirements.
- 4) There is a unique circumstance associated with the use or property that results in a demand for less parking than normally expected.
 - a) The proposed use as a church is limited in scope, comprising a congregation of ± 30 persons and operating for 2 hours per day, 3 days a week. This is significantly less intensity of use than most C-1 zoned activities.
- 5) 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 quantity of parking spaces required.
 - 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 as a restaurant 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

**CONDITIONS OF APPROVAL
TO APPROVE A MINOR VARIANCE PERMIT FOR A
PARKING REDUCTION
AMAZING LOVE CHRISTIAN FELLOWSHIP
697 S ORCHARD AVE.; 002-340-36**

FILE NO.: 18-3402

The following Conditions of Approval shall be made a permanent part of Minor Variance No. 18-3402, shall remain in force for the duration of the use as a church, per the operating characteristics described in the staff report, and shall be implemented in order for this entitlement to remain valid.

1. Variance approval is granted for reduction of the required number of parking spaces from 65 auto parking spaces and 3 bus parking spaces to 34 auto and 10 bicycle parking spaces, per UCC §9086, on the subject location. This is the result of a proposed tenant improvements as shown on the plans submitted to the Community Development Department to allow for its use as a church, and dated January 18, 2018.
2. This approval shall be null and void unless the California Environmental Quality Act / Department of Fish and Wildlife filing fee of \$50 payable to Mendocino County is filed with the City of Ukiah 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.
4. This approved variance 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 years of the effective date of approval; or if the established and use for which the permit was granted has ceased or has been suspended for twenty-four (24) consecutive months.

From the Community Development Department:

5. At no time shall the building host an assembled occupancy greater than what the parking lot can support per Ukiah City Code §9198(D)(5): 102 persons.
6. Prior to building permit final, the owner/applicant shall install bicycle parking to accommodate 10 bicycles in a location approved by the Public Works Department and Building Official.

From the Public Works Department:

7. 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 frontage, may be required, pursuant to Section 9181 of the Ukiah City Code.
8. If the building permit value of work exceeds \$123,680 (amount adjusted annually), the existing sanitary sewer lateral shall be tested in accordance with City of Ukiah Ordinance No. 1105, and repaired or replaced if required.

From the Police Department:

9. Development of the Project shall take into consideration the recommendations provided by the Ukiah Police Department in the Crime Prevention Through Environmental Design (CPTED) Plan Survey dated February 14, 2018.

STANDARD CONDITIONS OF APPROVAL

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. 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.