

**CITY OF UKIAH
ZONING ADMINISTRATOR MINUTES
Conference Room #3
300 Seminary Avenue
Ukiah, CA 95482
September 13, 2018
2:00 p.m.**

STAFF PRESENT

Craig Schlatter, Zoning Administrator
Michele Irace, Planning Manager
Cathy Elawadly, Recording Secretary

OTHERS PRESENT

Tad Kimbler

The Zoning Administrator called the meeting to order at 2:06 p.m. in Conference Room No. 3, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

Zoning Administrator Craig Schlatter presiding.

1. SITE VISIT VERIFICATION

Staff confirmed.

2. APPROVAL OF MINUTES – August 9, 2018

Zoning Administrator Craig Schlatter approved the Minutes of August 9, 2018, as submitted.

3. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

No public comment was received.

4. APPEAL PROCESS

Note: For matters heard at this meeting the final date to appeal is September 24, 2018 at 5:00 p.m.

VERIFICATION OF NOTICE

Staff confirmed.

5. PUBLIC HEARING

- a. **Request for approval of a Minor Use Permit to exceed the City's fence height restriction within the Single Family Residential (R1) & Community Commercial (C1) Zoning District at 155 Gibson Street. APN 002-114-82 (previously 002-114-72). Munis File No.: 18-3832-MiUP-ZA**

Presenters: Planning Manager Michelle Irace

PUBLIC HEARING OPENED: 2:14 p.m.

Public Comment: Tad Kimbler

PUBLIC HEARING CLOSED: 2:18 p.m.

Zoning Administrator Craig Schlatter requested staff consult with the City Attorney concerning treatment of a commercial parcel where a portion of the parcel containing the

residence along Gibson Street is zoned R1 and the vacant portion of the parcel that was recently transferred in a Lot Line Adjustment and contains the existing fence is zoned C1. Is the commercial component of the parcel considered R1 or C1 even though the intended use is R1 at this time.

Zoning Administrator Craig Schlatter approved Minor Use Permit to exceed the City's fence height restriction at 155 Gibson Street with the Findings in attachment 1 and the Conditions of Approval in attachment 2.

8. ADJOURNMENT

There being no further business, the meeting adjourned at 2:25 p.m.

Cathy Elawadly, Recording Secretary

ATTACHMENT 1

**FINAL MINOR USE PERMIT FINDINGS
TO EXCEED THE CITY'S FENCE HEIGHT RESTRICTION WITHIN THE SINGLE FAMILY
RESIDENTIAL (R1) & COMMUNITY COMMERCIAL (C1) ZONING DISTRICTS AT 155
GIBSON STREET; APN 002-114-82 (PREVIOUSLY 002-114-72)
MUNIS FILE NO: 18-3832-MIUP-ZA**

The following findings are supported by and based on information contained in this staff report, the application materials and documentation, and the public record, in accordance with UCC §9262(E).

1. The proposed land use is consistent with the goals and policies of the City General Plan and Zoning Code.

The parcel is developed with a single family residence and the fence is considered an accessory to the use which is generally supported by the General Plan. The proposed project would increase the height of an existing fence by 18 in. With approval of a Use Permit to exceed the seven ft. height restriction, the proposed project is consistent with UCC §9182 and zoning regulations.

2. The proposed land use is compatible with surrounding land uses and shall not be detrimental to the public's health, safety and general welfare.

Surrounding uses to the project site include a variety of residential and commercial uses. Increasing the existing height of the fence would not be detrimental to surrounding land uses nor the public's health and safety. The proposed fence expansion would require a Building Permit which will be reviewed by the City's Building Official to ensure compliance with the California Building Code and health and safety regulations.

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Article 19, Section 15303(e), New Construction or Conversion of Small Structures, Class 3 which consists of the construction and modification of

small structures including accessory structures such as garages, carports, patios, swimming pools and fences.

Notice of the proposed project was provided in the following manner as required by UCC §9262(C):

- A. Posted in three places on the project site on August 30, 2018
- B. Mailed to property owners within 300 feet of the project site on August 30, 2018
- C. Published in the Ukiah Daily Journal on September 1, 2018

ATTACHMENT 2

**FINAL CONDITIONS OF APPROVAL FOR A MINOR USE PERMIT
TO EXCEED THE CITY'S FENCE HEIGHT RESTRICTION WITHIN THE SINGLE FAMILY
RESIDENTIAL (R1) & COMMUNITY COMMERCIAL (C1) ZONING DISTRICTS AT 155
GIBSON STREET; APN 002-114-82 (PREVIOUSLY 002-114-72)
MUNIS FILE NO: 18-3832-MIUP-ZA**

Approval of a Minor Use Permit is granted to allow an 18 in. height extension to the existing 6 ft. 8 in. fence, resulting in an 8 ft. 3 in. fence which would exceed the City's fence height restriction of seven ft.

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. 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.

From Building Official

4. Fences over seven ft. tall require a building permit. Submit plans and a building permit application. Please submit three complete plan sets, two wet stamped and signed.

5. The design and construction of all site alterations shall comply with the 2016 California Building Code, 2016 Plumbing Code, 2016 Electrical Code, 2016 California Mechanical Code, 2016 California Fire Code, 2016 California Energy Code, 2016 Title 24 California Energy Efficiency Standards, 2016 California Green Building Standards Code and City of Ukiah Ordinances and Amendments.

DRAFT