

**Minutes
Zoning Administrator Meeting
June 14, 2012**

Staff Present

Charley Stump, Zoning Administrator
Jennifer Faso, Associate Planner
Cathy Elawadly, Recording Secretary

Others Present

Glen Dye
Linda Allen
Tom Segar

1. CALL TO ORDER

Zoning Administrator Stump called the meeting to order at 2:08 p.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: May 17, 2012

Zoning Administrator Stump approved the May 17, 2012 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 June 25, 2012.

5. VERIFICATION OF NOTICE

Associate Planner Faso verified Minor Use Permit 12-08-UP-ZA was properly noticed in accordance with the provisions of the UMC.

6. PUBLIC HEARINGS

6A. Minor Use Permit 12-08-UP-ZA, Brush Street, Unit F, APN 002-191-15. Request for approval of a Minor Use Permit to allow retail sales in a Heavy Commercial (C-2) zone.

Zoning Administrator Stump:

- Acknowledged that the only persons in attendance today are the property owner and the applicants and therefore, dispensed with the staff report.
- Inquired about the proposed hours of operations for the project.

Associate Planner Faso:

- The applicant proposed limited hours of operation, i.e., Wednesday thru Sunday from 8:00 a.m. to 7:00 p.m.
- Staff recommends traditional retail type hours of operation so that the applicants have the option of extending their hours of operation from what is being proposed in which case the applicants would not have to amend their use permit.

PUBLIC HEARING OPENED: 2:09 p.m.

Tom Segar, Property Owner:

- The site provides ample parking for customers.
- Elaborated on the building complex and tenants on the site.
- The new retail store located in Unit F will have roll-up doors.
- Supports approval of the proposed use permit.

Zoning Administrator Stump:

- Asked if the applicants had any questions/concerns regarding the project conditions of approval including the required bike rack that must be installed prior to occupancy.

- 1 • Application for a sign permit from the Planning and Community Development Department
2 is required prior to installation of any signage.
3

4 **Glen Dye:**

- 5 • Had no questions or concerns regarding the project findings or conditions of approval and
6 agrees with staff's analysis of the project.
7 • An application for a sign permit has been completed.
8

9 There was a brief discussion pertinent to the appropriate location for the bicycle rack.

10
11 **Public Hearing Closed: 2:17 p.m.**
12

13 **Zoning Administrator Stump:**

- 14 • Has visited the site.
15 • Likes the project.
16 • Appears the variety of business types operating in this heavy commercial zoning district
17 are compatible and work well together.
18 • Is of the opinion the proposed new business would not impact any heavy commercial
19 business operating in the area and, it is highly unlikely the heavy commercial businesses
20 operating in the area would have an impact on the proposed new business.
21 • Approved Minor Use Permit 12-08-UP-ZA with Findings 1-6 and Conditions of Approval
22 1-17.
23

24 **USE PERMIT FINDINGS TO ALLOW PRODIGAL THRIFT TO OPERATE (A RETAIL STORE)**
25 **AT 171 BRUSH STREET, APN 002-091-15, UNIT F**
26 **FILE NO.: 12-08-UP-ZA**
27

28 The following findings are supported by and based on information contained in this staff report,
29 the application materials and documentation, and the public record.
30

- 31 1. The proposed project, as conditioned, is consistent with the goals and policies of the
32 General Plan as described in the staff report.
33
34 2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as
35 described in Tables 1 of the staff report.
36
37 3. The proposed project, as conditioned, is consistent with the purpose and applicable
38 requirements of the C-2 zoning district based on the following:
39
40 A. With an approved use permit the proposed project that includes retail sales and
41 outside sales is a permitted use within the Heavy Commercial (C-2) zoning district.
42
43 B. The proposed project meets the parking requirements of the zoning code in that the
44 project will provide 6 vehicle parking spaces and 1 bicycle parking spaces as
45 required by the zoning code.
46
47 C. There are 58 parking spaces on the site. The existing uses require 42 spaces and
48 the proposed retail use required 6 spaces therefore there is sufficient parking on the
49 site for both the existing uses and the new retail use.
50
51 4. The proposed project, as conditioned, is compatible with surrounding land uses and shall
52 not be detrimental to the public's health, safety and general welfare based on the
53 following:
54

- 1 A. Surrounding uses include a variety of office, industrial and commercial uses all of
2 which are compatible with the proposed retail use.
3
4 B. The project has been reviewed by the Fire Marshal, Police Department, Building
5 Official, and Public Works and any requirements have been included as conditions of
6 approval.
7
8 C. The project is required to comply with all federal, state and local laws.
9
10 D. The project promotes the public health, safety, and welfare by providing a needed
11 service to the community of Ukiah.
12
13 5. The proposed project is exempt from the provisions of the California Environmental
14 Quality Act (CEQA) pursuant to Section 15303 (c), New Construction and Conversion of
15 Small Structures, which allows structures up to 10,000 square feet to be converted from
16 one use to another in urbanized areas when the use does not involve significant amounts
17 of hazardous materials, where all necessary public services and facilities are available,
18 and the surrounding area is not environmentally sensitive based on the following.
19
20 • The total building square footage is 1,875 square feet.
21
22 • The business does not use large amounts of hazardous materials.
23
24 • The site is developed with an existing building and public utilities and
25 services already are available at the site. No expansion of the existing
26 buildings are proposed as part of the project.
27
28 6. Notice of the proposed project was provided in the following manner as required by the
29 Zoning Ordinance:
30
31 A. Posted in three places on the project site on May 31, 2012.
32 B. Mailed to property owners within 300 feet of the project site on May 31, 2012.
33 C. Published in the Ukiah Daily Journal on June 3, 2012.
34

35 **USE PERMIT CONDITIONS OF APPROVAL TO ALLOW**
36 **PRODIGAL THRIFT (A RETAIL STORE) TO OPERATE AT**
37 **171 BRUSH STREET, UNIT F, APN 002-091-15**
38 **FILE NO.: 12-08 UP-ZA**
39

- 40 1. Approval is granted for the operation of a retail store at 171 Brush Street, Unit F based
41 on the project description submitted to the Planning and Community Development
42 Department and as shown on the Site plan date stamped April 26, 2012 except as
43 modified by the following conditions of approval.
44
45 2. This Use Permit is granted subject to the following operating characteristic:
46
47 • Hours of operation are limited to Monday through Sunday from 8:00 am
48 till 7:00 pm.
49 • Outside display and/or storage of items is prohibited.
50 • The maximum number of employees on the maximum shift is three.
51
52 3. Plans submitted for building permit shall include the location of the required bike rack and
53 is subject to staff review and approval. The bike rack shall be located as close as
54 reasonable to the front entrance to the retail store and shall be installed prior to
55 occupancy.
56

- 1 4. Application for and approval of a Sign Permit from the Planning and Community
2 Development Department is required prior to installation of any signage.
3
4 5. On plans submitted for building permit, these conditions of approval shall be included as
5 notes on the first sheet.
6

7 From the Department of Public Works (Ben Kageyama)
8

- 9 6. If additional plumbing fixtures are proposed, City of Ukiah sewer connection fees shall
10 apply, and shall be paid at the time of building permit issuance.
11
12 7. If two or more plumbing drainage fixture units, as defined by the California Plumbing
13 Code, are proposed to be added, or the building permit value exceeds \$107,872, the
14 existing sanitary sewer lateral shall be tested in accordance with City of Ukiah Ordinance
15 No. 1105, and repaired or replaced if required.
16

17 From the Building Official (David Willoughby)
18

- 19 8. A building permit is required for new interior walls, electrical, signage.
20

21 From the Police Department (Captain Trent Taylor)
22

- 23 9. A Second Hand Dealers License must be obtained prior to issuance of City business
24 license furthermore the Second Hand Dealers License must be maintained as long as the
25 thrift shop is in operation.
26

27 Standard City Conditions of Approval
28

- 29 10. Business operations shall not commence until all permits required for the approved use,
30 including but not limited to business license, tenant improvement building permit, have
31 been applied for and issued/finaled.
32
33 11. No permit or entitlement shall be deemed effective unless and until all fees and charges
34 applicable to this application and these conditions of approval have been paid in full.
35
36 12. The property owner shall obtain and maintain any permit or approval required by law,
37 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
38 Federal agencies as applicable. All construction shall comply with all fire, building,
39 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
40 at the time the Building Permit is approved and issued.
41
42 13. A copy of all conditions of this Use Permit shall be provided to and be binding upon
43 any future purchaser, tenant, or other party of interest.
44
45 14. All conditions of approval that do not contain specific completion periods shall be
46 completed prior to building permit final.
47
48 15. This Use Permit may be revoked through the City's revocation process if the approved
49 project related to this Permit is not being conducted in compliance with these stipulations
50 and conditions of approval; or if the project is not established within two years of the
51 effective date of this approval; or if the established use for which the permit was granted
52 has ceased or has been suspended for 24 consecutive months.
53
54 16. This approval is contingent upon agreement of the applicant and property owner and
55 their agents, successors and heirs to defend, indemnify, release and hold harmless the
56 City, its agents, officers, attorneys, employees, boards and commissions from any claim,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

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.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 2:22 p.m.

Charley Stump, Zoning Administrator

Cathy Elawadly, Recording Secretary