

## ATTACHMENT B



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482  
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

JULIA KROG, DIRECTOR  
PHONE: 707-234-6650  
FAX: 707-463-5709  
FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
pbs@mendocinocounty.org  
www.mendocinocounty.org/pbs

### MEMORANDUM

DATE: DECEMBER 7, 2023  
TO: PLANNING COMMISSION  
FROM: LIAM CROWLEY, PLANNING STAFF  
SUBJECT: U\_2021-0016 & V\_2021-0005 (FAIZAN CORPORATION & 898 MAIN STREET LLC)

Upon further review, staff has determined that Conditions 30 & 31 are unnecessary due to the findings made in the Initial Study/Mitigated Negative Declaration. These conditions are derived from recommendations made by the County Department of Transportation (DOT).

The Initial Study/Mitigated Negative Declaration finds that the median closure of Highway 101 at North State Street/Uva Drive would be a mitigation measure necessary to reduce transportation impacts to less-than-significant levels. This is included as Condition 34.

Closure of the median would essentially nullify Conditions 30 & 31 because it would bring about the same restriction of turning movements. In fact, median closure would go beyond DOT's recommendations in that left-hand turns from southbound US 101 onto North State Street and left-hand turns from northbound US 101 onto Uva Drive would become impossible.

At this time, staff finds that DOT's recommendations alone are not sufficient to reduce traffic impacts to less-than-significant-levels because they would not restrict said left-hand turns (*see Initial Study/Mitigated Negative Declaration page 47*). Therefore, the inclusion of DOT's recommendations is unnecessary.

The adoption of these conditions would only confuse the reader. As such, staff recommends that any motion to approve the project should include removal of Conditions 30 and 31 as shown in the "redline" version of the resolution attached hereto. DOT has indicated willingness to accept the proposed changes based on prior discussion with Planning staff.

#### Attachments:

1. Revised "redline" Resolution

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## Resolution Number

County of Mendocino  
Ukiah, California

**DECEMBER 7, 2023**

U\_2021-0016 and V\_2021-0005 – FAIZAN CORPORATION & 898 MAIN STREET LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND (1) GRANTING A MINOR USE PERMIT FOR A GASOLINE SERVICE STATION AND CONVENIENCE STORE, (2) GRANTING A SETBACK VARIANCE FOR FUELING CANOPIES, (3) GRANTING A MAXIMUM SIGN AREA VARIANCE, AND (4) DENYING A VARIANCE FOR INCREASED SIGN HEIGHT.

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, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on November 3, 2023 in accordance with the California Environmental Quality Act (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).

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

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 Mitigated Negative Declaration and the Project.

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

### **Use Permit Findings:**

1. Pursuant to MCC Section 20.196.020(A), *the establishment, maintenance, or operation of the use or building applied for is in conformity to the General Plan.* As noted in the General Plan Consistency section of the staff report, the proposed fuel station and convenience store are

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commercial uses. The Project site is accessed from public roads. As the site has been classified by the General Plan as land appropriate for a variety of commercial uses, the fuel station and convenience store are compatible with the intent of the Commercial land use designation. The commercial use is also supported by General Plan Policy DE-48. Use of the existing commercial structure for a convenience store is supported by Policy DE-95.

The proposed fuel price sign and business identification sign are accessory uses subordinate to the fuel station and convenience store. The fuel price sign is typical of fuel stations and appropriate as an accessory use. According to the submitted plans, the business identification sign would include space for multiple business. This would reduce the need for multiple single-purpose signs for each business in compliance with General Plan Policy DE-87 and DE-88. As accessory uses, the signs are compatible with the intent of the Commercial designation.

2. Pursuant to MCC Section 20.196.020(B), *adequate utilities, access roads, drainage and other necessary facilities have been or are being provided*. Upon completion of the recommended conditions of approval, the site would be provided with adequate access in compliance with County DOT and Caltrans standards. Conditions of approval also require the applicant to comply with any applicable Environmental Health and Building Division standards for modifications to the existing structure, construction of fueling stations, installation of underground storage tanks, and sign construction. The project is subject to applicable local, state, and federal regulations regarding drainage. Conditions of approval are recommended which would require the applicant to construct a culvert or swale for post-construction drainage to DOT standards.
3. Pursuant to MCC Section 20.196.020(C), *such use will not, under the circumstances of this particular case, 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, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county*. The project is not expected to result in a nuisance or otherwise be detrimental within the meaning of this finding. The proposed commercial activities would occur within an existing commercial area. Compliance with recommended conditions of approval and applicable regulatory standards would ensure that potential detriments have been avoided or reduced.
4. Pursuant to MCC Section 20.196.020(D), *such use preserves the integrity of the zoning district*. As noted in the Zoning Consistency section of the staff report, the proposed uses are either permitted by right in the C-1 district, or upon issuance of a Minor Use Permit. The lots abut property within the C-2 district, an area identified for commercial growth. Mitigations measures have been included to reduce the significance of traffic impacts. The opportunity for live/work space is limited under existing conditions. The proposed project would not undermine the integrity of the zoning district.

## **Minimum Front Yard Variance Findings:**

1. Pursuant to MCC Section 20.200.020(A), *there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding*. As discussed in the Staff Report for V\_2015-0001, a 55-foot-wide easement and overlapping 40-foot-wide easement are located on the property. The easements run laterally through the parking area in front of the existing commercial buildings (see *Plans Attachment*). Combined with the required 20-foot front yard, the easements create a constrained area in which the fueling stations and canopy may be located. If the fueling stations were required to meet the 20-foot setback, the structure would encroach upon the easements. The only other place in which the fueling stations could be located would be the parking area behind the commercial structure, but adequate access is not available to accommodate this. The easements span the width of the property, thereby creating a special circumstance.
2. Pursuant to MCC Section 20.200.020(B), *such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the*

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*Division.* The easements and commercial structures were in place prior to current ownership of the property. As such, their limiting influence on the proposed development was not due to any action of the applicant. As “Automotive and Equipment-Gasoline Sales” are a permitted use in the C-1 district upon issuance of a Minor Use Permit, it is reasonable for an applicant to seek establishment of this use and associated structures, including fueling stations and a canopy. The buildable space between the front yard setback line and the edge of the easements (approximately 6 feet) would not allow reasonable development of this use.

3. Pursuant to MCC Section 20.200.020(C), *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.* The adjacent lots are within a different zoning district (C-2), which has a Minimum Front Yard of 10 feet. However, the lot west of the site is subject to the same 55-foot access easement. As discussed in the staff report for V\_2015-0001, the circumstances applicable to the subject property are not typical of C-1 lots in Mendocino County when considering the establishment of a fueling station and canopy.
4. Pursuant to MCC Section 20.200.020(D), *the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.* Granting of the variance would allow the fueling stations and canopy to be positioned within two (2) feet of the property boundary. The proposed project would include a commercial driveway approach adjacent to the structures. Provided the recommendations from DOT are adopted as conditions of approval, the placement of these structures would not be expected to create a hazard or other materially detrimental impact within the meaning of this finding.
5. Pursuant to MCC Section 20.200.020(E), *the granting of such variance will not adversely affect the General Plan.* As noted above, the Project is consistent with the intent of the General Plan Commercial designation. This variance is not expected to conflict with applicable General Plan goals and policies as conditions of approval are recommended to account for anticipated impacts.

### Maximum Sign Area Variance Findings:

6. Pursuant to MCC Section 20.200.020(A), *there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding.* As discussed in the staff report, the topography northwest of the project site, the highway gradient, the high speed of travel along the highway, and the setback between the property boundary and the US 101 corridor creates a special circumstance when considering an increased maximum sign area.
7. Pursuant to MCC Section 20.200.020(B), *such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the Division.* The topography northwest of the project site, the highway gradient, the highway itself, and the configuration of the subject lots were present prior to the current owner purchasing the property. As such, these circumstances were not caused by any action of the applicant.
8. Pursuant to MCC Section 20.200.020(C), *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.* The adjacent APNs 162-100-55 and 162-100-68 contain one (1) commercial business each. APN 162-100-58 contains an existing commercial structure with six (6) lease spaces. If the maximum total sign area were to be interpreted literally per Section 20.184.020(D), the multiple commercial businesses on this lot may be denied the opportunity to construct a sign that could otherwise be constructed if the businesses were on separate lots. In addition, the fuel price sign at the nearby Coyote Valley Casino gas station appears to exceed County requirements for sign area (though this lot is not within the jurisdiction of the County). The proposed sign would consolidate advertising for multiple businesses within one sign. Therefore, it would be appropriate to allow an increased maximum sign area to preserve the right to construct a

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sign which can adequately be seen by US 101 passersby, and which allows multiple businesses on a single lot to have their own advertising space.

9. Pursuant to MCC Section 20.200.020(D), *the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.* Granting of a variance for an increased maximum sign area would allow consolidation of multiple business advertisements on a single sign. Such a sign may attract additional traffic to the commercial area. As the sign would be located in an existing commercial area and would not be granted an increase in height, it is not expected to create aesthetic impacts or other detriments to residential areas.
10. Pursuant to MCC Section 20.200.020(E), *the granting of such variance will not adversely affect the General Plan.* Granting of a variance for an increase maximum sign area is supported by General Plan Policy DE-48 which encourages business expansion and is consistent with Policy DE-87 which states that *“signage should enhance the visual appearance of developments, unify streetscapes, and reduce visual clutter often associated with multiple, single-purpose signs.”*

### **Denial of Sign Height Variance Finding:**

11. Pursuant to MCC Section 20.200.020 before any variance may be granted or modified it shall be shown that the findings contained in MCC Section 20.200.020, subdivision (A) through (E) must be met. As noted in the staff report, the requested Variance to allow a 65-foot-tall freestanding sign does not meet finding (C), because the sign area and height regulations apply to all zoning districts within the jurisdiction of Mendocino County. In addition, the ability to attract traffic from southbound US 101 as a substantial property right, and as such a 65-foot-tall sign is not necessary. The existing signs on the property can be seen clearly from northbound US 101.

The applicant's letter mentions signs for the Super 8 Motel, Starbucks, Jensen's Truck Stop, and the Coyote Valley Casino (see Street View 4-8 Attachment). As the other signs are located in the Ukiah area, only the Coyote Valley Casino is within the same vicinity as the project site. The Ukiah area has a greater degree of urbanization along the US 101. Two of the signs mentioned in the applicant's letter are within the Ukiah city limits (Super 8 & Starbucks). The factors which may determine what height of a sign may constitute a "substantial property right" are fundamentally different in the Ukiah area. A greater amount of commercial land is available along the US 101 corridor in Ukiah. Therefore, a greater number of businesses must compete. The geometry of the US 101 corridor may also be a determining factor, including the overpasses present in the Ukiah area. In addition, the Coyote Valley Casino gas station sign does not appear to exceed the twenty-five (25) foot height limit, though that property is not within the jurisdiction of Mendocino County. Therefore, finding (C) cannot be made for an increase in height because a substantial property right has not been denied to the property in question. Because finding (C) cannot be made, the request is inconsistent with Section 20.200.020, and the Variance must be denied.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration and certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Minor Use Permit; grants a Variance to allow a minimum front yard setback of two (2) feet where twenty (20) feet is required; and grants a Variance to allow a maximum sign area of five hundred twelve (512) square feet where one hundred twenty-eight (128) is required, where said Minor Use Permit and Variances are subject to the Conditions of Approval in Exhibit "A" attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission hereby denies the requested Variance to allow a sixty-five (65) foot tall freestanding sign where twenty-five (25) feet is required.

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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 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

*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

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## EXHIBIT A

### CONDITIONS OF APPROVAL

**U\_2021-0016/V\_2021-0005 – FAIZAN CORPORATION & 898 MAIN STREET LLC**

**DECEMBER 7, 2023**

Minor Use Permit to establish and operate a gas station with ten (10) gas pumps, two (2) separate illuminated canopies, twenty-eight (28) new parking spaces, landscaping, and convert part of an existing structure to a convenience store. A concurrent Variance is requested for a sixty-five (65) foot tall business identification sign.

**APPROVED PROJECT DESCRIPTION:** 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 §20.024.025(D)), comprising ten (10) gas pumps, two (2) separate illuminated canopies, a freestanding fuel price pole sign, twenty-eight (28) new parking spaces, landscaping, conversion of part of an existing structure to a convenience store, underground fuel storage tanks, and a freestanding business identification sign. The project also includes a setback variance to allow a minimum front yard setback of two (2) feet where twenty (20) is required and a maximum sign area variance to allow a maximum sign area of five hundred twelve (512) square feet where one hundred twenty-eight (128) is required. Freestanding signs would be allowed to exceed sixty-four square feet, but the total sign area shall not exceed five hundred twelve (512) square feet. The request 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, is denied.

### **CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “\*\*\*):**

#### **Standard Conditions of Approval**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code. This permit shall become effective after the ten (10) day appeal period has expired and no appeal has been filed. Failure of the permittee to make use of this permit within **two years (December 7, 2025)** or failure to comply with the payment of any fees within specified time periods shall result in the automatic expiration of this permit.
2. In the event that use of the facility should cease operation for a period exceeding one year or more, the use shall be deemed invalid, and a new use permit will be required for the operation as approved by U\_2021-0016.
3. The granting of this permit shall be valid for a period of ten (10) years. **This permit shall expire on December 7, 2033.** The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to the expiration date.
4. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified pursuant to Section 20.196.045 or 20.200.045.
5. The application, along with supplemental exhibits and related material, shall be considered elements of this entitlement and compliance therewith is mandatory, unless a modification has been approved by the Planning Commission.

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6. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction.
7. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare, or safety, or to be a nuisance.
  - d. A final judgement of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
8. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
9. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.
10. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,814.00 or current fee shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within five (5) days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has sole responsibility to ensure timely compliance with this condition.**
11. Prior to final of Building Permits and the commencement of operations, the owner/applicant shall submit a copy of their Mendocino County Business License to Planning & Building Services. This license shall be kept active. In the event that the license is inactive for a period of one (1) year or longer, the use shall be deemed invalid, and a new Use Permit will be required for the operation.

### Aesthetics:

12. \*\* Prior to issuance of Building Permits, the owner/applicant shall submit a final signage plan subject to review and approval by the Director of Planning & Building Services or their designee. The plan shall demonstrate conformity with County sign regulations in accordance with Chapter 20.184. Pursuant to Section 20.184.045, this permit authorizes a variance to increase the maximum sign area on the lot. Freestanding signs may exceed sixty-four square feet, but the total sign area shall not exceed five hundred twelve (512) square feet. The final signage plan shall include a

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complete, itemized inventory of existing and proposed signage on the property to include scaled and dimensioned architectural drawings of each sign face.

13. \*\* All future external lighting, whether installed for security, safety, or landscape design purposes, shall be shielded, downcast, or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.
14. \*\* No signs shall be allowed within any public right-of-way or public roadway.
15. Prior to the issuance of Building Permits, a landscaping and irrigation plan that meets the requirements specified within the State of California's Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7) shall be submitted to and approved by the Director of Planning & Building Services or their designee if aggregate landscape area is equal to or greater than 500 square feet.

## **Air Quality:**

16. \*\* The project is subject to all rules of Regulation 3 (Airborne Toxic Control Measures) of the Mendocino County Air Quality Management District (AQMD). Prior to issuance of Building Permits, the owner/applicant shall comply with applicable regulations and acquire any applicable permits from AQMD, including the installation of vapor control equipment for the gasoline dispensing facility.
17. \*\* Access roads, driveways, parking areas, and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation subject to AQMD Rule 430 (Fugitive Dust Emission). All grading must comply with AQMD Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with AQMD regulations regarding asbestos content.
18. \*\* Any demolition or renovation of structures may require asbestos clearance and notification to the AQMD. Prior to the issuance of any demolition building permits associated with the project, the owner/applicant shall submit a copy of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) clearance from the AQMD to Planning & Building Services.
19. \*\* Prior to the issuance of Building Permits, the owner/applicant shall contact the AQMD for a determination as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR Section 93105 and 93106 relating to naturally occurring asbestos. Written verification from AQMD shall be submitted to Planning & Building Services stating that the project is in compliance with State and Local regulations relating to naturally occurring asbestos.

## **Cultural Resources:**

20. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant/owner shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery and make notification of the discovery to the Director of Planning & Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

## **Geology & Soils:**

21. \*\* The owner/applicant shall acknowledge in writing to Planning & Building Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant shall submit to Planning & Building Services an acknowledgement of these grading and site preparation standards:

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- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
- b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
- c. All concentrated water flows shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
- d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
- e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
- f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
- g. Pursuant to the California Building Code and Mendocino County Building Regulations, a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
  - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
  - ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage.

### **Hazards & Hazardous Materials:**

22. Prior to issuance of Building Permits, a Hazardous Materials Management Plan (HMMP) approved by the Environmental Health Division shall be submitted to Planning & Building Services. An HMMP is required if any hazardous material/waste onsite exceeds 55 gallons (liquid), 500 pounds (solids), or 200 cubic feet (gases) in quantity. This plan shall be maintained and complied with for the duration of the project.
23. The owner/applicant shall comply with those recommendations in CAL FIRE Letter 336-21 dated August 31, 2021 or other alternatives acceptable to CAL FIRE. Prior to final of Building Permits, written verification from CAL FIRE shall be submitted by the owner/applicant to Planning & Building Services confirming that conditions have been met to the satisfaction of CAL FIRE.

### **Transportation/Circulation:**

24. Prior to issuance of Building Permits, the owner/applicant shall construct a commercial driveway approach onto North State Street (CR 104), in accordance with Mendocino County Road and Development Standards No. A51B with concrete edges per County Standards A41A and A41B.
25. \*\* All commercial driveway approaches shall be constructed in accordance with Mendocino County Road and Development Standards. Per Standard A51B, the maximum width for a commercial driveway approach is 30 feet.

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26. Prior to issuance of Building Permits, the owner/applicant shall provide a circulation plan including truck turn movements of fuel delivery trucks. Written verification shall be submitted from the Department of Transportation (DOT) to Planning & Building Services that this condition has been met to the satisfaction of DOT.
27. Prior to issuance of Building Permits, the owner/applicant shall provide documentation of access easements from APN 162-100-59 and APN 162-100-55 for access to the service station, or otherwise show a way to keep all traffic on the subject parcel. Written verification shall be submitted from the Department of Transportation (DOT) to Planning & Building Services that this condition has been met to the satisfaction of DOT.
28. \*\* Prior to issuance of Building Permits, the owner/applicant shall provide DOT with a site plan designed by a licensed civil engineer or hydrologist that provides for a properly designed culvert or swale for the driveway approach and post-construction drainage. Written verification shall be submitted from DOT to Planning & Building Services that this condition has been met to the satisfaction of DOT.
29. \*\* Prior to issuance of Building Permits, the owner/applicant shall provide a signing and striping plan prepared by a licensed traffic engineer for DOT's review showing the removal of left-turn and through movements from North State Street and Uva Drive onto Highway 101. The plan shall show all proposed signs and markings within Mendocino County Right of Way and Caltrans State Right of Way. The applicant shall provide the necessary signs and striping and pay for their installation by a qualified general contractor per Caltrans specifications. The applicant shall apply for encroachment permits from DOT and Caltrans for all work relating to the installation of any signs and pavement markings in State or County right of way. This encroachment permit will be separate from the encroachment permits relating to the new proposed site entrances. Written verification shall be submitted from DOT to Planning & Building Services that this condition has been met to the satisfaction of DOT.
- ~~30. Prior to issuance of Building Permits, the owner/applicant must obtain an ordinance amendment approved by the Board of Supervisors limiting left turn and through movement at the North State Street, Uva Drive, and US 101 intersection, in accordance with Caltrans recommendations. DOT's approval of any encroachment permits related to the proposed retail service station shall be contingent upon approval of the aforementioned ordinance amendment. Public noticing procedures apply. If the US 101 median has been closed to the satisfaction of Caltrans in accordance with Condition 33, this condition shall be deemed complete.~~
- ~~31. The owner/applicant shall send notification letters to each address that accesses North State Street between Laughlin Way and Highway 101 and Uva Drive between Glorbrook Meadows Lane and Highway 101, informing them of the initial board hearing for the ordinance amendment. If the US 101 median has been closed to the satisfaction of Caltrans in accordance with Condition 33, this condition shall be deemed complete.~~
- 32-30. The owner/applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within the County right of way.
- 33-31. \*\* Prior to issuance of Building Permits, the median of US 101 at the North State Street / Uva Drive intersection shall be closed in accordance with Caltrans recommendations. The median closure shall be designed, approved, constructed, and funded as an oversight project under a Caltrans encroachment permit (QMAP) process.
- 34-32. \*\* Prior to issuance of Building Permits, acceleration and deceleration lanes shall be installed on US 101 North at North State Street in accordance with Caltrans design standards. The

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owner/applicant shall obtain any necessary encroachment permit from Caltrans for work within the State right of way.

## **Utilities & Service Systems:**

~~35-33.~~ 33. Project activities shall comply with the submitted Construction Waste Management Plan, including all applicable Best Management Practices (BMPs) identified in the plan.

~~36-34.~~ 34. Prior to final of Building Permits, the owner/applicant shall contract with a commercial solid waste disposal service to provide disposal services in accordance with Mendocino County Code Title 9A.