



Mendocino County

Legislation Details (With Text)

File #: 24-0486 **Version:** 1 **Name:**

Type: Approval **Status:** Agenda Ready

File created: 4/22/2024 **In control:** Planning and Building Services

On agenda: 5/7/2024 **Final action:**

Title: Noticed Public Hearing - Discussion and Possible Action to Consider an Appeal of the Planning Commission's Denial of Minor Use Permit and Variance (U_2021-0016/V_2021-0005) to Establish and Operate a Gas Station with Ten (10) Gas Pumps, Two (2) Separate Illuminated Canopies, Twenty-Eight (28) New Parking Spaces, Landscaping, Conversion of Part of an Existing Structure to a Convenience Store, and Concurrent Variance for a Sixty-Five (65) Foot Tall Business Identification Sign, Increase in the Allowable Sign Area, and to Reduce the Front Yard Setback, Located at 9621 and 9601 North State Street, Redwood Valley, APNs: 162-100-58 and 162-100-59 Which May Include Additional Direction to Staff (Continued from March 26, 2024)
(Sponsor: Planning and Building Services)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Resolution (Redline), 3. Memo FINAL, 4. Memo 2, 5. U_2021-0016 Draft Revised Addendum, 6. 05-06-24 Revised Addendum to the TIS for a Gas Station at 9621 North State Street, 7. 05-06-24 RE_ Draft Revised Addendum to the Transportation Impact Study for a Gas Station at 9621 North State Street, 8. 05-06-24 BOS Faizon Comment 5-7-24, 9. 05-06-24 Faizon Traffic Study Comment 5-7-24, 10. 05-06-24 BOS Formula Business Comment 5-7-24, 11. 05-06-24 BOS Lawsuits Comment 5-7-24

Date	Ver.	Action By	Action	Result
5/7/2024	1	Board of Supervisors		
5/7/2024	1	Board of Supervisors		
5/7/2024	1	Board of Supervisors		

To: BOARD OF SUPERVISORS

From: Planning and Building Services

Meeting Date: May 7, 2024

Department Contact: Liam Crowley

Phone: 707-234-6650

Department Contact: Julia Krog

Phone: 707-234-6650

Item Type: Noticed Public Hearing

Time Allocated for Item: 30 Minutes

Agenda Title:

Noticed Public Hearing - Discussion and Possible Action to Consider an Appeal of the Planning Commission's Denial of Minor Use Permit and Variance (U_2021-0016/V_2021-0005) to Establish and Operate a Gas Station with Ten (10) Gas Pumps, Two (2) Separate Illuminated Canopies, Twenty-Eight (28) New Parking Spaces, Landscaping, Conversion of Part of an Existing Structure to a Convenience Store, and Concurrent Variance for a Sixty-Five (65) Foot Tall Business Identification Sign, Increase in the Allowable Sign Area, and

to Reduce the Front Yard Setback, Located at 9621 and 9601 North State Street, Redwood Valley, APNs: 162-100-58 and 162-100-59 Which May Include Additional Direction to Staff (*Continued from March 26, 2024*)
(Sponsor: Planning and Building Services)

Recommended Action/Motion:

Adopt resolution denying the appeal and upholding the Planning Commission's denial of Minor Use Permit and Variance (U_2021-0016/V_2021-0005) which requested operation of a gas station and related improvements; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

In 1987 the Board adopted Division I of Title 20 of the Mendocino County Code through Ordinance No. 3639, including Chapters 20.196 and 20.200 pertaining to Use Permits and Variances, respectively.

Summary of Request:

Minor Use Permit U_2021-0016 and Variance V_2021-0005 (the "Project") was denied by the Planning Commission on January 4, 2024. See Resolution No. PC_2024-0001 for findings in support of the action.

On January 5, 2024, attorney Brian S. Momsen, on behalf of Faizan Corporation and 898 Main Street LLC, filed an appeal of the Planning Commission's decision. An appeal hearing was held at the March 26, 2024 Board of Supervisors meeting. At that meeting, the Board tentatively voted to deny the appeal and continued this matter to the May 7, 2024 meeting with direction to Planning & Building Services staff to work with Supervisors Williams and McGourty to document denial of the project based on health, safety, peace, morals, comfort, and general welfare.

Pursuant to direction given at the March 26, 2024 meeting, staff met with Supervisors Williams and McGourty to document denial of the project. Staff has prepared a revised resolution for denial of the project based on detrimental effects on health, safety, peace, morals, comfort, and general welfare that are documented in the record.

The associated memorandum, staff report, action sheet, appeal document, and additional materials are attached for review.

Alternative Action/Motion:

Uphold the Appeal and remand U_2021-0016/V_2021-0005 to the Planning Commission to reconsider the Project, including for purposes of CEQA, or provide direction to staff.

Strategic Plan Priority Designation: A Safe and Healthy County

Supervisory District: District 1

Vote Requirement: Majority

Supplemental Information Available Online At:

<https://www.mendocinocounty.org/government/planning-building-services/public-notice>

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

budget clarification: N/A

annual recurring cost: N/A

budgeted in current f/y (if no, please describe): N/A

revenue agreement: N/A

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

CEO Liaison: Steve Dunncliff, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Senior Deputy Clerk

Final Status: **Direction Given to Staff;
Continued**

Date: May 7, 2024

