

**Minutes  
Zoning Administrator Meeting  
March 22, 2012**

**Staff Present**

Charley Stump, Zoning Administrator  
Kim Jordan, Senior Planner  
Michelle Johnson, Planning Intern  
Cathy Elawadly, Recording Secretary

**Others Present**

Cassie Dillman  
Judy Pruden  
Julia A. Wood  
Jim Soracco  
John R. Soracco  
Lawrence Mitchell  
Jean Soracco Burton

**1. CALL TO ORDER**

Zoning Administrator Stump called the meeting to order at 10:05 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 visits.

**3. APPROVAL OF MINUTES: October 20, 2011**

Zoning Administrator Stump approved the October 20, 2011 meeting minutes as submitted.

**4. APPEAL PROCESS**

Zoning Administrator Stump read the appeal process. For matters heard at this meeting the last day to appeal is April 2, 2012.

**5. VERIFICATION OF NOTICE**

Planning Intern Johnson verified Minor Use Permit 11-22-UP-ZA was properly noticed in accordance with the provisions of the UMC.

Associate Planner Faso verified Minor Site Development Permit 12-01-SDP-ZA was properly noticed in accordance with the provisions of the UMC.

**6. PUBLIC HEARINGS**

**6A. Minor Use Permit 11-22-UP-ZA, APN 003-050-65.** Request for approval of a Minor Use Permit to operate a community garden with occasional seasonal outdoor sales at the rear portion of 751 South State Street. The community garden will be used to grow seasonal fresh produce, flowers, and landscaping plants with the potential for gardeners to bring surplus produce to the farmers market or set up a maximum once a week farm stand during harvest months. Additional Structures may include a tool shed or green house.

**Planning Intern Johnson:**

- An application has been received from the Gardens Project requesting approval of a Minor Use Permit to allow the operation of a community garden with occasional seasonal outdoors sales on the rear (east) portion of the lot.
- Parking spaces for the garden would be provided on Mendocino County Social Services property located immediately to the north of the site. Mendocino County Social Services has agreed to allow the use of four parking spaces as provided in attachment 6 of this staff report.
- According to staff analysis pages 3 through 6 of the staff report, the proposed project is consistent with the Ukiah General Plan goals/policies and applicable zoning district requirements.
- A Determination of Appropriate Use is required for this project because a community garden use is not specifically listed as an allowed or permitted use in the C-1 Zoning District. The Planning Director has determined the use is appropriate for the zoning district as provided for in attachment 4 of the staff report.

- 1 • The project may include an accessory structure and there are specific requirements in  
2 the zoning ordinance for compliance thereof.  
3 • Project benefits:  
4 ○ Provides for well-maintained green space.  
5 ○ Will enhance the visual appearance of the site.  
6 ○ Allow persons to grow fruits and vegetables to consume/donate and/or for  
7 possible sale.  
8 ○ Provides for a garden and recreation area.  
9 ○ Encourages the interaction between the neighbors and the residents on the site  
10 by providing for a gathering place.  
11 • Staff recommends approval of the project based on the Findings and Conditions of  
12 Approval included as attachments 1 and 2 of the staff report.  
13

14 **Planning Intern Johnson** asked the applicant to consider 1) Providing for a more formal  
15 agreement between the Garden Project and Mendocino County Social Services concerning  
16 parking for the Project and 2) Providing staff with more details concerning the days and/or  
17 number of days when possible outside sales will occur.  
18

19 **Senior Planner Jordan** clarified Staff is asking if the Zoning Administrator would like 1) to  
20 formalize the parking agreement between the Gardens Project and the County and 2) to have the  
21 Gardens Project to inform staff for informational purposes in writing of the days that outside sales  
22 would occur in the event there are questions/concerns from the public.  
23

24 **Zoning Administrator:**

- 25 • Agrees with staff's recommendation regarding providing for a more formal parking  
26 agreement and that staff be informed about when outside sales will be occurring.  
27 • Asked if the applicant would be okay with advising staff 10 days or so prior to the actual  
28 day(s) of outdoor sales.  
29

30 **Zoning Administrator Stump** inquired if there has been public inquiries concerning the Project.  
31

32 **Planning Intern Johnson** is not aware of any public questions/concerns.  
33

34 **PUBLIC HEARING OPENED: 10:12 a.m.**  
35

36 **Cassie Dillman, Gardens Project:**

- 37 • No questions/concerns/issues with the staff report.  
38 • Has no problem with informing staff within 10 days prior to conducting outdoor sales.  
39 • The community gardeners will decide when outdoor sales will occur or if sales will occur.  
40 • Should outdoor sales occur, this would likely be after work hours to eliminate possible  
41 impacts to traffic and/or other type of impacts.  
42

43 **Zoning Administrator Stump** asked if the applicant has discussed parking with Mendocino  
44 County Department of Social Services about using some of their parking spaces and whether or  
45 not it would be a hardship to obtain a formal parking agreement.  
46

47 **Cassie Dillman:** Will provide staff with a formal parking agreement.  
48

49 **Zoning Administrator Stump:** Indicated the Gardens Project has reached out to the existing  
50 residents of the National Nine apartment complex and asked if the residents will be major  
51 participants in the gardening activities?  
52

53 **Cassie Dillman:**

- 54 • Does expect residents of the National Nine to participate in the gardening activities.  
55 Since the property is connected to the National Nine apartments, it is anticipated that

1 these residents will be the primary persons utilizing the garden because it is attached  
2 and most convenient for them. Based on experience with other community gardens is if  
3 there is an apartment complex attached, the majority of the persons living in the complex  
4 are the primary users.

- 5 • Residents of the National Nine will take priority in the garden, but will encourage other  
6 people in the neighborhood and/or neighboring apartment complexes to also participate.

7  
8 **Zoning Administrator Stump** asked how many persons are anticipated to be in attendance at  
9 the garden on a daily basis at any one time?

10  
11 **Cassie Dillman:**

- 12 • The corresponding drawing for the Project indicated 54 plots available on the site taking  
13 into consideration future gardening opportunities and expansion depending upon the  
14 success of the garden.
- 15 • Understands there is a density issue relative to compliance with Airport Compatibility  
16 Zoning requirements.
- 17 • Based on past observations with other gardens, there are rarely more than six or seven  
18 persons attending to a community garden at any one time because people operate on  
19 different schedules.
- 20 • If the full 54 plots were to be utilized, there would be at most 10 people in attendance at  
21 the garden at one time.
- 22 • Based on other community gardens when garden workshops/meetings are held only one-  
23 half to three-fourths of the persons are actually at the garden at one time.

24  
25 **Judy Pruden:** Has a garden manager been identified for the Project?

26  
27 **Cassie Dillman:** No garden manager has yet been identified. The property owner has primarily  
28 been the spokes person for the garden. What typically occurs in this regard is the Garden Project  
29 conducts a preliminary meeting and then over the course of two or three meetings with the  
30 community gardeners, someone is either appointed or volunteers. There are typically two or three  
31 persons that volunteer to be the garden coordinator.

32  
33 **Judy Pruden:** Does the Garden Project anticipate that the large apartment complex to the  
34 immediate east of the site will be users of the garden?

35  
36 **Cassie Dillman:** When a project is in the planning stage, neighborhoods are canvassed to get  
37 an idea of the interest and apartment complexes in closest proximity to the garden are the key  
38 targets.

39  
40 **Judy Pruden:** Has observed community gardens function well in Ukiah and hopes the Project  
41 works well.

42  
43 **Julie A. Wood:**

- 44 • Highly supports approval of the Project.
- 45 • Is a business license required for outdoor sales of the garden produce?

46  
47 **Cassie Dillman:** The issue of outdoor sales is a matter for the future. While there has been  
48 mention that selling produce might be an option, most of the produce is typically consumed by the  
49 gardeners and their families leaving little or none to sell or the gardeners have not been  
50 motivated enough to set up vegetable stands for retail sales such that the food is donated.

51  
52 **Public Hearing Closed: 10:19 a.m.**

53  
54 **Zoning Administrator Stump:**

- 1 • Is supportive of community gardens and understands they are doing very well in this
- 2 community.
- 3 • The concern for potential traffic impacts and other possible nuisance impacts associated
- 4 with community gardens have simply not materialized for community gardens around
- 5 town.
- 6 • Thanked Planning Intern Johnson for a nice staff report presentation.
- 7 • Agrees with staff findings/project conclusions and supports approval.
- 8 • Advised Senior Planner Jordan is researching some information regarding project
- 9 compliance with the Airport Master Plan concerning the issue of density and requested a
- 10 short meeting recess.

11  
12 **Recess: 10:21 a.m.**

13 **Reconvene: 10:25 a.m.**

14  
15 **Zoning Administrator Stump** considered the information regarding project compliance with the

16 Airport Master Plan and added the following new finding:

17  
18 New Finding No. 6 – The project, as conditioned, is consistent with the density

19 requirement of the Airport Master Plan because no more than 26 people per acre would

20 be on the garden site at any one time. It should be noted that a substantial number of the

21 garden users are expected to be existing tenants of the National 9 apartment complex on

22 the property, and therefore the overall density of people per acre will not substantially

23 increase as a result of the garden project.

24  
25 **Zoning Administrator Stump** inquired about access between the parking lot and the garden

26 space.

27  
28 **Cassie Dillman:** Currently, no gate exists and there is no defined access. However, on the west

29 north side of the site a gate will be installed on the pathway of the National Nine property between

30 this property and the County property.

31  
32 **Zoning Administrator Stump** added the following new project Conditions of Approval:

33  
34 New Condition of Approval – No more than 26 people shall be on the garden site at any

35 one time.

36  
37 New Condition of Approval – The applicants shall alert staff in writing 10 days to

38 conducting any outdoor sales on the site.

39  
40 New Condition of Approval – Prior to conducting garden activities on the site, the

41 applicants shall provide written evidence and/or an agreement between the applicant and

42 the owner of the property to the north for the parking arrangement.

43  
44 **Public Hearing Closed: 10:29 a.m.**

45  
46 **Zoning Administrator Stump** approved Minor Use Permit 11-22-UP-ZA with Findings 1-5 with

47 new Finding No. 6 and three new Conditions of Approval in addition to the conditions of approval

48 included in attachment 2.

49  
50 **MINOR USE PERMIT FINDINGS TO ALLOW**

51 **A COMMUNITY GARDEN WITH OCCASIONAL OUTSIDE SALES AT 751 SOUTH STATE**

52 **STREET**

53 **APN 003-050-65**

54  
55 The following findings are supported by and based on information contained in this staff report,

56 the application materials, and the public record.

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1. The proposed project, as conditioned, is consistent with the City of Ukiah General Plan as described in Table 1 of the staff report.
2. The proposed project, as conditioned, is consistent with the purpose and applicable requirements of the Community Commercial ( C-1) zoning district as described in Table 2 of the staff report, including the following:
  - A. A Determination of Appropriate Use was made on November 16, 2011 that required a use permit.
  - B. The zoning ordinance does not include any specific development standards for community gardens.
  - C. The zoning ordinance does not include a parking requirement specific to community gardens. Based on the information provided by the applicant and their experience with other community gardens most people walk to the community garden. Parking is available adjacent to the project site within the Mendocino County Social Services Building parking lot. Four parking spaces will be designated for garden use.
  - D. Detached accessory structures are allowed by the Zoning Ordinance subject to the setbacks and height requirements of the zoning district in which they are located.
  - E. Outside sales will be limited to no more than 30 days within a 12 month period.
3. 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. The project will provide a well maintained green space that will enhance the appearance of the area
  - B. The project will allow people to grow fruits and vegetables for their own consumption and/or donation
  - C. The project will provide a gardening and recreation opportunities in an area that has limited recreation opportunities
  - D. The project will result in more "eyes on the street"
  - E. The project will create an opportunity for interaction between neighborhood residents and a gathering place for families and neighbors involved in the garden.
  - F. The project is required to comply with all applicable local, state and federal codes and requirements, including the City's Noise Ordinance.
  - G. The project was reviewed by the Police Department, Public Works, Building Department and Fire Marshall.
4. The proposed use permit is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15303, Section 15303 Class 3(e), New Construction or Conversion of Small Structures, which allows the construction of accessory structures and Section 15304, Class 4(b), Minor Alterations to Land, which allows new gardening.
  - A. a 50 square foot shed for the storage of tools and materials and a 30 square foot cold frame may be installed/constructed which is consistent with the accessory structures exempted by Section 15303, Class 3(e); and
  - B. The project includes the planting of 50-75 in ground garden plots which is consistent with the new gardening exempted by Section 15304, Class 4(b).
  - C. occasional seasonal outdoor sales exempted by Section 15304, Class 4(e) which allows temporary use of land having not permanent effort on the environment, including carnivals, sales of Christmas Trees, etc.

1  
2 5. A notice of public meeting for the proposed project was provided in the following manner  
3 as required by the Ukiah Municipal Code:

- 4
- 5       ▪ posted in three places on the project site on March 6 , 2012;
- 6       ▪ mailed to property owners within 300 feet of the project site on March 6 , 2012;
- 7       and
- 8       ▪ published in the Ukiah Daily Journal on March 11, 2012.
- 9

10 From the Zoning Administrator

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12 6. The proposed project, as conditioned, is consistent with the compatibility requirements for  
13 compatibility zone B1 of the Ukiah Municipal Airport Master Plan which limits density to  
14 60 persons per acre. It should be noted that a substantial number of the garden users  
15 are expected to be existing tenants of the National Nine apartment complex on the  
16 property, and therefore the overall density of people per acre was not substantially  
17 increased as a result of the garden project. The conditions of approval limit the maximum  
18 number of persons at the garden to 26 (see condition #6).

19

20 **USE PERMIT CONDITIONS OF APPROVAL TO ALLOW**  
21 **A COMMUNITY GARDEN WITH OCCASIONAL OUTSIDE SALES AT 751 SOUTH STATE**  
22 **STREET,**  
23 **APN 003-050-65**  
24

- 25 1. Approval is granted for the operation of community garden as described in the project  
26 description submitted to the Planning Department and date stamped December 14, 2011,  
27 the sample garden contract submitted to the Planning Department and date stamped  
28 March 19, 2012, and as shown on the site plan and garden plan submitted to the  
29 Planning Department and date stamped January 30, 2012 expect as modified by the  
30 following conditions of approval.
- 31
- 32 2. This Use Permit is granted subject to the following operating characteristics:
- 33       A. Days and hours of operation shall be daily from dawn to dusk.
  - 34       B. Items grown shall be for primarily for personal consumption of the users of the  
35       garden and/or donation.
  - 36       C. Water conservation shall be practiced.
  - 37       D. The project is required to comply with the City of Ukiah Noise Ordinance.
  - 38       E. Outside sales/farm stand shall be limited to May through October and shall not  
39       occur more than 30 days in a 12 month period.
  - 40
- 41
- 42 3. Signs are not included as part of this approval. Signs require application for and  
43 approval of a sign/building permit from the Community Development Department.
- 44
- 45 4. Installation of any accessory structures such as shed, fruit/vegetable stand and  
46 cold-frame are subject to the Zoning Ordinance requirements for accessory  
47 structures.
- 48
- 49 5. On plans submitted for building permit, if a building permit is required, these conditions of  
50 approval shall be included as notes on the first sheet.

51

52 From the Zoning Administrator

53

54 6. No more than 26 people shall be on the garden site at any one time.

55

- 1 7. The applicants shall notify staff in writing 10 days prior to conducting any outdoor sales  
2 on the site.  
3  
4 8. Prior to conducting garden activities on the site, the applicants shall provide written  
5 evidence and/or an agreement between the applicant and the owner of the property to  
6 the north for the parking arrangement.  
7  
8

9 From the Building Official (David Willoughby)

- 10  
11 9. Any structure over 120 square feet requires a building permit.  
12

13 Standard City Requirements

- 14  
15 10. This Use Permit may be revoked through the City's revocation process if the approved  
16 project related to this Permit is not being conducted in compliance with these stipulations  
17 and conditions of approval; or if the project is not established within two years of the  
18 effective date of this approval; or if the established use for which the permit was granted  
19 has ceased or has been suspended for 24 consecutive months.  
20  
21 11. Garden operations shall not commence until all permits required for the approved use,  
22 including but not limited to business license, tenant improvement building permit, have  
23 been applied for and issued/finaled.  
24  
25 12. No permit or entitlement shall be deemed effective unless and until all fees and charges  
26 applicable to this application and these conditions of approval have been paid in full.  
27  
28 13. The property owner shall obtain and maintain any permit or approval required by law,  
29 regulation, specification or ordinance of the City of Ukiah and other Local, State, or  
30 Federal agencies as applicable. All construction shall comply with all fire, building,  
31 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect  
32 at the time the Building Permit is approved and issued.  
33  
34 14. A copy of all conditions of this Use Permit shall be provided to and be binding upon any  
35 future purchaser, tenant, or other party of interest.  
36  
37 15. All conditions of approval that do not contain specific completion periods shall be  
38 completed prior to building permit final.  
39  
40 16. This approval is contingent upon agreement of the applicant and property owner and their  
41 agents, successors and heirs to defend, indemnify, release and hold harmless the City,  
42 its agents, officers, attorneys, employees, boards and commissions from any claim,  
43 action or proceeding brought against any of the foregoing individuals or entities, the  
44 purpose of which is to attack, set aside, void or annul the approval of this application.  
45 This indemnification shall include, but not be limited to, damages, costs, expenses,  
46 attorney fees or expert witness fees that may be asserted by any person or entity,  
47 including the applicant, arising out of or in connection with the City's action on this  
48 application, whether or not there is concurrent passive or active negligence on the part of  
49 the City. If, for any reason any portion of this indemnification agreement is held to be void  
50 or unenforceable by a court of competent jurisdiction, the remainder of the agreement  
51 shall remain in full force and effect.  
52

- 53 **6B. Minor Site Development Permit 12-01-SDP-ZA, APN 002-121-15.** Request for approval  
54 of a Site Development Permit to allow a Minor Site Development Permit to allow exterior  
55 changes to an existing commercial building located at 677 North State Street, APN 002-

1 121-15. The exterior modification will include: new storefront windows, storefront entry,  
2 new signage, new metal awnings, updated landscaping.  
3

4 **Associate Planner Faso** gave a staff report:

- 5 • An application has been received for a minor site development permit to allow exterior  
6 changes to an existing commercial structure.
- 7 • Attachment 4 of the staff report provides a project description that includes the proposed  
8 changes to the building:
  - 9 ○ New storefront windows
  - 10 ○ New storefront entry
  - 11 ○ New metal awning
  - 12 ○ New signs
  - 13 ○ Removal of three small Palm trees
  - 14 ○ Updated landscaping
  - 15 ○ New exterior paint
- 16 • There are no changes proposed to the existing parking lot at this point.
- 17 • There is an existing freestanding sign that will be removed and the Sign Program does  
18 not include provisions for a freestanding sign at this juncture. However, a project  
19 condition has been included that states, 'The sign program for this site does not include a  
20 freestanding sign. An amendment to the Minor Site Development Permit would be  
21 required to allow a freestanding sign at this site.'
- 22 • With regard to the sign program would like to modify condition of approval 7 to read, 'The  
23 existing freestanding sign shall be removed unless an amendment to the Site  
24 Development Permit is approved.
- 25 • Clarified the wall signs shall be individual channel letters.
- 26 • Pages 2 through 6 of the staff report represent staff analysis of the project relative to  
27 General Plan and Zoning Ordinance consistency.
- 28 • Staff recommends approval of the Project based on the findings and conditions of  
29 approval in the staff report referred to as attachments 1 and 2.

30  
31 **Zoning Administrator Stump** asked if there have been public inquiries/comments about the  
32 Project.  
33

34 **Associate Planner Faso:** Has not had any responses and/or negative comments from the public  
35 regarding the project.  
36

37 **Public Hearing Opened: 10:36 a.m.**  
38

39 **Lawrence Mitchell, Project Architect and project representative:**

- 40 • Advised the owners of the building are present and that Aaron's Inc. is leasing the  
41 building.
- 42 • Agrees with staff analysis and noted some minor clarifications:
  - 43 1. There will be some work in the parking lot with regard to ADA upgrades that include  
44 the addition of one accessible space and a path of travel from the accessible spaces  
45 to the rear entry of the building.
  - 46 2. The bike rack was an over-site. A bike rack will be installed as shown on the  
47 construction document.
- 48 • The property was purchased in 2011 and inquired whether or not a sewer lateral  
49 inspection is required as a condition of sale of the property. Is concerned because the  
50 applicant does not want to pay for the inspection twice.

51  
52 **Zoning Administrator Stump:** Is of the understanding this is not the requirement. Inquired  
53 whether or not the applicant received any comment from the City Water and Sewer Department?  
54

55 **Associate Planner Faso:** The inspection is a requirement.

1 **Zoning Administrator Stump:** The inspection can be clarified if it was done in 2011 and this  
2 would satisfy the condition of approval.

3  
4 **Lawrence Mitchell:** Condition of Approval No. 2 states, 'There shall not be outside  
5 storage/display of merchandise.' The Project does not include outside storage except for some  
6 during construction.

7  
8 **Zoning Administrator Stump:** This condition is meant for an ongoing operation.

9  
10 **Lawrence Mitchell:**

- 11 • Talked about the design, material and intent of the proposed trellis.
- 12 • The asbestos survey has been completed and submitted to the appropriate agencies.
- 13 • Will consult with City Fire Marshall Yates about the details concerning the sprinkler  
14 system in the building.
- 15 • A structural analysis is being conducted for the building since 'Aaron's' has a standard  
16 design as shown in the general layout plans for 'Aaron's.' Sheets A301 and LC2 show the  
17 proposed building design for the various elevations.
- 18 • It is not known whether the standard design is possible for the building, particularly with  
19 the proposed treatment of the parapet extension.
- 20 • An amendment to the minor Site Development Permit will be made if it is possible both  
21 economically and physically to construct the parapet as opposed to working with the 'cut-  
22 up' elevation that currently exists.

23  
24 **Zoning Administrator Stump:** Clarified the parapet is proposed so if the project is approved as  
25 designed and the applicant wants to do something different, the applicant can come back with a  
26 minor amendment.

27  
28 **Judy Pruden, Chair of the City Demolition Review Committee and Ukiah Planning  
29 Commission and functioning City historian:**

- 30 • It appears the building was built after 1929 and determined it is not a designated  
31 historical building.
- 32 • The original function was a 'laundry building' and provided a brief history on the  
33 ownership and various uses of the building.
- 34 • The building did undergo a façade restoration on the front of the building.
- 35 • Likes the exterior character of the building, particularly the window design.
- 36 • Does not want the building design to be changed too much from its 'historical character.'
- 37 • Can understand that adding a front door will provide for a presentation from State Street.
- 38 • Inquired whether the front windows will be used for merchandise display purposes?

39  
40 **Lawrence Mitchell:** The plan is to lower the height of the windows for display purposes.

41  
42 **Judy Pruden:**

- 43 • While the building was renovated in the early 1990s, understands the need to display  
44 merchandise.
- 45 • Her preference is not to do a major alteration by changing the existing façade and  
46 window design in keeping with the standard franchise design for an 'Aaron's.' Is of the  
47 opinion a major alternation would likely depreciate the value of the building.
- 48 • Would like to strike a compromise to try and maintain more of the historical character on  
49 the front of the building as much as possible. This is worth a discussion.

50  
51 **Lawrence Mitchell:**

- 52 • Is open to suggestion, but the decision is ultimately that of the applicant.
- 53 • The applicant wants to be able to display store merchandise.
- 54 • The applicant also has a 'brand image' to maintain.
- 55 • Understands the building has a lot of character, particularly the main room.

- When the building was renovated in the 1990s, the front room was sand-blasted and the wood preserved.
- The intent is to preserve as much character and existing materials as possible within the confines of what his client wants to achieve.

**Zoning Administrator Stump:** The applicant may want to consider other possible modifications that would help retain more of the historic look of the building.

**Lawrence Mitchell:**

- Effort was made to maintain some of the building characteristics. The building used to be two buildings consisting of the front building and a little house structure in the back of the site. The properties to the east of the house structure are residential so when the two buildings were connected in the 1990 renovation the intent was to preserve that residential component in keeping with the residential character of the neighborhood.
- Welcomes suggestions as to what aspects would help preserve the historical character of the building beyond what has already been done to the building that in some ways did change the original character of the building.

**Zoning Administrator Stump:** If this project is approved and before a building permit is filed and suggestions are made concerning things that are minor and/or could help retain some of the historic flavor of the building, it is likely the Zoning Administrator would find these suggestions in substantial conformance with the project that was approved. This provides some leeway in which to work.

**Judy Pruden** would be willing to work with Architect Mitchell concerning preservation of the historical aspects of the building.

**Public Hearing Closed: 10:45 a.m.**

**Zoning Administrator Stump:** Referred to staff analysis concerning landscaping that states, 'The project will include landscaping as shown in the submitted plans as shown along the east and south elevations' should 'read west and south elevations.'

**Zoning Administrator Stump:** Has visited the site, agrees with staff's analysis and modified Condition of Approval 4 C to read, ' All proposed exterior lighting shall be shown. Lighting shall be downcast and shall meet International Dark Sky Association standards.'

**Zoning Administrator Stump:** Is pleased the project will create new jobs in the community.

**Zoning Administrator Stump** approved Minor Site Development Permit 12-01-SDP-ZA with Findings 1-12 and Conditions of Approval 1-36 with modification to Condition of Approval 7 and Condition of Approval 4 C.

**SITE DEVELOPMENT PERMIT FINDINGS TO ALLOW CHANGES TO THE EXTERIOR OF AN EXISTING COMMERCIAL BUILDING LOCATED AT 677 NORTH STATE STREET, APN 002-121-15 FILE NO. 12-01-SDP-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.

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 use is and allowed use based on the memo from the Planning Director dated November 2, 2012.

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3. The proposed project, as conditioned, is consistent with the development standards for the C-2 zoning district as shown in Table 2 of the Staff Report.
4. The location, size and intensity of the proposed project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern based on the following:
  - A. The proposed project site is currently developed and has sidewalk on both street frontages, there is also existing driveways on both North State Street and Ford Street.
  - B. The proposed changes to the building exterior will not change the vehicular traffic pattern on the site. Furthermore the new storefront and entry on North State Street will make the site more convenient for pedestrians in that the access to the building would be directly from the public sidewalk. Therefore the project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.
5. The accessibility of the existing off-street parking and driveway will not change as a result of the proposed project therefore no hazardous or inconvenient conditions will be created on adjacent streets.
6. 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 based on the following:
  - A. The project will include new landscaping along the east and south elevations. The proposed landscaping will enhance the new entrance to the building and new metal trellises would add visual interest to the south elevation.
  - B. The existing parking lot contains perimeter landscaping that includes large mature trees and shrubs that screen the parking lot from the right of way and the adjacent properties. The parking lot landscaping was required with the use permit when the building was previously modified. It is not anticipated that the proposed project will disturb any existing landscaping located in the parking lot.
7. The proposed project will not change the footprint of the building and therefore the proposed 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.
8. The improvement of any commercial or industrial structure will not have a substantial detrimental impact on the character or value of an adjacent residential zoning district based on the following:
  - A. The project will utilize an existing commercial building that was recently vacated and therefore with this project will allow the building to be occupied and maintained, therefore not being a burden on the surrounding properties.
  - B. The project site is zoned commercial and has been used as a commercial use for many years and will not change the configuration of the site.
  - C. The proposed project will not generate noise, odor, dust or other nuisances.
  - D. The proposed project will be less intense than many allowed uses in the C-2 zone and will be similar intensity to the previous commercial use on the site.

- 1 9. The site is located in a commercial area developed with an existing commercial building  
2 and parking area. No water courses, wildlife, wildlife habitat, floodway or flood plain or  
3 other environmentally sensitive areas will be disturbed as a result of this project.  
4
- 5 10. The proposed project would add new awnings, landscaping and new storefront windows  
6 to the building. These improvements will add visual interest to an existing box –like  
7 building, therefore crating variety and creativity within an existing commercial  
8 neighborhood.  
9
- 10 11. The proposed project is statutorily exempt from the provisions of the California  
11 Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (C)  
12 Class 3 Conversion of existing small structure not exceeding 10,000 square feet from one  
13 use to another with minor modifications to the exterior of the building and Section 15304,  
14 Class 4(b), Minor Alterations to Land, which allows new landscaping based on the  
15 following:  
16 A. The proposed project is an 8,326.60 square foot existing square foot commercial  
17 building.  
18 B. The project is not located within an environmentally sensitive area in that the site  
19 is located in an urban area that includes a variety of commercial uses and there  
20 will be not change to the size of the existing footprint.  
21 C. The project site is located in an area where all public services and facilities are  
22 available.  
23
- 24 12. Notice of the proposed project was provided in the following manner as required by the  
25 Zoning Ordinance:  
26  
27 A. Posted in three places on the project site on March 8, 2012;  
28 B. Mailed to property owners within 300 feet of the project site on March 8, 2012; and  
29 C. Published in the Ukiah Daily Journal on March 11, 2012.  
30

31 **SITE DEVELOPMENT PERMIT CONDITIONS OF APPROVAL TO ALLOW CHANGES TO THE**  
32 **EXTERIOR OF AN EXISITNG COMMERCIAL BUILDING LOCATED AT 677 NORTH STATE**  
33 **STREET, APN 002-121-15 FILE NO. 12-01-SDP-ZA**  
34

- 35 1. Approval is granted for a Site Development Permit to allow exterior modifications based  
36 on the project description submitted to the Planning and Community Development  
37 Department and as shown on the site plan date stamped January 23, 2012, except as  
38 modified by the following conditions of approval.  
39
- 40 2. There shall be not outside storage/display of merchandise.  
41
- 42 3. On plans submitted for building permit these conditions of approval shall be included as  
43 notes on the first sheet.  
44
- 45 4. Plans submitted for building permit shall include the following and are subject to staff  
46 review and approval:  
47 A. Location of required bicycle parking spaces. Bicycle spaces shall be located  
48 proximate to the front each tenant space.  
49 B. Details/specification for the proposed trellis.  
50 C. All proposed exterior lighting shall be shown. Lighting shall be downcast and  
51 shall meet International Dark Sky Association standards.  
52
- 53 5. Signs require application for and approval of a Sign Permit from the Planning and  
54 Community Development Department.

- 1  
2 6. The sign program for this site does not include a freestanding sign. An amendment to  
3 this Minor Site Development Permit would be required to allow a freestanding sign at this  
4 site.  
5  
6 7. The existing freestanding sign shall be removed unless an amendment to the Site  
7 Development Permit is approved.  
8

9 From the Public Works Department ( Ben Kageyama (707) 463-6284)

- 10  
11 8. If the building permit value of work exceeds \$104,730 or the proposed improvements  
12 create the net addition of two or more plumbing fixture units to the building, the existing  
13 sanitary sewer lateral shall be tested in accordance with City of Ukiah Ordinance No.  
14 1105, and repaired or replaced as required.  
15  
16 9. If the building permit value is equal to or greater than one-third of the value of the exiting  
17 structure, the construction, repair or upgrade of curb, gutter, and sidewalk, along the  
18 subject property street frontages, may be required, pursuant to Section 9181 of the Ukiah  
19 City Code.  
20  
21 10. The applicant shall incorporate into the landscaping plan street trees spaced  
22 approximately every 30'. Street trees shall be installed in accordance with City Standard  
23 Drawing No. 601. Tree types shall be approved by the City Engineer.  
24

25 From the Building Official (David Willoughby (707) 467-5718)

- 26  
27 11. Building, electrical, plumbing and mechanical permits will be required for change of  
28 occupancy and the proposed work. Five sets of plans designed by a California licensed  
29 Architect or Engineer are required.  
30  
31 12. Permits for the changes to the automatic fire suppression system and alarm system are  
32 required through the fire department.  
33  
34 13. If the valuation for the work proposed exceeds \$136,060 then the entire building will need  
35 to comply with the current accessibility standards as a new building; if the valuation is  
36 less than \$136,060 then 20% of the valuation will need to be spent improving the  
37 accessibility and removing barrier on site.  
38  
39 14. An asbestos clearance from Mendocino County Air Quality District will be required prior  
40 to the issuance of building permit.  
41  
42 15. Two sets of California Energy calculations addressing change to the glazing and lighting  
43 where applicable.  
44

45 From the Fire Marshall ( Chuck Yates ( 707) 463-6264)

- 46  
47 16. Knox Box keys will be updated. (CFC 506.1)  
48  
49 17. An automatic fire suppression system will be electrically monitored with the fire alarm  
50 system, where the number of heads exceeds 20. (CBC 901.6.1). This includes tamper  
51 switches on the O.S. & Y. valves installation.  
52  
53 18. No person shall, by verbal or written directive, require any delay in the reporting of a fire  
54 to the fire department. (CFC 401.3)  
55

- 1 19. Access roads shall be a minimum of 20 feet wide and have a vertical clearance of not  
2 less than 13 feet 6 inches. (CFC 503.1.1).
- 3
- 4 20. If there is any hot work, cutting, or use of torches or heating devices, the following code  
5 sections will be adhered too, in their entirety: Hot work is defined as: Operations including  
6 cutting, welding, Thermite welding, brazing, soldering, grinding, thermal spraying, thawing  
7 pipe, installation of torch-applied roof systems or any other similar activity. (CFC 2602.1)  
8 If any of these or similar operations will be conducted, Section 2604 FIRE SAFETY  
9 REQUIREMENTS shall be followed, including hot work permits, inspections, and fire  
10 watches.
- 11
- 12 21. Portable fire extinguishers are required: In 'extra (high) hazard' areas, additional  
13 extinguishers will be required. (California Code of Regulations, Title 19, Sec. 568, table 2  
14 and 3).
- 15
- 16 22. If the proposed awnings extends beyond four feet, sprinklers will be required to protect  
17 under the awning.
- 18
- 19 23. Maximum travel distance cannot exceed 250' to an exit (CFC table 1016.1). (Sprinklered  
20 buildings) Because the interior sales area is not shown, this comment is provided. It may  
21 not be applicable. See table for F-2/S-2/U/I & H occupancies.
- 22
- 23 24. A means of egress shall not pass through kitchens, storeroom, restrooms, closets or  
24 spaces used for similar purposes. (CBC 1014.2) Exits will be reviewed as part of the plan  
25 review process.
- 26
- 27 25. Sprinklers, alarms, and extinguisher locations will be reviewed through the plan reviews  
28 and site inspections.
- 29
- 30 26. On page A101 of the plans, the doors at the QA zone and Clearances, swing into the  
31 building. They are exit doors and are required to swing the direction of egress.

#### 32 Standard City Conditions of Approval

- 33
- 34
- 35 27. This approval is not effective until the 10 day appeal period applicable to this Site  
36 Development Permit has expired without the filing of a timely appeal. If a timely appeal is  
37 filed, the project is subject to the outcome of the appeal and shall be revised as  
38 necessary to comply with any modifications, conditions, or requirements that were  
39 imposed as part of the appeal.
- 40
- 41 28. Construction hours are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through  
42 Saturday.
- 43
- 44 29. The property owner shall obtain and maintain any permit or approval required by law,  
45 regulation, specification or ordinance of the City of Ukiah and other Local, State, or  
46 Federal agencies as applicable. All construction shall comply with all fire, building,  
47 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect  
48 at the time the Building Permit is approved and issued.
- 49
- 50 30. All conditions of approval that do not contain specific completion periods shall be  
51 completed prior to building permit final.
- 52
- 53 31. All required landscaping shall be properly maintained to insure the long-term health and  
54 vitality of the plants, shrubs and trees. Proper maintenance means, but is not limited to  
55 the following:
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- 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. Weed killers shall not be used on or near trees.
- D. The tree ties and stakes shall be checked every six months to ensure they do not constrict the trunks and damage the trees.
- E. 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.
- F. 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.
- G. 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.
- H. Failure to comply with the requirements listed above could result in revocation of the Site Development Permit.

- 32. Building, Grading or other required Permits shall be issued within two years after the effective date of the Site Development Permit, or the discretionary actions granted by the permit shall expire. In the event the required Permits cannot be issued within the stipulated period from the project approval date, a one year extension may be granted by the Director of Planning if no new circumstances affect the project which otherwise would render the original approval inappropriate or illegal. It is the applicant's responsibility in such cases to propose the one-year extension to the Planning Department prior to the two-year expiration date.
- 33. Except as otherwise specifically noted, the Site Development Permit shall be granted only for the specific purposes stated in the action approving the Site Development Permit and shall not be construed as eliminating or modifying any building, use, or zone requirements except to such specific purposes.
- 34. The approved Site Development Permit may be revoked through the City's revocation process if the approved project related to the Site Development 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 land use for which the permit was granted has ceased or has been suspended for twenty four (24) consecutive months.
- 35. 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.
- 36. 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

1 or unenforceable by a court of competent jurisdiction, the remainder of the agreement  
2 shall remain in full force and effect.

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**7. ADJOURNMENT**

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There being no further business, the meeting was adjourned at 10:50 a.m.

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Charley Stump, Zoning Administrator

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Cathy Elawady, Recording Secretary