

**Minutes
Zoning Administrator Meeting
May 9, 2013**

Staff Present

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

Others Present

Gayle Zepeda
Vaughn Pena

1. CALL TO ORDER

Zoning Administrator Stump called the meeting to order at 11:02 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: November 15, 2012

Zoning Administrator Stump approved the November 15, 2012 minutes, as submitted.

4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

5. APPEAL PROCESS

Zoning Administrator Stump read the appeal process. For matters heard at this meeting the last day to appeal is May 20, 2013.

6. VERIFICATION OF NOTICE

Associate Planner Faso verified Minor Use Permit 13-05-UP-ZA was properly noticed in accordance with the provisions of the UMC.

7. PUBLIC HEARINGS

7A. Minor Use Permit 13-05-UP-ZA, 171 Brush Street, Unit B, APN 002-191-15. Request for Minor Use Permit to allow a Workforce Development Program Classroom to operate within a Heavy Commercial (C-2) zoning district.

Zoning Administrator Stump inquired 1) if staff received any public comments regarding the proposed Project; and 2) if anyone present would be speaking in opposition to the Project?

PUBLIC HEARING OPENED: 11:05 a.m.

PUBLIC HEARING CLOSED: 11:05 a.m.

Zoning Administrator Stump noted no one was present to speak in opposition to the Project.

Associate Planner Faso confirmed no public comments were submitted to staff regarding the proposed Project.

Zoning Administrator Stump dispensed with the staff report and noted only staff and the applicants were present.

Zoning Administrator Stump referred to the staff report:

- Table 2, Zoning Ordinance and Site Analysis, vehicle parking, and requested clarification pertinent to the statement, 'The majority of students do not drive to the project site, they walk or are dropped off. Therefore much of the available parking for the project would not be used and would continue to be available for other tenants if needed' and how staff reached this conclusion.

- 1 • Table 3, Use Permit Analysis, requested clarification ‘the Project would not generate
2 noise as is typical of other allowed uses within the C-2 zone’ and asked if the instruction
3 would be ‘hands-on?’
4

5 **Associate Planner Faso:**

- 6 • Observed when visiting the site there were very few vehicles in the parking lot.
7 • Clarified instruction and/or classroom work would be completed through the use of
8 computers.
9

10 **PUBLIC HEARING REOPENED: 11:07 a.m.**

11
12 **Vaughn Pena:**

- 13 • Had no questions/concerns regarding the staff report.
14 • Made a correction to the staff report, page 1, sentence that reads ‘For the first year the
15 program would enroll 25 students however in the future it may expand up to **29** students.’
16

17 **Zoning Administrator Stump:**

- 18 • Requested clarification the majority of the students will not drive to the site.
19 • Noted there is plenty of parking available for the land use as it relates to City Code
20 requirements.
21 • Related to hands-on construction techniques done in the classroom, would students learn
22 how to frame a building, for instance, since the site presents itself as an industrial setting.
23 • It was his understanding the previous use for the facility in the business complex was
24 also a classroom setting.
25

26 **Gayle Zepeda:**

- 27 • The students do not typically drive to the site. The program provides transportation by
28 way of a van that can accommodate five students at a time. The van would be parked in
29 another location.
30 • Two staff members have vehicles and will park on-site.
31 • The majority of the students will walk or rides bicycles.
32

33 **Vaughn Pena:**

- 34 • Most of the construction learning will be through instruction such as, how to turn on a
35 power saw, how to make a rivet cut, how to do angle cuts, etc. Nothing will be built in the
36 classroom.
37 • The program has a classroom curriculum that will be followed. Students will be required
38 to pass a series of tests based on information taught in the classroom.
39 • Named another facility in the business complex that was also a classroom setting.
40

41 **PUBLIC HEARING CLOSED: 11:09 a.m.**

42
43 **Zoning Administrator Stump:**

- 44 • Has visited the site, understands what is being proposed and agrees with staff’s analysis
45 concerning the project.
46 • A Determination of Appropriate Use was made for the Project and as such is of the
47 opinion the land use for the proposed location is certainly an appropriate use.
48 • Holds high regard for the purpose and intent of the Project in that the program being
49 offered will present a hands-on learning environment that will provide young adults the
50 opportunity to complete their GEDs while learning construction trades and leadership
51 skills.
52 • Related to General Plan Goal ED-1, Support a Strong Local Economy, noted the
53 corresponding Policy and Implementation Measure associated with this Goal pertain to
54 the Project intent. The Policy under Goal ED-1 states, ‘Take steps to reinforce the
55 Valley’s economy’ and Implementation Measure ED-1.1(d) states, ‘Continue to carry out

1 the Economic Development Strategy as adopted by the City. The Project provides job
2 training that ultimately leads to employment and therefore, is one of the primary
3 economic development strategies in connection with Implementation Measure ED-1.1 (d)
4 and the Policy under General Plan Goal ED-1.
5 • Amended the staff report so the language concerning the Policy under General Plan Goal
6 ED-1 and Implementation Measure ED-1.1(d) coupled with General Plan Goal ED-1 are
7 included to reflect that the Project complies not only with the City's General Plan Goal
8 ED-1, but also the Policy and Implementation Measure associated with this goal.
9

10 **Zoning Administrator Stump** approved Minor Use Permit 13-05-UP-ZA based on Findings 1-6
11 and Conditions of Approval 1-11 as provided for in the staff report.
12

13 **7. ADJOURNMENT**

14 There being no further business, the meeting was adjourned at 11:12 a.m.
15

16 _____
17 Charley Stump, Zoning Administrator

18 _____
19 Cathy Elawadly, Recording Secretary

20
21 **USE PERMIT FINDINGS TO ALLOW**
22 **A WORKFORCE DEVELOPMENT PROGRAM (YOUTHBUILD)**
23 **TO OPERATE AT 171 BRUSH STREET, APN 002-091-15, UNIT B**
24 **FILE NO.: 13-05-UP-ZA**
25

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

- 29 1. The proposed project, as conditioned, is consistent with the goals and policies of the
30 General Plan as described in Table 1 of the staff report.
31
- 32 2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as
33 described in Table 2 of the staff report.
34
- 35 3. The proposed use is allowed with a use permit based on the Determination of
36 Appropriate Use made by the Planning Director as allowed by zoning ordinance section
37 9102. The project, as conditioned, is compatible with surrounding uses based on the
38 following:
39
 - 40 A. The project site is located within an existing commercial area and is surrounded
41 mainly by commercial uses.
 - 42 B. The proposed project would be less intensive than many of the uses allowed
43 within the C-2 zone.
 - 44 C. The hours of operation will be consistent with other business in the area.
45
- 46 4. The proposed project, as conditioned, is consistent with the purpose and applicable
47 requirements of the C-2 zoning district based on the following:
48
 - 49 A. The proposed project meets the parking requirements of the zoning code in that
50 the project will provide 14 vehicle parking spaces and 2 bicycle parking spaces
51 as required by the zoning code.
 - 52 B. There are 71 parking spaces on the site. The existing uses require 42 spaces
53 and the proposed use required 14 spaces therefore there is sufficient parking on
54 the site for both the existing uses and the new use.
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5. 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. Surrounding uses within the project site include a variety of office and commercial uses all of which would be compatible with the proposed Workforce Development Program.
 - B. The proposed use is similar to the previous use of this unit as a music school. Therefore the surrounding neighbors and the business within the complex are already accustomed to a school type of use.
 - C. The proposed project would be less intensive than the previous school use in that there would only be one class each day. The hours would be Monday through Friday 8:00 am to 2:30 pm. There would not be a new class every few hours as is typical with a music or dance school and therefore less disruptive to the surrounding uses.
 - D. The proposed project would be less intensive than many of the allowed uses in the Heavy Commercial (C-2) zone. Such as auto repair and machine shops. Furthermore since the project would operate within a classroom environment the project would not generate noise as is typical of other allowed uses within the C-2 zone.
 - E. There are 71 onsite parking spaces. 42 parking spaces are required to serve the existing uses on the site. This leaves 29 parking spaces available to serve the proposed use which requires 14 parking spaces.
 - F. Many of the students would not drive to the location therefore leaving ample parking for the other business on the project site.
 - G. The project has been reviewed by the Fire Marshal, Police Department, Building Official, and Public Works, any requirements have been included as conditions of approval.
 - H. The project is required to comply with all federal, state and local laws.
 - I. The proposed hours of operation are compatible with the existing onsite uses and as noted above the existing parking is consistent with the parking requirements of the zoning code.
 6. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (c), New Construction and Conversion of Small Structures, which allows structures up to 10,000 square feet to be converted from one use to another in urbanized areas when the use does not involve significant amounts of hazardous materials, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive based on the following.
 - A. The total building square footage is 1,836 square feet.
 - B. The business does not use large amounts of hazardous materials.
 - C. The site is developed with an existing building, public utilities and services already are available at the site and no expansion of the existing buildings are proposed as part of the project.
 7. Notice of the proposed project was provided in the following manner as required by the Zoning Ordinance:
 - A. Posted in three places on the project site on April 26, 2013.
 - B. Mailed to property owners within 300 feet of the project site on April 26, 2013.
 - C. Published in the Ukiah Daily Journal on April 28, 2013.

**USE PERMIT CONDITIONS OF APPROVAL TO ALLOW
A WORKFORCE DEVELOPMENT PROGRAM (YOUTHBUILD)
TO OPERATE AT 171 BRUSH STREET, APN 002-091-15, UNIT B**

FILE NO.: 13-05-UP-ZA

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- 2
- 3 1. Approval is granted for the operation of a Workforce Development Program (YouthBuild)
- 4 at 171 Brush Street, Unit B based on the project description submitted to the Planning
- 5 and Community Development Department and as shown on the Site Plan date stamped
- 6 March 1, 2013 except as modified by the following conditions of approval.
- 7
- 8 2. This Use Permit is granted subject to the following operating characteristic:
- 9
 - 10 A. Hours of operation are Monday through Friday from 8:00 am till 2:30 pm.
 - 11 B. The maximum number of occupants allowed is 49 this includes students and
 - 12 staff.
 - 13 C. Three staff members shall be on site.
- 14
- 15 3. Application for and approval of a Sign Permit from the Planning and Community
- 16 Development Department is required prior to installation of any signage.
- 17
- 18 4. A bike rack that will accommodate two bikes shall be installed near the front entrance of
- 19 Unit B , subject to staff review and approval. Inverted “U “style rack is preferred.
- 20

21 From the Building Official (David Willoughby)

- 22
- 23 5. If portable room dividers are taller than 69” than a building permit is required.
- 24

25 Standard City Conditions of Approval

- 26
- 27 6. Business operations shall not commence until all permits required for the approved use,
- 28 including but not limited to business license, tenant improvement building permit, have
- 29 been applied for and issued/finaled.
- 30
- 31 7. No permit or entitlement shall be deemed effective unless and until all fees and charges
- 32 applicable to this application and these conditions of approval have been paid in full.
- 33
- 34 8. The property owner shall obtain and maintain any permit or approval required by law,
- 35 regulation, specification or ordinance of the City of Ukiah and other Local, State, or
- 36 Federal agencies as applicable. All construction shall comply with all fire, building,
- 37 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect
- 38 at the time the Building Permit is approved and issued.
- 39
- 40 9. A copy of all conditions of this Use Permit shall be provided to and be binding upon
- 41 any future purchaser, tenant, or other party of interest.
- 42
- 43 10. This Use Permit may be revoked through the City’s revocation process if the approved
- 44 project related to this Permit is not being conducted in compliance with these stipulations
- 45 and conditions of approval; or if the project is not established within two years of the
- 46 effective date of this approval; or if the established use for which the permit was granted
- 47 has ceased or has been suspended for 24 consecutive months.
- 48
- 49 11. This approval is contingent upon agreement of the applicant and property owner and their
- 50 agents, successors and heirs to defend, indemnify, release and hold harmless the City,
- 51 its agents, officers, attorneys, employees, boards and commissions from any claim,
- 52 action or proceeding brought against any of the foregoing individuals or entities, the
- 53 purpose of which is to attack, set aside, void or annul the approval of this application.
- 54 This indemnification shall include, but not be limited to, damages, costs, expenses,
- 55 attorney fees or expert witness fees that may be asserted by any person or entity,
- 56 including the applicant, arising out of or in connection with the City’s action on this

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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.