



SUPPLEMENTAL MEMORANDUM

DATE: MAY 19, 2026

TO: HONORABLE BOARD OF SUPERVISORS

FROM: LIAM CROWLEY, PLANNER III

SUBJECT: CLARIFICATIONS REGARDING APPEAL OF USE PERMIT & VARIANCE U_2021-0016/V_2021-0005 (FAIZAN)

This Supplemental Memorandum provides clarifications regarding the Project and explains additional recommended changes to the proposed resolution.

Applicability of Community Character Combining District

Following posting of the staff memorandum and associated resolutions for the May 19, 2026 hearing of this item, a question was raised regarding applicability of the Community Character (CC) Combining District regulations to the subject property and Use Permit. The CC Combining District, which is described in Chapter 20.147 of the Mendocino County Code (MCC), is intended to establish special requirements and regulations for "Formula Businesses" to retain and enhance the special features of community areas and commercial places.

Per MCC Section 20.147.050, the CC Combining District's requirements apply only to the establishment of a new Formula Business. "Formula Business" is defined in Section 20.147.030 as:

"A business of any of the following type of commercial use types, as defined by Mendocino County Zoning Code — Division 1, Chapter 20.024, regardless of location or ownership, which along with ten (10) or more other establishments maintains two (2) or more Standardized Features:

- (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)."*

Though the Chevron brand undoubtedly operates more than ten (10) establishments with standardized features, the "Automotive & Equipment – Gasoline Sales" use type is not listed in the definition of "Formula Business". Therefore, the CC Combining District regulations do not apply to the proposed use.

As for the convenience store, section 20.147.050 states that *"the establishment of a new Formula Business in a newly constructed Structure on any lot or within a Substantially Reconstructed Structure located within a Community Area or Commercial Place"* is subject to CC regulations. Section 20.147.030(G) defines "Substantially Reconstructed Structure" as *"the alteration, removal, replacement of more than fifty (50) percent of the structure's existing floor area or exterior walls, whichever comes first."* According to the submitted plans, the proposed convenience store would involve the conversion of 2,000 square feet of the existing 12,000 square foot commercial buildings. As such, the establishment of the convenience store would not result in a Substantially Reconstructed Structure and is not subject to the CC regulations.

Changes Related to Condition 33 and Highway 101 Improvements

Additionally, after further discussion with Caltrans staff, it was determined that amendment of the existing Freeway Agreement between the County of Mendocino and Caltrans described in condition of approval #33(d) would not be necessary for this project. Instead, Caltrans informed staff that a Resolution of Change would be the proper method of documenting the change in freeway circulation brought about by closure of the median. The Resolution of Change would not require Caltrans review or approval and would not require a public hearing. However, the Resolution of Change must

be approved by the Board of Supervisors, and a copy must be sent to Caltrans. As such, staff has prepared recommended edits to condition #33(d) to reflect this change.

Additional Finding and Standard Condition of Approval Related to Highway 101 Improvements

Staff recommends making an additional finding and clarifying standard condition of approval pursuant to Government Code section 66020 and any potential challenge period for conditions of approval, including but not limited to the Highway 101 improvements.

Additional Minor Corrections

Staff also discovered minor errors in conditions of approval #1 and #3 within the resolution for approval. Specifically, the expiration dates are incorrect. For condition number 1, April 22, 2027 should be changed to May 19, 2028. For condition number 2, April 22, 2035 should be changed to May 19, 2036.

Redline of Resolution and Updated Recommended Action

A redline version of the resolution is attached with the recommended changes. If the Board of Supervisors is inclined to follow the staff recommendation to approve the project, we recommend that the Board consider the following recommended action:

Adopt a resolution, **as amended at today's hearing**, reversing the Planning Commission's denial, and approving and modifying Use Permit and Variance U_2021-0006/V_2021-0005, approving a Use Permit to establish and operate a gas station and convenience store, and approving variances for a reduced front yard setback and allowable sign area and disapproving a variance for a sixty-five foot tall business identification sign; located at 9621 and 9601 North State Street, Redwood Valley; APNs: 162-100-58 and 162-100-59; and authorize Chair to sign same.

Attachments:

1. Redline Resolution