



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

STEVE DUNNICLIFF, DIRECTOR
PHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

MEMORANDUM

DATE: APRIL 4, 2017

TO: BOARD OF SUPERVISORS

FROM: NASH GONZALEZ, INTERIM CHIEF PLANNER

RE: OA_2016-0001/R_2016-0002, COMMUNITY CHARACTER COMBINING DISTRICT) AND REZONE MOST OF THE C-1 (LIMITED COMMERCIAL) AND C-2 (GENERAL COMMERCIAL) ZONING DISTRICTS TO APPLY THE C-C (COMMUNITY CHARACTER COMBINING OVERLAY DISTRICT) ZONING IN THE COUNTY.

INTRODUCTION: Proposed is an ordinance amendment to the County Inland Zoning Code (Title 20 – Division I of the Mendocino County Code) to add Chapter 20.147, Combining Character (CC) Combining District and Rezone most the C-1 (Limited Commercial) AND C-2 (General Commercial) zoning districts to apply the CC Combining zoning in the County. The areas not included are, the City of Ukiah, Fort Bragg, Willits and Point Arena. Not applicable to those areas within the designated Coastal Zone of the County and those properties located north of the city limits of the City of Ukiah, south of Lake Mendocino Drive and along either side of North State Street as depicted in the attached map. The proposed amendments will replace the formula business moratorium set by the Board of Supervisors on September 22, 2015 and require a use permit to establish a formula business on a vacant lot or within a substantially renovated structure. The ordinance prescribes that a use permit will need to be secured for the establishment of a formula business as well as criteria by which formula businesses will be reviewed.

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. This ordinance was initially to expire on September 20, 2016. In order to provide for additional time for the Planning Commission to deliberate the matter, on August 16, 2016, the Board considered the urgency ordinance and extended the moratorium on formula businesses to September 17, 2017.

On June 16, 2016, the Planning Commission conducted a public hearing on the proposed zoning text amendment. 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 to review the draft ordinance. In addition to additional time to be allotted to the MACs, the Planning Commission directed 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 the newly formed MACs to meet and review the draft ordinance as well as allowing staff to address the issue of signage. The Commission at their August 16, 2016 meeting reviewed added language and took further public testimony, including testimony from the Laytonville, Redwood Valley MACs representatives. It was determined that additional time was needed for the newly formed Redwood Valley and Hopland MACs to review and comment. The MACs were asked to have comments submitted to Planning and Building staff in early October, giving plenty of time for review before the hearing. On November 17, 2016, the Planning Commission took additional public comments and recommended the Board of supervisors adopt the formula business ordinance with modifications as requested by the Planning Commission on a 5-0 vote.

PROJECT DESCRIPTION: The project includes both a Zoning Code Amendment establishing a new Community Character (C-C) Combining District; and a Rezoning which would apply the C-C Combining District to

approximately 703 parcels within the applicable Community Areas and Commercial Places. The following is a summary of each of the required actions for the Board's consideration:

Zoning Amendment

The proposed zoning text amendment would establish a new Community Character (C-C) Combining District chapter within Division 1 of the Mendocino County Zoning Code (Inland). It will require certain commercial establishments to obtain a Minor Use Permit when they are determined to be a "Formula Business". It defines Formula Business as one of the commercial use types listed below that have 10 or more other locations and that share more than two standard features such as name, décor, services, and color.

- 1) Eating and Drinking Establishments (Section 20.024.065)
- 2) Food and Beverage Retail Sales (Section 20.024.075)
- 3) Food and Beverage Preparation – Without Consumption (Section 20.024.080)
- 4) Retail Sales, General (Section 20.024.120)

In addition to the standard use permit findings, the C-C Chapter includes site development, architectural design, and landscape improvement requirements that will help to ensure Formula Businesses fits the aesthetic setting and fulfills commercial needs of each community.

- A. General site considerations, including 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 have been designed to provide a desirable environment for the development;
- B. General architectural considerations, including 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 signing and similar elements have been incorporated in order to ensure the compatibility of this development with its design concept and the character of adjacent buildings and properties; and
- C. General landscape considerations, 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.

The standard use permit findings will help to ensure a new Formula Business is consistent with community specific policies of the General Plan and Ukiah Valley Area Plan (UVAP).

This chapter would not apply to any new formula business within an existing structure that does not require substantial reconstruction (i.e., 50% replacement of floor area or exterior walls). Nor would it apply to any formula business that has an active permit submitted prior to September 22, 2015.

Rezoning

The proposed rezoning would apply the C-C combining district to approximately 703 parcels within the Applicable Community areas and Commercial Places. The rezoning generally excludes the area north of the city limits of City of Ukiah, south of Lake Mendocino Drive and along either Highway 101 or North State Street as shown on Attachment I. Furthermore, the rezoning is not recommended for commercial development on lands that are zoned RC (Rural Community) or that lie within the Coastal Zone, as the existing permit processes will address the placement of such uses.

The attached Planning Commission June 16, 2016, August 18, 2016 and November 17, 2016 staff reports contain a more in-depth discussion as it relates to the key issues, including General Plan Consistency, formula business development review process and the protection of the community character, including the background for the project.

CEQA Review: The project has been determined to be Categorical Exempt from CEQA, per the CEQA Guidelines Section 15308, which exempts action of regulatory agencies for the protection of the environment. Adoption of the ordinance will serve to maintain, enhance, and protect the environment of the County's rural communities by maintaining the unique rural character of these communities and creating procedures that will ensure that future development integrates and is compatible with the existing community. As such, no further environmental consideration is necessary and, further, the Fish and Game Code provisions regarding a wildlife impact fee are not applicable.

In addition, certain exemptions within CEQA Guidelines Section 15060 are also applicable. Section 15060 of the State CEQA Guidelines provides that certain activities are not subject to CEQA if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment (paragraph (c)(2)) or if the activity is not a project as defined in State CEQA Guidelines Section 15378, which includes that an action has potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Adoption of the proposed ordinance does not preclude any existing land uses and establishes a use permit procedure for certain projects that may affect the general welfare of a particular community.

RECOMMENDATION:

Provide Direction to Staff Regarding Adoption of Proposed Ordinance Amendment OA_2016-0001 (Formula Business), to Amend the Inland Zoning Code (Title 20, Division I) to Establish a new Community Character (C-C) Combining District Chapter within Division I of the Mendocino County Code (Inland); and Rezone most of the C-1 (Limited Commercial) and C-2 (General Commercial) Zoning Districts to Apply the C-C Combining Zone in the County and schedule a public hearing for a future date. During the future Public hearing, staff will recommend the Board of Supervisors make the necessary findings for approval as noted below.

Recommend that the Board of Supervisors makes the necessary findings to:

- 1.) Adopt Ordinance Amendment No. OA 2016-0001, to amend the Inland Zoning Code (Title 20, Division I) and add Chapter 20.147, Community Character, and the Board of Supervisors adopts Ordinance No. _____ amending Title 20, Division I of the Mendocino County Code adding Chapter 20.147; and
- 2.) Furthermore, The Board of Supervisors approves Rezone R 2016-0002 and adopts Ordinance No. _____ rezoning the following real property within Mendocino County as depicted in the attached Ordinance, specifically adding the Community Character (C-C) Combining District designation over the C-1 (Limited Commercial) and C-2 (General Commercial) zoning districts lying within the Community Areas as recommended by the Planning Commission as depicted in the attached maps.

FINDINGS:

That the Board of Supervisors finds:

1. That the Ordinance is Categorical Exempt from the California Environmental Quality Act (CEQA) under (a) Section 15060(c)(2) of the CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; (b) Section 15060(c)(3) of the State CEQA Guidelines because it is not a project within the meaning of CEQA since it has no potential for resulting in physical changes in the environment; and (c) Section 15308 of the State CEQA Guidelines because it is a regulatory action taken by the County to assure the maintenance and protection of the environment. Additionally, no further environmental consideration is necessary and, further, the Fish and Game Code provisions regarding wildlife impact fee are not applicable;
2. The ordinance will provide the opportunity to protect the unique character of the rural communities of the County and create a supportive environment for new and unique small businesses;
3. That "chain" or "formula" businesses, whose objectives of standardization and brand identity may be in conflict with emphasizing local community character, will proliferate throughout the rural communities of the County and detract from the unique character of the County by displacing unique local or other small businesses or introducing standardized, non-unique establishments that will lessen the uniqueness and

character prized by County residents;

4. Income earned by independent small businesses is more likely to circulate within the local economy than the money earned by formula businesses, which often have corporate offices and vendors located outside of Mendocino County, resulting in less local economic benefit and vitality, adversely affecting the County;
5. Notwithstanding the visual attractiveness of a storefront or other business structure, the standardized architecture, color scheme, décor and signage (which said signage almost universally includes the display of registered service marks which, under federal law, cannot be modified or changed through the application of local land use regulations) of many formula businesses can detract from distinctive character of the rural communities of the County; and
6. The proposed ordinance amendment is consistent with the applicable goals and policies of the General Plan, in that the Mendocino County General Plan, specifically policies contained within the General Plan provide that compatibility with desired architectural character in established neighborhoods and communities shall be evaluated when considering new development and that the County should create attractive and economically viable community "core" area, and that the County should emphasize local community character and culture in community planning and development

Prepared by:

DATE

NASH GONZALEZ

ATTACHMENTS:

1. Ordinance #OA 2016-0001 adding Chapter 20.147 to M.C.C.
2. June 16, 2016 Planning Commission Staff Report
3. August 18, 2016 Planning Commission Staff Report
4. November 17, 2016 Planning Commission Staff Report
5. November 17, 2016 Planning Commission Minutes
6. Laytonville MAC, Hopland MAC Comments AND Redwood Valley MAC Comments
7. Exemption Map
8. Property Owner Maps
9. Assessor's Parcel Maps