



Planning Commission

Regular Meeting AGENDA

(to be held both at the physical and virtual locations below)

Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482

To participate or view the virtual meeting, go to the following link: <https://us06web.zoom.us/j/83128884939>

Or you can call in using your telephone only:

- Call (toll free) 1-888-788-0099
- Enter the Access Code: 831 2888 4939
- To Raise Hand enter *9
- To Speak after being recognized: enter *6 to unmute yourself

Alternatively, you may view the meeting (without participating) by clicking on the name of the meeting at www.cityofukiah.com/meetings.

March 11, 2026 - 5:15 PM

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **AB 2449 NOTIFICATIONS AND CONSIDERATIONS**

5. **APPROVAL OF MINUTES**

5.a. Approval of the Minutes of February 25, 2026, a Regular Meeting.

Recommended Action: Approve the Minutes of February 25, 2026, a Regular Meeting.

Attachments:

1. 2026-02-25 PC Draft Minutes

6. **APPEAL PROCESS**

All determinations of the Planning Commission regarding major discretionary planning permits are final unless a written appeal stating the reasons for the appeal is filed with the City Clerk within ten (10) days of the date the decision was made. An interested party may appeal only if he or she appears and states his or her position during the hearing on the decision from which the appeal is taken. For items on this agenda, the appeal must be received by [date].

7. **COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**

The Planning Commission welcomes input from the audience. If there is a matter of business on the agenda that you are interested in, you may address the Planning Commission when this matter is considered. If you wish to speak on a matter that is not on this agenda that is within the subject matter jurisdiction of the Planning Commission, you may do so at this time. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes

per subject. The Brown Act regulations do not allow action to be taken on audience comments in which the subject is not listed on the agenda.

8. **SITE VISIT VERIFICATION**

9. **VERIFICATION OF NOTICE**

10. **PLANNING COMMISSIONERS REPORT**

11. **DIRECTOR'S REPORT**

11.a. Receive Community Development Director's Report.

Recommended Action: Receive Community Development Director's Report and discuss questions with Staff.

Attachments:

1. Planning Division Projects Report - 03/01/26

12. **CONSENT CALENDAR**

The following items listed are considered routine and will be enacted by a single motion and roll call vote by the Planning Commission. Items may be removed from the Consent Calendar upon request of a Commissioner or a citizen in which even the item will be considered at the completion of all other items on the agenda. The motion by the Commission on the Consent Calendar will approve and make findings in accordance with Administrative Staff and/or the Commission recommendations.

13. **UNFINISHED BUSINESS**

13.a. Consideration of Adoption of a Revised Resolution Recommending the City Council Adopt Policies Establishing the Location and Associated Standards for City Gateways Consistent with 2040 General Plan Policy LU-11.2 and Related Implementation Measures.

Recommended Action: Adopt a revised resolution recommending that the City Council adopt policies establishing the location and associated standards for City gateways, consistent with General Plan Policy LU-11.2.

Attachments:

1. 2026-01 PC Resolution - Gateways (2026-01)
2. Proposed PC Resolution - redline
3. Proposed PC Resolution (with Exhibits A & B) - clean

14. **NEW BUSINESS**

14.a. Conduct Public Hearing and Consider Approval of a Major Use Permit Amendment to Allow the Retail Sale of Distilled Spirits at an Existing Gas Station and Convenience Store at 615 Talmage Road (APN 180-070-10); Permit No. PPA25-000001 (formerly File No. 07-33).

Recommended Action: 1) Conduct a public hearing; and 2) Approve the Major Use Permit Amendment for the property located at 615 Talmage Road (APN 180-070-10); Permit No. PPA25-000001, subject to the Findings in Attachment 1 and the Conditions of Approval in Attachment 2.

Attachments:

1. Draft Findings
2. Draft Conditions
3. Application Materials

15. **ADJOURNMENT**

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda

packet are available at the Civic Center 300 Seminary Ave. Ukiah, CA 95482; and online at: www.cityofukiah/meetings/ at the end of the next business day.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.

Kristine Lawler, City Clerk
Dated: 3/4/26



**CITY OF UKIAH
PLANNING COMMISSION MINUTES
REGULAR**

Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482

Virtual Meeting Link: <https://us06web.zoom.us/j/83128884939>

**February 25, 2026
5:15 p.m.**

1. CALL TO ORDER

The City of Ukiah Planning Commission held a Regular Meeting on February 25, 2026. The meeting was legally noticed on February 20, 2026. The meeting was held in person and at the following virtual link: <https://us06web.zoom.us/j/83128884939>. Chair de Grassi called the meeting to order at 5:16 p.m.

CHAIR de GRASSI PRESIDING.

2. ROLL CALL

Roll call was taken with the following **Commissioners Present:** Mark Hilliker, Devery Montaño, Rick Johnson, and Alex de Grassi. **Commissioner Absent:** Jacob Brown. **Staff Present:** Craig Schlatter, Community Development Director; Jesse Davis, Chief Planning Manager; Katherine Schaefer, Planning Manager; and Kristine Lawler, City Clerk.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Hilliker.

4. AB 2449 NOTIFICATIONS AND CONSIDERATIONS

No notifications or considerations received.

5. APPROVAL OF MINUTES

a. Approval of the Minutes of February 11, 2026, a Regular Meeting.

Motion/Second: Johnson/Hilliker to approve the minutes of the February 11, 2026, a Regular Meeting, as amended (*13a to show Johnson as Vice Chair*). Motion **carried** by the following Roll Call votes: AYES: Hilliker, Montaño, Johnson, and de Grassi. NOES: None. ABSENT: Brown. ABSTAIN: None.

6. APPEAL PROCESS

Chair de Grassi stated the appeals deadline date is March 9, 2026, before 5:00 p.m.

7. COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

Public Comment: Gizmo – Streetscape - buses; Mia Uribe – plan for recreational space.

Clerk noted that there was no online public presence at that time.

8. SITE VISIT VERIFICATION

No site visit was necessary.

9. VERIFICATION OF NOTICE

The Clerk noted that the agenda was properly noticed.

10. PLANNING COMMISSIONERS' REPORTS

No reports were received.

11. DIRECTOR'S REPORT

a. Receive Community Development Director's Report.

Presenters: Craig Schlatter, Community Development Director and Katherine Schaefers, Planning Manager.

Public Comment: Gizmo.

Reports were received.

12. CONSENT CALENDAR

No items on the Consent Calendar.

13. UNFINISHED BUSINESS

No items on Unfinished Business.

14. NEW BUSINESS

a. Review and Provide Input on a Proposed General Plan Amendment and Rezone to Modify Downtown Zoning Code Boundaries Consistent with Ukiah 2040 General Plan Land Use Element Implementation Program E and Policy LU-10.1 (Downtown Zoning Code).

Presenters: Jesse Davis, Chief Planning Manager and Katherine Schaefers, Planning Manager.

Public Comment: Mia Uribe, Jim Mayfield, and Gizmo.

Presentation was received and direction was given to Staff.

b. Receive Presentation on the 2025 Annual Progress Reports to the Department of Housing and Community Development and the Governor's Office of Land Use and Climate Innovation; and Discuss Questions with Staff.

Presenter: Katherine Schaefers, Planning Manager.

No public comment was received.

Presentation was received.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 7:12 p.m.

Kristine Lawler, CMC
City Clerk



AGENDA SUMMARY REPORT

SUBJECT: Receive Community Development Director's Report.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, AICP

ATTACHMENTS:

1. Planning Division Projects Report - 03/01/26

Summary: Planning Commission will receive the Community Development Director's Report and discuss questions with Staff.

Background: Director's Reports are bi-monthly oral reports given by the Community Development Director on the status of projects, primarily within the Planning Division, of the Community Development Department. Updates may include, but are not limited to, application status of major and minor discretionary permits, the implementation status of advanced planning and related 2040 General Plan programs and projects, and updates related to the activities of other divisions of the Department.

Discussion: This report is expected to provide updates in the following areas:

- March 2026 Planning Division Projects Report (Attachment 1)
 - This is a monthly report produced on the first of each month. The March 2026 report and previous monthly reports are located on the Planning Division Services web-page, under
 - "Current Planning Reports": <https://cityofukiah.com/community-development/planning-services>

Staff recommends Planning Commission receive the Community Development Director's Report and discuss questions with Staff.

Recommended Action: Receive Community Development Director's Report and discuss questions with Staff.



**City of Ukiah
Submitted Planning Applications**

3/1/2026

Permit #	Site Address	Date Submitted	Summary of Project	Status
PA24-000020/21	534 E. Perkins St.	12/23/24	Major Site Development Permit of APN 002-200-43 within the Pear Tree Center, approximately 150 feet west of the E. Perkins St./S. Orchard Ave. intersection. The proposal includes the construction of a ±1,700 sq. ft. Starbucks retail, operating as carry-out and drive-through only, with no interior dining, and a total gross building area, including the outdoor canopy, of approximately 2,885 sq. ft.	Inactive. No Applicant communication since February, 2025.
PPA25-000001	615 Talmage Ave.	1/15/26	Modification to the 2007 Use Permit (File No. 07-33) for the existing gas station and convenience store to allow for the retail sale of distilled spirits in addition to currently permitted beer and wine sales. No exterior construction, site modifications, or further operational changes are proposed as part of this request.	PC Hearing Scheduled 3/11/26
PA26-000001	228 E Perkins St.	1/23/26	Notification of incoming Historic Demolition application pursuant to Ukiah City Code 3016 received. Additional project details forthcoming upon initial review.	DRC Hearing Scheduled 3/04/26.

City of Ukiah
2040 General Plan Implementation - Status of Projects In-Process or Completed within the Last 60 Days



3/1/2026

General Plan Element	Implementation Program	Date Due	Description	Status / Comments
Land Use	E – Zoning Code Amendments	12/31/2025	Amend the Zoning Code to address Downtown Zoning Code and Design Guidelines.	In progress. Downtown Zoning Code (DZC) City Council Ad Hoc Committee met in August and October 2025. Planning Commission held an initial review of the Ad Hoc Committee recommendations on 12/10/25. Planning Commission workshop on DZC rezones facilitated on 02/24/26. Staff will progress the request to ALUC in March, 2026.
Land Use	E – Zoning Code Amendments	12/31/2025	Update zoning districts and maps for consistency with the 2040 Land Use Diagram.	In progress. Planning Commission reviewed proposed zoning and map consistency updates on 1/28/26. City Council review and potential adoption of updated Zoning, General Plan Land Use, and Downtown Zoning Code maps scheduled for 3/18/26.
Land Use	D – City Gateway Design Standards	12/31/2025	Prepare gateway design standards addressing landscaping, signage, building form, and historic themes.	In progress. Planning Commission adopted a resolution recommending gateway locations and design standards. Staff will return with updates as unfinished business at the PC Hearing Scheduled 3/11/26 City Council resolution scheduled for review on 3/18/26.
Economic Development	A – Economic Development Strategy	12/31/2025	Prepare, adopt, and regularly update an Economic Development Strategy.	In progress. Preparation of the Economic Development Strategy is deferred pending further progress on the City's reorganization and annexation applications.
Environment & Sustainability	H – Cultural and Historic Registry	12/31/2025	Update the list of cultural and historic resources eligible for state or national designation.	In progress. Updates are deferred until completion and adoption of the Historic Preservation Ordinance.

General Plan Element	Implementation Program	Date Due	Description	Status / Comments
Environment & Sustainability	I – Historic Preservation Ordinance	12/31/2030	Adopt a Historic and Archaeological Preservation Ordinance.	In progress. City staff, in coordination with the Historical Society of Mendocino County, are drafting the ordinance based on community and Ad Hoc Committee input.
Mobility Element	A – Street Design / D – VMT Performance Measures	12/31/2025	Promote multimodal transportation through flexible parking regulations and implement VMT reduction measures.	In progress. In January 2026, staff initiated an ordinance amendment, including coordination with the City Attorney and the Climate Adaptation and Resilience Division, to expand bicycle storage and parking infrastructure and advance off-street parking reforms aimed at reducing duplicative vehicle parking requirements.
Mobility Element	MOB 5.2 – Support for Charging Stations	12/31/2025	Support installation of electric vehicle charging stations.	In progress. Beginning in 2024, Electric Utility Department and Community Development staff coordinated on an effort to install 18 public chargers across three locations. Final locations and initial designs were submitted for review in January 2026. Locations include the Library, Anton Stadium, and Ukiah Skate Park.
Mobility Element	G – Transit Center	12/31/2030	Coordinate with MTA and partners to seek funding and conduct feasibility work for a downtown transit center.	In progress. In January 2026, in coordination with CDD Staff, language was added to the draft Mendocino County RTP identifying a vacant Courthouse Boulevard site as a potential downtown transit center location by MTA and MCOG staff.
Mobility Element	L – Airport Parcels / MOB-6.3	12/31/2025	Prepare a study identifying airport-supportive development parcels and develop an infill policy for Airport Compatibility Zones.	In progress. Airport Infill Policy Ad Hoc Committee appointed by City Council in November 2025 and met in December 2025.

City of Ukiah
Recently (Within Previous 60 Days) Approved Projects



COMMUNITY DEVELOPMENT DEPARTMENT

3/1/2026

Permit #	Site Address	Approved Date	Summary of Project	Comments
PA25-000019	1240 Airport Park Blvd.	12/10/25	Major Site Development Permit and Lot Merger of APNs (180-080-74; 180-080-75) converting a ±7,129-square-foot structure into an 'Urgent Care and Administrative Office' within the AIP-PD Mixed-Use Airport Industrial Park Planned Development.	Approved by the Planning Commission on 12/10/25.
File No. 25-001630	817 Waugh Ln.	11/21/25	Historic Demolition Permit request for a residential structure (APN 003-574-07). The proposal also includes demolition of a barn, garages, shed, and vineyard, none of which rise to the level of historical or architectural significance that would warrant review under the City's historic demolition procedures.	Determined exempt from historical review pursuant to Ukiah City Code (UCC) 3016(B) by the Community Development Department (CDD) Director on 12/22/25.
PA25-000021	101 and 105 S Main St.	11/7/25	Historic Demolition Permit for two structures over 50 years old (APN 002-231-01). The request focuses on revising mitigation measures in a CEQA Addendum to the 2022 City Council-approved Initial Study and demolition permit, reflecting a new applicant and updated project timing.	Approved by the City Council on 1/21/26.



AGENDA SUMMARY REPORT

SUBJECT: Consideration of Adoption of a Revised Resolution Recommending the City Council Adopt Policies Establishing the Location and Associated Standards for City Gateways Consistent with 2040 General Plan Policy LU-11.2 and Related Implementation Measures.

DEPARTMENT: Community Development

PREPARED BY: Jesse Davis, Chief Planning Manager, Katherine Schaefers, Planning Manager

PRESENTER: Katherine Schaefers, Planning Manager

ATTACHMENTS:

1. 2026-01 PC Resolution - Gateways (2026-01)
2. Proposed PC Resolution - redline
3. Proposed PC Resolution (with Exhibits A & B) - clean

Summary: Planning Commission will review proposed amendments to the previously adopted resolution directing the City Council to adopt policies establishing the location and related standards for City gateways, consistent with General Plan Policy LU-11.2. The revised Resolution reflects the Planning Commission's recommendations from its regular meeting on January 28, 2026.

Background: At its January 28, 2026, meeting, the Planning Commission reviewed the proposed gateway policies and locations (see the City's meetings page at www.cityofukiah.com/meetings to review the agenda summary report and attachments for this item) and adopted Resolution PC 2026-01 (Attachment 1). The Planning Commission also advanced four recommendations, which are reflected in the marked-up version included as Attachment 2.

Chair DeGrassi recommended incorporating semi-permanent or seasonal light pole banners along the Perkins Street corridor. In response, Staff incorporated the City's existing Community Services Light Pole Banner Standards into the proposed resolution as Exhibit B for City Council consideration (Attachment 3). The existing program allows community organizations, educational institutions, governmental bodies, and nonprofits to display banners on City-owned poles to promote local events and awareness initiatives. It is administered by the Community Services Department.

Commissioner Montañó recommended involving a local artist in the design of future City-sponsored gateway installations and requested that a formal public review process be established for those designs. Staff incorporated both recommendations into the updated resolution (Attachment 2) to ensure that future gateway projects prioritize community engagement and local artistic participation.

Commissioner Hilliker requested clarification regarding the applicability of the proposed standards to public improvement projects and Caltrans rights-of-way. Staff notes that formal adoption of the identified gateway locations and design standards would provide clear policy direction for future public projects, including coordination with Caltrans and upcoming Public Works initiatives.

Discussion:

The finalized resolution, incorporating all Planning Commission recommendations, is included as Attachment 3. Exhibit A provides example gateway monument concepts and objective design considerations drawn from

previously approved plans and documents; Exhibit B includes the City's Light Pole Banner Standards.

Based on the scope of revisions and relationship to existing policies, Staff determined that the most appropriate course of action was to return the revised resolution (Attachment 3) to the Planning Commission for review and adoption prior to forwarding it to the City Council for final consideration.

Staff recommends that the Planning Commission review Attachment 3 and consider adoption of the revised resolution establishing policies governing the location and development standards for City gateways, consistent with General Plan Policy LU-11.2 and its related implementation measures.

Recommended Action: Adopt a revised resolution recommending that the City Council adopt policies establishing the location and associated standards for City gateways, consistent with General Plan Policy LU-11.2.

RESOLUTION NO. PC 2026-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UKIAH RECOMMENDING THAT THE CITY COUNCIL ADOPT GATEWAY LOCATIONS AND AFFIRM THE DESIGN AND DEVELOPMENT STANDARDS CONSISTENT WITH GENERAL PLAN POLICY LU-11.2

WHEREAS, the City of Ukiah 2040 General Plan established Policy LU-11.2 and Implementation Program D, which direct the City to identify and enhance gateways through landscape design, signage, building form, and historic themes; and

WHEREAS, prior City and County planning documents, including the 1995 General Plan, and Ukiah Valley Area Plan (UVAP) and subsequent public infrastructure investments have established gateway-related design principles through coordinated public improvements; and

WHEREAS, Planning Division staff have evaluated gateway concepts over time through previously adopted plans, prior studies, and realized public improvements, and have determined that many of the City's previous gateway objectives have been advanced through previous planning documents public investments, such as the Department of Public Works State Street Streetscape Phases 1 & 2, as well as the Urban Core Rehabilitation Program; and

WHEREAS, the City's recent streetscape and corridor improvement projects demonstrate that gateway character can be effectively established through public infrastructure and design consistency, without imposing new development regulations or additional requirements on private parcels; and

WHEREAS, the identification of gateway locations is intended to distinguish specific points or zones of arrival from broader corridor planning efforts, and to provide guidance for the placement and design of gateway features identified in Exhibit A, rather than to regulate surrounding land uses; and

WHEREAS, future public or private projects located in the immediate vicinity of identified gateways should avoid features that would interfere with, obscure, or visually compete with established or planned gateway signage and design elements; and

WHEREAS, the Planning Commission finds that recognizing first and second level gateway locations and associated design considerations will provide clarity, improve coordination for future public projects, and support implementation of General Plan Policy LU-11.2 and Implementation Program D.

WHEREAS, the Planning Commission has reviewed suggested gateway locations identified in Exhibit A, as well the objective gateway design considerations intended to distinguish gateways from broader corridor planning efforts and to avoid imposing new requirements on private parcels for future development as prioritized by the City of Ukiah.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Ukiah hereby:

1. Recommends that the City Council recognize existing first-level regional gateways and proposed second-level City gateways as identified in Exhibit A to this Resolution with final placement, design, and gateway features subject to site conditions, funding, project cost, infrastructure constraints, safety considerations, and coordination with future capital improvement projects; and
2. Recommends that the City Council affirm the use of existing Public Works standards, adopted plans, and previously constructed public improvements to implement General Plan Policy LU-11.2 and Implementation Program D as provided in Exhibit A to inform the subsequent selection, construction, maintenance, upgrades and improvements to the Perkins Street, Gobbi Street and Talmage Road corridors and gateways; and
3. Recommends that future public and private projects located in the immediate vicinity of identified second level gateways avoid features that would interfere with, obscure, or visually compete with established gateway signage and design elements.
4. Recommend that the Community Development Director prioritize the consideration and removal of older publicly sponsored gateway signage or recommend improvements for existing signate to the City Council.
5. Recommend that the City Council consider allocating funds to provide the second-level gateways identified and referenced in Exhibit A.

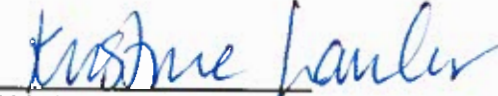
PASSED AND ADOPTED by the Planning Commission of the City of Ukiah on the 28th day of January 2026, by the following vote:

AYES: Commissioners Brown, Montaño, Hilliker, and Chair de Grassi
NOES: None
ABSTAIN: None
ABSENT: Commissioner Johnson



Alex De Grassi, Chair
City of Ukiah Planning Commission

ATTEST:



Kristine Lawler, CMC
City Clerk

Exhibit A: Ukiah Gateway Standards and Designated Location Reference



Ren / Alexander Architect (City of Ukiah Gateway Signage)



APN 169-211-07 Unincorporated Mendocino County



APN 184-210-03 Unincorporated Mendocino County

UKIAH GATEWAY STANDARDS AND DESIGNATED LOCATIONS - REFERENCE LOCATIONS (SECOND LEVEL)



Perkins Street



Gobbi Street



Talmage Road

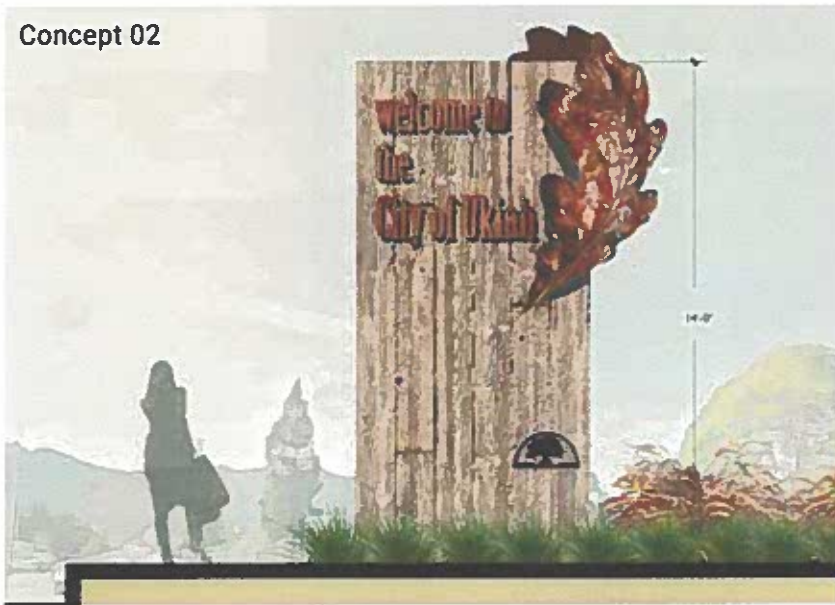
Concept 01



Concept 03



Concept 02



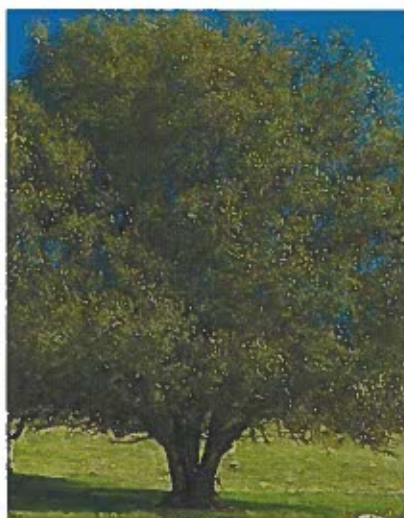
Concept 04



TREES— Downtown Core



Historic Downtown Street Tree
Platanus x acerifolia, London Plane



Special Corner Street Tree
Quercus wislizeni, Interior Live Oak



Perkins Street Tree
Acer rubrum, Red Maple



Standley Street Tree
Ulmus parvifolia, Chinese Elm

TREES— South of Clay



Small Street Tree
Aesculus x carnea,
Red Horse Chestnut



Small Street Tree
Koelreuteria paniculata,
Golden Rain Tree



Small Street Tree
x Chitalpa tashkentensis
'Pink Dawn'



Small Street Tree
Robinia x ambigua,
Purple Robe Locust

SHRUBS & GROUND COVER



Achillea millefolium 'Paprika'



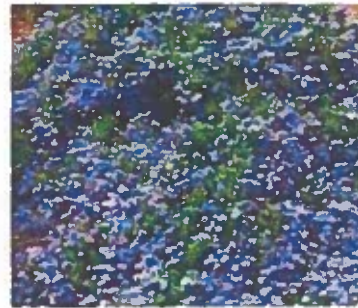
Lomandra longifolia 'Breeze'



Eriophyllum confertiflorum, Yarrow



Calamagrostis × *acutiflora*
'Overdam'



Ceanothus 'Dark Star'



Iris douglasiana



Erigeron karvinskianus 'Profusion'



Gladiolus communis subsp.
byzantinus



Santolina chamaecyparissus

Landscape Landscape Architecture Softscape Elements, State Street Streetscape Phase 1 (2019)

HARDSCAPE, FURNISHINGS, & LIGHTING



Landscape Architecture Hardscape Elements, State Street Streetscape Phase 1 (2019)

RESOLUTION NO. PC 2026-01**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UKIAH RECOMMENDING THAT THE CITY COUNCIL ADOPT GATEWAY LOCATIONS AND AFFIRM THE DESIGN AND DEVELOPMENT STANDARDS CONSISTENT WITH GENERAL PLAN POLICY LU-11.2**

WHEREAS, the City of Ukiah 2040 General Plan established Policy LU-11.2 and Implementation Program D, which direct the City to identify and enhance gateways through landscape design, signage, building form, and historic themes; and

WHEREAS, prior City and County planning documents, including the 1995 General Plan, and Ukiah Valley Area Plan (UVAP) and subsequent public infrastructure investments have established gateway-related design principles through coordinated public improvements; and

WHEREAS, Planning Division staff have evaluated gateway concepts over time through previously adopted plans, prior studies, and realized public improvements, and have determined that many of the City's previous gateway objectives have been advanced through previous planning documents public investments, such as the Department of Public Works State Street Streetscape Phases 1 & 2, as well as the Urban Core Rehabilitation Program; and

WHEREAS, the Planning Commission recommended the incorporation of semi-permanent or seasonal light pole banners along gateway corridors such as Perkins Street, and in response, Staff recommends utilizing the existing City of Ukiah Light Pole Banner standards, attached hereto as Exhibit B; and

WHEREAS, it is the intent of the City Council that the formalized gateway locations and standards provide direct, adopted guidance for all future public improvement projects within the identified corridors, including those coordinated with Caltrans and upcoming City Public Works initiatives; and

WHEREAS, the City's recent streetscape and corridor improvement projects demonstrate that gateway character can be effectively established through public infrastructure and design consistency, without imposing new development regulations or additional requirements on private parcels; and

WHEREAS, the identification of gateway locations is intended to distinguish specific points or zones of arrival from broader corridor planning efforts, and to provide guidance for the placement and design of gateway features identified in Exhibit A, rather than to regulate surrounding land uses; and

WHEREAS, future public or private projects located in the immediate vicinity of identified gateways should avoid features that would interfere with, obscure, or visually compete with established or planned gateway signage and design elements; and

WHEREAS, the Planning Commission finds that recognizing first and second level gateway locations and associated design considerations will provide clarity, improve coordination for future

public projects, and support implementation of General Plan Policy LU-11.2 and Implementation Program D.

WHEREAS, the Planning Commission has reviewed suggested gateway locations identified in Exhibit A, as well the objective gateway design considerations intended to distinguish gateways from broader corridor planning efforts and to avoid imposing new requirements on private parcels for future development as prioritized by the City of Ukiah.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Ukiah hereby:

1. Recommends that the City Council recognize existing first-level regional gateways and proposed second-level City gateways as identified in Exhibit A to this Resolution with final placement, design, and gateway features subject to site conditions, funding, project cost, infrastructure constraints, safety considerations, and coordination with future capital improvement projects; and
2. Recommends that the City Council affirm the use of existing Public Works standards, adopted plans, and previously constructed public improvements to implement General Plan Policy LU-11.2 and Implementation Program D as provided in Exhibit A to inform the subsequent selection, construction, maintenance, upgrades and improvements to the Perkins Street, Gobbi Street and Talmage Road corridors and gateways; and
3. Recommends that future public and private projects located in the immediate vicinity of identified second level gateways avoid features that would interfere with, obscure, or visually compete with established gateway signage and design elements.
4. Recommend that the Community Development Director prioritize the consideration and removal of older publicly sponsored gateway signage or recommend improvements for existing signate to the City Council.
5. Recommend that the City Council consider allocating funds to provide the second-level gateways identified and referenced in Exhibit A.
6. Approve and incorporate the City of Ukiah Light Pole Banner standards, attached hereto as Exhibit B, to be utilized along designated gateway corridors.
7. Direct Staff to apply these adopted gateway standards to future public infrastructure and improvement projects, including coordination with Caltrans and Public Works initiatives.
- 6-8. Direct that a local artist be included in the design and conceptualization phases of future City-sponsored gateway installations, and that the development of such designs shall be subject to a formalized public review process prior to final approval and installation.

PASSED AND ADOPTED by the Planning Commission of the City of Ukiah on the 28th day of January, 2026, by the following vote:

AYES:
NOES:

ABSTAIN:

ABSENT:

Chair, Planning Commission

ATTEST:

Secretary, Planning Commission

Exhibit A: Ukiah Gateway Standards and Designated Location Reference

[Exhibit B: Ukiah Light Pole Banner Policy](#)

DRAFT

RESOLUTION NO. PC 2026-**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UKIAH RECOMMENDING THAT THE CITY COUNCIL ADOPT GATEWAY LOCATIONS AND AFFIRM THE DESIGN AND DEVELOPMENT STANDARDS CONSISTENT WITH GENERAL PLAN POLICY LU-11.2**

WHEREAS, the City of Ukiah 2040 General Plan established Policy LU-11.2 and Implementation Program D, which direct the City to identify and enhance gateways through landscape design, signage, building form, and historic themes; and

WHEREAS, prior City and County planning documents, including the 1995 General Plan, and Ukiah Valley Area Plan (UVAP) and subsequent public infrastructure investments have established gateway-related design principles through coordinated public improvements; and

WHEREAS, Planning Division staff have evaluated gateway concepts over time through previously adopted plans, prior studies, and realized public improvements, and have determined that many of the City's previous gateway objectives have been advanced through previous planning documents public investments, such as the Department of Public Works State Street Streetscape Phases 1 & 2, as well as the Urban Core Rehabilitation Program; and

WHEREAS, the Planning Commission recommended the incorporation of semi-permanent or seasonal light pole banners along gateway corridors such as Perkins Street, and in response, Staff recommends utilizing the existing City of Ukiah Light Pole Banner standards, attached hereto as Exhibit B; and

WHEREAS, it is the intent of the City Council that the formalized gateway locations and standards provide direct, adopted guidance for all future public improvement projects within the identified corridors, including those coordinated with Caltrans and upcoming City Public Works initiatives; and

WHEREAS, the City's recent streetscape and corridor improvement projects demonstrate that gateway character can be effectively established through public infrastructure and design consistency, without imposing new development regulations or additional requirements on private parcels; and

WHEREAS, the identification of gateway locations is intended to distinguish specific points or zones of arrival from broader corridor planning efforts, and to provide guidance for the placement and design of gateway features identified in Exhibit A, rather than to regulate surrounding land uses; and

WHEREAS, future public or private projects located in the immediate vicinity of identified gateways should avoid features that would interfere with, obscure, or visually compete with established or planned gateway signage and design elements; and

WHEREAS, the Planning Commission finds that recognizing first and second level gateway locations and associated design considerations will provide clarity, improve coordination for future

public projects, and support implementation of General Plan Policy LU-11.2 and Implementation Program D.

WHEREAS, the Planning Commission has reviewed suggested gateway locations identified in Exhibit A, as well the objective gateway design considerations intended to distinguish gateways from broader corridor planning efforts and to avoid imposing new requirements on private parcels for future development as prioritized by the City of Ukiah.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Ukiah hereby:

1. Recommends that the City Council recognize existing first-level regional gateways and proposed second-level City gateways as identified in Exhibit A to this Resolution with final placement, design, and gateway features subject to site conditions, funding, project cost, infrastructure constraints, safety considerations, and coordination with future capital improvement projects; and
2. Recommends that the City Council affirm the use of existing Public Works standards, adopted plans, and previously constructed public improvements to implement General Plan Policy LU-11.2 and Implementation Program D as provided in Exhibit A to inform the subsequent selection, construction, maintenance, upgrades and improvements to the Perkins Street, Gobbi Street and Talmage Road corridors and gateways; and
3. Recommends that future public and private projects located in the immediate vicinity of identified second level gateways avoid features that would interfere with, obscure, or visually compete with established gateway signage and design elements.
4. Recommend that the Community Development Director prioritize the consideration and removal of older publicly sponsored gateway signage or recommend improvements for existing signate to the City Council.
5. Recommend that the City Council consider allocating funds to provide the second-level gateways identified and referenced in Exhibit A.
6. Approve and incorporate the City of Ukiah Light Pole Banner standards, attached hereto as Exhibit B, to be utilized along designated gateway corridors.
7. Direct Staff to apply these adopted gateway standards to future public infrastructure and improvement projects, including coordination with Caltrans and Public Works initiatives.
8. Direct that a local artist be included in the design and conceptualization phases of future City-sponsored gateway installations, and that the development of such designs shall be subject to a formalized public review process prior to final approval and installation.

PASSED AND ADOPTED by the Planning Commission of the City of Ukiah on the 28th day of January, 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Planning Commission

ATTEST:

Secretary, Planning Commission

Exhibit A: Ukiah Gateway Standards and Designated Location Reference

Exhibit B: Ukiah Light Pole Banner Policy

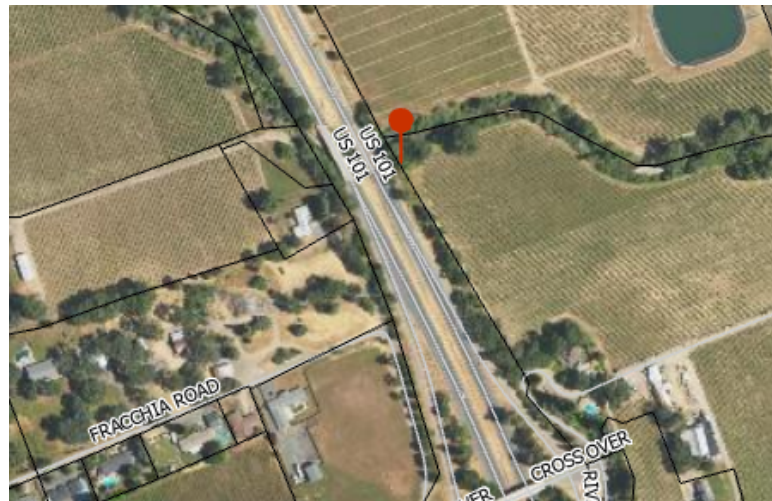
DRAFT



Ren / Alexander Architect (City of Ukiah Gateway Signage)



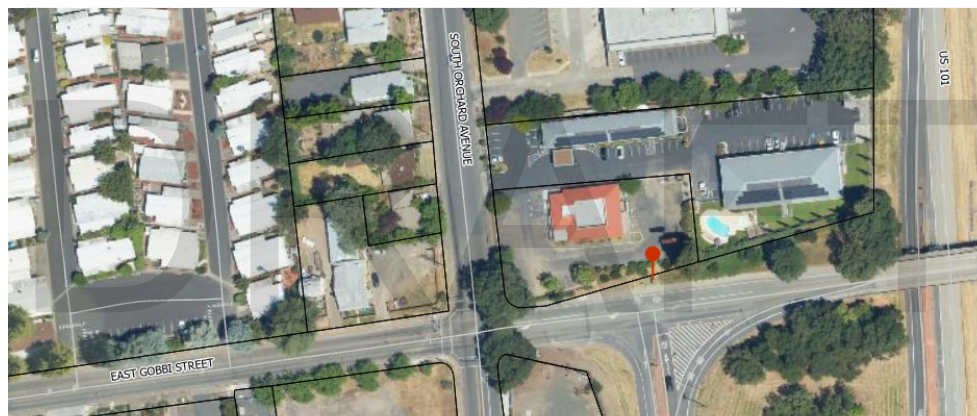
APN 169-211-07 Unincorporated Mendocino County



APN 184-210-03 Unincorporated Mendocino County



Perkins Street

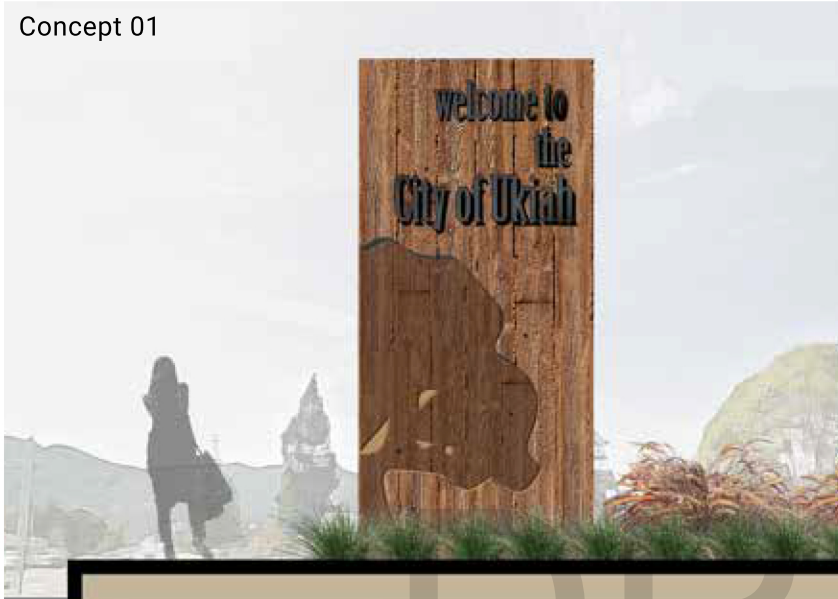


Gobbi Street



Talmage Road

Concept 01



Concept 03



Concept 02



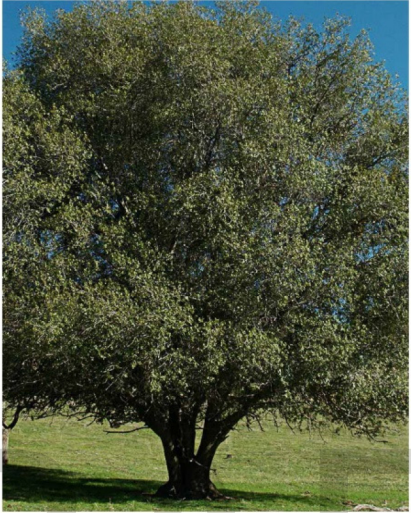
Concept 04



TREES— Downtown Core



Historic Downtown Street Tree
Platanus x acerifolia, London Plane



Special Corner Street Tree
Quercus wislizeni, Interior Live Oak



Perkins Street Tree
Acer rubrum, Red Maple



Standley Street Tree
Ulmus parvifolia, Chinese Elm

TREES— South of Clay



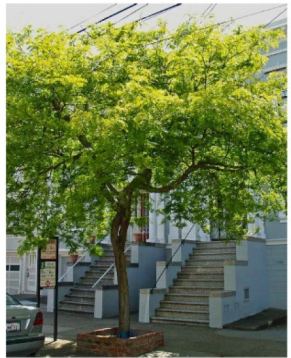
Small Street Tree
Aesculus x carnea, Red Horse Chestnut



Small Street Tree
Koelreuteria paniculata, Golden Rain Tree



Small Street Tree
x Chitalpa tashkentensis 'Pink Dawn'



Small Street Tree
Robinia x ambigua, Purple Robe Locust

Landscape Architecture Tree Lists, State Street Streetscape Phase 1 (2019)

CITY OF UKIAH LIGHT POLE BANNER POLICY

TITLE: DISPLAY OF BANNERS ON STREET LIGHT POLES FOR COMMUNITY EVENTS, AWARENESS PURPOSES, EDUCATION, HEALTHCARE AFFILIATES AND NON-PROFIT ORGANIZATIONS

PURPOSE: The City of Ukiah Light Pole Banner Program is intended to increase awareness of Ukiah-area events, activities and organizations, as well as add color and excitement to the City's streetscapes.

The City of Ukiah's Community Services Department manages and processes permits for the installation of banners on City-owned street light poles.

DESCRIPTION: The City of Ukiah will install and remove banners for approved Community Events and Awareness Initiatives on the City-owned street light poles, on a first-come, first-served basis. Banners are to be provided by and maintained by the event/initiative organizer and/or chairperson. Banners will be installed by the City on or about the first day of the month 30 days preceding the scheduled event (e.g. if an event is scheduled for March 1st, a banner can be installed on or about February 1st.) Banners will be removed by the City on or about the first day of the month following the Community Event or Awareness Initiative.

LOCATIONS: There are 12 poles located on State Street between Clay Street and Henry Street; 9 poles on East Perkins Street between State Street and Orchard Avenue; and 5 (double-banner) poles on Airport Park Boulevard.

PARTICIPATION: Participation and placement of banners is limited to, Community Organizations, Educational Institutions or Governmental Bodies, Community Events and Awareness Initiatives that have been recognized and approved by the City of Ukiah to be held in the City of Ukiah. Banners may not include typical advertisement themes (such as but not limited to, "Sale", "Open for Business", "Grand Opening", etc.), or political or religious messages.

DESIGN OF BANNERS: Banners should be designed to reflect the unique nature of each Community Event or Awareness Initiative and to promote the purpose and benefits to the community. The design and text of the banner cannot include any corporate advertisements. The City encourages unique designs and bright colors that can add to the overall appearance of the downtown area. Banners should be designed so that the imagery and type are appropriately scaled for long-range visibility. Text should be limited and not include prices, telephone numbers, and addresses. The City of Ukiah's Community Services staff shall have the right of final approval for the design of any banner to be installed under this policy.

Specifications: The banner size must meet the following specifications.

- Banners must be 24 inches in width and 72 inches in length (24" x 72") "Exhibit D"
- 4" rod pocket is required at the top and bottom of the banner
- Grommets should be placed 1" below and above the casing line. Both grommets should be 1" from the edge
- Banners should be made from 15 oz. rip-stop vinyl or equivalent material
- All rod pockets sewn with cotton thread and double lock stitch seams
- Banners are to be double-sided and identical on both sides
- The applicant is responsible for banner fabrication

- Any variations to these guidelines must be approved by the Community Services Staff.

If there are any questions, please contact the Community Services Department at (707) 463-6231 PRIOR to ordering banners.

PLACEMENT: The City has approximately 26 light poles on which banners can be installed. The City reserves the right to limit the number of banners used for any Community Event or Awareness Initiative. The minimum number of banners that can be displayed is six poles on State Street and/or five poles on East Perkins Street. If the Airport Park Boulevard location is selected, all five poles must be used. The City reserves the right to adjust the actual location site if other banners are currently installed. Anyone requesting installation at a specific location(s) should indicate both a first choice and a second choice for placement of their banner(s). The City of Ukiah cannot be responsible for delays in installation or damage due to vandalism, theft or loss, weather conditions or disaster events.

FEES: The fee for use of the City poles is \$30 per pole for installation and removal of the banners. Applicants are responsible for all costs related to the design, production, and delivery. Applicants are responsible for maintenance and storage of the banners prior to and after installation. Banners will be displayed for four weeks prior to the event or for 30 days during specific Awareness Initiatives. Additional weeks may be requested, depending on availability. All fees must be paid in full to the City of Ukiah 14 days prior to installation.

REQUEST FOR PARTICIPATION: Request for participation in this program shall be submitted to the Community Services Department. Request must be submitted using the attached form/application along with one copy (hard copy or e-mail) of the banner design. They can be mailed or emailed to the Community Services Department. Design revisions and re-submission may be required.

All applications for the banner program will be considered in the following priority:

1. City of Ukiah sponsored events, activities, or programs
2. Existing events, activities, or programs with previously approved applications
3. New events, activities, or programs offered by community organizations or governmental bodies

APPLICATION TIME LINE:

- One-year maximum and two months minimum prior to event or initiative date, application and banner design proposal must be submitted to the Community Services Department at 411 West Clay Street, Ukiah or emailed to recreation@cityofukiah.com.
- Community Services staff will review the application.
- Within 30 days following the submission of application and design, the Community Services Staff will contact the applicant with approval, rejection, or amendments to the application.
- If the Banner Use Application is approved, a Banner Use Agreement, Exhibit "C" will be issued.
- 14 days prior to banners being installed, fees are to be paid in order to reserve the banner space. Fees are non-refundable and non-transferable in the event the applicant cancels the banner request.
- Banner are to be delivered to Community Services 14 days before the installation date.
- Banners will be installed by City Staff on or about the first day of the month 30 days preceding the scheduled event.
- Banners are taken down by City staff and delivered back to Community Services Department.

- Pick-up and storage of banners after removal is required by the applicant. No banners will be stored at the Community Services Department longer than ten business days.

PRIOR APPROVAL FOR THE DESIGN AND INSTALLATION OF BANNER IS REQUIRED FROM THE CITY OF UKIAH. PLEASE DO NOT ORDER ANY BANNERS WITHOUT FIRST OBTAINING CITY APPROVAL.

I have read and understand all aspects of this program including but not limited to: use, design, technical requirements, cost and conditions as outlined. I understand this application may be approved or denied based upon the program guidelines, banner space available and/or agreements with the City of Ukiah.

Applicant Signature _____ Date _____

Please submit this application with the appropriate deposit check payable to City of Ukiah, and mail to:

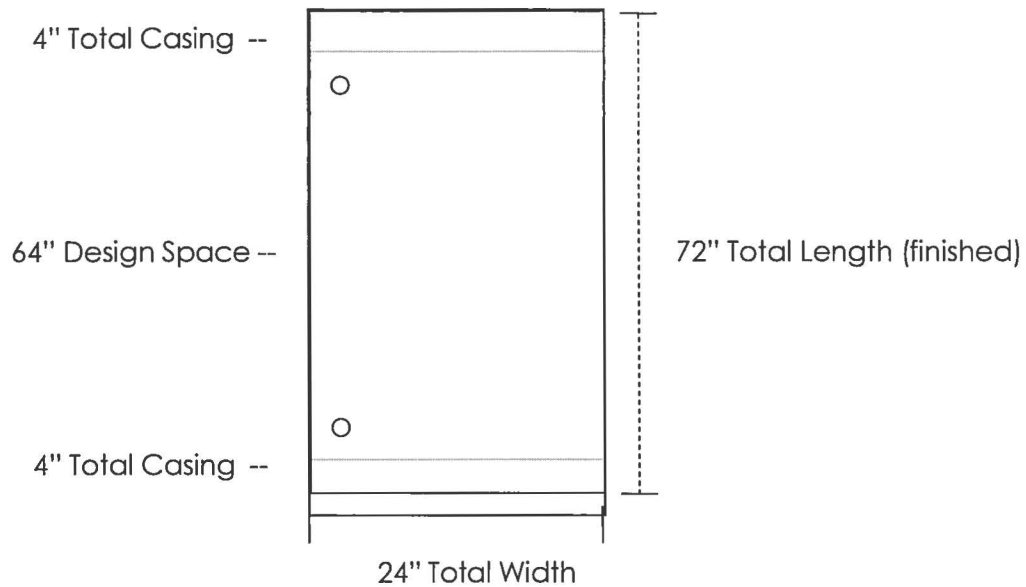
City of Ukiah
411 W. Clay Street
Ukiah, CA 95482

Exhibit "D"

BANNER TECHNICAL SPECIFICATIONS

Downtown Light Pole Banner Program

Banner Specifications listed below:



Please Note:

Design should include bold solid design elements for maximum visibility.

Design should include highly contrasting colors for maximum visibility.

A grommet should be placed 1" below the top casing line, another 1" above the bottom casing line and both of these grommets should be 1" in from the edge.

Exhibit "C"

**CITY OF UKIAH
DOWNTOWN BANNER PROGRAM USE AGREEMENT**

THIS AGREEMENT is entered this _____ day of _____ 20____ between
City of Ukiah, 411 West Clay Street, Ukiah CA 95482 and _____,
(hereinafter referred to as "Banner User"), (address),

1. Banner User hereby agrees that City of Ukiah, in its handling, transporting, installation or use of Banner User's banners, makes no warranty or guarantee with respect to the care, custody, safekeeping, good condition, or timely installation of such banners. And City of Ukiah hereby disclaims all responsibility for loss or damage to such banners, whether resulting directly, consequentially, or incidentally from City of Ukiah handling, transporting, installation or use of such banners.
2. Banner User hereby releases the City of Ukiah from all liability, contractual or otherwise, and waives all claims against the Releases for but not limited to the following situations:
 - a. Mistakes made in installation of Banner User's banners;
 - b. Damage to Banner User's banners during storage, transport, installation, or use;
 - c. Theft of Banner User's banners;
 - d. Money lost due to scheduling conflicts which prevent City of Ukiah installation of Banner User's banners.
 - e. Installer errors in placement
3. Banner User agrees that this agreement is intended to be as broad and inclusive as is permitted by the law of the State of California and that if any portion thereof is held invalid it is agreed that the balance shall notwithstanding continue in full legal force and effect.

IN WITNESS WHEREOF, City of Ukiah and Banner user by their respective officers thereunto duly authorized, have executed this Downtown Banner use Agreement as of the above written date.

CITY OF UKIAH

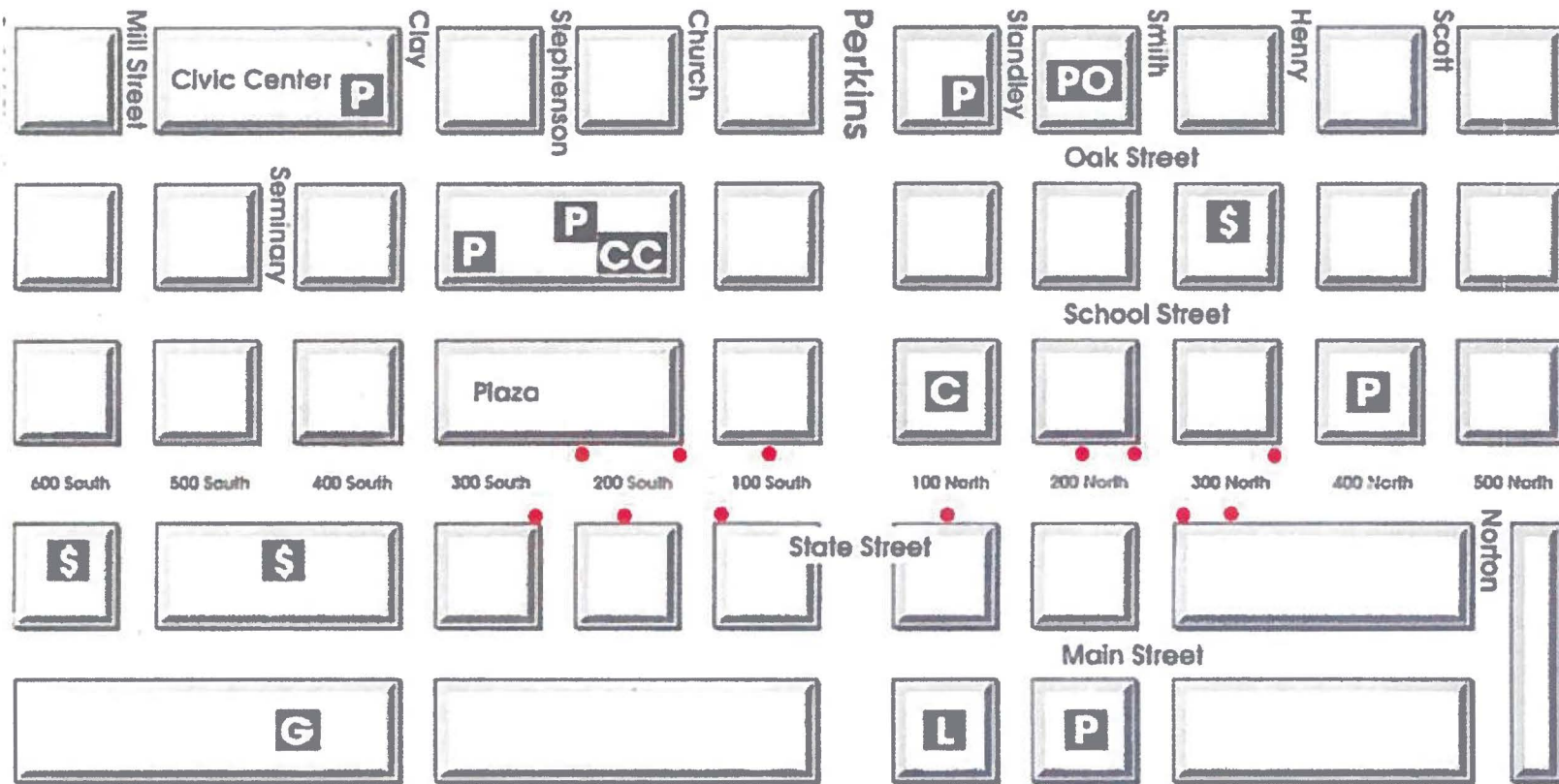
"Banner User"

By: _____

By: _____

Title: _____

Downtown Light Pole Banner Program Location Map



P Parking Locations	\$ ATM Machine	L Library	PO Post Office
CC Ukiah Valley Conference Center	G Grace Hudson Museum	C Court House	



AGENDA SUMMARY REPORT

SUBJECT: Conduct Public Hearing and Consider Approval of a Major Use Permit Amendment to Allow the Retail Sale of Distilled Spirits at an Existing Gas Station and Convenience Store at 615 Talmage Road (APN 180-070-10); Permit No. PPA25-000001 (formerly File No. 07-33).

DEPARTMENT: Community Development

PREPARED BY: Katherine Schaefers, Planning Manager

PRESENTER: Katherine Schaefers, Planning Manager

ATTACHMENTS:

1. Draft Findings
2. Draft Conditions
3. Application Materials

Summary: Planning Commission will conduct a public hearing and consider approval of a Major Use Permit Amendment to Allow the Retail Sale of Distilled Spirits at an Existing Gas Station and Convenience Store at 615 Talmage Road (APN 180-070-10); Permit No. PPA25-000001 (formerly File No. 07-33).

Background: Project Overview

As part of an associated real estate transaction involving the subject business and property, the Applicant, Paul Walia, is requesting to amend the existing Major Use Permit (MaUP) for the gas station and convenience store located at 615 Talmage Road (ARCO AM/PM). The request is to expand the currently authorized alcoholic beverage allowances from a Type-20 license (beer and wine) to a Type-21 license, permitting the off-sale of distilled spirits in sealed containers for off-site consumption only.

No exterior construction, site modifications, or operational changes are proposed as part of this request. The business will continue to operate as a highway-adjacent fuel station and convenience store with no modification of hours, building footprint, or intensity of use.

Site History

The original Use Permit and Site Development Permit (File No. 07-33) were approved by the Planning Commission in 2009. During the original 2009 public hearings, public and agency comments noted the site's proximity to the Russian River and nearby orchards, raising questions about potential loitering and nuisance behaviors in the area. In response to these considerations, the original Conditions of Approval incorporated specific operational limitations recommended by the Ukiah Police Department (UPD). These included prohibiting the sale of single-container beer and malt beverages (Conditions 17, 18, 19), restricting wine container sizes (Condition 20), and requiring the installation of a barrier fence behind the main building (Condition 21).

The current request constitutes a Major Amendment to supersede these specific 2009 UPD Conditions, as well as associated Use Permit/Site-Specific Conditions regarding alcohol types. Staff supports the modification of the 2009 operational requirements based on the current City agency review process and the implementation of updated, enforceable security measures.

When the project was circulated for agency review in January 2026, the Ukiah Police Department reviewed

the application to add distilled spirits and formally replied with "No Comment". No other agencies raised concerns during this review period.

Additionally, the applicant and prospective purchaser has submitted a Store Management Plan (Attachment 3), revised from the 2009 Planning Commission approval, to improve site security. This plan requires a minimum of two employees on-site at all times, continuous interior and exterior camera surveillance, clear storefront sightlines, and strict enforcement of no-loitering and no-panhandling policies. The management plan also contains the threshold that if police service calls related to the site reach a specified level (twenty or more) in any given month, the property owner would be required to retain private security personnel at their own expense.

The subject property is located at 615 Talmage Road (APN 180-070-10), at the intersection of Talmage Road and Hastings Road. The property carries a General Plan land use designation of Highway Commercial (HC), is zoned Community Commercial (C-1), and lies within Zone 6 (Traffic Pattern Zone) of the Mendocino County Airport Land Use Compatibility Plan. The parcel is fully developed with an existing gas station and convenience store that serves nearby residents, commuters, and travelers along the Talmage Road/US 101 corridor.

In evaluating the application, Planning Division staff surveyed comparable gas station and convenience store facilities within and near the city to assess the distribution of ABC license types. Staff identified seven comparable facilities, which were found to be roughly split between Type 20 (Off-Sale Beer & Wine) and Type 21 (Off-Sale General) licenses. The surveyed facilities are summarized below:

Type 20 Licenses:

- 1105 Airport Park Blvd
- 605 E. Perkins St
- 1301 N. State St (County)

Type 21 Licenses:

- 390 E. Gobbi St
- 135 Washington Ave
- 915 N. State St
- 795 E. Perkins St

Staff review suggests that Type 21 licenses are increasingly common among comparable retail fuel facilities, likely reflecting broader market trends toward expanded beverage offerings. Staff notes that a Type 21 license affords greater retail flexibility than a Type 20, permitting the sale of distilled spirits in addition to beer and wine. Unlike the subject facility, none of the surveyed locations operate under use permit conditions specifically restricting alcohol sales, and each was subject to review by the Ukiah Police Department and Planning Division staff in coordination with the California Department of Alcoholic Beverage Control (ABC) in Santa Rosa.

Discussion: This section evaluates the proposed project for its consistency with the City of Ukiah's General Plan, Zoning Ordinance, Airport Compatibility Plan, and assesses the required Use Permit findings (UCC §9262(E)).

General Plan Consistency

The project is located within the Highway Commercial (HC) land use designation. This designation identifies areas generally located adjacent to Highway 101 and focuses development on auto-oriented uses, visitor-serving uses, and retail. Typical uses in the HC designation include gas stations, as well as restaurants and retail. The requested ABC licensing request at an existing gas station and retail convenience store is

consistent with the HC designation.

Zoning Consistency

The parcel is located within the Community Commercial (C-1) Zoning District. The purpose of the C-1 district is to provide a broad range of commercial land use opportunities along primary transportation corridors. Retail stores and auto service (gas) stations are permitted uses in the C-1 District. The project maintains the existing footprint and uses, satisfying the standards of the C-1 zone. Alcohol sales for off-site consumption is generally considered allowed and appropriate within the C-1 zoning district, with some site-specific constraints applied to requests near sensitive uses, such as schools. Alcohol sales already occur at this location, and while proximate to residential uses, the expected issues related to this license change would be minimal.

Airport Land Use Compatibility Plan (UKIALUCP)

The project lies within Airport Compatibility Zone 6 (Traffic Pattern Zone). Within Zone 6, commercial retail uses are considered "Normally Compatible." There is no maximum sitewide average intensity limit in Zone 6, and the project introduces no new physical structures that would conflict with airspace protection surfaces.

Agency Review

The project was circulated for agency review from January 22 to February 2, 2026. The Ukiah Police Department reviewed the application and replied with "No Comment". No other agencies raised concerns or requested special conditions. The applicant, Paul Walia, has also submitted a Store Management Plan, revised from the 2009 Planning Commission approval, to ensure the addition of distilled spirits sales is conducted safely and responsibly, including provisions for security cameras, age verification training, and a prohibition on outdoor or on-site alcohol consumption.

Use Permit Findings (UCC §9262(E))

The below are summaries of the Use Permit Findings as prescribed by Ukiah City Code §9262(E). For full finding text, please refer to Attachment 1.

Findings and Staff Analysis:

1. Finding: The proposed land use is consistent with the provisions of this Title as well as the goals and policies of the City General Plan.

Staff Analysis: Consistent. The project is located in the Highway Commercial General Plan designation and C-1 Zoning District, which expressly accommodate and encourage retail and gas station uses. The addition of distilled spirits sales does not expand the physical footprint or alter the fundamental use of the site, maintaining consistency with all development standards.

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

Staff Analysis: Consistent. The site is located in a commercial corridor characterized by retail and service-oriented businesses. The applicant has no known ABC disciplinary actions or verified nuisance complaints. The Ukiah Police Department provided no negative commentary. Adherence to the Store Management Plan will ensure the public's health, safety, and welfare are protected.

Environmental Review

The proposed project qualifies for a Categorical Exemption under CEQA Guidelines Section 15301 (Class 1 - Existing Facilities). The project involves the minor permitting and licensing alteration of an existing private structure involving no expansion of the existing use.

Recommended Action

Staff recommends that the Planning Commission: 1) Conduct a public hearing; and 2) Approve the Major Use Permit Amendment for the property located at 615 Talmage Road (APN 180-070-10); Permit No. PPA25-000001, subject to Findings in Attachment 1 and Conditions of Approval in Attachment 2.

Recommended Action: 1) Conduct a public hearing; and 2) Approve the Major Use Permit Amendment for the property located at 615 Talmage Road (APN 180-070-10); Permit No. PPA25-000001, subject to the Findings in Attachment 1 and the Conditions of Approval in Attachment 2.

**DRAFT FINDINGS
MAJOR USE PERMIT AMENDMENT
ADDITION OF DISTILLED SPIRITS SALES
615 TALMAGE ROAD, UKIAH, CA; APN 180-070-10
FILE NO. PPA25-000001 (FORMERLY FILE NO. 07-33)**

These Findings pertain to a Major Use Permit Amendment for the existing gas station and convenience store located at 615 Talmage Road (APN 180-070-10) within the Community Commercial (C-1) Zoning District; Permit No. PPA25-000001 (formerly File No. 07-33). The amendment allows for the retail off-sale of distilled spirits (ABC Type-21 license) in addition to the currently permitted beer and wine sales. Furthermore, this approval specifically supersedes several operational limitations from the original 2009 Use Permit (File No. 07-33) regarding alcohol container sizes and types, replacing them with a comprehensive Revised Store Management Plan. No exterior construction, site modifications, or physical expansions are proposed as part of this request. The business will continue to operate as a fuel station and convenience store with no expansion in hours, building footprint, or intensity of use, ensuring the project remains consistent with the City's General Plan goals and qualifies for a Categorical Exemption under CEQA Guidelines Section 15301 (Class 1 - Existing Facilities).

USE PERMIT FINDINGS (UCC §9262E)

1. The proposed land use is consistent with the provisions of this Title as well as the goals and policies of the City General Plan.

The project is consistent with the Highway Commercial (HC) General Plan designation and Community Commercial (C-1) Zoning District, which accommodate and encourage retail and gas station uses. The addition of packaged distilled spirits within the existing convenience store retail area does not constitute an expansion or intensification of land use and complies with all relevant zoning standards.

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.

The original 2009 Use Permit included specific limitations on alcohol container sizes and sales types to address potential public safety and loitering concerns. The amendment to supersede these limitations is supported by current law enforcement review and the implementation of modernized, enforceable security protocols. Specifically, the Ukiah Police Department reviewed the current request during the formal agency referral period and provided no negative commentary or objections. Furthermore, the applicant is required to strictly adhere to the submitted Store Management Plan, revised for this approval, which mandates surveillance cameras, a minimum of two on-site employees, and a requirement to hire private security if police calls reach 20 or more in a single month. With the implementation of these operational controls, the use remains compatible with surrounding land uses and will not be detrimental to the public's health, safety, and general welfare.

CEQA FINDINGS

The proposed project qualifies for a Categorical Exemption under CEQA Guidelines Section 15301 (Class 1 - Existing Facilities). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

The project involves the minor permitting and licensing alteration of an existing commercial convenience store to allow for the retail off-sale of distilled spirits (ABC Type-21 license) in addition to currently permitted beer and wine sales. The project proposes no exterior construction, site modifications, or expansion of the existing building footprint.

Furthermore, the licensing amendment involves negligible or no expansion of the existing use, as there will be no changes to the existing hours of operation, no on-site consumption of alcohol permitted, no outdoor alcohol display or sales, and no increase in delivery frequency or service intensity. The addition of distilled spirits does not introduce new land use impacts and will not increase noise, traffic, parking demand, or pedestrian activity beyond existing baseline conditions.

Finally, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines Section 15300.2 apply to this project. The site is an already developed commercial parcel; the project will not result in cumulative impacts or significant effects due to unusual circumstances; and the project will not damage scenic resources, impact a hazardous waste site, or cause a substantial adverse change in the significance of a historical resource.

PUBLIC NOTICE

- Notice of the Public Hearing was provided in the following manner, in accordance with UCC §9231.3, 9263 and 9264:
- Published in the Ukiah Daily Journal on March 1, 2026; and
- Posted on the Project site on February 25, 2026; and
- Posted at the Civic Center (glass case) 72 hours prior to the public hearing; and
- Mailed to property owners within 300 feet of the Project parcels on February 24, 2026; and
- Emailed to all agencies having jurisdiction: February 25, 2026.

**DRAFT CONDITIONS OF APPROVAL
MAJOR USE PERMIT AMENDMENT
ADDITION OF DISTILLED SPIRITS SALES
615 TALMAGE ROAD, UKIAH, CA; APN 180-070-10
FILE NO. PPA25-000001 (FORMERLY FILE NO. 07-33)**

The following Conditions of Approval shall be made a permanent part of the Use Permit, and shall remain in force regardless of property ownership, and shall be implemented in order for this entitlement to remain valid.

Approved Project Description:

The project consists of an amendment to the existing Use Permit for the gas station and convenience store located at 615 Talmage Road (APN 180-070-10) within the Community Commercial (C-1) Zoning District, approved via a Major Use Permit Amendment; File No. PPA25-000001 (formerly File No. 07-33). The approval allows the retail off-sale of distilled spirits (ABC Type-21 license) in addition to the currently permitted beer and wine sales. No exterior construction, site modifications, or operational changes are authorized as part of this request. The business will continue to operate as a fuel station and convenience store with no expansion in hours, building footprint, or intensity of use, ensuring the project remains consistent with the City's General Plan goals and qualifies for a Categorical Exemption under CEQA Guidelines Section 15301 (Class 1 - Existing Facilities).

CITY OF UKIAH STANDARD CONDITIONS

1. This approval is not effective until the 10-day appeal period applicable to this Planning permit has expired without the filing of a timely appeal. If a timely appeal is filed, the project is subject to the outcome of the appeal and shall be revised as necessary to comply with any modifications, conditions, or requirements that were imposed as part of the appeal.
2. All use, construction and the location thereof, or occupancy, shall conform to the application and to any supporting documents submitted therewith, including any maps, sketches, or plot plans accompanying the application or submitted by applicant in support thereof.
3. As outlined in Article 20, Administration and Procedures, of the Ukiah City Code, this planning permit may be revoked through the City's revocation process if the approved project related to this Permit is not being conducted in compliance with these stipulations and conditions of approval; or if the project is not established within two years of the effective date of this approval; or if the established use for which the permit was granted has ceased or has been suspended for 24 consecutive months.
4. 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

CITY OF UKIAH SPECIAL CONDITIONS

5. **Retention of Unmodified Conditions:** All conditions of approval from Use Permit and Site Development Permit 07-33 remain in full force and effect, except as explicitly modified herein.
6. **Superseding of Prior Conditions:** This approval specifically amends and supersedes Use Permit Condition 3(B); Site-Specific Condition (2)(D); Planning Commission Condition 12; and Ukiah Police Department Conditions 16, 17, 18, 19, 20, and 21 from the original File No. 07-33.

DRAFT

PROJECT DESCRIPTION

**Use Permit Amendment – Addition of Distilled Spirits Sales
615 Talmage Road, Ukiah, CA**

Project Summary

The applicant is requesting an amendment to the existing Use Permit for the gas station and convenience store located at 615 Talmage Road, Ukiah, CA, to allow the retail sale of distilled spirits in addition to the currently permitted beer and wine sales. **This Project Description is intended to supersede the operating characteristics contained in the Conditions of Approval adopted in 2009, solely as they relate to the types of alcoholic beverages permitted for sale.**

Upon approval of this amendment, the Use Permit will allow the off-sale of **beer, wine, and distilled spirits** in sealed containers for off-site consumption only.

No exterior construction, site modifications, or operational changes are proposed as part of this request. The business will continue to operate as a neighborhood-serving fuel station and convenience store with no expansion in hours, building footprint, or intensity of use.

Purpose of the Request

The purpose of this Use Permit modification is to meet the demonstrated needs of the surrounding community by offering a complete selection of packaged alcoholic beverages, including distilled spirits, consistent with standard convenience-store retail offerings in comparable commercial areas.

The surrounding area currently lacks convenient access to distilled spirits for local residents. While beer and wine are available at nearby retailers, no nearby establishment provides spirits within a reasonable distance of the Talmage Road corridor. Adding this product category will align the store with typical offerings of similar neighborhood-serving convenience locations, improve customer service, and meet the purchasing needs expressed by the local population.

Justification for the Amendment & Timing

This application is being submitted now due to the change in business ownership associated with the pending purchase of the property. As part of the transition, the applicant conducted a review

of customer demand, local retail offerings, and the site's regulatory history. Based on this review:

1. **Community Need**

The immediate trade area lacks a convenient, walkable, or quick-stop option for distilled spirits. Residents currently must travel farther into Ukiah or out of the immediate area to purchase these products. Adding spirits at this location will fill that gap while maintaining responsible retail practices.

2. **Compliance History**

Based on a review of the location's regulatory history and communications with the seller, there have been **no known violations related to alcohol sales or operations for at least the past ten years**. The location has demonstrated a long-standing record of responsible operation under the existing Use Permit and state alcohol regulations. This compliance history supports the suitability of expanding the permitted alcohol offerings.

3. **No Increase in Impacts**

The addition of distilled spirits sales will **not increase traffic, noise, building occupancy, operating hours, or delivery frequency**. Product will be displayed within the existing retail floor area, and staff training/oversight for alcohol sales is already well established.

4. **Consistency With Surrounding Land Use**

The site is located in a commercial corridor where mixed retail uses, including alcohol sales, are common and appropriate. Adding spirits is consistent with the area's commercial character and compatible with surrounding uses.

Project Operations

- No changes to building layout, exterior façade, signage, parking, or circulation are proposed.
- All sales of distilled spirits will occur indoors within the existing secure retail area.
- Staff will continue to comply with all applicable California Department of Alcoholic Beverage Control (ABC) regulations, including age verification and responsible alcohol sales practices.
- A revised Store Management Plan has been submitted concurrently with this application and reflects the proposed addition of distilled spirits, superseding prior operational limitations related to alcohol types contained in the 2009 Conditions of Approval.
- No additional noise, deliveries, outdoor activity, or increase in operational intensity is proposed.

Conclusion

The proposed Use Permit amendment to allow distilled spirits sales at 615 Talmage Road is a logical and appropriate enhancement to an existing, well-operated neighborhood convenience store. The request is supported by community need, the site's strong compliance history, and the absence of any physical or operational impacts. Approval of this amendment will allow the business to better serve local residents while maintaining the City of Ukiah's standards for responsible retail operation.

FORMAL EXPANDED NARRATIVE & BUSINESS PLAN

Request to Amend Conditional Use Permit and Expand Alcohol License Privileges

Location: 615 Talmage Road, Ukiah, California 95482

Existing Business: ARCO ampm Fueling Station & Convenience Retail

Existing License: ABC Type-20 (Off-Sale Beer & Wine)

Requested License: ABC Type-21 (Off-Sale Distilled Spirits)

1. Project Overview

The applicant is requesting approval to amend the existing Conditional Use Permit (CUP) to expand the currently authorized off-sale alcoholic beverage privileges from a Type-20 license (beer and wine) to a Type-21 license permitting the off-sale of distilled spirits in sealed containers for off-site consumption only.

No changes are proposed to the existing fueling operations, building footprint, site layout, circulation, parking, hours of operation, or overall business classification. The request is limited exclusively to the addition of packaged distilled spirits within the existing convenience store retail area.

This request is consistent with similar neighborhood-serving convenience retail operations throughout Ukiah and comparable commercial corridors, and does not constitute an expansion or intensification of land use.

2. Site Background & Operational History

The subject property is a fully developed commercial parcel improved with a modern fueling station and convenience market, originally constructed and approved by the City of Ukiah in 2012. The business has operated continuously for over a decade under City approvals and ABC licensing.

The site has demonstrated a strong record of responsible operation, including:

- No known disciplinary actions or violations issued by the California Department of Alcoholic Beverage Control (ABC)
- No verified nuisance complaints associated with alcohol sales
- A historically low volume of police service calls relative to comparable sites

- Consistent compliance with all Conditions of Approval associated with Use Permit No. 07-23

This operational history supports the site’s suitability for the requested license expansion.

3. Operational Characteristics

The business functions as a neighborhood-serving convenience retail establishment, serving nearby residents, commuters, and regional travelers along the Talmage Road corridor.

Key operational characteristics include:

- Sale of sealed, packaged alcoholic beverages for off-site consumption only
- No on-site consumption of alcohol permitted
- No changes to hours of operation
- No increase in delivery frequency or service intensity
- No outdoor alcohol display or sales

All distilled spirits will be displayed and sold within the existing secured retail floor area, with age verification and responsible sales practices strictly enforced.

4. Basis for License Expansion Request

A. Consumer Demand & Market Parity

There is a demonstrated lack of nearby retail locations offering distilled spirits within the immediate trade area surrounding 615 Talmage Road. While beer and wine are available nearby, local residents must currently travel farther into Ukiah or beyond to purchase spirits.

The proposed license expansion will provide convenient access to a full range of packaged alcoholic beverages, consistent with consumer expectations for modern convenience retail, without altering the site’s operational profile.

B. Economic Development & Fiscal Benefit

Approval of the Type-21 license will:

- Support business viability and long-term reinvestment at the site
- Increase taxable sales and associated sales tax revenue for the City of Ukiah
- Strengthen the competitiveness of the business without expanding physical development

C. No Land Use or Nuisance Impacts

The addition of distilled spirits does not introduce new land use impacts. The proposal does not increase noise, traffic, parking demand, or pedestrian activity beyond existing conditions.

5. Compatibility With Surrounding Uses

The site is located within a commercial corridor characterized by fueling stations, retail, and service-oriented businesses. The sale of packaged alcohol for off-site consumption is compatible with these surrounding uses and consistent with zoning allowances when conditioned through a CUP.

The proposed amendment aligns with the City's General Plan policies supporting neighborhood-serving commercial uses and does not conflict with adjacent properties.

6. Public Safety & Management Controls

Public safety is a central consideration of this request. The site will continue to operate under a comprehensive Store Management Plan that includes:

- Interior and exterior security cameras
- A minimum of two employees onsite at all times
- Approved exterior site lighting
- Clear glass storefront providing visibility and natural surveillance
- No charge accounts
- Strict enforcement of no-loitering, no-panhandling, and no on-site consumption policies
- Employee training in age verification, responsible alcohol sales, and site security procedures

Additionally, a police call threshold has been established whereby private security personnel will be retained if monthly calls reach a specified level, at the owner's sole expense.

7. Findings & Justification for Approval

The requested CUP amendment and ABC Type-21 license satisfy the required findings for approval:

- **Public Convenience:** Provides local access to packaged distilled spirits where such access is currently limited
 - **Public Necessity:** Serves existing community needs without expanding land use impacts
 - **Public Health, Safety, and Welfare:** Maintained through robust security, management, and compliance measures
 - **Land Use Compatibility:** Consistent with surrounding commercial uses
 - **Environmental Review:** No physical changes or operational intensification; anticipated to qualify for CEQA exemption
-

8. Conclusion

The proposed amendment to allow the off-sale of distilled spirits at 615 Talmage Road represents a modest, well-managed enhancement to an existing, responsibly operated commercial use. The request is supported by the site's strong compliance history, demonstrated community need, compatibility with surrounding uses, and clear public safety safeguards.

The applicant respectfully requests approval of the Conditional Use Permit amendment and authorization to obtain an ABC Type-21 off-sale distilled spirits license for the subject property.

STORE MANAGEMENT PLAN

615 Talmage Road, Ukiah, CA

Use Permit Amendment – Addition of Distilled Spirits Sales

This Store Management Plan is submitted in connection with the proposed amendment to the existing Use Permit for the gas station and convenience store located at 615 Talmage Road, Ukiah, California, to allow the retail sale of distilled spirits. This plan updates and builds upon the previously approved Management Plan for the site and is intended to address the City of Ukiah Planning Department and Police Department Conditions of Approval.

A. Onsite Trash and Recycling Management

The property owner and operator shall maintain the site in a clean, orderly, and litter-free condition at all times. The following measures shall be implemented:

- Onsite trash collection will occur **at a minimum of two (2) times daily**, with all trash deposited into the enclosed dumpster located on-site.
- Trash receptacles will be monitored throughout operating hours to prevent overflow.
- Recycling containers will be provided on-site for customer use and employee operations.
- Recycling materials will be collected **a minimum of two (2) times per week** by a licensed recycling service.
- Store employees will conduct regular exterior patrols of the site, including parking areas and perimeter edges, to remove litter and prevent off-site trash migration.

These measures are intended to ensure that the operation does not contribute to onsite or offsite litter impacts.

B. Coordination With Adjacent Neighbors

The property owner is committed to maintaining a positive and cooperative relationship with adjacent property owners and occupants. The following practices will be followed:

- The owner and/or store manager will provide contact information to neighboring property owners so that concerns can be communicated directly and addressed promptly.

- Any complaints related to noise, loitering, trash, or customer behavior will be documented and addressed in a timely manner.
 - Store operations will be managed to minimize any negative effects on adjacent properties, including proactive monitoring of exterior areas and enforcement of no-loitering policies.
 - The owner will work cooperatively with City staff and the Ukiah Police Department to address any recurring issues should they arise.
-

C. Outreach to Neighboring Property Owners

In compliance with the Conditions of Approval, the property owner will contact neighboring property owners in accordance to Planning Department requirements to inform them of the proposed Use Permit amendment and to discuss any potential impacts related to the addition of distilled spirits sales.

- The owner remains available to meet with adjacent property owners to resolve concerns and implement reasonable mitigation measures if necessary.
-

D. Security Features and Operational Controls

The following security measures shall be implemented and maintained to minimize loitering, deter criminal activity, and ensure the safety of customers, employees, and surrounding properties:

Security Staffing and Operations

- A minimum of two (2) employees shall be onsite at all times during business hours.
- Employees will be trained to identify and address loitering, panhandling, and prohibited behavior, and to contact law enforcement when appropriate.
- No charge accounts shall be permitted for customers.

Surveillance and Monitoring

- Fully operational interior and exterior security cameras shall be maintained at all times.
- Camera coverage shall include interior sales areas, exterior building elevations, parking areas, and fueling islands.
- Surveillance equipment and digital recording systems shall be maintained in accordance with Ukiah Police Department requirements, with recordings readily accessible for review.
- A public-view monitor shall be installed near the store entrance, and additional monitors shall be provided for staff monitoring.

Lighting and Visibility

- Exterior site lighting shall remain operational from dusk to dawn and shall be maintained consistent with previously approved lighting plans.
- Landscaping and signage shall not obstruct lighting or visibility into or out of the store.
- The store’s large, clear glass storefront will be maintained to provide clear sightlines and “eyes on the street.”

Loitering and Alcohol Consumption Prohibition

- Loitering, panhandling, and alcohol consumption on-site are strictly prohibited.
- Signage stating “No Loitering / No Panhandling” shall be posted in locations and formats approved by the Ukiah Police Department.

E. Police Call Threshold and Security Personnel Requirement

Based on guidance from the Ukiah Police Department:

- If the number of police service calls related to the site reaches **twenty (20) or more calls in any given month**, the property owner shall retain uniformed private security personnel.
- The Ukiah Police Department shall determine the specific hours during which private security is required.
- All costs associated with providing private security personnel shall be the sole responsibility of the property owner.

If the Planning Department, Police Department, and the applicant are unable to reach agreement on the terms of this Store Management Plan, the plan shall be returned to the Planning Commission for review and approval, consistent with the Conditions of Approval.

Owner Commitment

The property owner and operator acknowledge responsibility for implementing and maintaining all elements of this Store Management Plan. A signed copy of this plan shall be kept on-site at all times, and all employees shall be trained on its requirements.

This Management Plan is intended to ensure that the addition of distilled spirits sales is conducted responsibly, safely, and in a manner that is compatible with the surrounding neighborhood and consistent with the City of Ukiah’s public safety and planning objectives.



December 18, 2009

Mr. Hagi Alam
390 E. Gobbi Street
Ukiah, CA 95482

Re: 615 Talmage Raod, APN 180-070-10
Use Permit and Site Development Permit No 07-23

Dear: Mr. Alam,

The Planning Commission, at its regular meeting of December 9, 2009 reviewed Use Permit and Site Development Permit 07-33 to allow the construction and operation of a new gas station with mini-market at 615 Talmage Road.

It was the action of the Planning Commission to approve the project subject to the following findings and conditions.

**USE PERMIT FINDINGS TO ALLOW
A AUTO GAS STATION, 2,400 SQUARE FOOT MINI-MARKET AND 600 SQUARE
FOOT LEASE SPACE TO BE LOCATED AT 615 TALMAGE ROAD APN 180-070-10.**

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

1. The proposed land use, as conditioned, is consistent with the provisions of the zoning code as well as the goals and policies of the City General Plan for the following reasons.
 - A. The project site is zoned Community Commercial (C1). The gas station and mini-market are permitted uses in the C1 zoning district with approval of a use permit.
 - B. The project meets the intent of the C1 zoning district in that the auto gas station and mini-market will provide commercial opportunities on a primary transportation corridor within the City. The project has frontage on and access from Talmage Road which is identified as an Arterial roadway.
 - c. The following unique circumstances specific to the proposed use allow for a lower demand for parking.

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- Many customers of gas station will visit the mini-market while the vehicle is at the gas pump.
- Customers of the mini-market have a fast turn over allowing for parking space availability.
- Only two employee parking spaces are needed for employees based on the project description.
- Some customers will travel to the mini-market via foot or bicycle.
- Additional parking needed for the vacant commercial space would be addressed as part of evaluation of proposed use.

D. The General Plan land use designation of the project site is Commercial (C). This land use designation is intended to allow for a variety of commercial uses in areas that are served by publicly-maintained roads and in areas with anticipated growth. Examples of allowable uses include retail, service business, general commercial, public facilities, places of public assembly, parking lots and residential uses. The proposed gas station and mini-market are consistent with the uses intended for the Commercial land use designation.

The project is consistent with Economic Development Goal ED-1 to *support a strong local economy* in that the project will allow a new business(es) to occupy a commercially zoned parcel that will serve the citizens of Ukiah and the Ukiah Valley, furthermore the re-use and development of the project site will generate additional property tax and sales tax for the City. The project also supports a strong local economy by cleaning up and developing a site that has become degraded and has the potential to become an attractive nuisance. The development of the site will enhance the area by constructing a new commercial building, the facilities necessary for the gas station, and installing onsite and right-of-way landscaping and street trees. This has the potential to encourage improvements to other properties and buildings in the area.

The project site is located on one of the City's identified gateways and provides a first impression to visitors and residents to the City of Ukiah. Currently the site contains a vacant building. As noted above, this project would clean up the parcel hence presenting an attractive introduction to the City and supporting Community Design Goal CD-7 to *Improve the appearance of the area gateways*.

2. The proposed land use, as conditioned, is compatible with surrounding land uses in that the project site is located within an existing commercial corridor and is surrounded by commercial uses (motel, offices, and an auto repair business) and that the project site has been used as an auto repair business in the past.
3. The proposed land use shall not be detrimental to the public's health, safety and general welfare for the following reasons:
 - A. Alcoholic Beverage Control has issued a license for the sale of wine and beer for this site.

- B. The project was reviewed by the Police Department. The comments from the Police Department indicate that the project would not be detrimental to the public, health, safety and welfare if the appropriate conditions are applied to the project which would address the following concerns raised by the Police Department (see conditions 13-19).

Based on Police Department experience with similar businesses that sell beer and wine, businesses that sell single containers of beer and wine and any high alcohol content "malt liquor/flavored malt liquor" have the ability to increase the likelihood that alcohol consumption would occur on or near the premises. This has the ability to increase loitering and the propensity for criminal behavior increasing the need for police response.

The project site has no other retail establishments in close proximity making the site less visible to the public's watching eye and more prone to criminal activities. The site is located in the direct path of daily movement of a significant population of homeless. Prohibiting the consumption of alcohol on site would reduce the likelihood of loitering. Prohibiting the sales of "singles" and requiring alcohol to be sold as pre-packaged by the manufacturer would also reduce the likelihood that alcohol would be consumed onsite or in the area. Fencing the rear of the building would prohibit access to the rear of the building reducing the likelihood of loitering and eliminating an area that would be used for undesirable behavior. The proposed 24-hour operating hours will provide a constant onsite presence and additional "eyes on the street" which assists in reducing undesirable and/or unlawful behavior.

Areas that are unenclosed and out of the public view present an unsafe condition that invites loitering and unlawful behaviors. Requiring the rear of the building to be fenced to prohibit access would eliminate this problem.

The project was reviewed by the City Building Official, the Public Works Department and Fire Marshal their comments have been added as conditions of approval.

SITE DEVELOPMENT FINDINGS TO ALLOW CONSTRUCTION OF A GAS STATION WITH MIN-MARKET AND RETAIL SPACE TO BE LOCATED AT 615 TALMAGE ROAD APN 180-070-10

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 General Plan land use designation of the project site is Commercial (C). This land use designation is intended to allow for a variety of commercial uses in areas that are served by publicly-maintained roads and in areas with anticipated growth. Examples of allowable uses include retail, service business, general commercial, public facilities, places of public assembly, parking lots and

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residential uses. The proposed gas station and mini-market are consistent with the uses intended for the Commercial land use designation.

The project is consistent with Economic Development Goal ED-1 to *support a strong local economy* in that the project will allow a new business(es) to occupy a commercially zoned parcel that will serve the citizens of Ukiah and the Ukiah Valley, furthermore the re-use and development of the project site will generate additional property tax and sales tax for the City. The project also supports a strong local economy by cleaning up and developing a site that has become degraded and has the potential to become an attractive nuisance. The development of the site will enhance the area by constructing a commercial new building, the facilities necessary for the gas station, and installing onsite landscaping and street trees. This has the potential to encourage improvements to other properties and buildings in the area.

The project site is located on one of the City's identified gateways and provides a first impression to visitors and residents to the City of Ukiah. Currently the site contains a vacant building. As noted above, this project would clean up the parcel hence presenting an attractive introduction to the City and supporting Community Design Goal CD-7 to *Improve the appearance of the area gateways*.

2. The proposed project will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern because of the following.
 - The proposed project is located on a site that is at the intersection of two arterial streets.
 - A Traffic Impact Analysis was completed to evaluate traffic impacts of the proposed project. It was concluded that the project will not adversely impact the traffic patterns at the intersection. The analysis was reviewed by the City Public Works Department and CALTRANS.
 - The site has been used in the past for a similar use.
 - The project and Traffic Impact Analysis has been reviewed by Public Works Department and it was found to be adequate in terms of vehicular and pedestrian traffic patterns.
 - On site improvements include a defined pedestrian path of travel along with a new driveway on Hastings and the relocation of the existing driveway on Talmage.
3. The accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses based on the following.
 - Off-street parking would be accessed from an existing driveway curb cut located on Talmage Road and from a new driveway curb cut on the Hastings

Road side. The Talmage Road driveway is existing, and a new public sidewalk will be added as part of this project.

- A traffic impact analysis was performed and it was determined that the current controls at the intersection were adequate therefore the project will not change the current function of the intersection.
4. The project as conditioned will provide sufficient landscaped areas 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:
- The project is required to comply with the landscaping requirements of the C-1 Zone. The project is generally consistent with these requirements.
 - The project provides the following landscaping features:
 - 1) Trees and landscaping along the project frontage will provide screening of the project as viewed from the street.
 - 2) Vegetation along the project perimeters that will provide screening.
 - 3) The project meets the requirement for 50% tree canopy over paved areas.
5. The proposed development 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
- The project complies with the C-1 height and setback requirements which are developed in order to ensure adequate light and air and separation of uses. The project would not cut out light or air or hinder the development or use of building in the neighborhood based on the following:
 - 1) The properties to the west and south are already developed there is approximately a 30 foot separation between the proposed project and the existing development to the west.
 - 2) The project is appropriately designed as required by C-1zone development standards. The project has been reviewed by the Design Review Board and requires Planning Commission approval. This process ensures a quality project that would not impair the value to properties or development.
 - 3) The existing buildings on the site will be removed.
6. The site is not located in or adjacent to a residential zoning district.
7. The proposed development as conditioned will not excessively damage or destroy natural features, including trees, shrubs, creeks, and the natural grade of the site based on the following.

- The site is located in a commercial area, and contains existing structures that will be removed.
 - No water courses, wildlife, wildlife habitat or other environmentally sensitive areas are present.
 - The property is located within the floodplain however it is not in the floodway. As such the project is subject the City's standard requirements for pre-construction and post construction elevation certificates.
 - A Certified Arborists report will be required prior to issuance of building permit to ensure that the existing oak tree adjacent to the new Hastings Road entrance will not be damages as a result of construction or operation of the gas station.
8. The project was reviewed by the Design Review Board and the applicant has incorporated many of the recommendations into the plans in the effort to create a more attractive and interesting building.
 9. The building includes architectural details, materials, and articulation that avoids an uninteresting box-like external appearance and avoids monotony. These details include use of awnings, varied building height and score lines on the exterior finish that will break up the walls.
 11. The following unique circumstances specific to the proposed use allow for a lower demand for parking because.
 - Many customers of gas station will visit the mini-market while the vehicle is at the gas pump.
 - Customers of the mini-market have a fast turn over allowing for parking space availability.
 - Only two employee parking spaces are needed for employee parking based on the project description.
 - Some customers will travel to the mini-market via foot or bicycle.
 - Additional parking needed for the vacant commercial space would be addressed as part of evaluation of proposed use.

USE PERMIT AND SITE DEVELOPMENT CONDITIONS OF APPROVAL TO ALLOW CONSTRUCTION AND OPERATION OF A GAS STATION WITH MIN-MARKET AND RETAIL SPACE TO BE LOCATED AT 615 TALMAGE ROAD APN 180-070-10

Site Specific Conditions

1. Approval is granted to construct and operate a gas station with a 2,400 square foot mini-market and 600 square feet of unidentified lease space as shown on the project plans submitted to the Community Development and Planning Department and date stamped November 9, 2009 except as modified by the following conditions of approval.
2. This Use Permit is granted subject to the following operating characteristics:

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- A. 24 hour gas station and mini-market.
 - B. 4 employees with 2 per shift.
 - C. Mini-market items for sale to include small grocery items, candy, to go deli items, fountain drink and coffee.
 - D. Alcohol sales as conditioned by the Ukiah Police Department.
3. A Single Inverted – U bicycle rack shall be added to the front east side of the building. 3 parking spaces for bikes shall be provided. The rack shall be installed prior to building permit final and is subject to staff review and approval.
 4. A certified arborist report shall be prepared in regards to the exiting oak tree on the Hasting Road frontage. The report shall be submitted to the Planning Department for review prior to approval of the building permit. The report should include the following items:
 - A. Species and size of tree.
 - B. Existing health of the tree.
 - C. Impact of proposed construction work on the tree.
 - D. Impacts of vehicles on tree given close proximity to driveway.
 5. A Final Lighting Plan shall be included with plans submitted for building permit for review for compliance with Ukiah City Code requirements for on-site lighting and with the International Dark Sky Association guidelines for reducing nighttime lighting on the site. The Final Lighting Plan shall include the following.
 - A. Details regarding exterior lighting for structures, garden areas, and walkways, with lighting sources that are full cut-off, hooded, down-cast, or otherwise shielded to ensure that light does not adversely shine towards neighboring properties, or toward the night sky, and that light bulbs are generally not visible to pedestrians on sidewalks or designated areas or walkways on the site and at the property boundary, or to persons in any building on or off the site.
 - B. All lighting shall be the minimum wattage and of a quality that provides adequate security, but is not excessive and does not result in excessively bright night glow. Sufficient details regarding the proposed type, wattage/luminescence, and illustration of the area illuminated by each exterior light shall be provided so that Planning Staff can determine the brightness and quality of the proposed lighting.
 - C. Lighting devices and fixtures shall be designed, located and function compatible with the site planning and design of the building.
 - D. The Planning Director shall have the authority to require the Final Lighting Plan to be modified (including the type and wattage or intensity) and/or additional information to be submitted so that the lighting meets the requirements listed above.
 6. Signs are not included as part of this approval. Signs require application for and approval of a sign/building permit.

7. On plans submitted for building permit, these conditions of approval shall be included as notes on the first sheet.
8. A photometric plan that demonstrates that the project lighting will not be overly bright or extend over property lines.
9. The plans submitted for building permit shall show clear glazing.
10. All roof top equipment shall be screened and shown on the plans submitted for a building permit.

From the Planning Commission

11. Plans submitted for building permit shall include the following and are subject to staff review and approval:
 - A. A revised landscaping plan that includes the removal of the palm trees.
 - B. Location of protective tree fencing for the existing trees located on the adjacent motel property to ensure that construction of the project does not result in damage to these off-site trees. Protective tree fencing shall be metal, a minimum of 5-feet in height, and secured with in-ground posts and located 5-feet outside of the dripline of the trees to be protected.
 - C. Slate or tile wainscot treatment shall be added to the building.
 - D. Notes on the site plan that indicate reflective paint will be used to illuminate the pedestrian path the runs through the parking area.
12. A Store Management Plan shall be submitted for review and approval by the Planning Department and Police Department prior to issuance of the building permit. At a minimum, the Management Plan shall include the following elements.
 - A. How collection of onsite trash and recycling will be handled in order to control onsite and offsite litter.
 - B. How the property owner will work with adjacent neighbors to minimize any negative effect the operation of the business may have on the neighboring properties.
 - C. Documentation that the owner has contacted neighboring property owners in order to work out a plan to address any impacts that may result from the project shall be submitted to staff as part of the Store Management Plan.
 - D. Identify the specific security features that will be in place to minimize loitering and to ensure the safety of the customers and surrounding properties, including those specifically identified at the public hearing including the use of interior and exterior security cameras, two employees onsite at any time, exterior site lighting, large clear glass storefront to provide "eyes on the street" and no charge accounts for customers.

- E. Based on information from the Police Department, a threshold for the number of calls shall be established that will trigger the requirement to provide onsite security personnel. All expenses associated with providing security personnel are the responsibility of the owner.

If staff and the applicant/property owner cannot reach agreement on the Store Management Plan, the management plan shall return to Planning Commission for review and approval.

- 13. The Final Lighting Plan required in condition #5 above is required to be reviewed and approved by the Police Department.
- 14. If it is determined by the arborist report that the tree is not healthy and unable to withstand construction impacts then the tree shall be replaced with 25 gallon size live oak in the general location and sited to ensure the long-term health of the tree (such as avoiding impacts related to truck and vehicle traffic and reducing the amount of impervious surface that encroaches into the dripline of the tree.

From the Ukiah Police Department (Captain Trent Taylor)

- 15. No consumption of alcoholic beverages on the premises shall be allowed.
- 16. Only beer and wine shall be sold and only if properly licensed by the State of California to do so.
- 17. No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than six per sale and only if they are contained as pre-packaged from the manufacturer.
- 18. The sale of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., 40 oz. or similar size container is prohibited. No beer or malt beverages shall be sold in quantities of less than six per sale.
- 19. Beer, malt beverages, and wine coolers in containers of 40 oz. or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- 20. Wine shall not be sold in bottles or containers small than 750 ml. and wine coolers, beer cooler, or pre-mixed distilled sprit cocktails must be sold in manufacturer pre-packaged multi-unit quantities.
- 21. A barrier or fence shall be erected that will prevent persons from entering the area to the behind he main building.

From the Department of Public Works (Ben Kageyama)

22. Prior to construction, improvement plans shall be prepared by a Civil Engineer and approved by the Department of Public Works. Public sidewalk improvements outside of the street right-of-way will require a sidewalk easement dedicated to the City.
23. This property is located within the floodplain, and is subject to the provisions of Section 9600 et seq. of the Ukiah Municipal Code. The following shall be required:
 - A. A pre-construction elevation certificate, based on the plans, will be required prior to the issuance of a building permit.
 - B. A post construction elevation certificate based on construction will be required prior to final inspection.
24. If a food service facility is proposed as part of this project, pursuant to Ukiah Valley Sanitation District Ordinance No. 28, an outdoor grease interceptor shall be installed, sized in accordance with the California Building Code.
25. All irrigation and fire services shall have approved backflow devices.

From the Ukiah Valley Sanitation District (Rick Kennedy)

26. The property owner shall enter into an agreement with the Ukiah Valley Sanitation District for a sanitary sewer easement along the east side of the parcel.

From the Fire Marshal (Chuck Yates)

27. No cooking which would generate any amount of grease-laden vapors is to be conducted without installation of a hood and duct ventilation system containing a UL-300 fire suppression system (CFC Section 904.11)
28. Within the retail operation, one fire extinguisher is shown in the office. An additional fire extinguisher will be required in the public area, at a location to be determined.

From Building Official (David Willoughby) :

29. Three sets of a Geotechnical Report will be required along with the building plans and other documents when applying for a building permit.
30. The south wall of the convenience store will need to be a 1 hour rated wall with a parapet wall extending a minimum of 30" above the roof.

31. A vapor recovery tank/system will need to be shown on the plans and maintain a 10' setback from the property line.

From Mendocino County Air Quality Management District

32. The project is subject to the requirements of Regulation 1 and Regulation 3 of the Mendocino County Air Quality Management District.

Standard City Conditions of Approval

33. Business operations shall not commence until all permits required for the approved use, including but not limited to business license, tenant improvement building permit, have been applied for and issued/finaled.
34. 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.
35. 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.
36. A copy of all conditions of this Use Permit shall be provided to and be binding upon any future purchaser, tenant, or other party of interest.
37. All conditions of approval that do not contain specific completion periods shall be completed prior to building permit final.
38. This Use Permit may be revoked through the City's revocation process if the approved project related to this Permit is not being conducted in compliance with these stipulations and conditions of approval; or if the project is not established within two years of the effective date of this approval; or if the established use for which the permit was granted has ceased or has been suspended for 24 consecutive months.
39. 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.

As acknowledgement of receipt of your project's Conditions of Approval please sign and return a copy of this letter.

If you have any questions feel free to contact me at (707) 463-6206 or jfaso@cityofukiah.com

Sincerely,


Jennifer Faso
Associate Planner

I _____, the applicant/Owner have read and agree to the above Conditions of Approval.

Applicant/Owner

Date

Cc: Jonathan Ramas, Stantec 1131 North McDowell Blvd, Petaluma, CA 94954

Bp/Arco AM-PM
Use Permit/ Site Development Permit No 07-23
615 Talmage Road

**MANAGEMENT PLAN TO OPERATE
AN AUTO GAS STATION, 2,400 SQUARE FOOT MINI-MARKET AND 600 SQUARE FOOT
LEASE SPACE TO BE LOCATED AT 615 TALMAGE ROAD APN 180-070-10.**

Alcohol

The items listed below are included as part of the gas station and mini-market's Planning Commission Conditions of Approval (City File Number 07-23 UP-SDP-PC).

The following shall apply to the sale of alcohol and alcohol consumption on site.

- There shall be no consumption of alcoholic beverages on the premises.
- Only beer and wine shall be sold and only if properly licensed by the State of California to do so.
- No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than six per sale and only if they are contained as pre-packaged from the manufacturer.
- The sale of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., 40 oz. or similar size container is prohibited. No beer or malt beverages shall be sold in quantities of less than six per sale.
- Beer, malt beverages, and wine coolers in containers of 40 oz. or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- Wine shall not be sold in bottles or containers smaller than 750 ml. and wine coolers, beer cooler, or pre-mixed distilled sprit cocktails must be sold in manufacturer pre-packaged multi-unit quantities.

Loitering/alcohol consumption on site /panhandling

Loitering/ panhandling and alcohol consumption on site shall not be permitted. The following measures shall be taken:

- If the number of police calls in any given month reaches 20 or more then uniformed private security shall be provided by the property owner. The Ukiah Police Department will specify the specific hours that the private security will be required.
- Signs shall be posted on the site that states no loitering and/ or panhandling per Section 6091 of the City Municipal Code. The Police Department will specify size and location of the signs and will provide an example of the required wording.
- Employees will be trained in techniques to move loiters along and directed when to call police.
- Operational security cameras and dawn to dusk lighting shall be installed on the rear elevation of the building.
- A wrought iron fence shall be installed at the rear of the building to restrict access to the area between the property line and the building.

On site Trash Collection

- On-site trash will be collected at least two times a day and deposited into the dumpster located within the trash enclosure. Regular on site trash collection will keep trash from blowing around and off the site.
- Recycling cans will be placed on site to collect all recyclables. Recyclables will be collected 2 times a week.

Safety and Security

The following security features will be implemented to deter crime and ensure the safety of the customers and protect the surrounding properties:

- Interior and exterior operational security cameras shall be used on site.
- Two employees shall be on-site at all times,
- The site will maintain proper exterior site lighting. The lighting plan has been reviewed and approved by the Ukiah Police Department. There shall be no changes to approved lighting plan without approval from Planning Department and Police Department.
- The large glass storefront windows will allow a clear line of sight into and out of the store.
- Charge accounts will not be given to customers.

Employee Training

- Each of the employees shall be trained in established store/site security measures.
- Employees will be trained to deter crime on the site and shall know what to do in the event of a crime and when to call Police.
- All employee training will be documented and retained in the employee's employment file.
- Each employee will receive a copy of this Management Plan.

Lighting

- All of the facility lights shall be clean and operational.
- All exterior lights shall be operational and the light shall not be inhibited by trees or shrubbery. If it is determined by the Planning Department that trees or shrubbery are inhibiting the lights then the tree or shrub shall be trimmed. No landscaping shown on the approved landscaping plan can be removed without approval of the City Planning Department.

Visibility

- Marketing signage shall not block clear visibility into and out of the store.
- Window displays shall be limited to a maximum four-feet in height measured from the floor level. Signage shall not be placed on the front doors except approved Crime Deterrence decals.

Store Operator Responsibilities

- It is the responsibility of the store operator that the site is kept safe and hazard free for both employees and customers.
- The site will be routinely checked for unsafe conditions that could result in an injury or accident and necessary repairs will be completed.
- Conduct safety training for employees.
- Maintain emergency response equipment such as fire extinguishers, first aid kits,

spill absorbent material, etc.

- AmPm facility shall be clean, safe and well-lit.

Surveillance System

- Product specifications for the surveillance system and digital recording equipment shall be reviewed and approved by the Ukiah Police Department and the City of Ukiah Information Technology Department prior to purchase and installation.
- Digital media shall be immediately accessible to the Ukiah Police Department and shall be in a commonly utilized format that can be readily copied for evidence purposes.
- Digital equipment shall be maintained in such a manner that there is no lapse in ability to continually record.
- 20" color public view monitor shall be ceiling-mounted at the entrance of store. As the customer enters the facility, the image shall be readily seen.
- A minimum of 15" color monitor shall be placed in the back office for viewing and monitoring.
- Approved time lapse digital recording equipment.
- 24-hour real time audio recording.
- An approved secure cabinet will be used for recording equipment.
- A minimum of five-color video cameras with proper lenses mounted in-store. A minimum of two exterior-mounted cameras with environmental housings to cover operations at the fueling islands.
- Facilities with cash-accepting PIC units must have camera coverage for each operable side of the unit. If a single camera cannot view both sides of a dual unit, then additional cameras must be installed to complete coverage.
- 13" color monitor shall be ceiling-mounted near cash register area. Monitor must sequence the exterior camera images and must be readily viewed by cashier.
- Interactive Audio/Video Monitoring service provided by approved vendor for 24-hour interactive off-facility security monitoring service.

Digital Recorder Requirements

- Product specifications for the and Digital recording equipment shall be reviewed and approved by the Ukiah Police Department and the Information Technology Department prior to purchase and installation.
- Digital CCTV recording system: Sufficient hard drive space to support 12 color cameras at 5½ frames per second, per camera, for 31 days.
- Audio Recording is required at the Sales Counter Area.
- An Audio Processing Kit (Louroe preferred) is required to synchronize the audio with the video image.
- Establish and maintain a key control system for the security of the lockbox containing the components of the surveillance and recording system.

Cash Control

- Register cash amounts shall be keep as low as possible (\$250 or less).
- Frequent cash drops will be made, in an approved, secure "drop safe," or "validator safe."
- The safe shall be located near the register so that employees do not have to leave the cashier area when making frequent cash drops. This practice sends a message to customers that cash is not maintained at other locations in the store and that money is dropped in a secure location which cannot be accessed by employees.

- Banking practices shall be varied to reduce over-the-pavement risks. This will include variation of the bank drop hours and bank route.
- For Pay Island Cashier (PIC) units, you are required to make certain that each PIC face has specific CCTV coverage and that a certified armored courier services the vault cassettes and delivers them to your designated employee for processing.
- For PIC & CRIND units, physical inspections of the equipment four (4) times daily shall be made to ensure that the equipment is operational and secure. Completed forms should be kept in a binder by the registers for a minimum of one (1) year.

Contact

Property Owner Haji Alam (510) 862-3333.

This management plan is signed by the property owner to verify acceptance of all items contained. A copy of the signed document shall be kept on site.


Haji Alam, Property Owner

19-01-10
Date

CITY OF UKIAH PLANNING COMMISSION
December 9, 2009 Excerpt

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COMMISSIONERS PRESENT

Judy Pruden, Chair
Anne Molgaard, Vice Chair
Linda Helland
Linda Sanders

OTHERS PRESENT

Listed below, Respectively

STAFF PRESENT

Kim Jordan, Senior Planner
Jennifer Faso, Associate Planner
Captain Trent Taylor, Services Commander, Ukiah Police Department
Cathy Elawadly, Recording Secretary

COMMISSIONERS ABSENT

Mike Whetzel

1. CALL TO ORDER

The regular meeting of the City of Ukiah Planning Commission was called to order by Chair Pruden at 6:00 p.m. in the Council Chambers of the Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

2. ROLL CALL

Roll was taken with the results listed above.

3. PLEDGE OF ALLEGIANCE

Everyone cited the pledge of Allegiance.

4. SITE VISIT VERIFICATION

Site visit for agenda item 10B were verified.

5. APPROVAL OF MINUTES

None.

6. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

None.

7. APPEAL PROCESS

Chair Pruden read the appeal process. For matters heard at this meeting, the final date to appeal is December 21, 2009.

8. VERIFICATION OF NOTICE – Agenda items 9A, 9B, 10A and 10B were properly noticed in accordance with the provisions of the Ukiah Municipal Code.

10B. New BP/ARCO Gas Station and Mini-Mart Use Permit and Site Development Permit No. 07-23-UP-SDP-PC. Review and possible action on the request for approval to construct a new gas station, 2,400 square foot mini-market, and 600 square feet of vacant commercial space at 615 Talmage Road, APN 180-070-10.

Associate Planner Faso presented the staff report for the UP and SDP for the BP ARCO gas station and AM/PM retail store and noted the following:

- At places, the Planning Commission received two additional public comments concerning the project that were received after the packet was prepared.
- The site has an approved liquor license from State Department of Alcohol Beverage Control (ABC) for unrestricted sale of beer and wine.

- 1 • City Police Administration Captain Trent Taylor has reviewed the application and
2 recommends conditions of approval Nos. 15-21.
3

4 **Commission comments/questions:**
5

6 **Chair Pruden:** Requested clarification regarding the number of parking spaces for employees. In one
7 part of the report it states one employee and in another two employees.
8

9 **Planner Faso:** The applicant would be able to verify the number of employees per shift. Staff's
10 understanding is there would be two employees per shift.
11

12 **Linda Helland:** The State Department of Alcohol Beverage Control sets the authorized number of
13 alcohol licenses for every census tract based on population. The proposed project is located in
14 census tract 0116. According to the Santa Rosa office ABC, there are 10 allowed off-sale outlets
15 allowed in that census tract. There are currently 16 active licenses. So the area is oversaturated with
16 alcohol outlets. According to ABC, the applicant needed to get a letter of 'Public Convenience and
17 Necessity' from the local law enforcement agency, which according to UPD Captain, he did not issue,
18 as he never received the request from ABC.
19

20 **UPD Captain Taylor:** It is likely the Santa Rosa office ABC gave incorrect information. The alcohol
21 license has already been issued. The UPD was never notified by ABC allowing PD to have a say
22 regarding the issuance of the license wherein the license was transferred in. When ABC notifies UPD
23 of an impending issuance of a liquor license, UPD has 20 days to respond. In the case of the
24 BP/ARCO project, no notification was given so the time for UPD to respond has lapsed. Therefore, a
25 license was granted basically by default.
26

27 **Commissioner Molgaard:** Inquired as to why the UPD was not notified as is typically the procedure
28 is because the license was transferred rather than a new license. What might UPD have done
29 differently if the course did not occur as it did?
30

31 **UPD Captain Taylor:** ABC claims UPD was notified, but UPD never received notification. It was his
32 understanding until last week that the license had not been issued. He was also aware that the
33 license was a transfer and waited for the information to come from ABC so a response could be
34 made. He would have likely protested bringing the license into the City given the circumstances and
35 location. Since UPD no longer has an opportunity to respond, UPD imposed project conditions 15-21
36 placing restrictions on the sale of alcohol at the site.
37

38 **Commissioner Sanders:** Where was the liquor transfer from?
39

40 **UPD Captain Taylor:**

- 41 • The license was transferred from a business located on Lake Mendocino Drive.
42 • While the UPD does not object to the project proposed, it is the UPD's position regarding the
43 proposed project and application for a conditional use permit to include special conditions for
44 approval of the project that pertain to the sale of alcoholic beverages.
45 • It is the UPD's position that the location of the proposed project has the propensity to
46 significantly increase the need for police response to the area to ensure public safety. If
47 unrestricted sales of alcoholic beverages are allowed, a significant increase in the amount of
48 loitering is anticipated.
49 • UPD is concerned with security and safety issues and recommends in the project conditions
50 that barriers or fences be erected that will prevent persons from entering the area to the
51 south (behind the proposed primary structure).
52

53 **Commissioner Molgaard:** Referred to staff's analysis that talks about the project being consistent
54 with the General Plan Economic Development Goal ED-1 to support a strong local economy in that
55 the project will allow a new business to occupy a commercially zoned parcel that will serve the
56 citizens of Ukiah, and questioned how this analysis was done.

1
2 **PUBLIC HEARING OPENED: 6:23 P.M.**
3

4 **Jonathan Ramos, Applicant's representative:**

- 5
 - 6 • Commented on the project and made note the applicant opted to have the project reviewed by the Design Review Board (DRB) even though the project site is not located within the boundaries of the Downtown Design District wherein review by the DRB was not required.
 - 7
 - 8 • The applicant incorporated most of the DRB recommendations into the project. Attachment 6 of the staff report provides the comments made by DRB concerning the design aspects of the project.
 - 9
 - 10
 - 11 • Parking: The DRB recommended adding more shade trees in lieu of parking. The project can be made to satisfy all of the parking requirements of the zoning code by adding additional spaces if this is the preference of the Commission.
 - 12
 - 13
 - 14

15 **Chair Pruden:** The Commission will make a determination concerning the total number of parking spaces required for the project. Typically, this Commission prefers less parking and more landscaping, pedestrian access when the parking requirement appears to exceed the parking demand.
16
17
18
19

20 **Jonathan Ramos:**

- 21
 - 22 • One additional parking space could be accommodated if one of the shade trees is eliminated in front of the store and striping could be provided for some parallel spaces.
 - 23 • The proposed site layout plan, building elevations, color scheme and materials are reflective of the DRB discussion and proposed changes made to the project. Color renderings of the building were provided to the Commission for consideration/comments.
 - 24
 - 25 • The building consists of earth tone colors.
 - 26 • Building design - Score lines were added to the front of the building to provide some relief from the building's presentation and allow for architecturally pleasing articulation. This was a DRB recommendation.
 - 27
 - 28 • Awnings were added to better complement the building design on the west blank wall and east blank wall facing Hastings Road.
 - 29
 - 30 • The canopy for the fueling pumps is a standard design.
 - 31 • The landscaping proposed is extensive and the plan was completely redesigned based on the DRB comments.
 - 32
 - 33 • The existing well on the site will be used to irrigate the landscaping.
 - 34 • The DRB recommended adding Oak trees of various species rather than Chinese Pistache or other landscaping features that were originally proposed.
 - 35
 - 36 • Energy efficient (LED) lighting is proposed under the fueling canopy.
 - 37 • A bench will be provided for the project.
 - 38 • A bicycle rack will be provided.
 - 39
 - 40
 - 41

42 **Chair Pruden:** Understands the trellis that would have vines as an added architectural feature was a problem due to the sidewalk width. She supports having an additional tree to a vine.
43
44

45 **Jonathan Ramos:** The site has constraints with regard to appropriate space to accommodate the project uses as a gas station/mini-mart. The building, fuel canopy/gas pump area, parking, landscaping were designed with the concept of 'compact' in mind so the project will have an architecturally pleasing appearance and functions well for the uses.
46
47
48
49

50 **Chair Pruden:** What is the design plan for the extensive pedestrian pathway system that extends to the adjacent hotel located to the west?
51
52

53 **Jonathan Ramos:** The pedestrian pathway will be striped; Due to grade constraints striping the pedestrian pathways was the best approach as opposed to doing some type of texturing.
54
55

1 **Chair Pruden:** Requested incorporating reflective glass bead into the striped pathway areas to better
2 catch a pedestrian eye.

3
4 **Jonathan Ramos:**

- 5 • Would be amenable to incorporating reflective glass beads for safety purposes.
- 6 • Recommended adding more lighting where the fuel tanks are located for security purposes.
- 7 • Fencing will be provided as part of the project, particularly for the rear portion of the site.

8
9 **Staff:** The UPD will review the Lighting Plan from a security standpoint.

10
11 **Chair Pruden:** Agrees fencing is important because the area has a high transient population.

12
13 **Commissioner Sanders:**

- 14 • Asked about whether planters were still part of the plan?
- 15 • Understands the existing Oak tree is a concern for the tanker truck and the applicant would
16 like to see that tree removed.
- 17 • Asked about signage, plans for the monument sign that is located in the public right-of-way
18 and/or the pole sign for freeway advertising purposes.
- 19 • Are the Palm trees still a part of the landscape plan?

20
21 **Jonathan Ramos:**

- 22 • No planters are part of the landscape plan.
- 23 • The landscape plan has been revised to maintain the existing Oak tree. It is not the healthiest
24 of Oak trees and the intent was to replace the tree with a healthy tree. Staff and the DRB
25 would like to see this tree retained. A project condition requires an arborist ensure the safety
26 of the tree during construction, including assessment as to the health of the tree.
- 27 • The monument sign was of interest to the applicant. However, staff has indicated an off-site
28 sign is prohibited and cannot be located in the public right-of-way. Also, the sign would
29 eventually be hidden when the street trees mature. The existing freeway pole sign was also
30 of interest for use. However, staff has indicated this sign does not exist at present and due to
31 the time that has passed, is considered abandoned and cannot be continued. Signage for the
32 project includes: one 17-foot main ID pylon monument sign on the Talmage Road frontage
33 where the Hollywood Junipers are presently located, AM/PM building sign, gas pump canopy
34 'spark', and unit graphics on the gas pumps.
- 35 • The Palm trees are shown in the landscape plan, but are no longer part of the plan. The
36 intent of the DRB was to locate the Palms near the mini-mart so as to create a 'tropical zone'
37 in the landscape plan separate from the 'native/natural California zone' landscaping features.

38
39 **Chair Pruden:** Do the two Junipers located in the southwest corner of the site belong to the applicant
40 or to the motel? If not, precautions will have to be taken to protect these trees.

41
42 **Jonathan Ramos:** Is unsure whether these Junipers are on the motel property. The DRB
43 recommended removal of the Hollywood Juniper on the Talmage Road frontage so the monument
44 sign can be placed in this location.

45
46 **Commissioner Helland:** Requested clarification whether the issue of drainage is the reason why the
47 pedestrian walkway does not go directly to door?

48
49 **Jonathan Ramos:** The reason is due to drainage issues and the accessible ramp wherein the grade
50 of buildings/site is also a factor.

51
52 **Commissioner Helland:** Underlined the importance of providing for a bicycle rack.

53
54 **Commissioner Molgaard:**

- 1 • Generally referred to the color rendering of the building and asked about the design
- 2 features/color scheme for the front portion of the building and the canopy above the fuel
- 3 pumps in terms of possibly improving the aesthetics.
- 4 • Would it be possible to replace the columns for fueling canopy with rock material to spruce up
- 5 the appearance? Are the colors for the gas station canopy a corporate standard?
- 6 • Acknowledged that while it is unlikely no modification can be made to improve the
- 7 appearance of the gas station if it is possible to modify the front of the mini-mart?

8
9 **Jonathan Ramos:** Would like to incorporate rock columns from an aesthetics standpoint, but due to
10 space constraints at the fuel pumps this would not be feasible. The application of rock material would
11 increase the width of the columns. The color scheme for the gas station canopy is a corporate
12 standard.

13
14 **Commission:**

- 15 • Discussed the color scheme and overall design of the AM/PM building and whether
- 16 architectural treatments/feature could be added to address the blandness of the building and
- 17 add character.
- 18 • Generally approved of the earth tone color scheme. The white portion of the building along
- 19 with the AM/PM sign as shown on the color rendering is a corporate standard.
- 20 • Specifically discussed the possibility of adding some sort of treatment to the wainscot and/or
- 21 to the 'Indian Corn' colored walls.
- 22 • Discussed various treatments, noting a tile treatment added to the wainscot, would enhance
- 23 the appearance of the building, as well as add character.

24
25 This discussion continued after the public testimony ended.

26
27
28 **Richard Warren, Applicant's Attorney:**

- 29 • Confirmed the census track is 0116.
- 30 • There are 16 active alcohol beverage licenses and this project location is one of those
- 31 licenses.
- 32 • The alcohol beverage license was issued on August 21, 2008 so the time period to appeal
- 33 this issuance has lapsed.
- 34 • The applicant has an active on-sale beer and wine license.
- 35 • He was the author of the letter objecting to the conditions proposed by the UPD and staff,
- 36 which in a later e-mail he advised staff that the objectives were withdrawn by the applicant.
- 37 • Recommended one modification for consideration, which pertains to container sizes.
 - 38 ○ As presently written, the applicant cannot sell any beer in container sizes other than in
 - 39 12 and 16 ounce sizes and prohibits the sale of beer or malt beverages greater than
 - 40 16 ounces. Additionally, no beer or malt beverages are to be sold in quantities of less
 - 41 than six per sale.
 - 42 ○ The applicant is asking the Commission to consider an exception for single container
 - 43 sizes of 20, 22, and 24 ounces. Examples of such products were provided and
 - 44 generally retail for between \$4 and \$5 a bottle. These single-size containers are very
 - 45 popular.
 - 46 ○ The applicant accepts prohibiting the sale of beer or malt beverages in quantities of
 - 47 quarts, 32 ounce size, or other large size containers.

48
49 **John Johns:** Supports the project, noting the location has been an eye-sore for a long time.

50
51 **Mike Hildreth representing Tim Norgard, Rebecca Kraus, and himself:**

- 52 • Generally supports the concept of the gas stations/mini-mart, but without the liquor
- 53 component.
- 54 • The project would definitely improve the appearance of the site.

- The area is well-known for attracting transients/homeless persons, particularly because of its geographic location in close proximity to the Russian River and many orchards where such persons frequent and have homeless encampments.
- Mr. Hildreth and Tim Norgard own the orchards adjacent and/or in the vicinity of the project and express concern that the on-site sale of alcohol will further attract/encourage undesirable persons to this location contributing more problems to property owners in the area than what presently exists.
- Other concerns include: unwanted loitering, issues with debris/garage, creating unsafe conditions for areas behind the building that are out of the public view for persons to hide and/or engage in unlawful behaviors.

Gill Dye:

- Operates the radio station located adjacent to the site to the south.
- Has concern about security issues with regard to vandalism and safety to persons working/visiting in the area, advising of issues already occurring on the radio station property. Some of the problems include people coming and going at all hours of the day, sleeping on the premises on the radio station property, littering, activities related to alcohol consumption and/or other nuisance issues.
- Is concerned of the likelihood that alcohol consumption on or near the premises will occur resulting in criminal behavior and activity which will increase the attraction to loiter in the area or on the premises.
- Has concern about littering on adjacent properties.
- There six or seven places where a person can purchase alcohol on a one-mile track of the Talmage area.
- The City has approximately 18 gas station/convenience stores in the City limits. Invites owners of gas station/convenience stores to be more community oriented by joining the Ukiah Chambers of Commerce and/or other service clubs that contribute to the well-being of the community.
- Agrees there should be some restrictions regarding the sale of alcohol on this site; Beer, malt beverages, and wine coolers should not be sold by single containers. The intent should to sell in quantity. One of the project conditions with regard to alcohol sales is that no beer or malt beverages shall be sold as singles.
- Is hopeful the property owner will be a good neighbor and do his part to assist other property owners in the area with problems/issues that could occur as a result of the project.
- UPD has been very good about patrolling the area and responding to calls from the radio station. The radio station has been burglarized twice. People have been known to live in the existing old gas station structure, which will stop with the new business. UPD will certainly have to patrol behind the building (south side) so it is likely the number of patrols will increase.
- With the potential for negative activities related to alcohol consumption, it becomes more difficult for neighboring property owners to secure their property. Fencing may not be an option because the property has a parking lot or some other type of facility where certain security measures are not an option.

Rich Martin: Has lived in the community since 1976 and supports the project. It has been an eye sore for years. It is a good location for a gas station/mini-mart. There is no real solution for the homeless problems in the area and is of the opinion the project will not create a bigger problem. The project will also not make the homeless problem go away. The building with its lighting features will make one less place for the homeless to sleep.

Ben Collier: Has lived in the community since 1965. Concurs with Mr. Martin's comments. Believes the project will improve the appearance of the area. The gas station will be convenient since other gas stations on S. State and Talmage are typically congested as is the gas station located at the Talmage Store. He is hopeful the gas station will sell diesel fuel. The project is a good use for the site.

1 **Jerry Pool:** Has noticed over time an increase in the number of transients in the area, including the
2 number of teenagers that trespass on private property or access the Russian River. A working gas
3 station and convenience store might reduce some of the problems in the area and/or resolve itself.
4 He supports approval of the project.
5

6 **Glenn Jensen:** Has resided in Ukiah all of his life. The area is dark and it will be nice to a business
7 on the site and the associated lighting. He supports approval.
8

9 **Dave Hull:** Is the owner of an insurance business next door to one of the applicant's other gas
10 station/mini-marts on E. Gobbi Street and stated this area also has problems with transients and
11 homeless persons. The mini-mart does attract a certain clientele of transients/homeless persons that
12 have caused a multitude of problems for his business. He had to take certain security measures to
13 discourage/prevent people from trespassing, littering and vandalizing his property. After consulting
14 with the applicant about the ongoing nuisance issues and/or other problems related to people being
15 attracted to the convenience store, the applicant took measures to change some of his business
16 practices when dealing with the transient/homeless population, which has resulted in fewer incidents
17 and/or problems for Mr. Hull. He is of the opinion the applicant will operate his new store in much the
18 same way and be a good neighbor. He supports approval of the project.
19

20 **Brian Martella:** The project is appropriate for the area, particularly with its location in close proximity
21 to the freeway. He supports approval of the project.
22

23 **Ruth Vananthrep:** Is a teacher at Grace Hudson Elementary School. She has lost all respect for the
24 California Alcoholic Beverage Control Board and the PS Board because they have authorized 'type
25 20' alcohol licensing within 300 feet of the school. There is a moratorium on type 20 alcohol licenses
26 in Mendocino County in effect for five years so in order for the applicant to secure a license he must
27 have gone through the Mendocino County Sheriff's Department and asked for a Memorandum of
28 Public Necessity and Convenience. It is her understanding that the Sheriff's office asks little or no
29 questions. She encourages the Planning Commission to find out how many of these memorandums
30 have been written by the Sheriff's office during the time of this moratorium, which was placed in 2005.
31 While she does not typically shop at convenience stores, she has noticed that drug paraphernalia is
32 being sold. It is her understanding that if convenience stores sell alcohol, they cannot sell drug
33 paraphernalia. They are many stores in Ukiah where both are sold. It would be nice, if this community
34 would start following the laws.
35

36 **Richard Labough, BP/ARCO franchise representative:**

- 37 • The project being reviewed tonight has been five years in development planning.
- 38 • Every ARCO building constructed is thoroughly evaluated.
- 39 • Is familiar with transient/homeless population problems in cities in connection with
40 convenience stores. The problem may be slightly different in larger cities than in rural
41 communities.
- 42 • As a general rule, if communities want people to behave better, they have to know they are
43 being viewed. To ensure people are aware of being viewed, all ARCO stores have: large
44 clear glass storefronts and security cameras and monitors. This site would have seven
45 security cameras.
- 46 • ARCO conducts lighting studies. The type of lighting system used for safety and security
47 purposes will not be evasive to the adjoining properties.
- 48 • It is very difficult for ARCO gas stations to make a profit so all other sales, including the sale
49 of alcohol in single containers is important in order to keep the business profitable. The sale
50 of gasoline does not produce a very large profit margin. There is a very low profit margin for
51 ARCO gas stations, since they essentially set the gas prices.
- 52 • ARCO is one of the few gas stations that use a cash machine, which is another profit
53 component. ARCO accepts only debit cards and cash and does not accept credit cards.
- 54 • If too many potential profit-making fundamentals are eliminated from a particular site, this site
55 may not 'pencil out' in today's economy.

- ARCO does look at all community concerns for their projects.
- Is of the opinion that with the conditions imposed for the sale of alcohol, including the recommended exception made by the applicant, the project should be safe and lucrative.

Anna Hernandez: Fully supports approval of the project. The development will be an improvement to the area. Having a gas station in this location will be very convenient.

Meredith Rinehardt, Senior Program Specialist for Mendocino County Health and Human Services:

- Coordinates State and federal grants that provide educational programs for youth in the area of alcohol and drug prevention.
- Provided the Commission with information about a recent study conducted by a non-profit organization called the Marin Institute that is an alcohol industry watchdog. This organization recently released a study about the cost of alcohol in California. California is the largest alcohol market in the US with beer representing almost 80% of those sales.
- The information addresses crime data related to alcohol consumption to include violence and crime, domestic violence and sexual assault, alcohol-related collisions, underage drinking, economic decline and the need to limit/decrease the number of alcohol outlets in neighborhoods.
- Does not support the sale of alcohol component for the project.

W. Flores, Ukiah High School Student: Supports the project without the sale of alcohol component. She is not supportive of liquor stores in neighborhoods because of the behavioral problems that can result from alcohol consumption.

Charley Seltzer, Works for the County of Mendocino in the field of drug and alcohol prevention services and is the prevention administrator:

- Addressed the State Department of Alcohol and Beverage Control and stated the ABC sets limits on the number of alcohol establishments that can sell alcohol, on and off sites.
- The limits are based on population in census tracts. The City should have seven on sale alcohol outlets, which means establishments where people can consume alcohol on-site. The City has nine times this number for a total of 66 outlets. The ABC sets a rule that Ukiah can have seven on-site outlets, but approves 66 of them. Off-sale means a person can purchase alcohol but consume it elsewhere. Ukiah should have 12 establishments but has 43 and/or four times the number. Ukiah is supersaturated with places to purchase alcohol.
- Approves of the project without the sale of the alcohol component. It is unfortunate ARCO has to sell alcohol in order to make a profit to stay in business.
- Communities that have a supersaturated alcohol density, also have other conditions that go along with the increase in availability of alcohol. He provided some statistics to emphasize his point.

Joseph Denson: Likes the project. On the topic of selling singles in 22 and 24 oz. containers, it would be nice to have this option because when he purchases beer, he does not necessarily want a six pack. He may just want one beer as opposed to six and/or a 24 oz. bottle, which is the equivalent of two beers. Further restricting the sale of alcohol may put the business at a competitive disadvantage compared to other places that have off-sale liquor licenses.

Dennis Thygesen: Wrote a letter in support of the project, noting it looks like a winner for the City of Ukiah, the developer, owner, and public.

PUBLIC HEARING CLOSED: 7:22 P.M.

Commissioner Helland: Asked UPD Captain Taylor to describe potential impacts if the project were approved as proposed.

1 **Commissioner Molgaard:** Other than the surveillance equipment/monitors to make it obvious people
2 are in view, are there other ways to address loitering and littering.

3
4 **Commissioner Sanders:** If the applicant intends to sell drug paraphernalia there should be a project
5 condition against this type of sale.

6
7 **UPD Captain Taylor:**

- 8 • Was surprised to hear of the changes made to the business practices at the E. Gobbi Street
9 gas station/mini-mart, resulting in a reduction of impacts to surrounding property owners and
10 the problems with transients/homeless in connection with the convenience store. The UPD
11 has had many calls to respond to this establishment. The number of calls for response by the
12 UPD has been reduced. UPD has met with Dave Hull, Mr. Haji Alam, and Richard Seltzer
13 concerning possible solutions to the problems that occur at the E. Gobbi convenience store
14 and to neighboring property owners. The property owners did implement some mitigation
15 measures to address loitering, trespass, vandalism, littering, and other nuisance impacts
16 occurring from the transient population that linger in the area.
- 17 • If the project is heavily controlled by the applicant and the franchise company, the project
18 could be less of a problem.
- 19 • The sale of single alcohol containers will be a problem and this is a concern because of the
20 transient clientele that will purchase it and consume it nearby or on the premises and then
21 possibly get into some kind of situation/confrontation requiring services from UPD. There are
22 plenty of outlets in the City that sell single containers of alcohol. Selling single containers is
23 the cheapest way to sell alcohol.
- 24 • He opposes the sale of alcohol in single containers. He also would have opposed the alcohol
25 license to begin with because of the location and problems that occur in the neighborhood.
- 26 • He does support the development and the improvements that will be made to the site.
- 27 • Issues of loitering and littering:
28 Does not support having a bench in front of the store because this would encourage
29 loitering and/or a place for people to 'hang-out.'
- 30 • The building design and layout is good. It is a good idea to enclose the back of the building
31 because this would be less visible to UPD when they patrol the area.
- 32 • Likes the surveillance camera in view to remind people they are being observed. The use of
33 cameras is a deterrent, but not a complete deterrent.
- 34 • Safeway has a security guard on duty and this has been helpful to discourage theft and
35 loitering.
- 36 • Drug paraphernalia – The City has an Ordinance in place that prohibits 'certain things.' The
37 problem is that some of the items associated with drug use is also associated with the use of
38 tobacco, which may or may not be considered drug paraphernalia and so there are some
39 'loopholes.' Drug paraphernalia is typically sold in a privately-owned, non-franchise
40 business rather than a convenience store that is corporate.
- 41 • Is of the opinion there is no need to condition the project against the sale of drug
42 paraphernalia. The Commission could ask the applicant if he plans to sell drug paraphernalia.

43
44 **Planning Staff:** Applicants are required to comply with all City codes. Even though there may be a
45 City Ordinance that pertains to and regulates a particular aspect of a project, the project conditions
46 can also address it as a reminder. If the Commission decides to specifically condition this project
47 addressing the sale of drug paraphernalia by referencing the Ordinance in the conditions, this would
48 be acceptable.

49
50 **Commissioner Molgaard:**

- 51 • The project does not look like "Ukiah." As designed, the project essentially has no real
52 character/connection to the community and without this component, it becomes just another
53 building that people are not protective of. The design statement communicates the feeling of
54 the project just being an 'ARCO' building when it should express the feeling of 'ARCO and
55 Ukiah' because this is what will help increase business, as well increase the community's

1 'collective wealth.' What can be done to improve the 'flavor' of the building to make it more
2 appealing/aesthetically pleasing and a better fit for the community? Should a rock treatment
3 be added to the columns for the gas station or an overall change in the color scheme to the
4 building to provide/improve that sense of character necessary in order for the community to
5 really care about exists at this site.

- 6 • How the building presents itself is very important.
- 7 • Does not agree the project, as designed, fully meets General Plan, Community Design Goal
8 CD-7 that the project improves the appearance of the area gateways since the site is located
9 at one of the City's identified gateways that provides a first impression to visitors and
10 residents to the City of Ukiah.

11
12 **Planning Staff:** What would the Commission like to change? Does the Commission like the form?
13 Colors? Materials? Details? If not, this is the time to discuss possible design changes with the
14 applicant and owner.

15
16 **Commissioner Molgaard:** Personally has some problems with the form, but as a Commissioner is
17 attentive since the form has progressed this far with staff's assistance. Would like to somehow
18 improve the aesthetics in order to create a more pleasing appearance the community can be proud
19 of.

20
21 **Commissioner Sanders:** Pointed out the Commission is more frequently reviewing projects that
22 involve corporations that usually require a specific design/footprint for compliance with the corporate
23 standards. This might be a topic for future discussion, but does not support taking this approach for
24 this project.

25
26 **Chair Pruden:** The proposed ARCO project is a much better looking box-like building than ARCO
27 projects in other communities. The color is more attractive and she likes the awning component and
28 landscaping plan.

29
30 **Commissioner Molgaard:**

- 31 • All projects whether a corporate product, a box-like structure and/or of some other
32 form/condition should be designed with the best and highest aspirations in mind. This project
33 does not make this statement. It is also important for the owner to be part of the community
34 and for the community/decision makers to approve of the design. Local support is highly
35 important.
- 36 • Likes the rock treatment on the pillars/columns for the Willits Safeway store and is very
37 effective aesthetically. Can this be done here?

38
39 **Chair Pruden:** While the rock treatment would look very nice, the gas station has spacing issues so it
40 was designed such that the footprint would fit the site in order to accommodate the use.

41
42 **Commission:** Generally agreed that from a site development perspective, the most of the design
43 features correspond with the use as a gas station/retail store, noting the applicant has modified the
44 design at the recommendation of the DRB and has provided for pedestrian friendly pathways and will
45 nicely landscape the site. It may be that if the location were different, the Commission would make
46 some design changes to make the building more aesthetically pleasing.

47
48 **Commissioner Molgaard:** The building is nowhere where it could be in terms of design and the
49 community will be looking at it for a long time. Specifically, the columns/islands for the gas station
50 could be improved and some sort of finish/treatment could be added to the front of building to build in
51 some character.

52
53 **Planning Staff:** The Commission could ask the applicant to consider alternative design features to
54 address Commissioner Molgaard's concern that the building needs to be a better fit for Ukiah.

55
56 **PUBLIC HEARING RE-OPENED: 7:45 P.M.**

1
2 **Jonathan Ramos:** Columns to the gas station – Very limited as to what can be done about the
3 design due to space constraints to accommodate the use as a gas station.

4
5 **Commissioner Molgaard:** Asked if some type of treatment could be applied as a wainscot ?

6
7 **Chair Pruden:** Asked if Commissioner Molgaard would agree to some type of tile/masonry
8 treatment for the wainscot?

9
10 **Commissioner Molgaard:** Agreed this would be a good approach. She is looking for some type of
11 treatment/material to improve the appearance.

12
13 **Jonathan Ramos:** Treatment to the front of the building. The franchisee representative has agreed it
14 would be acceptable to add some slate material/tile wainscoting that matches the proposed color
15 palate.

16
17 **Commissioner Molgaard:** Likes the idea of adding tile or slate wainscoting. Asked about the fueling
18 canopy and whether any type of design can be done to better coordinate it with the building.

19
20 **Jonathan Ramos:** The ARCO canopy/gas sales facility is a separate 'profit-making center' from the
21 AM/PM retail store. The intent is to keep the two operations separate as well as identified separately
22 aesthetically as they are and have separate corporate identities.

23
24 **PUBLIC HEARING CLOSED: 7:52 PM.**

25
26 The Commission/applicant discussed other possible design changes to the retail store and/or
27 possible landscaping features to complement/enhance the design.

28
29
30 **Commission consensus with regard to design for Site Development Permit component:**

- 31
32
 - Add tile/slate treatment to building wainscot.
 - Add stone or other treatment to the supports for the canopy if feasible.

33
34
35 The Commission also continued their discussion concerning the use permit:

- 36
 - The use of the gas station is acceptable.
 - The mini-market is acceptable.
 - The liquor sales as part of the mini-mart presents a problem.
 - The Commission appreciates UPD Captain Taylor attending the meeting and answering questions and the including conditions related to the sale of alcohol.
 - Is the mini-mart use appropriate for the location?

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42
43 **Commissioner Molgaard:**

- 44
 - Referred to staff analysis/Use Permit findings 1D regarding General Plan finding that the project is consistent with Economic Development Goal ED-1 'to support a strong local economy' in that the project will allow a new business to occupy a commercially zoned parcel that will serve the citizens of Ukiah and the Ukiah Valley. The project also supports a strong local economy by cleaning up and developing a site that has become degraded and has the potential to become an attractive nuisance. The development of the site will enhance the area by constructing a commercial new building, the facilities necessary for the gas station, and installing onsite landscaping and street trees. This has the potential to encourage improvements to other properties and buildings in the area.'
 - This might be a bigger discussion than can or should be addressed tonight.
 - In general how should the above-referenced Economic Development Goal be applied to this project? Does it matter if the business is locally owned, locally franchised, what the
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1 prevailing wage is, what is the cost of alcohol and/or other relevant factors to justify
2 promoting economic development and are these factors considered ?
3

4 **Planning Staff:** Regarding consistency with General Plan Economic Development Goal ED-1, in this
5 case, staff considered the increase in property tax and sales tax that would be generated by the
6 project.
7

8 **Commissioner Molgaard:**

- 9 • Economic Development Goal ED-1, concluded she does not have a problem with lines 39
10 through 47 of the draft use permit findings. Staff looks at this goal from a different perspective
11 from her understanding, which from this standpoint is acceptable.
12
- 13 • Does not agree with subsection 1D: The project site is located at one of the City's identified
14 gateways and provides a first impression to visitors and residents to the City of Ukiah.
15 Currently the site contains a vacant building. This project would clean up the parcel hence
16 presenting an attractive introduction to the City and supporting Community Design Goal CD-7
17 to Improve the appearance of the are gateways. Does not agree the project improves the
18 design of the gateway. This is a separate issue from economic development.
19
- 20 • Recommended revisiting staff's definition of economic development in order to look beyond
21 this definition to include other factors such as the circulation of tax dollars correlated to wages
22 paid and profits made and where this gets invested because this can even be more valuable
23 than the business and sales tax. This is not a topic of discussion for tonight's project.
24

25 **Commissioner Helland:** Provided the Commission with information/statistics regarding the harm
26 caused by alcohol consumption.
27

28 **PUBLIC HEARING RE-OPENED: 8:08 PM.**
29

30 **John McCowen:**

- 31 • Is familiar with the area where the project is located.
- 32 • The area where the store is located encompasses open space in association with the
33 Russian River and many orchards that draws the attention of the homeless and transient
34 population contributing to a wide variety of problems.
- 35 • The location of the store will exacerbate the problems with the sale of alcohol.
- 36 • While there are other commercial uses in the immediate area, the site does abut an orchard.
- 37 • Orchards and the Russian River region are difficult to patrol so people live in the orchards
38 and on the River banks.
- 39 • Consumption of alcohol and living in orchards is not a good combination. This type of
40 behavior should not to be encouraged.
- 41 • Cited a near tragedy that occurred in Mr. Hildred's orchard when a ranch employee nearly
42 ran over a person sleeping in the orchard with a tractor. The man was likely sleeping off
43 alcohol consumed and did not hear the tractor.
- 44 • The restrictions for the sale of alcohol by UPD Captain Taylor are very appropriate.
- 45 • Secure fencing around the perimeter of the site is very important, particularly on the south
46 and west sides of the property to provide some security measures for the neighboring
47 businesses, as well as on the east side to make it more difficult to access the orchard.
- 48 • The project will result in a lot more litter in the area. It would not be unreasonable for the
49 applicant to assume some responsibility for keeping the area clean of litter.
50

51 **PUBLIC HEARING CLOSED: 8:14 PM.**
52

53 The Commission continued discussion concerning the use permit findings and whether the use permit
54 is appropriate for the proposed location and the business a good fit. With the exception of the alcohol
55 component is the gas station and mini-mart an appropriate use for the area?

1
2 **Commissioner Helland:** Okay with the gas station and mini-mart use. Would not support approval of
3 the project because the outlet is allowed to sell alcohol. She cited some of the behavioral and health
4 problems linked with alcohol consumption. Among the problems relevant to sale of alcohol is crime.
5

6 **Commissioner Sanders:** The gas station/mini-mart is an appropriate use. Supports UPD Captain
7 Taylor's conditions restricting the sale of alcohol. Has concerns about the degree of debris and
8 garbage that will result from the products being sold from the mini-mart. Would like to see a sufficient
9 number of recycling containers and garbage receptacles for the products that will be sold. Supports a
10 project imposing a condition to address trash/debris that would result from the business. Is pleased
11 the applicant intends to be a good neighbor by helping with nuisance issues and other types of
12 problems.
13

14 **Chair Pruden:** Can the Commission require a Management Plan detailing what the applicant will do
15 with regard to trash and litter?
16

17 **Planning Staff:** The Commission can require a Management Plan dealing with on-site activities. Off-
18 site is a little more difficult because of the public right-of-way and private properties where the
19 applicant has no right of access and could be considered to be trespassing. The project conditions
20 can require a Management Plan to address debris/trash containers on-site and details about the
21 operation as a gas station and retail outlet. The project can also be conditioned to require the
22 applicant work closely with the neighbors to address off-site nuisance issues, such as clean-up of
23 trash/debris. Recommends asking the applicant what he is willing to do about trash/debris clean-
24 up/improvements in the area.
25

26 **Chair Pruden:** The Management Plan is probably a good idea even though the applicant is willing to
27 do what he can to be a good neighbor. The question is such a Plan really necessary since the
28 applicant is willing to do what he can as a good neighbor. The applicant cannot be conditioned to go
29 on private properties to conduct clean-up efforts. The issue is really about the type of clientele that
30 trespass in the orchards and/or other neighboring private properties.
31

32 **Planning Staff:** Recommends requiring the applicant provide a Management Plan that specifically
33 addresses debris/litter and/or other on-site issues and that this Plan be required prior to Building
34 Permit approval and subject to staff/Planning Commission approval. The Plan can also provide
35 provisions that the applicant work with neighboring property owners concerning off-site issues. In
36 order to require the applicant to work with the neighbors and comply with the plan, the plan would
37 have to be a condition of approval.
38

39 **Commissioner Sanders:** A responsible business wants to work with the neighbors. The applicant
40 has demonstrated his desire to be a good neighbor by working with Mr. Hull about nuisance issues at
41 his E. Gobbi Street gas station/mini-mart. The Commission can require trash receptacles and
42 recycling containers on the site. Concerns about the trash/debris issue can be handled by staff when
43 the Building Permit is issued. It would be perfectly acceptable for staff to review the Management
44 Plan.
45

46 **Commission:** There was discussion about the Management Plan and the concern for the applicant
47 being a good neighbor.
48

49 **Planning Staff:** Addressed the project condition related to potential off-site issues and being a good
50 neighbor. It could be part of the Building Permit plan process, the applicant would have to provide
51 documentation that an 'out-reach' has been made to the neighboring property owners even if it is as
52 simple as a letter specifying the conditions were the result of concerns raised by the Planning
53 Commission. It may be there is no solution, but at least the out-reach was made to the neighbors.
54

55 **PUBLIC HEARING RE-OPENED: 8:27 PM.**
56

1 **Chair Pruden:** Asked what the applicant offers to do about the problems in the area that have to do
2 with the homeless/transient population, since his business will draw attention to this sector of the
3 population. The business and orchard owners also have to make a living.
4

5 **Haji Alam:** He cannot control whether or not people purchase alcohol and/or whether or not they go
6 to the neighboring orchard to drink it. His E. Gobbi/Leslie Street mini-mart also drew the attention of
7 the homeless/transient population, which created problems for his store and neighboring businesses.
8 As a result, he set rules and policies for the transient population by changing some of his business
9 practices. While there is no real solution, the action taken did reduce the number of incidents to City
10 police and issues at this gas station/mini-mart. As a business owner, he understands his duties of
11 responsibility. For instance, it is his responsibility not to sell alcohol to a minor or sell to a person that
12 is clearly intoxicated. He reserves the right to refuse a patron. He is willing to work with the neighbors
13 on any number of issues that could arise.
14

15 **Commission:** Discussed that a use permit can be revoked if there are violation(s) of the project
16 conditions of approval. There was additional discussion concerning the contents of a Management
17 Plan. Can the Management Plan effectively address crime?
18

19 **Chair Pruden:** Stores that operate 24-hours have a different type of clientele depending on the time
20 of day.
21

22 **UPD Captain Taylor:** Hiring private security is one way to address crime. This has been highly
23 effective at the Safeway store, which has definitely had an impact on the type of behaviors that occur.
24

25 **Commissioner Molgaard:** It is difficult to be specific with regard to a Management Plan. For
26 instance, does one say if there is 'X' number of police calls, then private security is necessary. At
27 what point does a Management Plan become a judgment call?
28

29 **Planning Staff:** Based on the comments made so far, there is already a good basis for a
30 Management Plan. Recommended incorporating some of the comments/suggestions expressed
31 tonight along with some of the ARCO's standard business practices related to lighting, clear glass
32 storefronts, and security cameras into a Management Plan for review by Captain Taylor and the
33 Planning Commission.
34

35 **Commission:** Discussed the matter of constructing additional fencing and asked if the adjacent hotel
36 would be willing to share the cost of five feet more of fencing to the applicant's property line so there
37 would be no access between the hotel and mini-mart.
38

39 **Haji Alam:** The hotel and mini-mart are at different grade levels. It may not be attractive to construct
40 fencing on properties having grade differentials whereby the two fences would not complement one
41 another. The mini-mart will be open 24-hours so the lighting and other security measures would be
42 sufficient as a deterrent.
43

44 **Commissioner Molgaard:** Supports that the issue of dealing with graffiti be addressed in the
45 Management Plan. The matter of graffiti and abatement measures can be addressed in a
46 management letter to the neighbors.
47

48 **UPD Captain Taylor:** The City does not currently have an ordinance that addresses graffiti that
49 requires the property owner to take some type of action.
50

51 **Commissioner Molgaard:** Asked about hours for the selling of alcohol.
52

53 **Rick Warren:** The hours are dictated by law.
54

55 **Chair Pruden:** The applicant has the right to stop selling liquor when he desires.
56

1 **Staff:** The applicant could voluntarily agree to a condition of approval that limits the hours to sell
2 alcohol.

3
4 **Commissioner Molgaard:** Recalled another gas station/mini-mart project on E. Perkins where the
5 hours of operation were restricted.

6
7 It was noted the hours of operation were restricted in this case due to potential light impacts to the
8 neighborhood. The proposed project will be open 24-hours so there is essentially no 'hours of
9 operation' to regulate.

10
11 **Staff:** The question is whether the City or Planning Commission has the authority to interfere with
12 State law requirements related to alcohol and hours of sale for alcohol. This is a question for an
13 attorney.

14
15 **Haji Alam:** Alcohol cannot be sold 24/7. Alcohol can only be sold during certain hours. He can refuse
16 a patron. He must conform to State law with regard to the sale of alcohol. His permit can be revoked
17 for violations.

18
19 **Commissioner Molgaard:** The time of day that likely causes alcohol-related vehicular accidents is
20 probably between 12 midnight and 2:00 a.m.

21
22 **Commissioner Helland:** Local government should have the authority to protect the health, safety
23 and welfare of its citizens.

24
25 **Staff:** If City Council as the elected officials decided to adopt an ordinance controlling alcohol or the
26 sale of alcohol in some way, this would then be a policy decision. The purpose of tonight's meeting is
27 discretionary review of a SDP and UP wherein the concern about alcohol and the sale of alcohol
28 would be singling out this particular project for special hours when the City/Planning Commission may
29 not have any authority in this regard.

30
31 **Commissioner Molgaard:** Recommended at some point looking at other city ordinances that in
32 some legal way restricts alcohol and/or sale of alcohol for projects that will not automatically get
33 appealed and takes into consideration the health, safety/welfare and crime element associated with
34 the use.

35
36 **PUBLIC HEARING CLOSED: 8:36 PM.**

37
38 **Commissioner Helland:** Supports the Use Permit with drastic reductions in alcohol sales.

39
40 **Commissioner Sanders:** Supports the Use Permit and Management Plan to be formulated for later
41 review by the Planning Commission.

42
43 **Commissioner Molgaard:** Supports the Use Permit/Management Plan with better understanding of
44 the recommended restrictions of the alcohol sales. (Conditions 13 and 14 have some redundancies).

45
46 **UPD Captain Taylor:** This is the language that ABC uses to restrict licenses.

47
48 **Chair Pruden:** Has concerns about the alcohol component of the project, otherwise supports project.

49
50 **Commission Consensus:**

- 51
52 1. Use Permit Findings – No Change;
53 2. Site Development Findings – Finding No. 1 to read the same as Finding 1D for the use permit;
54 3. Use Permit and Site Development Permit Conditions of Approval – Changes: Based on discussion
55 above the Commission added new conditions (Nos. 11 through 14) as follows:
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11. Plans submitted for building permit shall include the following and are subject to staff review and approval:
 - A. A revised landscaping plan that includes the removal of the palm trees.
 - B. Location of protective tree fencing for the existing trees located on the adjacent motel property to ensure that construction of the project does not result in damage to these off-site trees. Protective tree fencing shall be metal, a minimum of 5-feet in height, and secured with in-ground posts and located 5-feet outside of the dripline of the trees to be protected.
 - C. Slate or tile wainscot treatment shall be added to the building. This same treatment shall be used on the support columns for the canopy.
 - D. Notes on the site plan that indicate reflective paint will be used to illuminate the pedestrian path the runs through the parking area.

 12. A Store Management Plan shall be submitted for review and approval by the Planning Department and Police Department prior to issuance of the building permit. At a minimum, the Management Plan shall include the following elements.
 - A. How collection of onsite trash and recycling will be handled in order to control onsite and offsite litter.
 - B. How the property owner will work with adjacent neighbors to minimize any negative effect the operation of the business may have on the neighboring properties.
 - C. Documentation that the owner has contacted neighboring property owners in order to work out a plan to address any impacts that may result from the project shall be submitted to staff as part of the Store Management Plan.
 - D. Identify the specific security features that will be in place to minimize loitering and to ensure the safety of the customers and surrounding properties, including those specifically identified at the public hearing including the use of interior and exterior security cameras, two employees onsite at any time, exterior site lighting, large clear glass storefront to provide "eyes on the street" and no charge accounts for customers.
 - E. Based on information from the Police Department, a threshold for the number of calls shall be established that will trigger the requirement to provide onsite security personnel. All expenses associated with providing security personnel are the responsibility of the owner.

If staff and the applicant/property owner cannot reach agreement on the Store Management Plan, the management plan shall return to Planning Commission for review and approval.

 13. The Final Lighting Plan required in condition #5 above is required to be reviewed and approved by the Police Department.

 14. If it is determined by the arborist report that the tree is not healthy and/or is unable to withstand construction impacts then the tree shall be replaced with 25 gallon size live oak in the general location and sited to ensure the long-term health of the tree (such as avoiding impacts related to truck and vehicle traffic and reducing the amount of impervious surface that encroaches into the dripline of the tree.

46 Note: Conditions from the Ukiah Police Department – (re-numbered 15 through 21). Former Condition
47 of Approval No. 14 renumber to 18 modified to read: 'The sale of beer or malt beverages in quantities
48 of quarts, 22 oz., 32 oz., 40 oz. or similar size container is prohibited. No beer or malt beverages shall
49 be sold in quantities of less than six per sale.'

50
51 **M/S Sanders/Pruden** to approve BP/ARCO Gas Station and Mini-Mart Use Permit and Site
52 Development Permit No. 07-23-UP-SDP-PC with Use Permit Findings 1-3, Site Development Permit
53 Findings 1-11 and Use Permit/Site Development Permit Conditions of Approval 1-34 with the
54 changes/additions to the project conditions made above to reflect Commission discussion. Motion
55 carried with the following roll call vote:

56
57 **AYES: Commissioner Sander, Commissioner Molgaard, Chair Pruden**

58 **NOES: Commissioner Helland**

59 **ABSENT: Commissioner Whetzel**

60

1 **Staff added a condition from the Ukiah Valley Sanitation District (No. 26).**

2
3 **USE PERMIT FINDINGS TO ALLOW A AUTO GAS STATION, 2,400 SQUARE FOOT MINI-**
4 **MARKET AND 600 SQUARE FOOT LEASE SPACE TO BE LOCATED AT 615 TALMAGE ROAD**
5 **APN 180-070-10.**

6
7 The following findings are supported by and based on information contained in this staff report, the
8 application materials, project plans, and documentation, and the public record.
9

- 10 1. The proposed land use, as conditioned, is consistent with the provisions of the zoning
11 code as well as the goals and policies of the City General Plan for the following reasons.
12
13 A. The project site is zoned Community Commercial (C1). The gas station and mini-market are
14 permitted uses in the C1 zoning district with approval of a use permit.
15
16 B. The project meets the intent of the C1 zoning district in that the auto gas station and mini-
17 market will provide commercial opportunities on a primary transportation corridor within the
18 City. The project has frontage on and access from Talmage Road which is identified as an
19 Arterial roadway.
20
21 C. The following unique circumstances specific to the proposed use allow for a lower demand for
22 parking.
23
24
 - Many customers of gas station will visit the mini-market while the vehicle is at the gas
 - 25 pump.
 - 26 • Customers of the mini-market have a fast turn over allowing for parking space
 - 27 availability.
 - 28 • Only two employee parking spaces are needed for employees based on the project
 - 29 description.
 - 30 • Some customers will travel to the mini-market via foot or bicycle.
 - 31 • Additional parking needed for the vacant commercial space would be addressed as
 - 32 part of evaluation of proposed use.
33
34 D. The General Plan land use designation of the project site is Commercial (C). This land use
35 designation is intended to allow for a variety of commercial uses in areas that are served by
36 publicly-maintained roads and in areas with anticipated growth. Examples of allowable uses
37 include retail, service business, general commercial, public facilities, places of public
38 assembly, parking lots and residential uses. The proposed gas station and mini-market are
39 consistent with the uses intended for the Commercial land use designation.
40

41 The project is consistent with Economic Development Goal ED-1 to *support a strong local*
42 *economy* in that the project will allow a new business(es) to occupy a commercially zoned
43 parcel that will serve the citizens of Ukiah and the Ukiah Valley, furthermore the re-use and
44 development of the project site will generate additional property tax and sales tax for the City.
45 The project also supports a strong local economy by cleaning up and developing a site that
46 has become degraded and has the potential to become an attractive nuisance. The
47 development of the site will enhance the area by constructing a new commercial building, the
48 facilities necessary for the gas station, and installing onsite and right-of-way landscaping and
49 street trees. This has the potential to encourage improvements to other properties and
50 buildings in the area.
51

52 The project site is located on one of the City's identified gateways and provides a first
53 impression to visitors and residents to the City of Ukiah. Currently the site contains a vacant
54 building. As noted above, this project would clean up the parcel hence presenting an
55 attractive introduction to the City and supporting Community Design Goal CD-7 to *Improve*
56 *the appearance of the area gateways.*

1
2 2. The proposed land use, as conditioned, is compatible with surrounding land uses in that the
3 project site is located within an existing commercial corridor and is surrounded by commercial
4 uses (motel, offices, and an auto repair business) and that the project site has been used as an
5 auto repair business in the past.
6

7 3. The proposed land use shall not be detrimental to the public's health, safety and general welfare
8 for the following reasons:
9

- 10 A. Alcoholic Beverage Control has issued a license for the sale of wine and beer for this site.
11
12 B. The project was reviewed by the Police Department. The comments from the Police
13 Department indicate that the project would not be detrimental to the public, health, safety and
14 welfare if the appropriate conditions are applied to the project which would address the
15 following concerns raised by the Police Department (see conditions 13-19).
16

17 Based on Police Department experience with similar businesses that sell beer and wine,
18 businesses that sell single containers of beer and wine and any high alcohol content "malt
19 liquor/flavored malt liquor" have the ability to increase the likelihood that alcohol consumption
20 would occur on or near the premises. This has the ability to increase loitering and the
21 propensity for criminal behavior increasing the need for police response.
22

23 The project site has no other retail establishments in close proximity making the site less
24 visible to the public's watching eye and more prone to criminal activities. The site is located in
25 the direct path of daily movement of a significant population of homeless. Prohibiting the
26 consumption of alcohol on site would reduce the likelihood of loitering. Prohibiting the sales of
27 "singles" and requiring alcohol to be sold as pre-packaged by the manufacturer would also
28 reduce the likelihood that alcohol would be consumed onsite or in the area. Fencing the rear
29 of the building would prohibit access to the rear of the building reducing the likelihood of
30 loitering and eliminating an area that would be used for undesirable behavior. The proposed
31 24-hour operating hours will provide a constant onsite presence and additional "eyes on the
32 street" which assists in reducing undesirable and/or unlawful behavior.
33

34 Areas that are unenclosed and out of the public view present an unsafe condition that invites
35 loitering and unlawful behaviors. Requiring the rear of the building to be fenced to prohibit
36 access would eliminate this problem.
37

38 The project was reviewed by the City Building Official, the Public Works Department and Fire
39 Marshal their comments have been added as conditions of approval.
40

41 **SITE DEVELOPMENT FINDINGS TO ALLOW CONSTRUCTION OF A GAS STATION WITH MIN-**
42 **MARKET AND RETAIL SPACE TO BE LOCATED AT 615 TALMAGE ROAD APN 180-070-10**
43

44 The following findings are supported by and based on information contained in this staff report, the
45 application materials and documentation, and the public record.
46

- 47 1. The General Plan land use designation of the project site is Commercial (C). This land use
48 designation is intended to allow for a variety of commercial uses in areas that are served by
49 publicly-maintained roads and in areas with anticipated growth. Examples of allowable uses
50 include retail, service business, general commercial, public facilities, places of public
51 assembly, parking lots and residential uses. The proposed gas station and mini-market are
52 consistent with the uses intended for the Commercial land use designation.
53

54 The project is consistent with Economic Development Goal ED-1 to *support a strong local*
55 *economy* in that the project will allow a new business(es) to occupy a commercially zoned
56 parcel that will serve the citizens of Ukiah and the Ukiah Valley, furthermore the re-use and

1 development of the project site will generate additional property tax and sales tax for the City.
2 The project also supports a strong local economy by cleaning up and developing a site that
3 has become degraded and has the potential to become an attractive nuisance. The
4 development of the site will enhance the area by constructing a commercial new building, the
5 facilities necessary for the gas station, and installing onsite landscaping and street trees. This
6 has the potential to encourage improvements to other properties and buildings in the area.
7

8 The project site is located on one of the City's identified gateways and provides a first
9 impression to visitors and residents to the City of Ukiah. Currently the site contains a vacant
10 building. As noted above, this project would clean up the parcel hence presenting an
11 attractive introduction to the City and supporting Community Design Goal CD-7 to *Improve*
12 *the appearance of the area gateways.*
13

14 2. The proposed project will not create a hazardous or inconvenient vehicular or pedestrian
15 traffic pattern because of the following.
16

- 17 • The proposed project is located on a site that is at the intersection of two arterial streets.
- 18 • A Traffic Impact Analysis was completed to evaluate traffic impacts of the proposed
19 project. It was concluded that the project will not adversely impact the traffic patterns at
20 the intersection. The analysis was reviewed by the City Public Works Department and
21 CALTRANS.
- 22 • The site has been used in the past for a similar use.
- 23 • The project and Traffic Impact Analysis has been reviewed by Public Works Department
24 and it was found to be adequate in terms of vehicular and pedestrian traffic patterns.
- 25 • On site improvements include a defined pedestrian path of travel along with a new
26 driveway on Hastings and the relocation of the existing driveway on Talmage.

27 3. The accessibility of off-street parking areas and the relation of parking areas with respect to
28 traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or
29 surrounding uses based on the following.

- 30 • Off-street parking would be accessed from an existing driveway curb cut located on
31 Talmage Road and from a new driveway curb cut on the Hastings Road side. The
32 Talmage Road driveway is existing, and a new public sidewalk will be added as part of
33 this project.
34
- 35 • A traffic impact analysis was performed and it was determined that the current controls at
36 the intersection were adequate therefore the project will not change the current function
37 of the intersection.
38

39 4. The project as conditioned will provide sufficient landscaped areas for purposes of separating
40 or screening the proposed structure(s) from the street and adjoining building sites, and
41 breaking up and screening large expanses of paved areas based on the following:

- 42 • The project is required to comply with the landscaping requirements of the C-1 Zone.
43 The project is generally consistent with these requirements.
44
- 45 • The project provides the following landscaping features:
 - 46 1) Trees and landscaping along the project frontage will provide screening of the
47 project as viewed from the street.
 - 48 2) Vegetation along the project perimeters that will provide screening.
 - 49 3) The project meets the requirement for 50% tree canopy over paved areas.
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5. The proposed development 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
- The project complies with the C-1 height and setback requirements which are developed in order to ensure adequate light and air and separation of uses. The project would not cut out light or air or hinder the development or use of building in the neighborhood based on the following:
 - 1) The properties to the west and south are already developed there is approximately a 30 foot separation between the proposed project and the existing development to the west.
 - 2) The project is appropriately designed as required by C-1zone development standards. The project has been reviewed by the Design Review Board and requires Planning Commission approval. This process ensures a quality project that would not impair the value to properties or development.
 - 3) The existing buildings on the site will be removed.
6. The site is not located in or adjacent to a residential zoning district.
7. The proposed development as conditioned will not excessively damage or destroy natural features, including trees, shrubs, creeks, and the natural grade of the site based on the following.
 - The site is located in a commercial area, and contains existing structures that will be removed.
 - No water courses, wildlife, wildlife habitat or other environmentally sensitive areas are present.
 - The property is located within the floodplain however it is not in the floodway. As such the project is subject the City's standard requirements for pre-construction and post construction elevation certificates.
 - A Certified Arborists report will be required prior to issuance of building permit to ensure that the existing oak tree adjacent to the new Hastings Road entrance will not be damages as a result of construction or operation of the gas station.
8. The project was reviewed by the Design Review Board and the applicant has incorporated many of the recommendations into the plans in the effort to create a more attractive and interesting building.
9. The building includes architectural details, materials, and articulation that avoids an uninteresting box-like external appearance and avoids monotony. These details include use of awnings, varied building height and score lines on the exterior finish that will break up the walls.
11. The following unique circumstances specific to the proposed use allow for a lower demand for parking because.
 - Many customers of gas station will visit the mini-market while the vehicle is at the gas pump.
 - Customers of the mini-market have a fast turn over allowing for parking space availability.
 - Only two employee parking spaces are needed for employee parking based on the project description.
 - Some customers will travel to the mini-market via foot or bicycle.
 - Additional parking needed for the vacant commercial space would be addressed as part of evaluation of proposed use.

1 **USE PERMIT AND SITE DEVELOPMENT CONDITIONS OF APPROVAL TO ALLOW**
2 **CONSTRUCTION AND OPERATION OF A GAS STATION WITH MIN-MARKET AND RETAIL**
3 **SPACE TO BE LOCATED AT 615 TALMAGE ROAD APN 180-070-10**
4

5 Site Specific Conditions
6

- 7 1. Approval is granted to construct and operate a gas station with a 2,400 square foot mini-
8 market and 600 square feet of unidentified lease space as shown on the project plans
9 submitted to the Community Development and Planning Department and date stamped
10 November 9, 2009 except as modified by the following conditions of approval.
11
- 12 2. This Use Permit is granted subject to the following operating characteristics:
13
- 14 A. 24 hour gas station and mini-market.
 - 15 B. 4 employees with 2 per shift.
 - 16 C. Mini-market items for sale to include small grocery items, candy, to go deli items, fountain
17 drink and coffee.
 - 18 D. Alcohol sales as conditioned by the Ukiah Police Department.
- 19
- 20 3. A Single Inverted – U bicycle rack shall be added to the front east side of the building. Three
21 (3) parking spaces for bikes shall be provided. The rack shall be installed prior to building
22 permit final and is subject to staff review and approval.
23
- 24 4. A certified arborist report shall be prepared in regards to the exiting oak tree on the Hasting
25 Road frontage. The report shall be submitted to the Planning Department for review prior to
26 approval of the building permit. The report should include the following items:
27
- 28 A. Species and size of tree.
 - 29 B. Existing health of the tree.
 - 30 C. Impact of proposed construction work on the tree.
 - 31 D. Impacts of vehicles on tree given close proximity to driveway.
- 32
- 33 5. A Final Lighting Plan shall be included with plans submitted for building permit for review for
34 compliance with Ukiah City Code requirements for on-site lighting and with the International
35 Dark Sky Association guidelines for reducing nighttime lighting on the site. The Final Lighting
36 Plan shall include the following.
37
- 38 A. Details regarding exterior lighting for structures, garden areas, and walkways, with
39 lighting sources that are full cut-off, hooded, down-cast, or otherwise shielded to ensure
40 that light does not adversely shine towards neighboring properties, or toward the night
41 sky, and that light bulbs are generally not visible to pedestrians on sidewalks or
42 designated areas or walkways on the site and at the property boundary, or to persons in
43 any building on or off the site.
 - 44 B. All lighting shall be the minimum wattage and of a quality that provides adequate security,
45 but is not excessive and does not result in excessively bright night glow. Sufficient
46 details regarding the proposed type, wattage/luminescence, and illustration of the area
47 illuminated by each exterior light shall be provided so that Planning Staff can determine
48 the brightness and quality of the proposed lighting.
 - 49 C. Lighting devices and fixtures shall be designed, located and function compatible with the
50 site planning and design of the building.
 - 51 D. The Planning Director shall have the authority to require the Final Lighting Plan to be
52 modified (including the type and wattage or intensity) and/or additional information to be
53 submitted so that the lighting meets the requirements listed above.
- 54
- 55 6. Signs are not included as part of this approval. Signs require application for and approval
56 of a sign/building permit.

- 1
- 2 7. On plans submitted for building permit, these conditions of approval shall be included as
- 3 notes on the first sheet.
- 4
- 5 8. A photometric plan that demonstrates that the project lighting will not be overly bright or
- 6 extend over property lines.
- 7
- 8 9. The plans submitted for building permit shall show clear glazing.
- 9
- 10 10. All roof top equipment shall be screened and shown on the plans submitted for a building
- 11 permit.
- 12

13 From the Planning Commission

- 14
- 15 11. Plans submitted for building permit shall include the following and are subject to staff review
- 16 and approval:
- 17
- 18 A. A revised landscaping plan that includes the removal of the palm trees.
- 19 B. Location of protective tree fencing for the existing trees located on the property to ensure
- 20 that construction of the project does not result in damage to these trees. Protective tree
- 21 fencing shall be metal, a minimum of 5-feet in height, and secured with in-ground posts
- 22 and located 5-feet outside of the dripline of the trees to be protected.
- 23 C. Slate or tile wainscot treatment shall be added to the building. This same treatment shall
- 24 be used on the support columns for the canopy.
- 25 D. Notes on the site plan that indicate reflective paint will be used to illuminate the
- 26 pedestrian path the runs through the parking area.
- 27
- 28 13. A Store Management Plan shall be submitted for review and approval by the Planning
- 29 Department and Police Department prior to issuance of the building permit. At a minimum,
- 30 the Management Plan shall include the following elements.
- 31
- 32 A. How collection of onsite trash and recycling will be handled in order to control onsite and
- 33 offsite litter.
- 34 B. How the property owner will work with adjacent neighbors to minimize any negative effect
- 35 the operation of the business may have on the neighboring properties.
- 36 C. Documentation that the owner has contacted neighboring property owners in order to
- 37 work out a plan to address any impacts that may result from the project shall be
- 38 submitted to staff as part of the Store Management Plan.
- 39 D. Identify the specific security features that will be in place to minimize loitering and to
- 40 ensure the safety of the customers and surrounding properties, including those
- 41 specifically identified at the public hearing including the use of interior and exterior
- 42 security cameras, two employees onsite at any time, exterior site lighting, large clear
- 43 glass storefront to provide "eyes on the street" and no charge accounts for customers.
- 44 E. Based on information from the Police Department, a threshold for the number of calls
- 45 shall be established that will trigger the requirement to provide onsite security personnel.
- 46 All expenses associated with providing security personnel are the responsibility of the
- 47 owner.
- 48

49 If staff and the applicant/property owner cannot reach agreement on the Store Management
50 Plan, the management plan shall return to Planning Commission for review and approval.

- 51
- 52 13. The Final Lighting Plan required in condition #5 above is required to be reviewed and
- 53 approved by the Police Department.
- 54
- 55 14. If it is determined by the arborist report that the tree is not healthy and/or is unable to
- 56 withstand construction impacts then the tree shall be replaced with 25 gallon size live oak in

1 the same general location and sited to ensure the long-term health of the tree (such as
2 avoiding impacts related to truck and vehicle traffic and reducing the amount of impervious
3 surface that encroaches into the dripline of the tree).
4

5 From the Ukiah Police Department (Captain Trent Taylor)
6

- 7 15. No consumption of alcoholic beverages on the premises shall be allowed.
8
9 16. Only beer and wine shall be sold and only if properly licensed by the State of California to do
10 so.
11
12 17. No beer or malt beverage products shall be sold, regardless of container size, in quantities of
13 less than six per sale and only if they are contained as pre-packaged from the manufacturer.
14
15 18. The sale of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., 40 oz. or similar
16 size container is prohibited. No beer or malt beverages shall be sold in quantities of less than
17 six per sale.
18
19 19. Beer, malt beverages, and wine coolers in containers of 40 oz. or less cannot be sold by
20 single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
21
22 20. Wine shall not be sold in bottles or containers small than 750 ml. and wine coolers, beer
23 cooler, or pre-mixed distilled sprit cocktails must be sold in manufacturer pre-packaged multi-
24 unit quantities.
25
26 21. A barrier or fence shall be erected that will prevent persons from entering the area to the
27 behind he main building.
28

29 From the Department of Public Works (Ben Kageyama)
30

- 31 22. Prior to construction, improvement plans shall be prepared by a Civil Engineer and approved
32 by the Department of Public Works. Public sidewalk improvements outside of the street right-
33 of-way will require a sidewalk easement dedicated to the City.
34
35 23. This property is located within the floodplain, and is subject to the provisions of Section 9600
36 et seq. of the Ukiah Municipal Code. The following shall be required:
37
38 A. A pre-construction elevation certificate, based on the plans, will be required prior to the
39 issuance of a building permit.
40
41 B. A post construction elevation certificate based on construction will be required prior to
42 final inspection.
43
44 24. If a food service facility is proposed as part of this project, pursuant to Ukiah Valley Sanitation
45 District Ordinance No. 28, an outdoor grease interceptor shall be installed, sized in
46 accordance with the California Building Code.
47
48 25. All irrigation and fire services shall have approved backflow devices.
49

44 From the Ukiah Valley Sanitation District (Rick Kennedy)
45

- 46 26. The property owner shall enter into an agreement with the Ukiah Valley Sanitation District for
47 a sanitary sewer easement along the east side of the parcel.
48

48 From the Fire Marshal (Chuck Yates)
49

1 27. No cooking which would generate any amount of grease-laden vapors is to be conducted
2 without installation of a hood and duct ventilation system containing a UL-300 fire
3 suppression system (CFC Section 904.11)

4 28. Within the retail operation, one fire extinguisher is shown in the office. An additional fire
5 extinguisher will be required in the public area, at a location to be determined.
6

7 From Building Official (David Willoughby) :
8

9 29. Three sets of a Geotechnical Report will be required along with the building plans and other
10 documents when applying for a building permit.
11

12 30. The south wall of the convenience store will need to be a 1 hour rated wall with a parapet
13 wall extending a minimum of 30" above the roof.
14

15 31. A vapor recovery tank/system will need to be shown on the plans and maintain a 10' setback
16 from the property line.
17

18 From Mendocino County Air Quality Management District
19

20 32. The project is subject to the requirements of Regulation 1 and Regulation 3 of the
21 Mendocino County Air Quality Management District.
22

23 Standard City Conditions of Approval
24

25 33. Business operations shall not commence until all permits required for the approved use,
26 including but not limited to business license, tenant improvement building permit, have been
27 applied for and issued/finaled.
28

29 34. No permit or entitlement shall be deemed effective unless and until all fees and charges
30 applicable to this application and these conditions of approval have been paid in full.
31

32 35. The property owner shall obtain and maintain any permit or approval required by law,
33 regulation, specification or ordinance of the City of Ukiah and other Local, State, or Federal
34 agencies as applicable. All construction shall comply with all fire, building, electric, plumbing,
35 occupancy, and structural laws, regulations, and ordinances in effect at the time the Building
36 Permit is approved and issued.
37

38 36. A copy of all conditions of this Use Permit shall be provided to and be binding upon any
39 future purchaser, tenant, or other party of interest.
40

41 37. All conditions of approval that do not contain specific completion periods shall be completed
42 prior to building permit final.
43

44 38. This Use Permit may be revoked through the City's revocation process if the approved
45 project related to this Permit is not being conducted in compliance with these stipulations and
46 conditions of approval; or if the project is not established within two years of the effective date
47 of this approval; or if the established use for which the permit was granted has ceased or has
48 been suspended for 24 consecutive months.
49

50 39. This approval is contingent upon agreement of the applicant and property owner and their
51 agents, successors and heirs to defend, indemnify, release and hold harmless the City, its
52 agents, officers, attorneys, employees, boards and commissions from any claim, action or
53 proceeding brought against any of the foregoing individuals or entities, the purpose of which
54 is to attack, set aside, void or annul the approval of this application. This indemnification shall
55 include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees

1 that may be asserted by any person or entity, including the applicant, arising out of or in
2 connection with the City's action on this application, whether or not there is concurrent
3 passive or active negligence on the part of the City. If, for any reason any portion of this
4 indemnification agreement is held to be void or unenforceable by a court of competent
5 jurisdiction, the remainder of the agreement shall remain in full force and effect.
6

7 **11. ADJOURNMENT**

8 There being no further business, the meeting adjourned at 8:52 p.m.
9
10