

ATTACHMENT H



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: JANUARY 4, 2024
TO: PLANNING COMMISSION
FROM: LIAM CROWLEY, PLANNING STAFF
SUBJECT: U_2021-0016 & V_2021-0005 REVISED RESOLUTION FOR DENIAL

At the meeting on December 7th, 2023, the Planning Commission moved to continue the subject project to the January 4th, 2024 meeting with direction for staff to prepare an alternative resolution with the appropriate findings for denial of the project based on discussion between commissioners, public testimony, and other evidence in the record. This included concerns related to circulation and nuisance. Accordingly, staff has prepared the attached resolution for the Commission's consideration.

ATTACHMENTS:

1. Resolution for Denial

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Resolution Number

County of Mendocino
Ukiah, California

JANUARY 4, 2024

U_2021-0016 and V_2021-0005 – FAIZAN CORPORATION & 898 MAIN STREET LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, DENYING A MINOR USE PERMIT FOR A GASOLINE SERVICE STATION AND CONVENIENCE STORE AND DENYING RELATED VARIANCE APPLICATIONS REGARDING SIGNAGE AND SETBACKS

WHEREAS, the applicant, FAIZAN CORPORATION and 898 MAIN STREET LLC filed applications with the Mendocino County Department of Planning and Building Services for (A) a Minor Use Permit (U_2021-0016) to establish and operate a gasoline service station and convenience store (“Automotive and Equipment – Gasoline Sales” per Mendocino County Code (MCC) §20.024.025(D)), comprising ten (10) gas pumps, two (2) separate illuminated canopies within the required twenty (20) foot front yard setback, a freestanding fuel price pole sign, twenty-eight (28) new parking spaces, landscaping, and conversion of part of an existing structure to a convenience store; and (B) a Variance (V_2021-0005) to allow construction of a sixty-five (65) foot tall freestanding sign where a maximum of twenty-five (25) feet is required. The proposed signs would exceed the maximum sign area allowable per Mendocino County Code Chapter 20.184. The subject property is 1.6± miles southwest of Redwood Valley center, on the north side of North State Street (CR 104), 600± feet east of its intersection with U.S. Route 101 (US 101), located at 9621 & 9601 North State Street, Redwood Valley; APNs 162-100-58 & 162-100-59; General Plan C – Commercial; Zoning C1 – Limited Commercial; Supervisorial District 1; (the “Project”); and

WHEREAS pursuant to Public Resources Code Section 21080(B)(5), the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; “CEQA”), an Initial Study and draft Mitigated Negative Declaration (SCH No. 2023110067) was prepared for the Project and noticed and made available for agency and public review on November 2, 2023 in accordance with CEQA and the State and County CEQA Guidelines; and

WHEREAS, the Zoning Administrator has referred the Project to the Planning Commission for consideration in accordance with Mendocino County Code Section 20.196.010(C); and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, December 7, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project, and the Planning Commission continued this matter to January 4, 2024 with direction to staff to prepare an alternative resolution for denial for their consideration; and

WHEREAS, CEQA does not apply to projects which a public agency rejects or disapproves, as CEQA Guidelines Section 15270(A) provides that projects which are disapproved are Statutorily Exempt from CEQA; 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 Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings and determinations based on the evidence in the record before it:

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1. The Planning Commission hereby determines that the granting of such Minor Use Permit would 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 the proposed use and would be detrimental or injurious to property and improvements in the neighborhood. The Planning Commission finds that the projected increased traffic and safety impacts of the proposed Project would require closure of the US 101 median at the intersection of North State Street (CR 104) and Uva Drive (CR 239). Increased traffic due to the Project would increase the number of cars and trucks crossing US 101 at this intersection, increasing the likelihood of additional collisions which given the speeds of traffic on US 101 would likely be severe if not fatal. Closure of the intersection is necessary mitigation to reduce potentially significant transportation safety impacts caused by the project to less than significant levels. This closure would eliminate the current ability of motorists to turn from either County road onto US 101 or turn from US 101 onto either County road. In addition, motorists would be unable to cross US 101 from one County road to the other. If the median were to be closed, motorists traveling along US 101 would be required to use the West Road (CR 237) interchange to access North State Street and in turn the project site and neighboring properties. If the Project were to be approved, the required transportation mitigation would be a detriment to the general welfare of those residing or working in the vicinity because it would limit circulation options and would increase the length of trips made to and from the vicinity and would place an undue burden on the existing businesses in the area by possibly limiting customer traffic. There are no alternative mitigation measures that are equivalent or as effective in mitigating or avoiding the potentially significant transportation impacts caused by the Project. Therefore, finding (C) contained in Mendocino County Code Section 20.196.020 cannot be made.

The applicant sought a front yard setback variance as well as variances from the County's signage limitations for sign height and size. The requested Variance application is processed concurrently with the Minor Use Permit and have no independent value if the Minor Use Permit is denied. As such, the Variance cannot be approved independently of the Minor Use Permit and is denied.

BE IT FURTHER RESOLVED that the Planning Commission hereby denies the requested Minor Use Permit and Variance without prejudice.

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 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.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code.

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

ATTEST: JAMES FEENAN
Commission Services Supervisor

By: _____

BY: JULIA KROG
Director, Planning & Building Services

DIANA WIEDEMANN, Chair
Mendocino County Planning Commission
