



# CITY OF UKIAH

## SITE DEVELOPMENT PERMIT AMENDMENT SUBDIVISION AMENDMENT APPROVAL AGREEMENT

**Project Title:** Site Development Permit Amendment No. 08-33/Subdivision Amendment 08-32  
**Project Applicant:** Rite Aid / Petrovich Development Company  
**Project Location:** 680 South State Street, Ukiah, Mendocino County, CA

Pursuant to Ukiah Municipal Code §9263, Site Development Permit Amendment No. 08-33 and Subdivision Amendment No. 08-32 were reviewed and approved by the City of Ukiah Planning Commission on October 8, 2008, with the attached Conditions of Approval (Attachment "A") being made components of the project's 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 and conditions constitutes justification for the City withholding the final Building Permit and/or initiating revocation of the Site Development Permit and Subdivision.

Decisions of the Planning Commission are final in terms of City of Ukiah administrative review or relief, unless appealed to the City Council. Any City Council decision on such an appeal could be challenged in a court of law pursuant to §1094.6 of the California Code of Civil Procedure.

The City of Ukiah hereby grants the applicant the subject Site Development Permit Amendment and Subdivision Amendment, as conditioned, with the understanding that, notwithstanding an appeal to the City Council or challenge in a court of law, the project will be developed according to the approved set of plans and the required Conditions of Approval.

By signing this Approval Agreement, the applicant accepts and agrees to implement all the conditions of approval imposed by the Ukiah Planning Commission at its meeting on October 8, 2008.

**Issued by:** Charley Stump, Director of Planning and Community Development  
 City of Ukiah  
 300 Seminary Avenue, Ukiah, CA 95482

Signature of Issuing Agent

Date

10-28-08

**Applicant/Owner:** Rite Aid / Petrovich Development Company

Signature of Applicant/Owner

Date

BY:  
 PAUL PETROVICH,  
 MANAGER

10 | 21 | 08

## ATTACHMENT "A"

**The conditions of approval adopted by the Planning Commission will be enforced by Staff. Changes to the conditions of approval at a later date will require Planning Commission review and approval (major) or Zoning Administrator review and approval (minor). Failure to comply with the conditions could cause a delay in processing the Building Permit.**

**CONDITIONS OF APPROVAL:** The following Conditions of Approval shall be made a permanent part of the Rite Aid / Petrovich Development Company Site Development Permit Amendment No. 08-33 and Subdivision Amendment No. 08-32 (APN 002-301-43), shall remain in force regardless of property ownership, and shall be implemented in order for this entitlement to remain valid.

**All conditions of approval for SDP 06-19 and Minor Subdivision Map 06-18 shall remain in force with conditions 8 (SDP) and 6 (Minor SUB), revised to read:**

New Site Development Permit Condition Number 8:

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. The old store structure shall be demolished within three years of the grant of final occupancy for the new store unless a Site Development Permit is approved by the Planning Commission for the reuse of the old structure.

New Minor Subdivision Condition Number 6:

6. The existing Rite-Aid drugstore structure that is located on Proposed Parcel Two of this subdivision shall be demolished within three years of the grant of final occupancy for the new store unless a Site Development Permit is approved by the Planning Commission for the reuse of the old structure.

### **Additional Conditions of Approval**

1. The building shall be properly secured and maintained during the time that adaptive reuse is explored so that it is not damaged and does not become dilapidated. The fencing and security along the north and west sides of the property (rear alley) shall be improved and not be used as a storage area for junk and debris. The applicants shall work cooperatively with the Director of Planning and Community Development to address any other safety and security issues associated with the project site.
2. Any future reuse of the building shall comply with the requirements of the California Building Code and all other applicable codes and regulations including the restriction on windows and doors (openings) when the building is in close proximity to a property line(s).
3. If adaptive reuse is pursued for the building, its future design shall comply with the Commercial Development Design Guidelines. The Gobbi Street elevation shall be or shall appear to be a storefront and shall include the historic "Shopfront" design and architectural components of the Downtown.

4. Prior to any future demolition or partial demolition, the property owner shall secure a demolition permit from the Department of Planning and Community Development. The owners shall submit a Demolition Debris Recycling and Salvage Plan with the demolition permit application and shall make every effort to recycle all recyclable material from the demolition or partial demolition operation. The Demolition Debris Recycling and Salvage Plan shall include what materials can be salvaged, reused or recycled; the intended salvage, reuse, and recycling facilities to be used; and an estimate of the percentage of debris that will be salvaged, reused or recycled. At the conclusion of the demolition or partial demolition operation, the owners shall submit a detailed accounting of all salvaged, reused, and recycled material to the Department of Planning and Community Development.
5. Prior to demolition or partial demolition, the property owner shall discuss the project with the Mendocino County Air Quality Management District, complete all required forms, and receive approval for the project. All documentation from the MCAQMD shall be submitted to the Department of Planning and Community Development with the demolition permit application.
6. The applicants shall submit an annual Status Report addressing the maintenance and security of the structure, the status of the potential reuse or demolition of the structure, and any other reasonable information required by the Director of Planning and Community Development. The Director of Planning and Community Development shall submit the annual Status Reports to the Planning Commission for its review.

**Pursuant to City Council adopted Resolution 2005-47, all Site Development Permit fees (100% cost recovery) must be paid in full prior to the issuance of a Building Permit.**