



Planning Department  
300 Seminary Avenue  
Ukiah, CA 95482  
Phone: 707/463-6200  
Fax: 707/463-6204

February 15, 2007

Mr. Dan Taylor  
Project Manager  
Nicholson Investment Properties  
2333 Carillon Point  
Kirkland, WA 98033

Re: Minor Subdivision Map No. 06-18 & Major Site Development Permit No. 06-19: Rite-Aid Drugstore

Dear Mr. Taylor:

I am pleased to confirm that the Ukiah Planning Commission approved Minor Subdivision Map #06-18 and Major Site Development Permit Application #06-19 at the public hearing held on February 14, 2007. These applications will allow the division of the existing Rite-Aid drugstore site into two commercial lots and the development of a new Rite-Aid drugstore on one of the lots. This approval was based on the Findings included in the project staff report, and is subject to the modified Conditions of Approval attached to the enclosed Site Development Permit Agreement. Please review the modifications to Conditions 10, 11, 45, 46, 48, and 49 and contact me if you need clarification regarding the changes that were imposed by the Commission.

Staff notes that nobody spoke in opposition to this project and no appeals are anticipated. However, Planning Department staff will not finalize any required building permits until the appeal period terminates on Monday, February 26, 2007 to ensure that no appeal rights are inadvertently invalidated.

Please contact me if you have any questions or comments.

Sincerely,

Dave Lohse  
Associate Planner



## CITY OF UKIAH

### SITE DEVELOPMENT PERMIT APPROVAL AGREEMENT

---

Project Title: **Major Site Development Permit No. 06-19**  
Project Applicant: Rite-Aid, Property Owner  
Project Location: 680 South State Street (APN 002-301-43), Ukiah, Mendocino County, CA

Pursuant to Ukiah Municipal Code §9263, Major Site Development Permit No. 06-19 was reviewed and approved by the Ukiah Planning Commission on February 14, 2007, with the attached Conditions of Approval being made components of project design and development.

The applicant understands that all of the approved Conditions of Approval must be implemented in order to comply with the terms of the Planning Commission's approval, and that failure to satisfy such terms constitutes justification for the City withholding the final Building Permit and/or initiating revocation of the Major Site Development Permit.

Decisions of the Planning Commission, including the imposition of Conditions of Approval, may be appealed to the City Council no later than Monday, February 26, 2007, provided the interested party attended the hearing and stated his or her position on the project appealed. Decisions of the City Council are final in terms of City of Ukiah administrative review or relief. However, pursuant to §1094.6 of the California Code of Civil Procedure, an individual may have the right to a review of the City Council's decision by a court of law.

Accordingly, the City of Ukiah hereby grants the applicant the subject Major Site Development Permit, as conditioned, with the understanding that, notwithstanding referral to a court, the project will be developed according to the approved set of plans and the approved Conditions of Approval.

Issued by: City of Ukiah Planning Department  
Date: February 15, 2007  
Issuing Agent of the City: Associate Planner Dave Lohse

  
\_\_\_\_\_  
Signature of Issuing Agent

Copy to Building Inspector/Code Enforcement Officer

**CONDITIONS OF APPROVAL for Site Development Permit:** The following Conditions of Approval shall be made a permanent part of Major Site Development Permit 06-19, shall remain in force regardless of property ownership, and shall be implemented in order for this entitlement to remain valid:

1. All use, construction, or occupancy shall conform to the application approved by the Planning Commission, and to any supporting documents submitted therewith, including maps, sketches, renderings, building elevations, landscape plans, and alike.
2. Any construction shall comply with the "Standard Specifications" for such type of construction now existing or which may hereafter be promulgated by the Engineering Department of the City of Ukiah; except where higher standards are imposed by law, rule, or regulation or by action of the Planning Commission.
3. In addition to any particular condition, which might be imposed, any construction shall comply with all building, fire, electric, plumbing, occupancy, and structural laws, regulations and ordinances in effect at the time the Building Permit is approved and issued.
4. Applicant shall be required to obtain any permit or approval, which is required by law, regulation, or ordinance, be it required by Local, State, or Federal agency.
5. Building Permits shall be issued within two years after the effective date of the Site Development Permit, or the discretionary actions granted by the permit shall expire. In the event the Building Permit cannot be issued within the stipulated period from the project approval date, a one year extension may be granted by the Director of Planning if no new circumstances affect the project which otherwise would render the original approval inappropriate or illegal. It is the applicant's responsibility in such cases to propose the one-year extension to the Planning Department prior to the two-year expiration date.
6. The approved Site Development Permit may be revoked through the City's revocation process if the approved project related to the Use Permit is not being conducted in compliance with the stipulations and conditions of approval; or if the project is not established within two years of the effective date of approval; or if the established land use for which the permit was granted has ceased or has been suspended for twenty four (24) consecutive months.
7. Except as otherwise specifically noted, the Site Development Permit shall be granted only for the specific purposes stated in the action approving the Use Permit and shall not be construed as eliminating or modifying any building, use, or zone requirements except to such specific purposes.
8. The existing retail store building on the west side of the site shall be closed for any operations once an Occupancy Certificate for the new retail store building on the east side of the site is secured and the building shall be demolished within one year of the issuance of the Occupancy Permit or prior to the recordation of the Parcel Map, whichever occurs first.
9. A schedule providing detailed information regarding the demolition of the existing drugstore building, the disposal or recycling of demolition materials, and the methods and timing for covering all exposed areas left by the demolition shall be submitted to the Ukiah Department of Planning and Community Development for review and this shall be approved by its staff prior to the issuance of any demolition permits for the building or for any site preparation or construction on either of the proposed parcels. (MM)

10. The number and size of freestanding and building signs shall be restricted to those prescribed by the Sign Code provisions of the Ukiah Municipal Code or permitted in a final sign program approved by the Ukiah Planning Commission as part of the discretionary permit approval for the project. The project site shall be limited to a maximum of one freestanding sign on a monument base with a maximum height of eight feet (8') for the sign copy and ten feet (10') for the architectural feature on top of the sign.
11. Prior to the issuance of any Building Permit for the construction of the retail store building, a Final Lighting Plan shall be submitted to the Director of Planning and Community Development or his/her designee for review for compliance with Ukiah Municipal Code standards for on-site lighting and with "dark sky" guidelines for reducing nighttime lighting on the site. The Final Lighting Plan shall include details regarding exterior lighting for structures, garden areas, and walkways, with lighting sources that are full cut-off, hooded, and down-cast, or otherwise shielded to ensure that light does not adversely shine towards neighboring properties, or toward the night sky. The light poles used in outdoor areas shall be decorative in design, with features that are compatible with the design of the building. Additionally, all lighting shall be the minimum wattage necessary to provide adequate security, yet shall not result in excessively bright night glow. Sufficient details regarding the proposed wattage of all site lights shall be included in the Final Lighting Plan so that the Planning Staff can determine how bright the proposed site lights will be. The Director of Planning and Community Development shall have the authority to require the Final Lighting Plan to be modified (including the wattage) and/or additional information to be submitted so that the lighting meets the requirements listed above.
12. A valid air quality permit issued by the Mendocino County Air Quality Management District for any cumulative grading disturbances of one acre or more shall be obtained prior to the commencement of such grading activities.
13. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Mendocino County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust. (MM)
13. The burning of construction debris is prohibited. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Mendocino County Air Quality Management District. (MM)
14. During construction activities, the applicant/owner/contractor shall remove daily accumulation of mud and dirt on paved access lanes that serve the project site. (MM)
15. The applicant/owner shall secure a grading permit from the Planning and Community Development Department and shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either paved with concrete or asphaltic concrete, landscaping or erosion control hydroseed mixture. (MM)
16. All refuse generated by the facility shall be stored in approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis at a minimum so as to avoid excess waste. All trash receptacles/containers shall remain covered at all times to prevent fugitive odors and rodent infestation. (MM)
17. Demolition of the existing Rite Aid structure will require asbestos clearance and notification to the Mendocino County Air Quality Management District. The City of Ukiah Building Division cannot issue a demolition permit until they have received clearance from the MCAQMD. (MM)

18. Any stationary on-site internal combustion engines over 50 horsepower (i.e. generators) may require a permit from the MCAQMD depending upon fuel source and level of operation. (MM)
19. The use of the pharmacy drive-thru feature shall be limited to pharmacy customers only (i.e. no general retail customers allowed). Prior to use of the drive-thru feature, the applicant must demonstrate to the MCAQMD that vehicle emissions associated with the drive-thru feature will not contribute significantly to air quality in this area or the valley in general. (MM)
20. All grading activities must comply with MCAQMD Regulation 1 Rule 430 regarding fugitive dust emissions. (MM)
21. In the event that archaeological remains or artifacts are uncovered during construction activities, work shall be stopped and a qualified archaeologist shall survey the site with all costs borne by the applicant/owner. The archaeologist shall submit a report to the City Planning and Community Development Department with recommendations on the disposition of the site. Disposition may include, but is not limited to, excavation and documentation, capping the site, or leaving the site in an open space area. The recommendations of the archaeologist shall be incorporated in the project as project mitigation. (MM)
22. The proposed development shall be designed and constructed in accordance with the most current applicable Building Codes, including the Uniform Building Code (UBC) and the California Building Code (CBC) as determined by the Building Division of the Planning and Community Development Department of the City of Ukiah. (MM)
23. Should the proposed use of the site require the storage of materials equal or greater than 55 gallons of a liquid, 500 pounds of a solid or 200 cubic feet of compressed gas, the applicant will be required to submit a Hazardous Materials Business Plan to the Planning and Community Development Department with said plan to be renewed and updated annually. If quantities are less than the amounts noted above, the applicant must submit a Hazardous Materials/Waste registration form to the Department. (MM)
24. Equipment fueling and service shall be conducted at a designated location other than the project site, including local gas stations or repair shops. (MM)
25. Any spills resulting from fueling or hydraulic line breaks will be contained and cleaned up immediately. (MM)
26. During construction activities, equipment shall be maintained and kept in good operating conditions to reduce the likelihood of line breaks and leakage. (MM)
27. No refueling or servicing shall be done without absorbent materials (i.e. absorbent pads, mats, socks, pillows, and granules) or drip pans underneath to contain spilled materials. (MM)
28. Prior to the issuance of building permits, the preparation of an on-site Grading and Drainage Plan, an Erosion and Sediment Transport Control Plan, and drainage calculations showing that the proposed drainage facilities are adequate shall be prepared by a Registered Civil Engineer for approval by the City Engineer. No drainage is allowed to be routed over sidewalks. Storm drain inlets must be protected by a fossil fuel filtering device if required by the City Engineer. (MM)
29. Prior to the commencement of any grading activity on-site, the applicant/contractor shall install structural control measures to reduce erosion and retain sedimentation. Measures may include, but are not limited to, stabilization of control entrance, temporary gravel and construction entrance, installation of a temporary gravel construction entrance, and installation of filter fabric fences. The applicant shall remove all temporary erosion control facilities upon stabilization of the entire project site, as approved by the City Engineer. (MM)

30. During construction, the applicant and the contractor of record shall exercise BMPs, such as daily street sweeping and the placement of erosion control measures on-site, to minimize storm water pollution. The contractor shall designate a primary contact person who shall be available to the City of Ukiah in the event of noted storm damage or storm event. Said person shall be responsible for inspection of all erosion control facilities. (MM)
31. The hours of construction shall be limited to 7:00 A.M to 6:00 P.M. Monday through Friday, and 8:00 A.M. to 4:00 P.M. on Saturday, with no construction to occur on Sundays and holidays. (MM)
32. Maximum level of noise that can emanate from long term commercial noise sources is limited to 60 decibels during the hours of 10:00 p.m. to 7:00 a.m. and 65 decibels from 7:00 a.m. to 10:00 p.m. (MM)
33. The City of Ukiah Fire Department shall review and approve a full set of construction plans prior to the issuance of building permits by the Building Division of the City of Ukiah Planning and Community Development Department. These plans shall include a sprinkler plan and an alarm plan. The site plan shall be updated to illustrate the location of the required fire hydrants. Plan checking and inspection fees shall be the responsibility of the applicant and shall be collected prior to issuance of permits. (MM)
34. The automatic extinguishing system (sprinklers) and the fire alarm system shall meet the standards of the Uniform Fire and Building Codes as approved by the City of Ukiah Fire Department. (MM)
35. Street numbers, door and exit signs, fire extinguishers, fire lanes and no parking areas, electrical shut-off access, secure lock box, fire alarms, smoke detectors and other standard requirements shall be annotated on required construction plans. (MM)
36. Prior to the commencement of construction activities, the applicants shall submit a Storm Water Pollution Prevention Plan to the Regional Water Quality Control Board (RWQCH) and secure a General Construction Activity Permit if required by law.
37. The applicants shall pay the required sewer/water connection fees at the time of application for service.
38. Sewage collectors for the project shall be sized and constructed according to the requirements of the Ukiah Valley Sanitation District.
39. Prior to the issuance of a building permit, the applicants shall pay the required Ukiah School district fees applicable to commercial development.
40. Prior to the final inspection of the building, and issuance of a certificate of occupancy, the applicants shall submit a Recycling Plan for all recyclable materials, if any, the drugstore will generate during its operation. This plan shall comply with all requirements of the Ukiah Municipal Code.
41. Prior to the issuance of an Occupancy Permit any existing curb and gutter adjacent to the property that is in disrepair shall be replaced per City Standard Drawings 101 and 102 or with other requirements specified by the City Engineer.
42. Existing sections of driveways that will be abandoned as part of this project shall be removed and replaced with standard curb and gutter.
43. New sidewalks along the Gobbi Street frontage and an ADA ramp at the corner of Gobbi Street and State Street shall be constructed in accordance with the alignment and widths determined by the City Engineer and applicable City Standard Drawings. Improvement plans for the sidewalk and ramp shall be prepared by a licensed Civil Engineer and submitted to the City Engineer/Public Works Director for review and shall be approved prior to the issuance of a site improvement permit or other ministerial permit to construct the sidewalk or ramp.

44. Street trees within five feet (5') of the curb or in landscape planters abutting the sidewalk shall be incorporated into the Final Landscape Plan for planting approximately every 30 feet along the street frontages for State Street, Gobbi Street, and South Oak Street. Tree types and the locations of the trees shall be reviewed and approved by the City Engineer prior to the issuance of a Building Permit and planted in accordance with City Standard Drawings or any other standard in effect at the time the trees are planted.
45. An Encroachment Permit shall be obtained from the City by a licensed contractor prior to doing any construction within the public street easements. Encroachment permit fee shall be \$45 dollars plus three percent (3%) of estimated construction costs. Contractor(s) shall have a current City of Ukiah Business License who shall submit copies of proper insurance coverage (Public Liability: \$1,000,000; Property Damage: \$1,000,000) and current Workman's Compensation Certificate.
46. All on-site paving shall be a minimum of 2" (inches) of asphalt concrete with a 6" (inch) aggregate base, or, alternatively, any option approved by the City Engineer. If any portion of the paved surface is to be used regularly by heavy vehicles (such as solid waste pick-up vehicles), the pavement section should be constructed to withstand anticipated loads.
47. Sewer, water, and electric service shall conform to the specifications of the City Public Utilities and Public Works Departments.
48. A Final Parking Plan shall be submitted by the project applicant and shall be approved by the Director of Planning and Community Development prior to the issuance of a Building Permit and all parking facilities and amenities included in this plan shall be installed on the site prior to the issuance of a Certificate of Occupancy for the building. This plan shall include, but not be limited to the following:
  - a. The designation of 5-7 employee parking stalls in the row of parking stalls on the westerly side of the drugstore site; and
  - b. The provision of bicycle parking for a minimum of 6 customers in a paved area near the entrance of the building and for 3 employees within the building or in a secure area outside the building, with weather coverings.
49. A Landscaping Plan shall be submitted by the project applicant and shall be approved by the Director of Planning and Community Development prior to the issuance of a Building Permit and all plants shall be planted in accordance with the approved landscape plan prior to the issuance of a Certificate of Occupancy for the building. This plan shall include, but not be limited to, the following information and criteria:
  - a. A planting legend that includes the names, location, coverage area, and canopy cover of proposed vegetation;
  - b. A planting schedule for all vegetation installed on the site;
  - c. A maintenance and watering schedule for all vegetation;
  - d. The inclusion of required street trees within abutting sidewalks along State Street, Gobbi Street, and South Oak Street, or in the setbacks abutting these streets if approved by the City Engineer;
  - e. The inclusion of trees that are more proportional to the height, mass, and scale of the building, including deciduous and evergreen tree species;

- f. The submittal of a Shading Plan prepared by a landscape professional that shows the areas of the parking lot that will be shaded by the proposed shade trees when mature and the inclusion of any additional trees required to bring the shaded area to the required coverage of 50 percent of paved areas;
  - g. The submittal of a report on the health and feasibility of retaining the existing trees located in the planter area abutting State Street;
  - h. The design of pedestrian walkways between the public street frontages for State Street and Gobbi Street and the entrance to the building; and
  - i. A reduction in the number of parking stalls to 58 stalls and the use of the area for increased landscaping along the Gobbi Street frontage.
50. Landscaping shall be maintained in a neat, weed-free manner, and may not be removed or substantially altered unless the Director of Planning reviews and approves the removal or replacement of vegetation determined to be diseased, unstable, hazardous, or poorly located on the site. Any vegetation removed from the interior portions of the site shall be replaced with similar vegetation approved by the Planning Director and any street trees removed shall be replaced with vegetation approved by the City Engineer.
51. Any roof-mounted air conditioning, heating, and/or ventilation equipment shall be aesthetically screened from view.
52. Outdoor refuse containers, recyclable containers, and other outdoor storage shall be aesthetically screened from view by solid fences using building materials that are compatible with those utilized on the primary structure or with vegetative barriers that are consistent with the landscaping scheme approved by the Director of Planning. Under no circumstances shall garbage, recyclables, or materials being store outdoors be visible outside the enclosures.
53. All conditions of approval shall be listed on the title page of any plans submitted for development activities on the site and it shall be the responsibility of the applicant/developer to ensure that all contractors responsible for any work on the project fully understand these conditions and comply fully with their implementation. Any deviation from the terms of these conditions or the plans/exhibits approved as part of the project shall be submitted to the Director of the Planning and Community Development for review and shall be approved prior to any work affected by the modification.
54. All conditions that do not contain a specific date or time period for completion shall be completed prior to the issuance of a Certificate of Occupancy.
55. Requests for the final inspections required for the approval of an Occupancy Permit for the drugstore building shall be submitted by the applicant/developer or his/her contractor to the Department of Planning and Community Development's Building Division no later than one week prior to the time requested for inspections. The applicant/developer or his/her contractor is encouraged to contact staff at any time to discuss the timing for the completion of required conditions or any other matter that could cause delays in obtaining an Occupancy Permit.

**CONDITIONS OF APPROVAL for Minor Subdivision Map:** The following Conditions of Approval shall be made a permanent part of Minor Subdivision Map No. 06-18, shall remain in force regardless of property ownership, and shall be implemented in order for this entitlement to remain valid:

1. The Tentative Map shall expire twenty-four (24) months from the date of its approval or conditional approval unless extended in accordance with the City of Ukiah Subdivision Ordinance and the Subdivision Map Act.
2. All taxes now due, or past due, must be paid prior to the approval of the Parcel Map.
3. Each parcel shall be served individually upon the development of the parcel with appropriate public utilities required for the type of development within the parcel.
4. Easements will be required for all private site access roads, driveways, and parking areas used in common, and for any drainage that affects abutting properties. These easements shall be included on the Parcel Map and recorded with the Mendocino County Clerk/Recorder prior to the recordation of the Parcel Map.
5. The Parcel Map, which shall be prepared pursuant to Local Ordinance and the Subdivision Map Act, easements, title report and closures shall be submitted to the Public Works/City Engineer Department, with a deposit of \$65, for review and approval by the City Engineer. The entire balance of Parcel Map processing fees shall be paid prior to the recordation of the Parcel Map.
6. The existing Rite-Aid drugstore structure that is located on Proposed Parcel Two of this subdivision shall be demolished prior to the recordation of the Parcel Map.
7. In the event that a building permit is requested for construction of a residential structure on either of the parcels established by this subdivision map within four years of the recordation of the map, the owner of the parcel shall submit a park dedication fee calculated in accordance with standards and formulas in effect at the time such building permit is requested.