



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: AUGUST 18, 2016

TO: PLANNING COMMISSION

FROM: PLANNING AND BUILDING SERVICES

RE: OA 2016-0001/R 2016-0002 (COMMUNITY CHARACTER COMBINING DISTRICT) AND REZONE ALL OF THE C-1 (LIMITED COMMERCIAL) AND C-2 (GENERAL COMMERCIAL) ZONING DISTRICTS TO APPLY THE C-C COMBINING ZONING IN THE COUNTY.

INTRODUCTION:

On June 16, 2016, the Planning Commission conducted a public hearing on the proposed zoning text amendment that would establish a new Community Character (C-C) Combining District chapter within Division I of the Mendocino County Code (Inland). The purpose of the ordinance is to require certain commercial establishments to obtain a Minor Use Permit when they are determined to be a "Formula Business". The ordinance defines Formula Business as eating and drinking establishments, food and beverage preparation – without consumption and retail sales, general that have ten (10) or more locations and share more than two standard features such as name, décor, services and color.

In addition to the standard use permit findings, the C-C Chapter includes site development, architectural design, and landscape improvement requirements that are intended to ensure Formula Businesses fit the aesthetic setting and fulfill commercial needs of each community. As previously noted, the proposed rezoning would apply the C-C combining district to approximately 703 parcels within the applicable community areas and commercial places. The rezoning excludes the area north of the city limits of the City of Ukiah, south of Lake Mendocino Drive and along either Highway 101 or North State Street.

During the June 16, 2016, Planning Commission hearing several individuals provided comments on the proposed ordinance and most notably requested additional time to review the ordinance, specifically, representatives from the newly formed Hopland, Redwood Valley and Laytonville Municipal Advisory Councils (MACs) requested additional time. In addition to additional time to be allotted to the MACs, the Planning Commission requested that staff further elaborate "Community Character" and provide more defined criteria for signs associated with the formula businesses. The Planning Commission continued the hearing to August 18, 2016 to allow for the newly formed MACs to meet and review the draft ordinance as well as allowing staff to address the issue of signage in the ordinance.

Based on the Planning Commission's direction, staff has included additional language further defining Community Character in the Intent section (Section 20.147.010) of the ordinance. Additionally, the Requirement section (Section 20.147.030) has also been amended, by adding subsection c, related to sign criteria.

Section 20.147.010 has been amended by adding subsections C through E to read as follows:

Sec. 20.147.010 Intent

This district is intended to establish special requirements and regulation to retain and enhance the special features of community areas and commercial places within Mendocino County by:

- (A) Enhancing the visual attractiveness of commercial structures by restricting standardized features that would detract from the distinctive character of the community areas and commercial places in the County.
- (B) Protecting diverse commercial activities of each community area and commercial places by encouraging a variety of commercial land uses that serve the needs of the community.
- (C) Preserve and enhance the established historic character of each of the communities, including the retention and restoration of historic buildings and sites.
- (D) Establish places and facilities that create a sense of community, and encourage building designs that reflect and incorporate historic character of each community.
- (E) Encourage locally owned businesses, and support the creation of economic opportunity, places and facilities that support a sense of community, as well as promoting economic infill opportunities that support infill and improve the aesthetic character of each of the communities downtown cores.

Section 20.147.030 is amended to read as follows:

Sec. 20.147.030 Requirement

- (A) The establishment of a new Formula Business on a vacant lot or within a substantially reconstructed structure located within a Community Area or Commercial Place, as defined in this Chapter, is subject to the approval of a Minor Use Permit, pursuant to Mendocino County Zoning Code – Division I, Chapter 20.196 Use Permits.
- (B) All Formula Business establishments are subject to the following requirements unless it is superseded by a more restrictive requirement of the applicable base zoning district.
 - a) Site Improvements: Site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety and similar elements shall be designed to integrate with adjoining properties and provide a desirable environment for existing development in the area.
 - b) Architectural Design. The character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and ~~signing~~ and similar elements have been incorporated in order to ensure the compatibility of the development with its design concept and the character of adjacent buildings and properties.
 - c) Signing shall be established in conformance with Mendocino County Code – Division I, Chapter 20.184 Sign Regulations, with the exception that the following signs are not permitted: (1) cabinet signs; (2) signs that extend beyond roof lines; and (3) the use of free-standing (pole) signs. All signs shall be designed to be architecturally compatible with the architecture and design of buildings/structures on-site, and shall incorporate similar building materials as utilized in the buildings/structures on to which said signs shall be affixed to.

- d) Landscape Design. Including the location, type, size, color, texture and coverage of plant materials, provisions for irrigation, maintenance and protection of landscaped areas and similar elements have been considered to ensure visual relief, to compliment buildings and structures and to provide an attractive environment for the enjoyment of the public.

To differentiate between the amended language and what was previously provided to the Planning Commission on June 16, 2016, added language is underlined and deleted language is struck-through as shown above.

BACKGROUND:

On September 22, 2015, the Board of Supervisors adopted an urgency ordinance establishing interim restrictions on the establishment of formula businesses to study and consider zoning regulations to help protect the unique character of rural community areas. The urgency ordinance is to expire on September 20, 2016.

As previously noted, the impetus for the urgency ordinance came from the zoning clearance granted to a building permit in February 2015 to construct the Dollar General Store on a vacant located in the Redwood Valley Community Area. The community expressed concerns that the proposed store did not fit the community, conflicted with the General Plan and was not subject to environmental review. As a result of an appeal and the Board deciding that additional land use regulations were needed to help ensure the establishment of formula businesses do not degrade the unique character of community areas in the County, staff was directed to analyze and prepare an ordinance to regulate the location and operation of formula retail and restaurant businesses within the rural communities within the county. In response to the direction from the Board of Supervisors, staff has determined that a Community Character (C-C) Combining District would be the appropriate zoning mechanism, resulting in a text amendment to the County Code adding the C-C Combining District to Division I, Title 20, adding Chapter 20.147 to the Mendocino County Code, and Rezone all the C-1 (Limited Commercial) and C-2 (General Commercial) zoning districts to apply the C-C Combining District zoning in the county.

RECOMMENDATION:

That the Planning Commission recommend, based on the evidence in the record, the Board of Supervisors certify the CEQA categorical exemption and adopt an ordinance to (1) amend Division I of the Mendocino County Zoning Code to add Chapter 20.147, Community Character (C-C) Combining District, and (2) add the Community Character (C-C) Combining District designation over the C-1 (Limited Commercial) and C-2 (General Commercial) zoning districts lying within Community Areas and Commercial Places.

ATTACHMENTS

- A. Revised Draft Ordinance Chapter 20.147, Community Character (C-C) Combining District
- B. Exemption Map