

Resolution Number PC 2016-0014

County of Mendocino
 Ukiah, California
 December 1, 2016

R_2015-0001 and U_2015-0008 FAZIAN CORPORATION

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, RECOMMENDING TO THE BOARD OF SUPERVISORS, ADOPT A MITIGATED NEGATIVE DECLARATION AND GRANT A REZONE FROM I-1 (LIMITED INDUSTRIAL) TO C-2 (GENERAL COMMERCIAL) AND A MINOR USE PERMIT FOR AUTOMOTIVE AND EQUIPMENT-GASOLINE SALES.

WHEREAS, the applicant, Faizan Corporation, filed an application for a property rezoning from Limited Industrial (I-1) to General Commercial (C-2) ("Rezone") and Minor Use Permit to demolish the existing "Jensen's Truck Stop" structures and re-establish "Automotive and Equipment—Gasoline Sales" (commercial fueling station) for large transport and passenger vehicles ("Project"). The request also includes construction of two (2) new commercial office/retail buildings totaling 13,852± square feet and replacement of underground fuel tanks and distribution piping. The site is located in the Ukiah area, just north of the Ukiah City limits, lying northwest of the intersection of Kuki Road (CR 250A) and Lovers Lane (CR 222) immediately west of its intersection with North State Street (CR 104) at 1460 Lovers Lane and 190 KUKI LN (APN 170-120-09 and 170-120-12), General Plan MU-2; Zoning I1:6K/NONE, Supervisorial District 1; (the "Project"); and

WHEREAS, the submitted application for the Rezone and Project was deemed complete on April 16, 2016;

WHEREAS, a Mitigated Negative Declaration was prepared for the Rezone and Project and noticed and made available for agency and public review on November 9, 2016 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, December 1, 2016, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigation Negative Declaration and the Rezone and Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Rezone and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Mitigated Negative Declaration and the Rezone and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends the Board of Supervisors make the following findings based on the evidence in the record;

REZONE FINDINGS

- 1. General Plan and Zoning Consistency:** The Rezone is consistent with its Ukiah Valley Area Plan classification of Mixed Use - General (MU-2) and with applicable goals and policies of the General Plan as subject to the Conditions of Approval found in Exhibit A of the resolution. The rezone from I-1 (Limited Industrial) to C-2 (General Commercial) is appropriate given the site's General Plan designation, adjacent zoning and proximity to the freeway interchange.

PROJECT USE PERMIT FINDINGS

- 1. General Plan and Zoning Consistency:** "Automotive and Equipment—Gasoline Sales" is a commercial retail use type that is consistent with the Ukiah Valley Area Plan Mixed Use - General (MU-2) land use classification and with applicable goals and policies of the General Plan as subject to the Conditions of Approval found in Exhibit A of the resolution.
- 2. Minor Use Permit Findings (Automotive and Equipment – Gasoline Sales):**
 - 2.1 That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan.**

The Project would re-establish an existing "Automotive and Equipment—Gasoline Sales" use and add an additional mixed use commercial retail and office building. Office and retail are permitted uses in the MU-2 (Mixed Use: General) UVAP land use classification. The Project has been conditioned to require adherence to Community Design Guidelines. Therefore, the Project would be in conformance with the General Plan.

2.2 That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

The project site is located in an urbanized area improved with pre-existing utility extensions, access roads and drainage. DOT has reviewed the Project and recommends conditional approval based on their comments. Mendocino County Department of Environmental Health, Ukiah Valley Fire Authority, and the Air Quality Management District have reviewed the Project and provided conditions, which have been incorporated into the Conditions of Approval. The site is located in an urban setting with adequate public services.

2.3 That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

The project site is located just outside the City of Ukiah city limits within a pre-existing area containing light industrial and commercial uses. The proposed redevelopment would improve the visual and functional character of the site and is not anticipated to be injurious to the community or nearby properties. As conditioned, it is not anticipated that the project would create a public nuisance and therefore this finding can be made.

2.4 That such use preserves the integrity of the zoning district.

By re-zoning the property to General Commercial and issuing a minor use permit, the proposed Project, as conditioned, would be in conformance with the zoning district and would not undermine the integrity of the zone.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends the Board of Supervisors adopt the Mitigated Negative Declaration which has been completed, reviewed, and considered, together with the comments received during the public review process and the evidence in the record, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends the Board of Supervisors approve the requested (1) Rezone and (2) Minor Use Permit as described in the staff report and attachments subject to the Conditions of Approval in Exhibit "A", attached hereto.

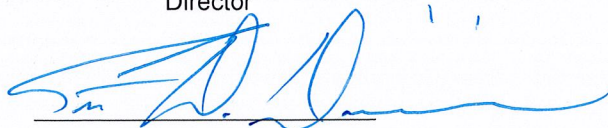
BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

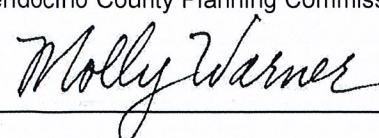
ATTEST: ADRIENNE M. THOMPSON
Secretary to the Planning Commission

By: 

BY: STEVEN D. DUNNICLIFF
Director



MOLLY WARNER, Chair
Mendocino County Planning Commission



CONDITIONS OF APPROVAL
R 2015-0001 & U 2015-0008
December 1, 2016

Rezoning from Limited Industrial (I-1) to General Commercial (C-2) and a Use Permit for the expansion and establishment of a commercial fueling station for large transport and passenger vehicles. Also proposed is the construction of a 13,852 square feet Commercial offices/retail building and the replacement of underground fuel tanks and distribution piping. Demolition of the existing facility, known as Jensen's Truck Stop will occur after the construction of the new facility is complete.

APPROVED PROJECT DESCRIPTION: The applicant proposes a rezone from Limited Industrial (I-1) to General Commercial (C-2) ("Rezone") of the entire 4.77 acre legal parcel and a Minor Use Permit to demolish the existing "Jensen's Truck Stop" and re-establish "Automotive and Equipment-Gasoline—Sales" (commercial fueling station) for large transport and passenger vehicles ("Project"), the construction of two (2) new commercial office/retail buildings, totaling 13,852± square feet, and the replacement of underground fuel tanks and distribution piping located in the southeast corner of the site, approximately 1.75 acres.

The existing Jensen's Truck Stop fuel station would remain in operation while the new buildings are being constructed. Upon completion, the old building(s) and related canopies would be removed. Following building removal, the new tanks, distribution piping, dispenser islands and concrete paving and curbs would be constructed. Lastly, installation of new landscaping, irrigation and signage would occur.

The structures associated with the minor use permit component of this project would be located in the southeastern portion of the overall property proposed for rezoning (first phase). This area occupies approximately 1.75± acres. The larger 3.02± acre remaining area of the rezoned property would be available for future redevelopment. No conceptual plans for the remaining portion of the property have been submitted. Future development projects and/or uses would be reviewed to ensure regulatory consistency.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by "*"):**

****All of the below conditions are predicated on the successful rezoning of the property as approved by the Board of Supervisors.**

Standard Conditions of Approval

1. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within two (2) years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
2. In the event that the use of the facility should cease operation for a period exceeding one (1) year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U_2015-0009.
3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
4. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
5. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds, and any such revocation shall proceed as specified in Title 20 of the Mendocino County Code:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.

- c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.
6. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
7. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit. The requirements set forth in the below noted letters shall be adhered to. Said letters are on file with the Department of Planning and Building Services:
 - a. County of Mendocino Department of Transportation (DOT): May 15, 2015; April 7, 2016 and August 24, 2016
 - b. Ukiah Valley Fire Authority: April 28, 2015
 - c. Mendocino County Air Quality Management District (AQMD): April 27, 2015
 - d. Mendocino County Environmental Health (EH): June 19, 2015
8. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.

Aesthetics

9. Landscaping — **Timing:** Prior to issuance of Building Permits, the applicant shall submit a final landscape plan subject to review and approval by the Director of Planning and Building Services. **Plan Requirements:** Said plan shall demonstrate conformity with all County regulations including the Community Design Guidelines for Discretionary Commercial Mixed Use Projects and the Mixed Use Compatibility Standards contained in Attachment V. The landscape plan shall provide a visual buffer of the project from Lovers Lane and KUKI Lane. All landscaping shall comply with current state mandated "Water Efficient Landscape" requirements as managed by the State Department of Water Resources. All required landscaping shall be irrigated, staked, maintained and replaced, as necessary, to ensure they are established and maintained in perpetuity. **Installation Verification:** Prior to obtaining a final building inspection, the improvements described in the approved final landscape plan shall be completed and inspected by the Planning Division.
10. Signage — **Timing:** Prior to issuance of Building Permits, the applicant shall submit final signage plan subject to review and approval by the Director of Planning and Building Services. **Plan Requirements:** Said plan shall demonstrate conformity with all County regulations including Community Design Guidelines for Discretionary Commercial Mixed Use Projects and the Mixed Use Compatibility Standards contained in Attachment V. The proposed final signage plan shall include a complete, itemized inventory of existing signage on the property to include scaled and dimensioned architectural drawings of each sign face.
11. Lighting — **Timing:** Prior to issuance of Building Permits, the applicant shall submit a final lighting plan subject to review and approval by the Director of Planning and Building Services. **Plan Requirements:** Said plan shall demonstrate conformity with all County regulations including Community Design Guidelines for Discretionary Commercial Mixed Use Projects and the Mixed Use Compatibility Standards contained in Attachment V. At minimum, all future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.
- **12. Parking/Circulation — **Timing:** Prior to issuance of Building Permits, the applicant shall submit a final parking/circulation plan subject to review and approval by the Director of Planning and Building Services, Department of Transportation and the Ukiah Valley Fire Authority. **Plan Requirements:** Said plan shall demonstrate conformity with all County regulations, including Community Design Guidelines for Discretionary Commercial Mixed Use Projects and the Mixed Use Compatibility Standards contained in Attachment V. The plan shall illustrate large vehicle ingress only from Lovers Lane and egress only onto KUKI Road.
13. Future Development and Use — Unless exempted under Section 2.0 of Attachment V, all future structural development, changes of use and/or establishment of new use(s) on any portion of the 4.77 acre project site shall demonstrate conformity with all County regulations including the Community Design Guidelines for Discretionary Commercial Mixed Use Projects (Adopted July 22, 2014: Resolution #14-102) and the Mixed Use Compatibility Standards contained in Attachment V.

Air Quality

14. The project is subject to all rules of Regulation 3 (Airborne Toxic Control Measures) of the Mendocino County AQMD. Prior to issuance of building permit, applicant shall acquire permits from AQMD prior to installation of gasoline tanks and hardware.
15. The access road, driveway, parking areas, and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation subject to AQMD Regulation 1 Rule 430 (Fugitive Dust Emissions). All grading must comply with AQMD Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with AQMD regulations regarding asbestos content.
16. Any demolition or renovation of structures may require asbestos clearance and notification to the AQMD. Prior to issuance of demolition building permits by PBS, the applicant shall submit a copy of the National Emissions Standards for Hazardous Air Pollutants [NESHAP] clearance from the AQMD to PBS.
17. Prior to issuance of building permit, the owner/applicant shall contact the Mendocino County AQMD for a determination as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR section 93105 and 93106 relating to naturally occurring asbestos. Written verification from AQMD shall be submitted to PBS stating that the project is in compliance with State and Local regulations relating to naturally occurring asbestos.

Biological Resources

18. No material shall be placed into or where it may pass into any stream or watercourse in quantities which would be deleterious to fish, wildlife or other beneficial uses.

Cultural Resources

19. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of MCC Chapter 22.12.090 "Discoveries" relating to archaeological discoveries have been satisfied.

Geology and Soils

20. The applicant shall adhere to the recommendations contained in the *Design- Level Geotechnical Investigation* dated March 2014 prepared for the project by Lion Enviro-Geotech.
21. The owner/applicant shall acknowledge in writing to PBS that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant shall submit to PBS an acknowledgement of these grading and site preparation standards:
 - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The project shall utilize Low Impact Design techniques to reduce the amount of surface water runoff, and to filter runoff before it enters the drainage swale.
 - c. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - d. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - e. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - f. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - g. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by PBS or other agencies having jurisdiction.
 - h. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).

- ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.
22. Construction and earthwork shall be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.
 23. Prior to issuance of building permit, the applicant shall have a drainage plan prepared that is consistent with the National Pollutant Discharge Elimination System (NPDES) program, including post-construction standards that demonstrate how the drainage features will be maintained for the life of the project. Said plan will be submitted to both the Mendocino County Water Agency and PBS for approval.

Hazards and Hazardous Materials

24. Prior to issuance of any building permit, the owner/applicant shall satisfactorily address and abate all active violations of the underground storage tank system including, but not limited to, the revocation of an operating permit, and the removal of all abandoned tanks on the property. The removal must be performed in accordance with all state laws and any contamination discovered must be remediated or an approved work plan from the Waterboard be in place. The owner/applicant shall also obtain all applicable permits from Environmental health for the installation of underground storage tanks.
25. Prior to issuance of building permits, a Hazardous Materials Management Plan (HMMP) approved by EH shall be submitted to PBS. An HMMP is required if any hazardous material/waste onsite exceeds 55 gallons (liquid), 500 lbs (solids), or 200 cubic feet (gases) in quantity. This plan shall be maintained and complied with for the duration of the project.
26. Owner/Applicant shall comply with all requirements of the Fire Code and letter from the Ukiah Valley Fire Authority dated April 28, 2015. Prior to Final of building permit, written verification from Ukiah Valley Fire Authority shall be submitted by the owner/applicant to PBS confirming that conditions have been met to the satisfaction of the Fire District.

Transportation/Circulation

27. The project shall incorporate the findings and recommendations of the Traffic Impact Analysis dated June 6, 2016 by TCE for the Jensen's Travel Plaza project. Prior to issuance of a building permit, a final ingress/egress and site circulation plan will be submitted for review and approval to the satisfaction of the Ukiah Valley Fire Authority and MDOT.
28. Require planters, curb/gutter sidewalk and commercial road approaches onto the County Roads adjoining the project's frontage onto KUKI Lane (CR 250A) and Lover's Lane (CR 222), designed to Mendocino County Road and Development Standards at the time of development. Require future planters, curb/gutter sidewalk and commercial road approaches onto KUKI Lane (CR 250A) and No-Name-Mill View Lane (CR 106) adjoining the parcel, designed to Mendocino County Road and Development Standards at the time of development, based on future specific site improvements and location of any connection to the County Road.
29. The Applicant shall obtain an encroachment permit from MCDOT which contains a detailed street to site access designs and improvements with professionally surveyed grades for drainage and curb/gutter, sidewalk planters which combines the data on the "Topographic Map" and the "Site Plan - C1." The improvement plan shall be prepared by a Registered Civil Engineer with in the Right-of-Way (R/W) and transition twenty (20) feet from the edge of the County R/W onto the parcel for driveways, sidewalks, utilities and drainage.
30. MCDOT requires a detailed street-to-site access design for the improvements apparently shown on the "Site Plan - C1" in conjunction with the new building to be constructed mostly on APN 170-120-09 adjacent to KUKI Lane (CR 222). The plan appears to show planters, curb/gutter sidewalks and two driveway connections to KUKI Lane. These improvements shall be designed in accordance with the County of Mendocino Road and Development Standards (dated 8-14-2008). The commercial driveway approaches shall be 18 feet wide minimum up to 30 feet wide as needed.
31. The applicant shall perform the following improvements adjacent to the project along the west side of Lovers Lane (CR 222): add a new curb/gutter where damaged with the addition of planters shown, bicycle lane and construct sidewalks and commercial driveway approaches to ADA specifications and the above-mentioned Development standards.

UTILITIES AND SERVICE SYSTEMS

32. Prior to issuance of Building/Grading Permits, the applicant shall demonstrate compliance with the County's Municipal Separate Storm Sewer System (MS4) regulatory requirements.
33. Prior to issuance of building permit, owner/applicant shall submit a Construction Waste Management Plan.
34. Prior to Final of building permit, owner/applicant shall contract with a commercial solid waste disposal service to provide disposal services.

BUSINESS LICENSE

35. Prior to Final of building permit and the commencement of operations, the applicant shall submit a copy of their Mendocino County Business License to PBS. This license shall be kept active and if in the event that the license is inactive for a period of one (1) year or longer, the use permit and business will automatically expire.