

# Appeal of Use Permit & Variance U\_2021-0016 & V\_2021-0005

Applicant/Appellant: Faizan Corporation & 898 Main Street LLC

PBS Staff: Liam Crowley



# Background

- Property Information
  - 2 lots
  - General Plan Classification: Commercial (C)
  - Zoning: Limited Commercial (C-1)
  - Total Area: 2.54± acres
- 2015 Use Permit
  - 6-pump gas station, 1 canopy
  - Parking waiver
  - Front yard setback variance
  - Approved 2016, expired 2018
  - Never constructed



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community  
Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

CASE: CDP 2021-0016  
OWNER: Faisan Corporation  
APN: 162-100-58  
APLCT: Faisan Corporation  
AGENT: Ruff & Associates Inc.  
ADDRESS: 9621 N State St., Redwood Valley

Highways (2017)  
Public Roads  
Driveways/Unnamed Roads  
Assessors Parcels

0 0.025 0.045 Miles 270 Feet  
1:3,000  
AERIAL IMAGERY

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

**ATTACHMENT B**

# Application

- 2021 Use Permit
  - 10-pump gas station
  - 2 canopies
  - 30 new parking spaces
  - Landscaping
  - Convert portion of existing commercial building to convenience store
  - 2 freestanding signs (65' business ID sign & 30.5' fuel price sign)
  - Underground fuel storage tanks
  - Driveways/encroachments
  - Sign height & sign area variance
  - Front yard setback variance



NOTATION:  
 THE DISCHARGE OF POLLUTANTS TO ANY STORM DRAINAGE SYSTEM IS PROHIBITED. NO SOLID WASTE, PETROLEUM BYPRODUCTS, SOIL PARTICULATES, CONSTRUCTION WASTE MATERIALS, OR WASTEWATER GENERATED ON CONSTRUCTION SITES OR BY CONSTRUCTION ACTIVITIES SHALL BE PLACED, CONVEYED, OR DISCHARGED INTO THE STREET, GUTTER OR STORM DRAIN SYSTEM.....

**Legend:**  
 PROPERTY LINE  
 BUILDING ENVELOPE  
 EDGE OF PAVEMENT  
 BUILDING FOOTPRINT LINE  
 CONTOUR LINES

REV	DATE	BY

**RUFF + ASSOCIATES**  
 Architecture Planning Development  
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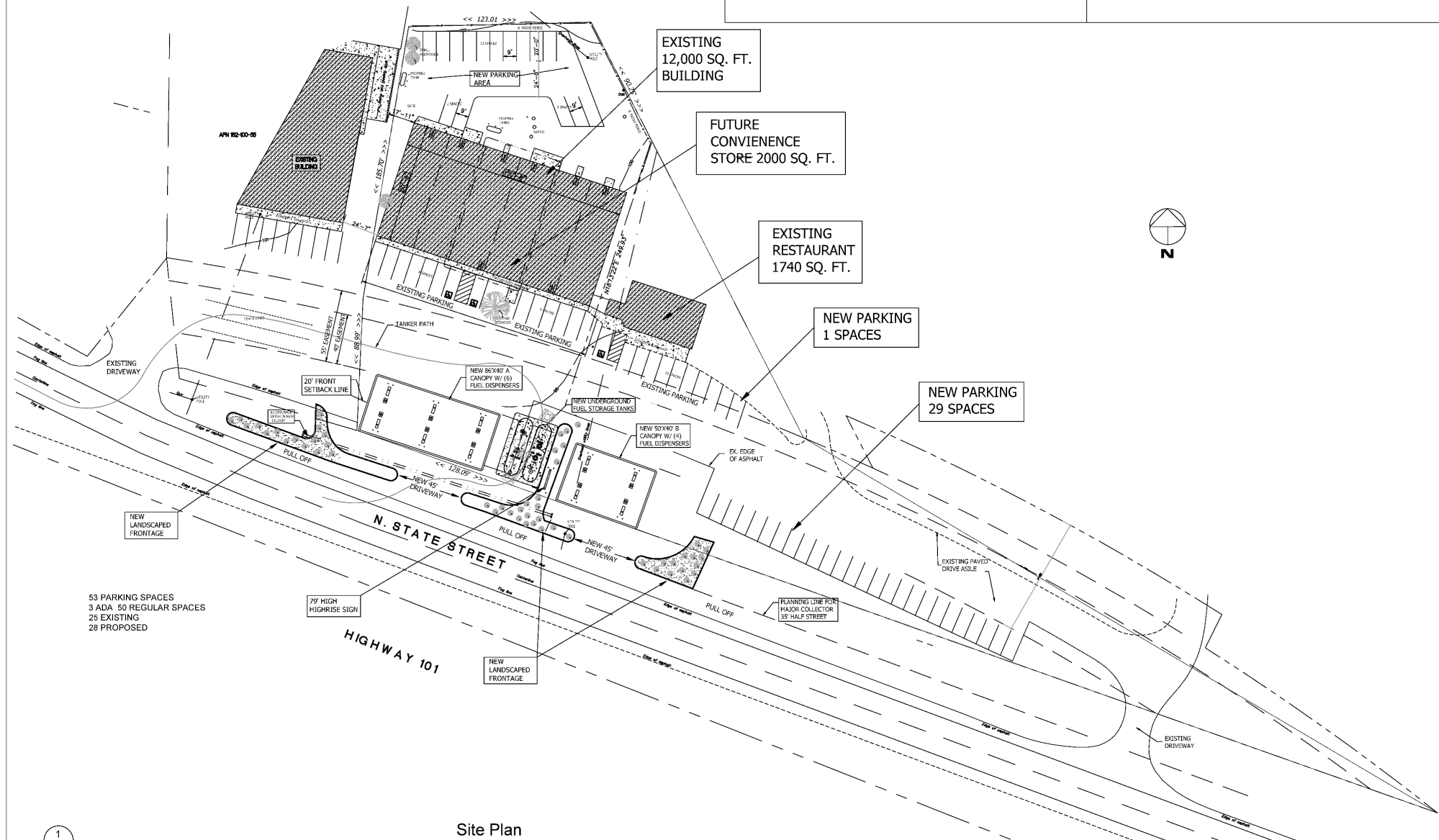
**FAISAN CORPORATION**  
 CHEVRON GAS STATION USE PERMIT  
 9621 NORTH STATE STREET  
 REDWOOD VALLEY, CA 95470

SHEET TITLE

SITE PLAN

DRAWN BY PSM  
 CHECKED BY RPR  
 DATE SUBMITTED 10-20-2021  
 DATE CREATED 10-20-2021  
 SCALE AS NOTED

PAGE  
**A1**  
 SHEET 3 OF 8



53 PARKING SPACES  
 3 ADA 50 REGULAR SPACES  
 25 EXISTING  
 28 PROPOSED

1

APN: 162-100-58 1.07 ACRES  
 APN: 162-100-59 1.47 ACRES

Site Plan  
 Scale 1/32" = 1'





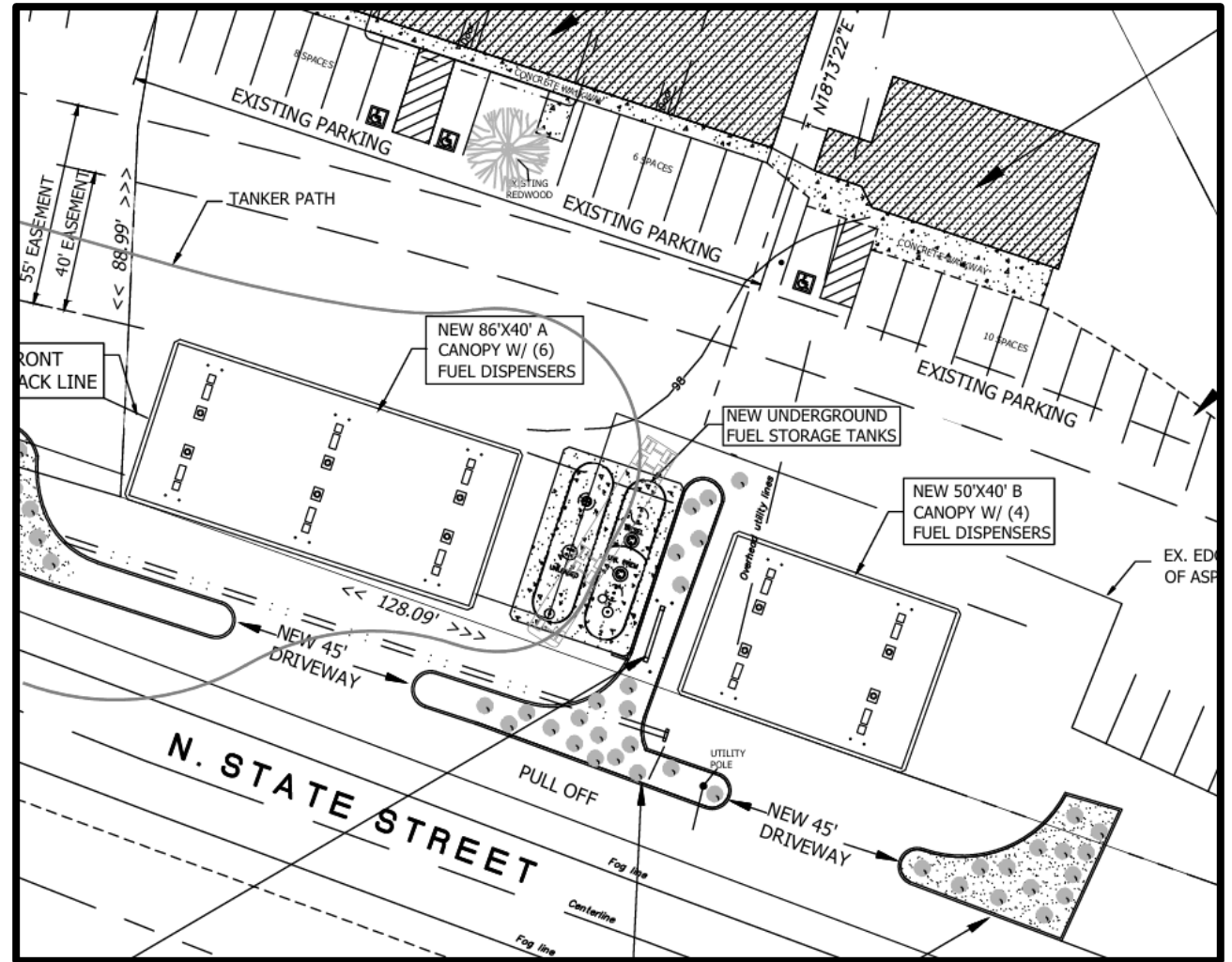
# Gas Station

- Transportation
  - Commercial driveway approach
  - Circulation plan
  - Documentation of access
  - Signing/striping plan
  - Median closure
  - Acceleration/deceleration lanes
  - Encroachment permits
- Utilities
  - Construction waste management plan
  - Contract with commercial solid waste disposal service
  - No comment from water district



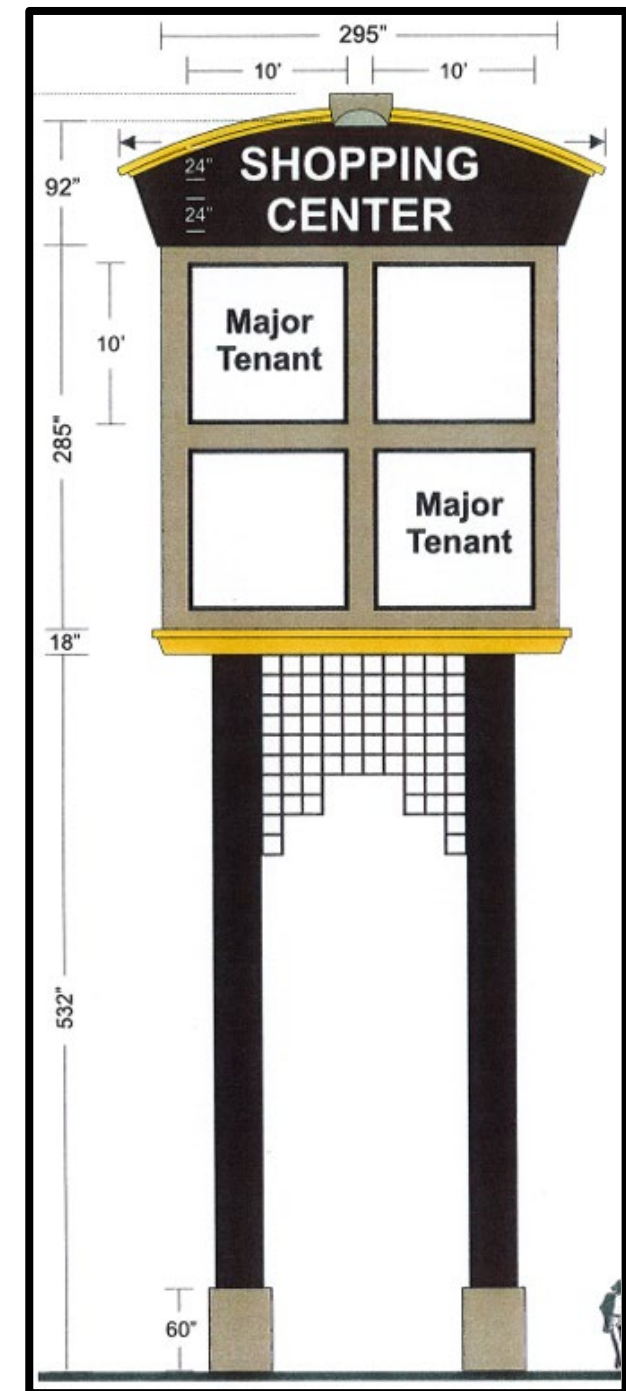
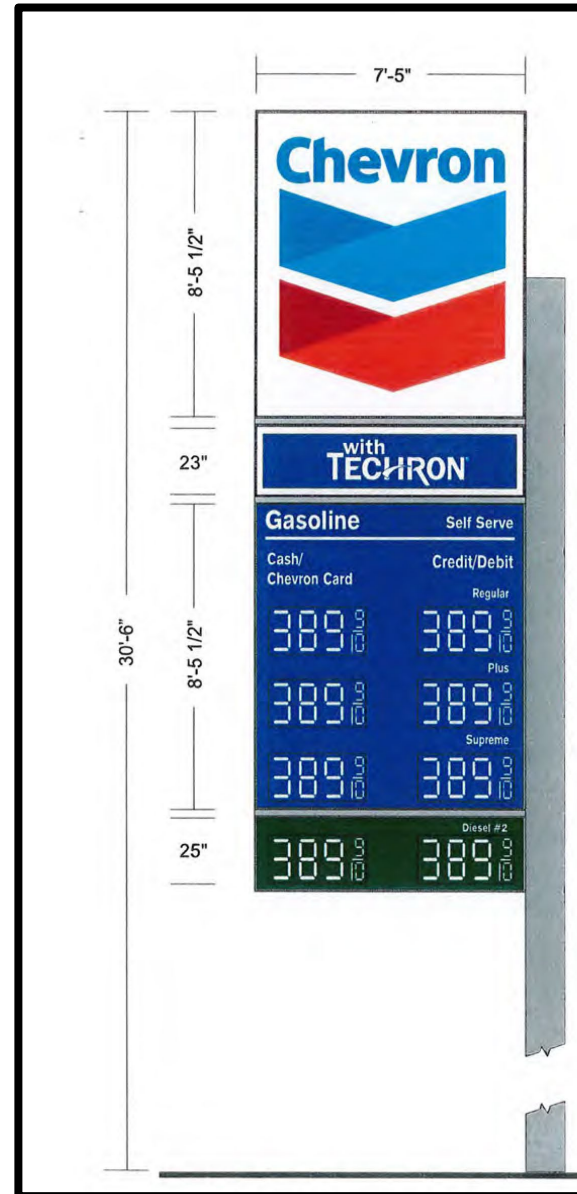
# Setback Variance

- From 20 feet to 0 feet
- To avoid easements which restrict buildable area
- Easements existed prior to current owner
- Nearby commercial properties not similarly constrained
- Similar variance approved in 2016
- Swale buffer
- Lighting conditions



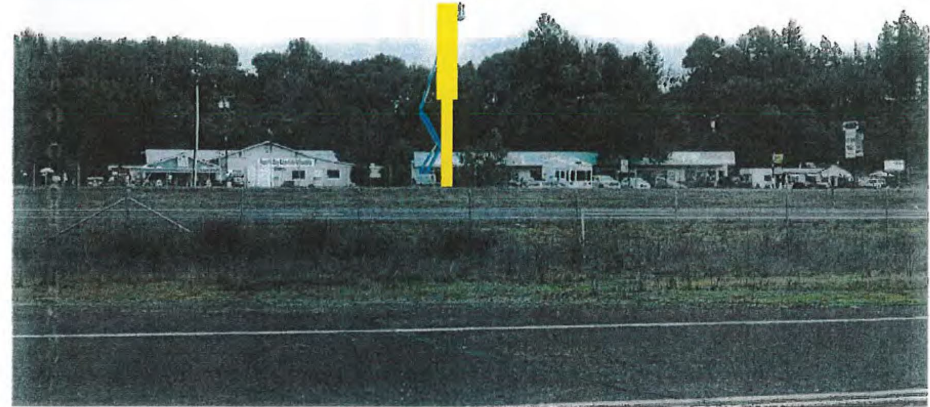
# Sign Area Variance

- 739 square feet requested
- 512 square feet recommended
  - Total sign area across entire 2 lots
  - Final signage plan condition
- Site obscured by highway grade
- Six-tenant commercial building
- Highway grade & commercial building existed prior to current owner
- Ability to construct reasonably sized signs for each tenant restricted by literal code reading
  - 64 sq. ft. max area per freestanding sign (APN 162-100-58)
  - 128 sq. ft. max total sign area on single lot (APN 162-100-59)
  - $64 \times 6 + 128 = 512$  square feet total



# Sign Height Variance

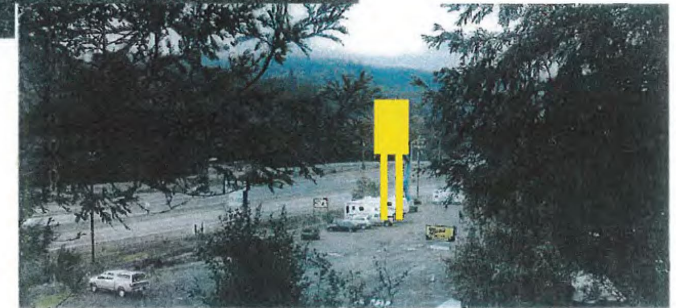
- Recommend denial
- Does not meet all required findings
- *20.200.020(C): “That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.”*
- 25-ft. maximum freestanding sign height regardless of location or zone, no substantial property right



sign from hwy (view #1)



sign from hwy (view #2)



sign from hwy (view #3)

# Timeline

- First Planning Commission Hearing
  - December 2023
  - Staff recommendation:
    - Approve gas station with conditions, including median closure
    - Approve front yard setback variance
    - Approve modified sign area variance (512 square feet instead of 749 square feet)
    - Deny sign height variance
  - Result: Continued to January 2024 with direction to prepare resolution for denial
- Second Planning Commission Hearing
  - Result: Entire project denied
- Appealed by applicant January 2024



# Timeline

- First BOS Hearing (March 2024)
  - Staff recommendation: Deny appeal, thus denying entire project
  - Addendum to TIS submitted
  - Board directed staff to *“document denial based on health, safety, peace, morals, comfort, and general welfare, referencing the Planning Commission & other correspondence”*
  - Result: Hearing continued to May
- Second BOS Hearing (May 2024)
  - Staff recommendation: Deny
  - Revised Addendum to TIS submitted
  - Board directed staff to *“clarify studies, to ensure that all studies are complete and adequate to enable the Board to make a final decision”*
  - Result: Hearing continued to date uncertain



# Post-Hearing Timeline

- March-May 2024: Further discussion between County staff, applicant, & Caltrans
- May 2024: Applicant agrees to void/withdraw Revised Addendum to TIS & agrees to previous mitigation (median closure & accel/decel lanes)
- September 2024: Caltrans provides additional comments
- January 2025: Parking, setback revisions following further discussions
- 2025-2026: Discussions with Caltrans regarding Freeway Agreement & encroachment permit process, variance research, & discussion with new attorney retained by applicant



# Possible Board Actions

- Following the hearing and consideration of staff report, the Board may (1) affirm, (2) reverse, or (3) modify the decision as it deems just, equitable and in compliance with the Zoning Code and General Plan
- Board decision is final

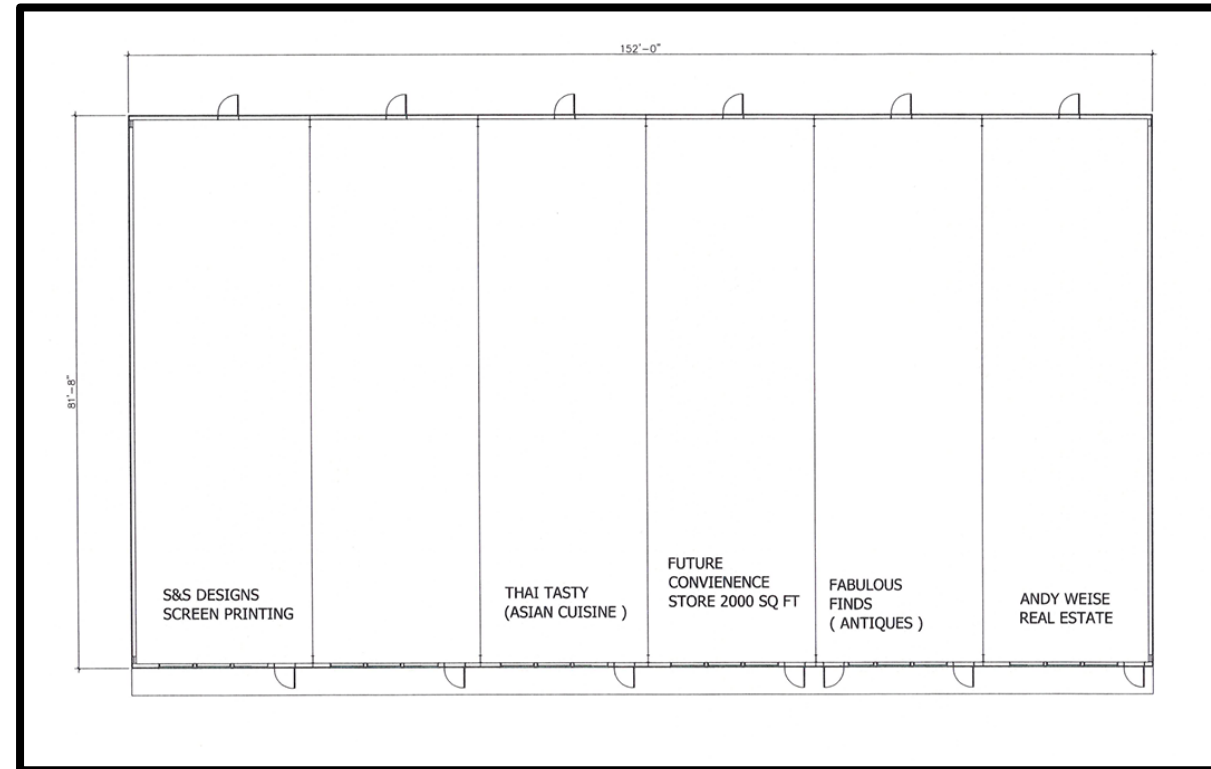


# Supplemental Memorandum

- Community Character (CC) Combining District
  - See next slide
- Resolution of Change
  - Freeway Agreement Amendment not necessary
- Additional Finding & Condition
  - Notification of CA Gov't Code §66020
  - Outlines period to challenge conditions of approval
- Expiration date corrections

# Community Character (CC) Combining District

- Regulations for Formula Businesses (MCC 20.147)
  - Eating & Drinking Establishments
  - Food & Beverage Retail Sales
  - Food & Beverage Preparation – Without Consumption
  - Retail Sales, General
- Applies to newly constructed structures on any lot
- Applies to “Substantially Reconstructed Structures” in certain community areas or commercial zones
  - Alteration, removal, or replacement of more than 50% of a structure’s existing floor area or exterior walls
- Gas stations are not listed as a regulated Formula Business
- Convenience store conversion does not meet threshold for Substantially Reconstructed Structure



# Recommendation

- **Adopt revised resolution from Supplemental Memo reversing Planning Commission decision and approving and modifying the project:**
  - **Adopt Mitigated Negative Declaration per CEQA**
  - **Approve the Use Permit for the gas station with conditions, including median closure**
  - **Approve the reduced front yard setback variance**
  - **Approve a modified sign area variance**
  - **Deny the sign height variance**
  - **Incorporate Supplemental Memo corrections**
- **Alternative: Adopt resolution denying the project**
  - Based on previous Board direction
  - Primary basis for denial remains circulation impacts due to necessary closure of median