



**PLANNING COMMISSION STAFF REPORT
MINOR USE PERMIT AND VARIANCE**

**SEPTEMBER 15, 2016
U_2015-0009/V_2015-0001**

SUMMARY

OWNER/APPLICANT: FAIZAN CORPORATION
390 E GOBBI ST.
UKIAH, CA 95482

AGENT: L.S. MITCHELL ARCHITECT, INC.
135 W. GOBBI ST, SUITE 203
UKIAH, CA 95482

REQUEST: The request comprises (A) a Use Permit to establish and operate a retail service station ("Automotive and Equipment-Gasoline Sales" per MCC §20.024.025(D)) with 6 fueling pumps under a 4,000± sf fueling canopy, and including a 30k gallon underground fuel storage tank; (B) a setback Variance for a fueling canopy, allowing a 2 ft. front yard setback where 20 ft. is required, and (C) a parking Waiver reducing the required 37 off-street parking spaces to 30 spaces.

LOCATION: 2± miles northwest of Redwood Valley town center, lying on the northeast side of North State Street, (CR 104), 0.1± mile southeast of its intersection with U.S. Highway 101, located at 9621 North State Street, Redwood Valley; APN 162-100-58.

TOTAL ACREAGE: 1.06± acres.

GENERAL PLAN: C - Commercial

ZONING: C1- Limited Commercial: 12K

SUPERVISORIAL DISTRICT: 1

APPLICATION DEEMED COMPLETE: JULY 21, 2015

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve the Use Permit, Variance, and Waiver, subject to modifications, the attached findings, and conditions of approval.

STAFF PLANNER: ADELE PHILLIPS

BACKGROUND

PROJECT DESCRIPTION: The request comprises (A) a Use Permit to establish and operate a retail service station comprising: 3,000 sf office and convenience store, 6 fueling pumps under a 4,000± sq. ft. canopy, and a 30k gallon underground fuel storage tank (UST); (B) a setback Variance for a fueling canopy, allowing a 2 ft. front yard setback where 20 ft. is required, and (C) a parking Waiver reducing the required 37 off-street parking spaces to 30 spaces.

RELATED APPLICATIONS ON SITE:

- U 157-75. Use Permit for the construction and use of a steel warehouse building. Approved by the Planning Commission on December 18, 1975. Term: 10 years. Property zoned A-1 Unclassified at this time.

- U 162-75. Use Permit for the construction and use of 2 signs. 10 parking spaces required. Approved by the Planning Commission on December 18, 1975. Term: 10 years. Property zoned A-1 Unclassified at this time.
- U 6-77. Use Permit for the construction and use of a new metal building for multi-tenant commercial use. 15 parking spaces depicted on tentative map, 23 spaces requested by PBS Staff. Approved by the Zoning Administrator on February 24, 1977. Term: 10 years. Property zoned A-1 Unclassified at this time.
- 1981. Property changed from A-1 to C-1 zoning district with the adoption of the Zoning Ordinance.
- Boundary Line Adjustment B 65-83, B 90-93, and B 9-97 involved minor adjustments to the property boundary resulting in today's 1.05± ac lot.
- Various associated Business License Applications and Building Permits.

SITE CHARACTERISTICS: The subject property is one lot in a relatively long-standing commercial area due west of Redwood Valley's downtown core. This commercially zoned area extends for the last 0.5 mile of North State Street, right before its termination at the intersection with U.S. Highway 101 (US 101). The property and those adjoining it used to carry frontage on Old Highway 101, as it ran along their northern boundary.

According to County records, various commercial uses in this area existed at least as early as 1975. The subject property was rezoned from A-1 Unclassified to C-1 Limited Commercial in 1981 with the adoption of the new zoning ordinance.

The project takes advantage of an existing, single-story, multi-tenant, concrete block and corrugated metal-clad structure. The structure has housed a variety of tenants through the years, including restaurants, a wine tasting facility, a candle-making business, thrift shops, and antique stores.

The proposed project would establish a retail service station on a C-1 lot with an existing 6-tenant, 12,000 sq ft building. New construction comprises a 4,000± sq. ft. canopy with 6 fueling pumps, a 30k gal. UST, as well as a new commercial encroachment onto North State Street. The retail service station's office and retail area will utilize a 3,000 sq ft tenant space previously occupied by a restaurant.

In addition to a Use Permit, a Variance is being sought to reduce the required front yard setback from 20 ft. to 2 ft. in order to accommodate the construction of the fueling pump canopy. Lastly, a Waiver is requested to allow 30 parking spaces where Mendocino County Code regulations require the provision of 37.

SURROUNDING LAND USE AND ZONING:

	General Plan	Zoning	Lot Sizes	Uses
North	Commercial	C1 12K	4.37± acres	Residential
East	Commercial	C1 12K	1.47± acres	Commercial
South				CR 101 and U.S. US 101
West	Commercial	C1 12K	1.63± acres	Commercial

PUBLIC SERVICES:

Access: North State Street (CR 104)
 Fire District: Redwood Valley-Calpella Fire District
 Water District: Redwood Valley Water District
 Sewer District: None
 School District: Ukiah Unified School District

AGENCY COMMENTS: On July 21, 2015, and May 11, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comments that would trigger a project modification or denial are discussed in full as key issues in the following section.

Referral Agencies	Related Permit	Comment	Date
Department of Transportation	Encroachment Permit, Ord. Amendment	Comments	
<ul style="list-style-type: none"> Provide a site plan designed by a license civil engineer that provides for properly designed culvert pipes and manages post construction drainage. Construct private road/commercial driveway approaches with concrete edges per County Standards A41A and A41B. Applicant may, at his expense, place a generic retail service station sign in the County right of way. 			10/14/2015
<ul style="list-style-type: none"> Approval of any Building Permits for subject proposal is contingent upon the adoption of a required ordinance by the Board of Supervisors to limit turning movements at the North State Street and Highway 101 intersection to right in/right out only. The ordinance amendment process will be initiated by DOT upon approval of the Use Permit. The applicant shall provide the necessary signs and striping, as determined by DOT, and pay for their installation by a 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 permit(s) relating to proposed site entrance(s). 			2/11/2016
Environmental Health - Ukiah	EH Permit	Comments	
<ul style="list-style-type: none"> "Underground storage tank construction is dependent upon plan and application submittal to Environmental Health (EH)." 			8/4/2015
Building Services - Ukiah	Building Permit	Comments	
<ul style="list-style-type: none"> "Permits for all new work will be required. Previous permit U 138-84, for a kitchen remodel in the restaurant, never received final inspection. Permit BU_2014-0040 for replacing electrical service has expired." 			7/25/2015
Emergency Services		No Response	
Assessor		No Response	
Agriculture Commissioner – Weights and Measures		No Response	
Air Quality Management District	AQMD Permit	Comments	
<ul style="list-style-type: none"> "Compliance with District regulation 1-430 during construction. Permit application required prior to installation of gasoline tanks/hardware." 			8/3/2015
Sonoma State University-NWIC		Comments	
<ul style="list-style-type: none"> "The proposed project area contains or is adjacent to the archaeological site P-23-001052. It is recommended that a qualified professional assess the status of the resource and provide project specific recommendations." 			8/13/2015
Archaeological Commission		Comments	
<ul style="list-style-type: none"> "Qualified professional archaeologist to be on site during any excavating or earth moving activities associated with the project." 			9/9/2015
Caltrans	Encroachment Permit	Comments	
<ul style="list-style-type: none"> Traffic analysis requested. "...recommend that the County require as a condition of approval...the North State Street leg of the intersection be modified to allow right in/right out access only. Southbound vehicles could still access North State Street and can re-enter the highway using the West Road interchange. Northbound vehicles would be unaffected." 			8/12/2015 1/7/2016

<ul style="list-style-type: none"> • "...we maintain the recommendations in the letter sent to the County on January 7, 2016... • We recommend signing be installed on North State Street directing southbound traffic to the West Road interchange... • If Mendocino County supports Caltrans' recommendations, we request the County direct the applicant to acquire an encroachment permit for all work that will be done within the State right of way... • Caltrans does not have a right-turn warrant. However, this location of US 101 has a larger-than-standard taper for North State Street access and a greater-than-standard sight distance for northbound traffic. Caltrans supports, but does not require, a right-turn pocket for northbound traffic." 			2/4/2016
CalFire (File # 111-15)	State Fire Safe Regulations	Comments	
<ul style="list-style-type: none"> • Standard conditions with additional comment: "A minimum emergency water supply of 16000 gallons is required. The emergency Water Supply Standard can also be met if the structure is within ½ mile driving distance of a working hydrant or within 5 driving miles of a year round fire station" 			5/21/2015
Dept. of Fish & Wildlife		No Response	
Regional Water Quality Control		No Response	
Redwood Valley Calpella Fire District		No Comment 7/31/2015	
County Highway Patrol		No Response	
Redwood Valley County Water District		Comments 7/30/2015	
<ul style="list-style-type: none"> • "Location has existing water services. No impact to water district." 			

KEY ISSUES

1. GENERAL PLAN and ZONING CONSISTENCY: The project is consistent with its General Plan designation of Commercial (C). The Land Use Section Policy DE-10 of the General Plan states the intent of the Commercial land use designation is as follows:

The Commercial classification is intended to be applied to lands appropriate for a variety of commercial uses. Lands classified Commercial should be within or contiguous to developed areas, such as near the boundaries of cities and in Community Planning Areas, and should be served by the publicly-maintained circulation network and should be situated in locations where future growth is anticipated. Residential uses in the commercial classification shall require County findings that the site need not be reserved for future commercial uses, and that the residential use is compatible with existing or anticipated commercial uses.

As previously discussed in the staff report and noted in the Initial Study, the project will be located within an existing commercial structure, on a relatively level site. No trees will be removed to accommodate the project; however, some grading and modification of an existing drainage swale will be required to develop additional access to the property. The project may be considered infill, and is in conformance with the following General Plan goals and policies:

Goal DE-2 (Land Use) Compact and cohesive commercial centers to foster commercial growth, create communities which are pleasant to live in, which encourage walking, and which allow the provision of cost-effective services and facilities.

Policy DE-73: Encourage infill development in the core area through increased densities, reduced setbacks, increased building heights, and joint-use parking.

Policy DE-76: Encourage improvement to existing structures.

The project is subject to the policies of the Mendocino County General Plan, and Title 20 Division I of the Mendocino County Code (MCC). "Automotive and Equipment – Gasoline Sales" is a use subject to a Minor Use Permit per MCC §20.088.015 of C-1 Limited Commercial District.

2. USE PERMIT

2.1 Traffic Safety

The subject property has frontage along North State Street, under the jurisdiction of County of Mendocino Department of Transportation (DOT). Access to the proposed retail service station will be provided by both (a) an existing encroachment onto North State Street, located approximately 200 feet to the west of the subject property, and (b) a new driveway directly connecting the subject property and North State Street.

North State Street terminates at its intersection with State Highway 101 (US 101) approximately 600 feet from the subject property. It is anticipated that much of the business of the proposed retail service station will be traffic drawn off of US 101, under the jurisdiction of California Department of Transportation (Caltrans).

A traffic impact study analyzing the traffic impacts to the intersection of North State Street with US101 was conducted by Transpedia Consulting Engineers, consultants to the owner/applicant, submitted to PBS on April 12, 2016, and reviewed by Caltrans for completeness, accuracy, and anticipated impact.

According to Caltrans, there is a higher than statewide average collision rate associated with making the southbound left turn movement onto US 101 from the north end of North State Street. Based on this finding, and the fact that the subject project will increase the number of vehicles making this movement, Caltrans is recommending that the County require, as a condition of approval for the project, that the North State Street leg of the intersection be modified to allow right in/right out access only.

Collision data processed through the Caltrans Traffic Accidents Surveillance and Analysis System (TSAS) that covers the period of January 1, 2004, through December 31, 2013, shows that 11 collisions have occurred at the intersection of US 101 and North State Street. In this ten year period, there was 1 fatality and 11 people injured. A second fatal collision occurred on June 15, 2015, but is too current to be captured in the TSAS database.

North State Street has an Annual Average Daily Traffic (AADT) count of 1,500 at this location while US 101 has an AADT of 14,400. Eight of the 12 total collisions (which includes the 2015 fatal collision) involved vehicles using the North State Street leg of the intersection. Four of the 12 collisions involved westbound traffic failing to successfully cross US 101. However, excluding extraneous factors, this movement is associated with the predominant collision pattern at the intersection. Caltrans' analysis of the traffic data indicates that this turning movement will be increased to 17 vehicles per peak hour.

In order to address these increase movements, Caltrans has recommended that the westbound left and through movement from North State Street onto US 101 be eliminated. Vehicles traveling southbound on US 101 would still be able to access North State Street and can re-enter the highway using the West Road Interchange located approximately 1 mile to the southeast of the subject property. Northbound vehicles would be unaffected.

Mitigation measures will be required in order to minimize potential transportation and traffic impacts to a less than significant level under the California Environmental Quality Act (CEQA). Mitigation Measure Number 32 requires that prior to issuance of a building permit, an ordinance amendment limiting left-turn and through movement at the North State Street and US 101 intersection shall be approved by the Board of Supervisors. Mitigation Measure Number 33 requires that subsequent to the approval of the aforementioned ordinance amendment, prior to the issuance of the building permit, and pursuant to encroachment permit procedures administered by Caltrans, the owner/applicant obtain an encroachment permit for all work within the State Right of Way, such as signs and pavement markings, at the intersection of North State Street and US 101. To restate: **no aspect of either U 2015-0009 or V 2015-0001 may be developed without prior adoption of an ordinance amendment** limiting the left-turn and through movements at the intersection of North State Street and US 101.

2.2 Use Permit Findings

2.2.1 *That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

DOT has reviewed the project and recommends approval. Building Division of Mendocino County Department of Planning and Building Services (PBS), Ukiah Valley Fire Authority, and CalFire have reviewed the project and

provided conditions, which have been incorporated into the following Conditions of Approval. Mendocino County Department of Environmental Health, and the State's Department of Fish and Wildlife offered no comment.

2.2.2 *That the proposed use will not 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 such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.*

The proposed project is located within a relatively sparsely populated valley, and within a pre-existing commercial area. Staff is unaware of any public complaints received for any activities on the subject property. Based on the above, and by limiting the hours of operation, and shielding exterior lighting, staff finds that the proposed project will not create a public nuisance.

2.2.3 *That such use preserves the integrity of the zoning district.*

The proposed use is in conformance with the zoning district and will not undermine its integrity.

3. VARIANCE

In order to accommodate fueling pumps and associated canopy as described in the applicant's site plan, the applicant is seeking a variance to front yard setback requirement as found in MCC §20.088. The applicant's statements in response to the required findings may be found in Exhibit B. Staff conducted a site view of the project location, and after reviewing the findings and the applicant's statement, determined that the required findings of MCC §20.200.020 can be substantiated.

(A) *That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;*

With regard to physical characteristics, the subject lot is relatively flat, with a gentle slope from the front of the property to the back. There exists a large, steeply sloped drainage swale along the front of the property and within the County Right of Way.

Staff notes that there are special circumstances applicable to the property in that the property carries a 55'-0" wide easement¹ and an overlapping 40'-0" easement², both of which run laterally through the existing parking area in front of the existing building (see Attachment D). Additionally, because the property is zoned C1, it bears a front yard setback of 20'-0". This creates a very constrained buildable area on which to locate the requested fueling canopy and parking between the easement and the front yard. The buildable area ranges in depth from only 15'-0" to 20'-0", and spans the width of the property. **Finding (A) can be made.**

(B) *That 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 easement was in place before current ownership of the property, and the owner has stated that they have sought out the alternative option of purchasing the easement from the current owner, with no success.

The property's proposed use as a retail service station (pending use permit application U_2015-0009), with a new fueling canopy, could be considered a circumstance due to the action of the applicant subsequent to the application of the zoning regulations. However, as "automotive and equipment—gasoline sales" is a use identified in the C1 zoning district as a use subject to a minor use permit, it is not without reason that someone would seek to establish a retail service station—with associated structures, such as an canopy—in the C1 district. **Finding (B) can be made.**

¹ A non-exclusive easement for roadway and utility purposes granted to Bielenberg on March 18, 1986, in book 1549, Official Records, Page 627, Mendocino County Records.

² A non-exclusive easement for roadway and utility purposes granted to Rowles on November 18, 1976, in Book 1064, Official Records, Page 471, Mendocino County Records.

(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.

The properties flanking the subject property also bear the 55'-0" access easement, in addition to a front yard setback of 20'-0"; however, the average C1 zoned property in the County is able to accommodate a 20'-0" front yard setback and still provide for the enjoyment of various use entitlements.

In a recent case similar to that of the subject request, the County of Mendocino approved a variance to the front yard setback of a C1 zoned property in the Redwood Valley area, in order to allow for the expansion of a retail service station canopy. In that case, the buildable area in front of the retail service building was very limited, and the fueling canopy pre-existing. The approved variance permitted the reduction of the required 20'-0" front yard setback to 2'-6". This approved variance is commensurate with the request of the subject variance, which seeks a reduction of the required front yard setback from 20'-0" to 2'-0". **Finding (C) can be made.**

(D) That 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;

The applicant states that the cause for the limited commercial vitality of the subject property and its neighbors is that, "...part of the problem is communication with the traveling public and getting them to slow and turn off the highway. The hope is to attract and establish other businesses that could benefit and market to the same public community and travelers as well." Staff concurs that a highly visible business may serve as an anchor business to the small commercial district and be a boon to neighboring enterprises, and thereby help to improve the vicinity and zone in which the property is located.

Mendocino County Department of Transportation has reviewed the variance request and stated that it will support the position of the Department of Planning and Building Services. **Finding (D) can be made.**

(E) That the granting of such variance will not adversely affect the General Plan.

The granting of such variance will not adversely affect the General Plan in that the use is permissible via the granting of a use permit in the C1 zoning district and the C-Commercial land use designation. **Finding (E) can be made.**

6. PARKING WAIVER

The applicant has requested a waiving of certain provisions of the MCC §20.180 Off-Street Parking regarding the total number of required parking spaces.

The property shares a generous parking area with adjacent C1 properties. According to a building permit application submitted in 1984, there were at that time, "Parking lot front 167 spaces. Back parking lot 54 spaces," as reported by the building permit applicant. Whether this was true or not is unknown, as a parking plan was not required in order to obtain the building permit. Other building permits were approved in 1982 for the subject property in reliance on the stated parking. Regardless, the existing structure pre-dates the MCC §20.180 off-street parking code, which was initially adopted in 1987.

According to today's code, the below listed number of parking spaces would be required based on the use type and square footage information provided by the applicant:

Use	Area (sf)	Rate	Quantity
Tenant A: Notary / Fax Services	2000	1/300 sf	6.6
Tenant B: Antiques	2000	1/300 sf	6.6
Tenant C: Small beauty parlor	2000	1/chair +1/staff	4
Tenant D: Fuel station store (proposed)	3000	1/300 sf	10
Tenant E: Thrift / Gift shop	3000	1/300 sf	10
TOTAL:			37 spaces

The retail service station as proposed is able to accommodate 30 parking spaces, including at least 1 ADA accessible space. Earlier uses at the subject property were more intensive in terms of occupancy load than those existing and proposed today, and per the current off-street parking regulations would have required substantially more parking than what appears to be reported present in the early 1980s. Additionally, however, because there exist no records depicting earlier parking configurations on the site, and because the current lot does not have marked spaces, it is unclear exactly how many existing parking spaces will be removed by the proposed retail service station. Therefore the adequacy of the proposed parking should be assessed based on compliance with today's regulations.

MCC §20.180(G) does allow the Zoning Administrator, or Planning Commission, to waive the application of certain provisions of the off-street parking regulations. Such waivers have been granted recently: BU 2015-0497, the increased occupancy of market required additional parking in a legal non-conforming parking lot at Talmage Market; and BU 2015-0322, and BU 2015-0391, the increased occupancy of restaurant and installment of an in-ground pool required additional parking provided in a legal non-conforming parking lot. Staff feels that it is appropriate to grant a waiver regarding a reduction in required parking spaces. Prior to issuance of the building permit, the applicant shall submit a parking plan to PBS for review and approval. The parking area will be located and designed to meet several aesthetic and water quality specifications outlined in the Conditions of Approval in Exhibit A. **Finding (B) can be made.**

5. CEQA

Staff has completed an Initial Study for the project and determined that the project could have a significant impact on transportation and traffic. The Mitigated Negative Declaration was release for public comment on August 11, 2016. As discussed in the Initial Study and Key Issues section of the staff report, mitigation measures have been identified to mitigate potentially significant impacts to transportation and traffic to a less that significant level. Staff recommends that the Planning Commission certify a Mitigated Negative Declaration for the project.

RECOMMENDATION

By resolution, adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and grant the Use Permit, Variance, and Waiver for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

August 9, 2016

DATE

Signature on file

ADELE PHILLIPS

Appeal Period: 10 Days
Appeal Fee: \$1820.00

ATTACHMENTS:

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Site/Tentative Map
- E. Adjacent Owner Map
- F. Zoning Map
- G. General Plan
- H. Fire Hazards Map
- I. Alquist-Priolo
- J. Soils Map
- K. School District
- L. Water District

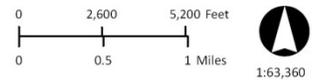
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A)



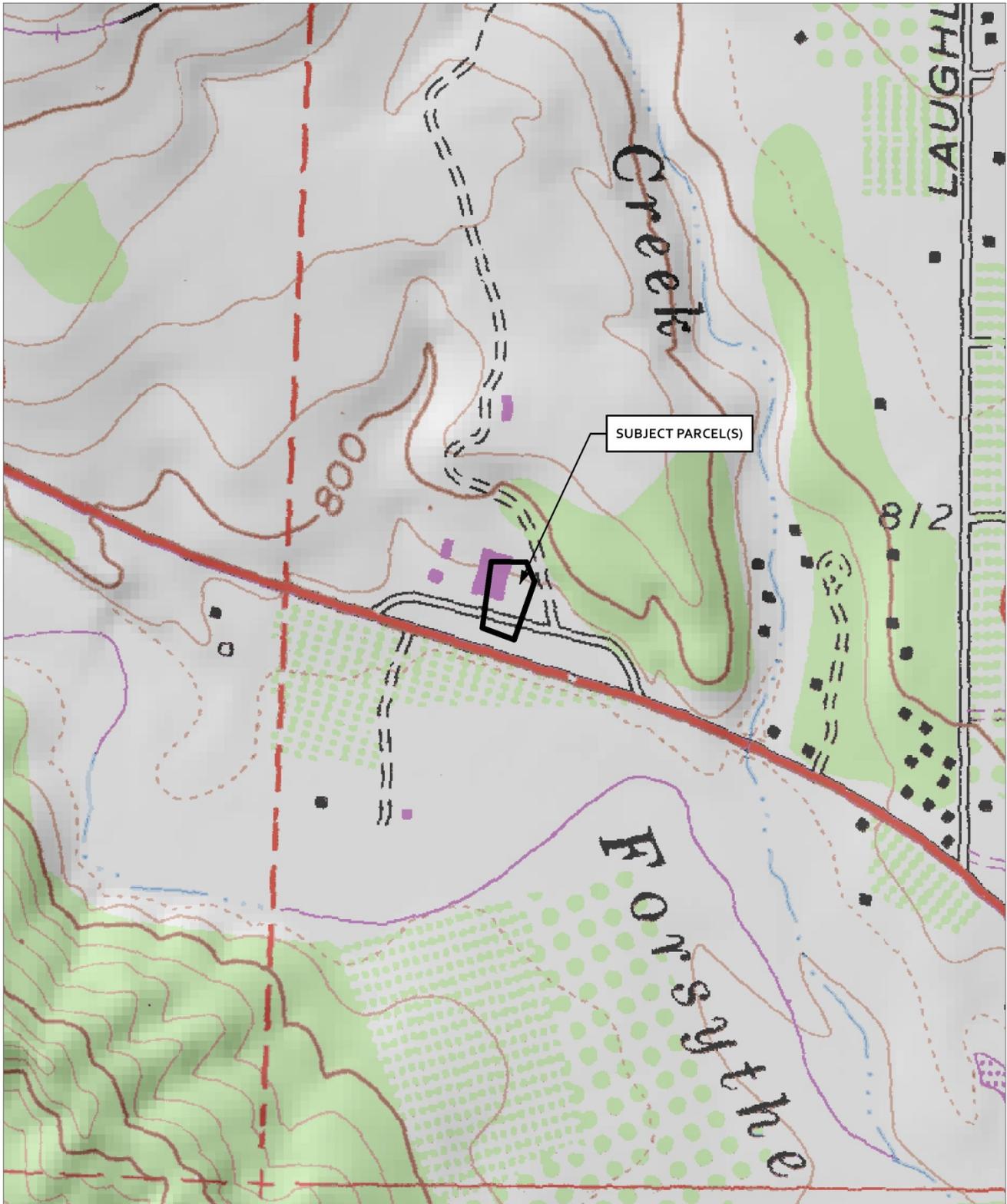
CASE: U 2015-0009 / V 2015-0001
 OWNER: Faizan Corp.
 APN: 162-100-58
 APLCT: Faizan Corp.
 ADDRESS: 9621 N. State St., RV

-  Major Towns & Places
-  Major Roads
-  Major Rivers
-  Highways

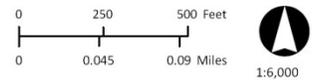


LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, March, 2015
 All spatial data is approximate. Map provided without warranty of any kind.



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TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

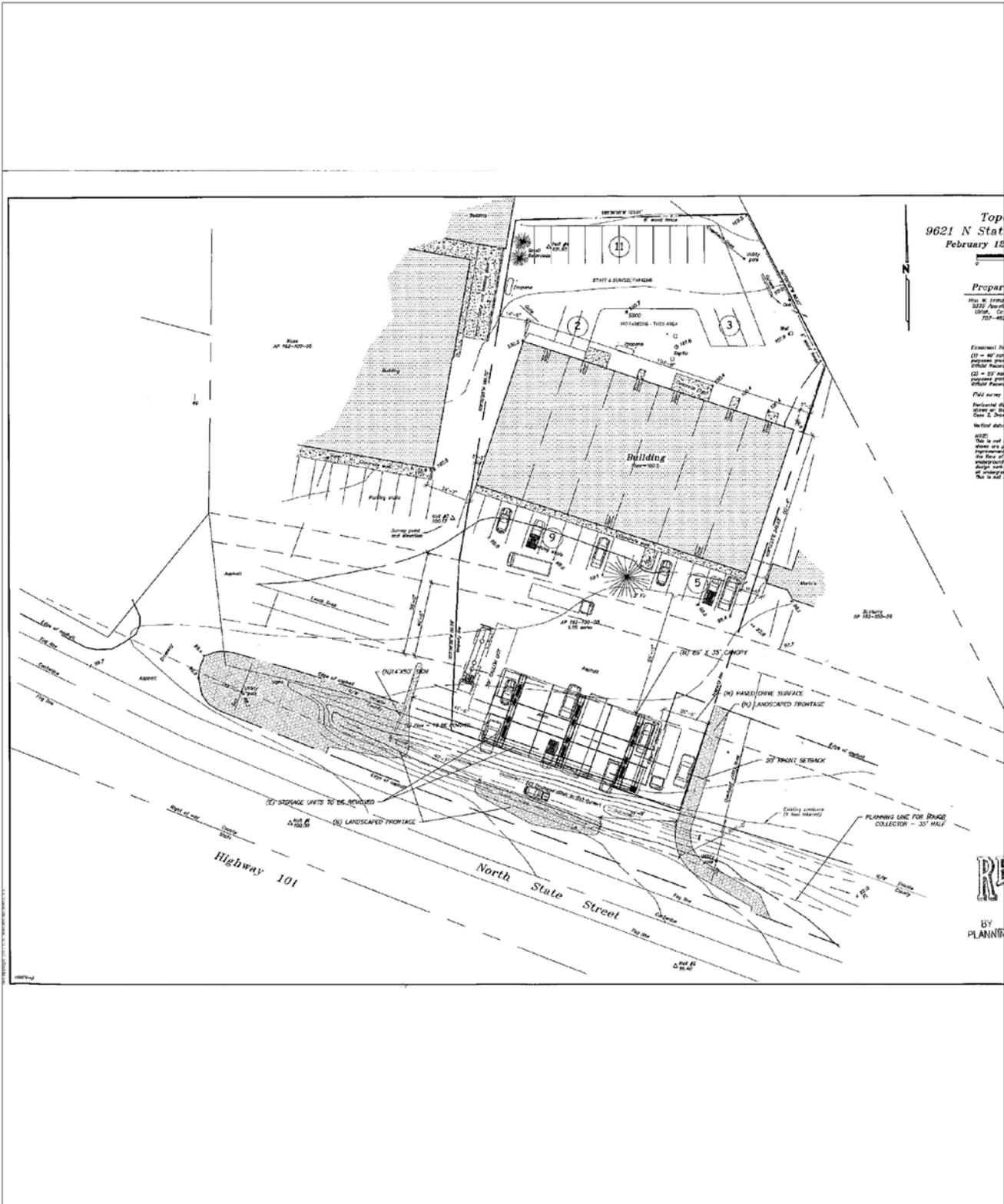


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— Public Roads

0 25 50 Feet
0 0.0045 0.009 Miles
1:600

GOOGLE EARTH IMAGERY
IMAGERY DATE: 8-17-2013

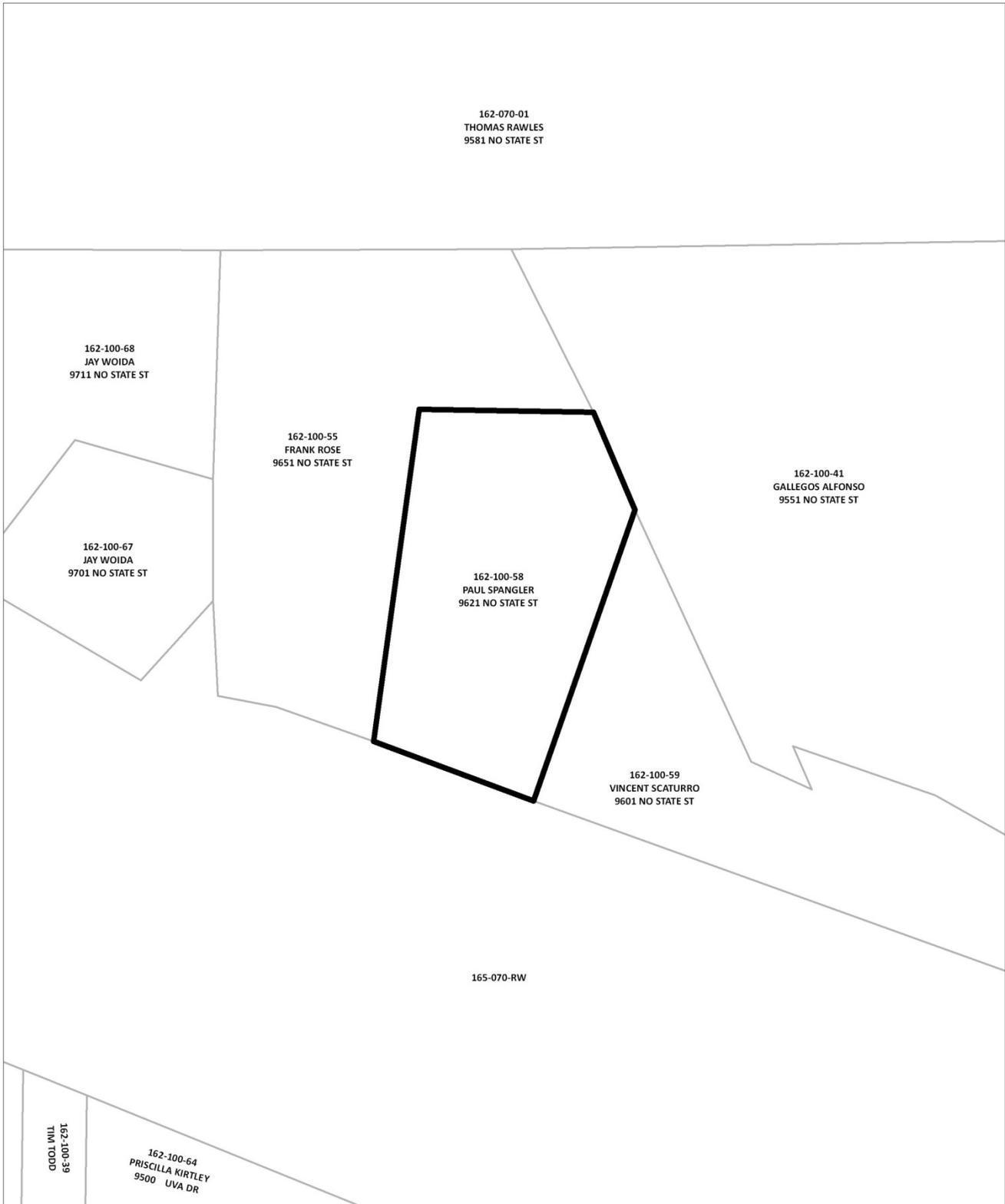


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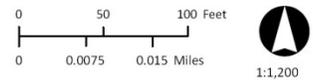
NO SCALE

REVISED SITE PLAN

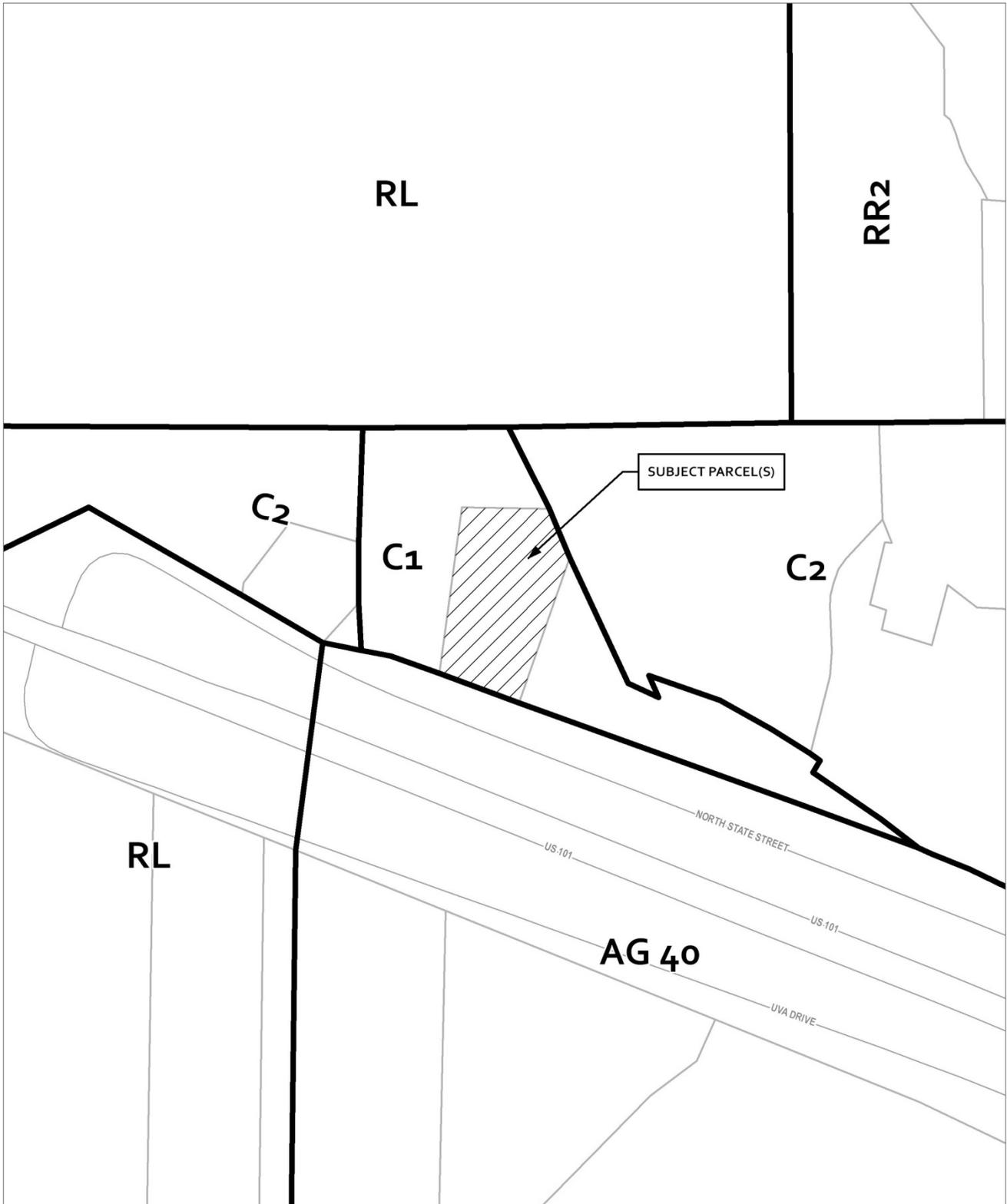
Map produced by the Mendocino County Planning & Building Services, June, 2016
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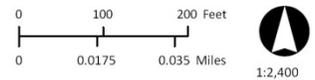


ADJACENT PARCELS

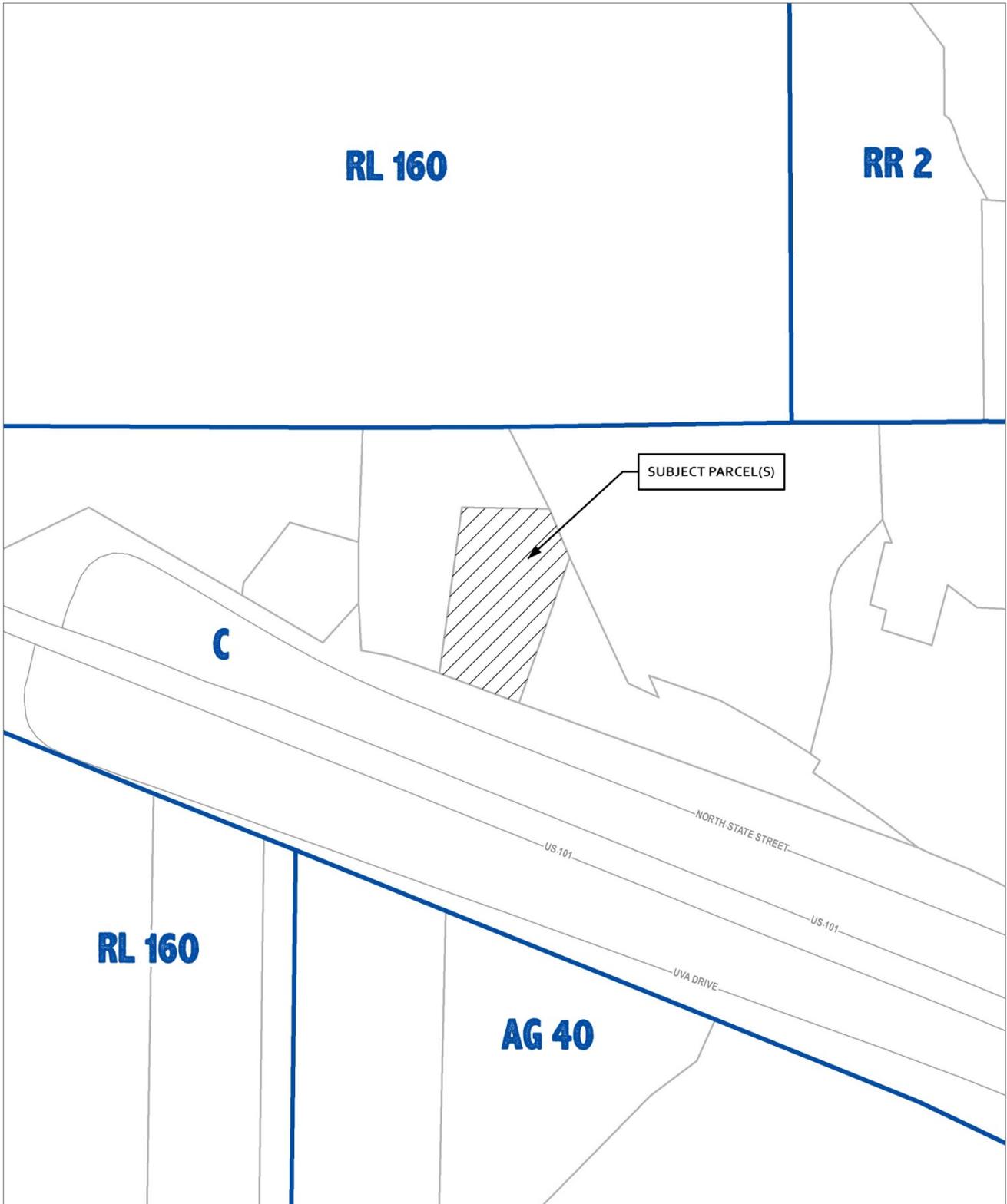


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 Zoning Master

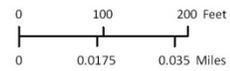


ZONING DISPLAY MAP

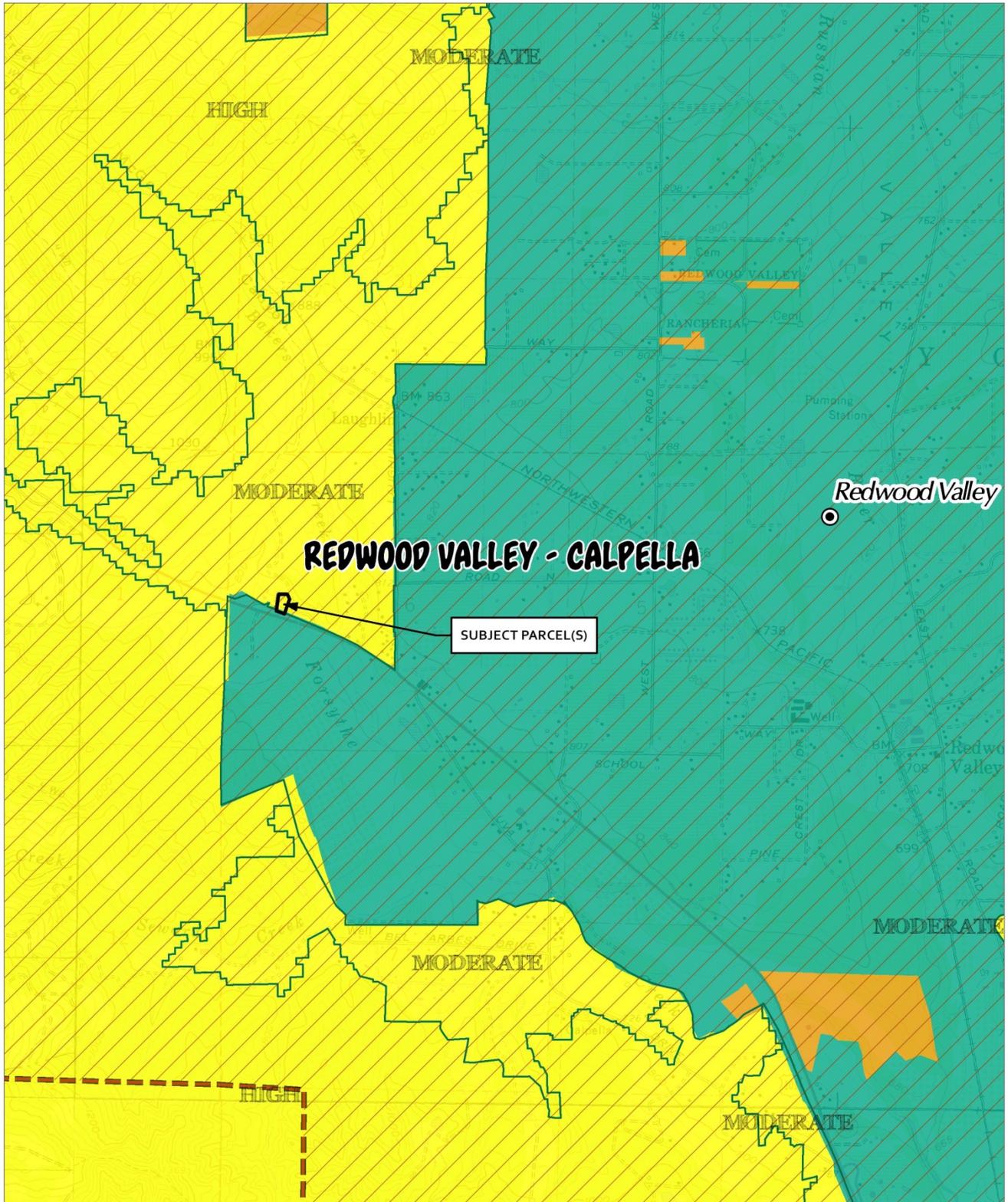


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 General Plan Master



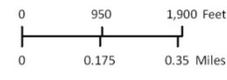
GENERAL PLAN CLASSIFICATIONS



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-  Major Towns & Places
-  Local Responsibility Areas
-  Federal Responsibility Areas

-  State Responsibility Areas
-  County Fire Districts



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 REDWOOD VALLEY - CALPELLA FIRE DISTRICT

Map produced by the Mendocino County Planning & Building Services, March, 2015
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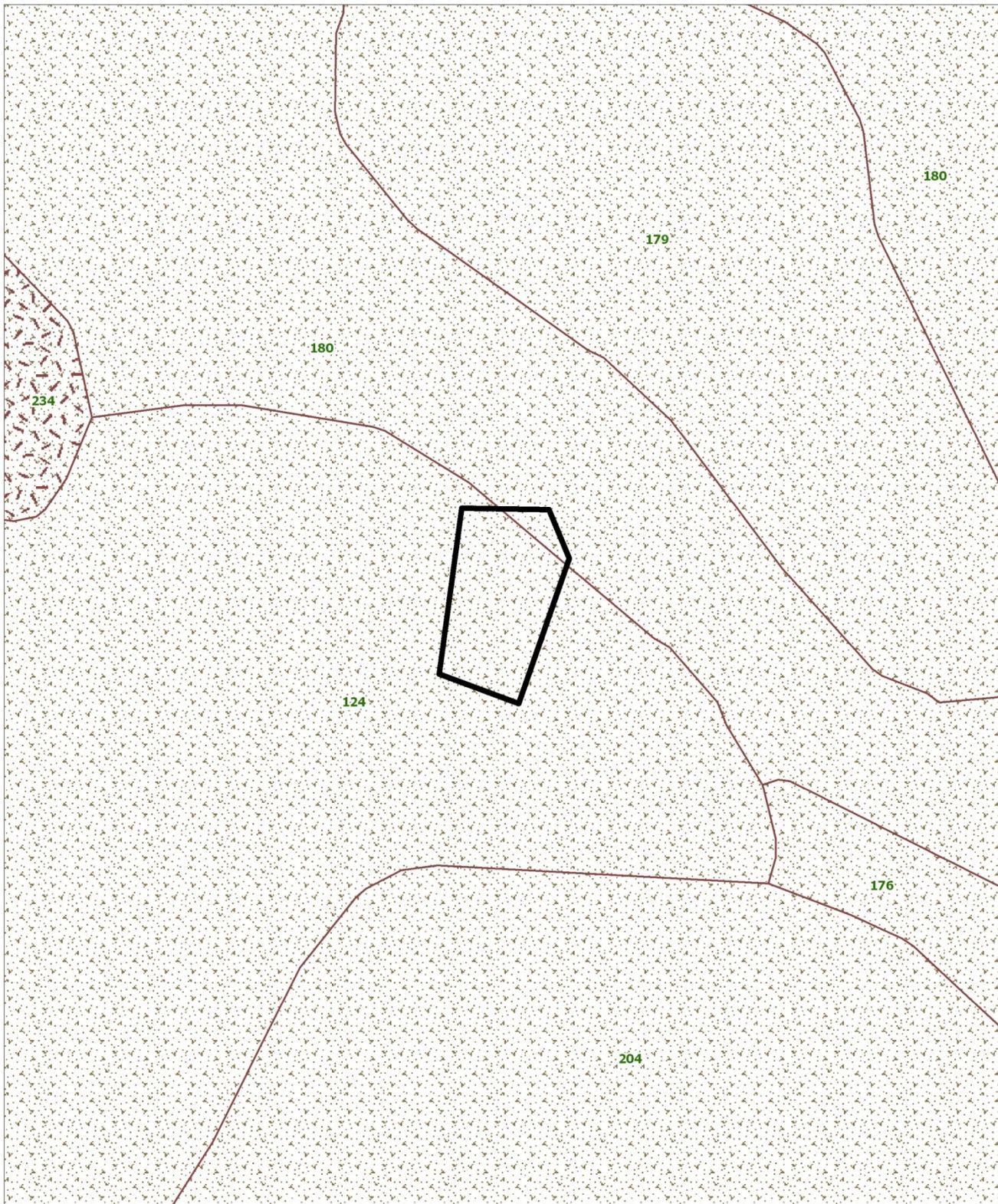
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OWNER: Faizan Corp.
APN: 162-100-58
APLCT: Faizan Corp.
ADDRESS: 9621 N. State St., RV

 Maacama Fault Zone
 Public Roads

0 100 200 Feet
0 0.0175 0.035 Miles

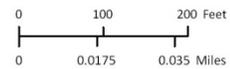


ALQUIST-PRIOLO



CASE: U 2015-0009 / V 2015-0001
OWNER: Faizan Corp.
APN: 162-100-58
APLCT: Faizan Corp.
ADDRESS: 9621 N. State St., RV

-  Eastern Serpentine Inclusions
-  Naturally Occurring Asbestos



1:2,400

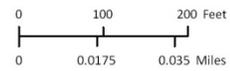
LOCAL SOILS

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.



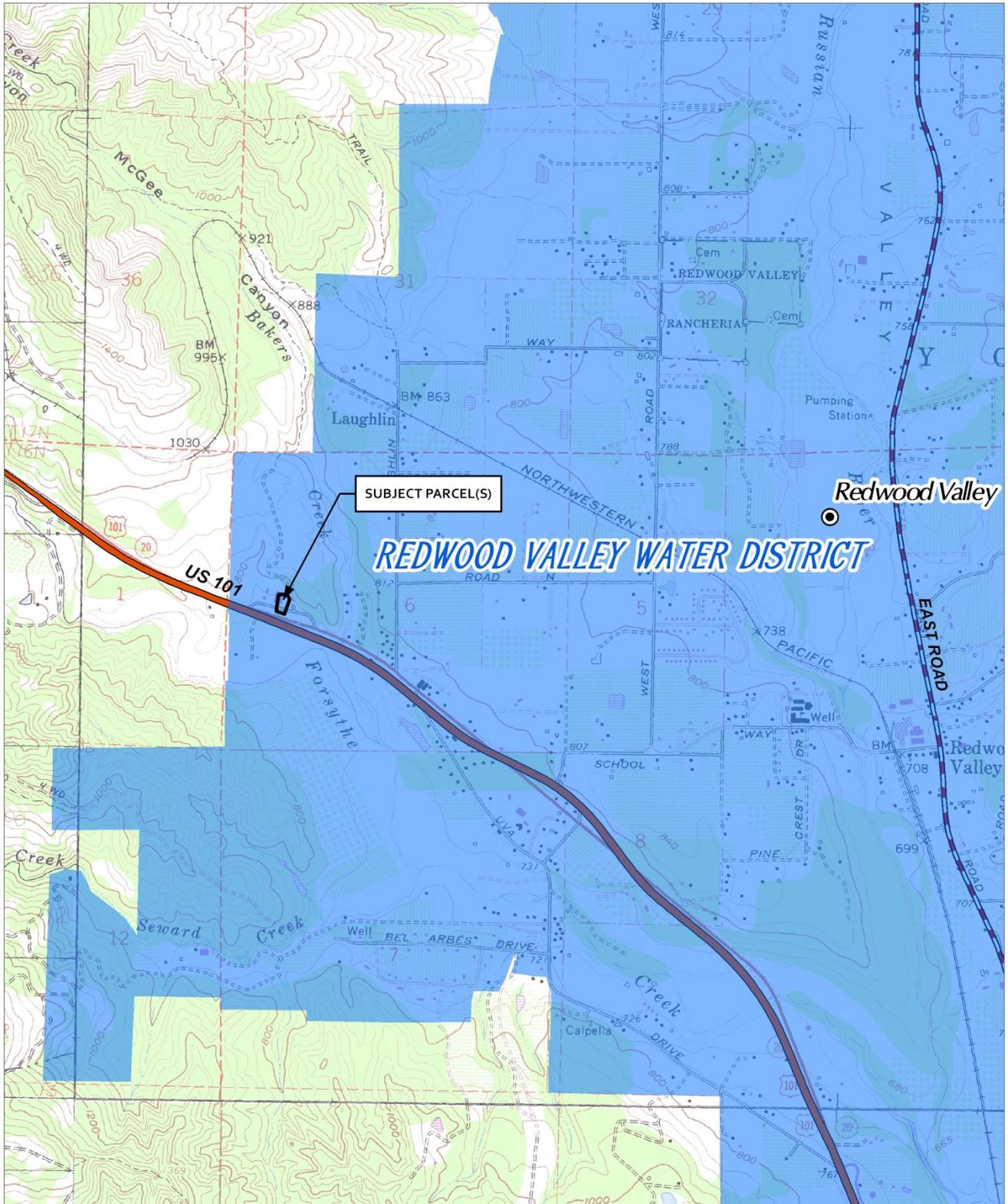
CASE: U 2015-0009 / V 2015-0001
OWNER: Faizan Corp.
APN: 162-100-58
APLCT: Faizan Corp.
ADDRESS: 9621 N. State St., RV

-  Public Roads
-  School Buildings



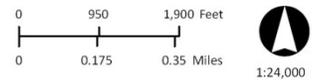
SCHOOL DISTRICT'S

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.



CASE: U 2015-0009 / V 2015-0001
 OWNER: Faizan Corp.
 APN: 162-100-58
 APLCT: Faizan Corp.
 ADDRESS: 9621 N. State St., RV

- Major Towns & Places
- County Water Districts
- Highways
- Major Roads



WATER DISTRICTS

PROJECT INFORMATION:

Section I Description Of Project.
<p>DATE: August 5, 2016 CASE#: U_2015-0009, and V_2015-0001 DATE FILED: March 20, 2015 OWNER/APPLICANT: FAIZAN CORPORATION AGENT: L.S. MITCHELL ARCHITECT, INC. REQUEST: The request comprises (A) a Use Permit to establish and operate a retail service station (“Automotive and Equipment-Gasoline Sales” per Mendocino County Code §20.024.025(D)) with 6 fueling pumps under a 4,000± sf fueling canopy, and including a 30k gallon underground fuel storage tank; (B) a setback Variance for a fueling canopy, allowing a 2 ft. front yard setback where 20 ft. is required, and (C) a parking Waiver reducing the required 37 off-street parking spaces to 30 spaces. LOCATION: 2± miles northwest of Redwood Valley town center, lying on the northeast side of North State Street, (CR 104), 0.1 mile southeast of its intersection with Highway 101. PROJECT COORDINATOR: ADELE PHILLIPS</p>
Section II Environmental Checklist.
<p><i>“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).</i></p> <p><i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of “no” responses.</i></p>

PROJECT DESCRIPTION:

The proposed project would establish a gasoline fueling station on a C-1 lot with an existing 6-tenant, 12,000 sf building. New construction comprises a 4,000± sq. ft. canopy with 6 fueling pumps, a 30k gal. underground fuel storage tank, as well as a new commercial encroachment onto North State Street. The retail service station’s office and retail area will utilize a 3,000 sf tenant space previously occupied by a restaurant.

In addition to a Use Permit, a Variance is being sought to reduce the required front yard setback from 20 ft. to 2 ft. in order to accommodate the construction of the fueling pump canopy. Lastly, a Waiver is requested to allow 30 parking spaces where Mendocino County Code regulations require the provision of 37.

BACKGROUND:

Redwood Valley is a rural community with two commercial areas disconnected from one another. The first district is located at the intersection of School Way and East Road, and is known as the “downtown” core area. The other commercial district is located along the western end of North State Street and visible from Highway 101, approximately 2 miles northwest of Redwood Valley town center.

The subject property is centrally located within the North State Street commercial area. This commercially zoned area extends for the last 0.5 mile of North State Street, right before its termination at the intersection with U.S. Highway 101 (US 101). The property and those adjoining it used to carry frontage on Old Highway 101, as it ran along their northern boundary. According to County records, various commercial uses in this area existed at least as early as 1975. The subject property was rezoned from A-1 Unclassified to C-1 Limited Commercial in 1981 with the adoption of the new zoning ordinance.

The project takes advantage of an existing, single-story, multi-tenant, concrete block and corrugated metal-clad structure. The structure has housed a variety of tenants through the years, including restaurants, a wine tasting facility, a candle-making business, thrift shops, and antique stores.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality
<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance

An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off-site as well as on-site; cumulative as well as project-level; indirect as well as direct; and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the checklist the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Potentially Significant Unless Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the Project, or clearly will not impact nor be impacted by the Project.

INITIAL STUDY/ENVIRONMENTAL REVIEW: This section assesses the potential environmental impacts which may result from the project. Questions in the Initial Study Checklist are stated and answers are provided based on analysis undertaken.

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Mendocino County is a scenic and visually diverse county, and is considered predominantly rural with respect to existing development. The following are the applicable visual resource policies found within County of Mendocino's General Plan:

Policy DE-71: Create attractive and economically viable community 'core' areas.

- Policy DE-78:** Site planning and design shall adhere to resource protection standards in order to integrate and complement the natural ecology and environmental setting. The emphasis shall be on creation of livable communities, function of scale, and land use pattern and intensity.
- Policy DE-79:** Compatibility with desired architectural character in established neighborhoods and communities shall be evaluated when considering new development.
- Policy DE-81:** Encourage that landscaping of new residential subdivisions, mobile home parks, and commercial and industrial uses is adequate to enhance the site and reflects the local climate and drought tolerance in the choice of plant materials.
- Policy DE-82:** Encourage new commercial, office and industrial developments to include attractive and varied building materials, building designs that break or reduce the massing of large walls, building and rooflines, and landscaping plans.
- Policy DE-83:** Parking lots should be located and designed to: 1) appear subordinate to the uses served, 2) be visually attractive, 3) meet normal, not maximum single day expected vehicle demand, and 4) provide for on-site treatment of stormwater.
- Policy DE-89:** Reduce excessive artificial light and offsite light impacts while maintaining nighttime safety, security, and productivity.
- Policy DE-94:** Promote infill, reuse, redevelopment and brownfield redevelopment supported by existing or improved infrastructure.
- Policy DE-95:** Encourage restoration and reuse of buildings and spaces, especially those with community significance, over new construction.

The natural setting of the proposed project is the west side of Redwood Valley, where US 101 is flanked by the riparian area of Forsythe Creek to the west as it climbs out of the valley and along hillsides laced with mixed blue oak and white oak woodlands.

Redwood Valley is a rural community with two commercial areas disconnected from one another. The first district is located at the intersection of School Way and East Road, and is known as the “downtown” core area. The other commercial district is located along the western end of North State Street and visible from US 101, approximately 2 miles northwest of Redwood Valley town center.

The subject property is centrally located within the North State Street commercial area, and takes advantage of an existing, single-story, multi-tenant, corrugated metal-clad structure. The structure has housed a variety of tenants through the years, including restaurants, a wine tasting facility, a candle-making business, thrift shops, and antique stores.

a, b) No Impact

Under CEQA, those visual resources that uniquely contribute to the public benefit are scenic resources under CEQA. Only that portion of US 101 extending from the Mendocino-Humboldt county line to its intersection with US Highway 1 at the community of Leggett has been identified by the California Department of Transportation (Caltrans) as being *eligible* for designation as a State Scenic Highway; currently it is not officially designated as such (Caltrans, 2016). No scenic resources exist on the property, or in close proximity.

c) Less than Significant Impact

Visual character is descriptive and non-evaluative, which means that it is based on defined subjective attributes that are neither good nor bad in and of themselves. The ability of an area to absorb visual change is dependent on its context. The proposal takes advantage of pre-existing development, utilizing an existing building structure, and proposing only the erection of a fuel pump canopy. The proposed addition of a fuel pump canopy of average height and size is typical of the area and will not be out of place in a commercial district.

The tenants of the commercial structure have an interest in separate signage for their respective businesses. This has the potential to create visual clutter. County sign regulations include location, size, and height limitations that will help to avoid or minimize visual clutter. Therefore, **Conditions Number 9 and 10**, will be applied to ensure consistency with the above County policies.

The proposal will reduce the number of existing parking spaces on the property, and increase the amount of impermeable surfacing. **Condition Number 31** will be applied to ensure consistency with the General Plan and Zoning Ordinance, and **Condition Number 34** will mitigate additional impacts.

Lastly, the applicant has proposed that landscaping be installed along the proposed new encroachment, and as part of the modification to the drainage swale fronting the property. **Condition Number 11** will apply.

d) Less Than Significant Impact

With the establishment of a fuelling canopy, the proposed use may potentially be a source of light pollution or glare. However, the property is screened from neighboring residential areas by large trees, as well as the natural topography of the area. Additionally, the subject property is flanked to the east and north by steep slopes. To ensure consistency with the above County policies related to exterior lighting and ensure that lighting will not significantly impact aesthetics and nighttime views, the **Condition Number 12** will be applied to ensure consistency with the above County policies and further minimize impact.

The proposed project subject to the noted conditions conforms with and carries out the policies, objectives, principles, and standards of the County General Plan and Zoning Ordinance.

<u>II. AGRICULTURE AND FORESTRY RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

While no policies speak directly to the westerly Redwood Valley commercial district, Community-specific goals described in the General Plan regarding Redwood Valley encourage the implementation of “Smart Growth” planning principles for the Redwood Valley area, and the maintenance of the agricultural nature of the valley. Infill development is encouraged.

Policy RM-42: Direct new development to community areas and limit development of rural resource lands.

a, b, c, d, e) No Impact

The subject property does not contain any important farmland or other designated farmland types. It is classified by the California Department of Conservation as “Semi-Agricultural and Rural Commercial Land” (latest map, 2012), the classification which encompasses farmsteads, agricultural storage and packing sheds, unpaved parking areas, composting facilities, equine facilities, firewood lots, and campgrounds. Additionally, the subject property is not located within or adjacent to lands within a Williamson Act contract. Therefore, no impact would occur as a result of constructing the proposed project.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is located within a part of the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. The Mendocino County Air Quality Management District (AQMD) is responsible for enforcing the State and Federal Clean Air Acts as well as local air quality protection regulations.

- Policy RM-35:** The County shall work to maintain ‘attainment status’ for state and federal air quality standards which are currently met, and toward attainment for currently exceeded standards.
- Policy RM-36:** Maintain Federal Clean Air Act, Class 1 air quality standards in Federal Wilderness Areas and work to reduce out-of-county transport of significant pollution that will impact other Class 1 areas.
- Policy RM-37:** Public and private development shall not exceed Mendocino County Air Quality Management District emissions standards.
- Policy RM-38:** The County shall work to reduce or mitigate particulate matter emissions resulting from development, including emissions from wood-burning devices.
- Policy RM-41:** Reduce dust generation from unpaved roads.
- Policy RM-43:** Reduce the effects of earth-moving, grading, clearing and construction activities on air quality.

a, b, c) Less Than Significant Impact

The project will not conflict with or obstruct implementation of any air quality plan. The construction phase of the project will produce the following anticipated emissions:

- Combustion emission associated with operation of off-road equipment
- Combustion emissions associated with operation of on-road motor vehicles
- Fugitive dust from earth-moving activities
- Off-gassing from asphalt paving and architectural coatings

Anticipated emissions during the project operation include:

- Reactive Organic Gasses (ROG) emissions associated with fuel dispensing
- Combustion emissions associated with operation of on-road motor vehicles
- Emissions from “area sources”, including architectural coating off-gassing.

The AQMD is in attainment for all State standards with the exception of particulate matter less than 10 microns in size (PM10). The most common source of PM10 is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. A PM10 attainment plan was finalized in 2005 that provides mitigation measures for construction and grading activities and unpaved roads. During the construction phase of

the project, the proposed project has the potential to increase PM10 in the immediate vicinity of the site due to site grading and truck traffic to the site. Local impacts to the area during construction would be mitigated using standard dust control measures. After construction is completed, weed barrier and potentially gravel would be placed over the bare ground of the project area, minimizing dust from traffic and wind borne particles, until the time at which a suitable landscape is installed. **Conditions Number 13, 14, and 16**, will ensure that the project will achieve compliance with AQMD standards.

d) Less Than Significant Impact

Sensitive receptors can include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwellings. Pollutant emissions in the form of PM-10 would only occur during construction from construction equipment, and thereafter the site would emit minimal air quality pollutants during its normal operation. The site is located in an area that contains Naturally Occurring Asbestos. The nearest residence is approximately 700 feet away and well screened by trees. Exhaust from gas dispensing operations and construction would not have a significant impact on neighbors due to standard emission control measures. **Condition Number 15** applies.

e) No Impact

The proposed project would create insignificant objectionable odors during its normal operation or during construction, and is not in a location that would affect substantial numbers of people. Therefore, there would be no objectionable odors as a result of the project.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mendocino County is largely rural and forested and has a wide range of climates, topography, soils, and watershed conditions, all of which produce very diverse plant and animal communities. The Mendocino County General Plan Chapter 4 Resource Management includes policies related to biological resources. Following are summaries of several applicable policies:

- Policy RM-5:** Promote and encourage land use activities that maintain or improve channel elevation and banks for rivers and streams in the county.
- Policy RM-7:** Promote the incorporation of efficient indoor plumbing fixtures in new development and redevelopment. Where appropriate, promote drought tolerant landscaping and the implementation of other water conservation best management practices.
- Policy RM-19:** Promote the incorporation of project design features that will improve water quality by minimizing impervious surface areas, maximizing on-site retention of storm water runoff, and preserving existing vegetation to the extent possible. Examples include:
 - Using Low Impact Development (LID) techniques.
 - Updating the County's Building Codes to address "green" building and LID techniques that can reduce pollution of runoff water, and promoting these techniques
- Policy RM-20:** Require integration of storm water best management practices, potentially including those that mimic natural hydrology, into all aspects of development and community design, including streets and parking lots, homes and buildings, parks, and public landscaping
- Policy RM-81:** Vegetation management and landscaping for public and private development should emphasize protection and continuity of natural habitats and hydrology.
- Policy RM-82:** Promote the conservation and use of native species or drought-tolerant, fire resistive and noninvasive vegetation.
- Policy DE-84:** Incorporate green building principles and materials into site designs and facility planning, construction and operations.
- Policy RM-89:** Conserve and enhance watercourses to protect habitat, fisheries, soils, and water quality.
- Policy RM-90:** Conserve and enhance streamside (riparian) vegetation through development design and standards.
- Policy RM-92:** Whenever possible, use riparian vegetation in conjunction with natural or appropriate structural materials to achieve a natural appearance.
- Policy RM-94:** Support instream flows adequate to maintain and protect fisheries and beneficial uses.

The predominant vegetation in the project vicinity includes valley grassland and mixed oak woodland. The subject property is already developed and is highly disturbed as it has borne various modifications over the past 40-50 years. Very little if any native vegetation exists at this point in time.

a, b, c, e, f) No Impact

The California Natural Diversity Database (CNDDB) does not indicate the presence of any sensitive plant or animal species to be located on the subject properties. Additionally, there are no identified wetlands on the site. It is unlikely that local wildlife is utilizing the site as a nursery or migratory stopover given its proximity to North State Street, US 101, and residential development.

The proposed project would not conflict with local ordinances or policies protecting biological resources. Local policies are focused on project sites larger than 5 acres, or that involve significant changes to land zoned for timber production or as forest land. This site is located on a previously developed property. The project footprint is relatively small (total parcel area is 1.06± ac., not including the area of encroachment development) and will not require tree removal.

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans for the site of the proposed project.

d) Less Than Significant Impact

The property is fronted by a large drainage swale occupying the entirety of the North State Street right of way. The site of the proposed project is located approximately 1,000 feet from the nearest water body, Bakers Creek, into which the drainage swale empties. The project proposes a new encroachment onto North State Street, which has the potential to constrict the flow of the swale. Grading and the construction of the new encroachment have the potential to create sediment, impacting the water quality of Bakers Creek.

Additionally, the project will increase the total area of impermeable surfacing. This will affect the amount of surface water runoff draining into the swale. The nature of the use and the increased amount of vehicular traffic will also affect the quality of the surface water runoff.

Potential impacts caused by grading activities and increases in impermeable surfacing will be minimized by **Conditions Number 29, 17, and 24.**

It is not anticipated that there will be any significant impact on plants or wildlife; however the project is subject to the Department of Fish and Game Code Section 711.4 wildlife habitat loss mitigation fee. **Condition Number 18 applies.**

<u>V. CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mendocino County General Plan Chapter 3 Development Element includes policies related to cultural resources, including:

Policy DE-114: Fully evaluate and protect historical, archaeological and cultural resources through the development process, including resources of national, state or local significance.

Both **Policy DE-115** and **Mendocino County Code Chapter 22.12 Archaeological Resources** include provisions for archaeological sensitivity review, field evaluations, impact mitigations, archaeological discovery, and human remain discovery protocols (MCC §22.12.050 – 22.12.100).

a, c, d) No Impact

There are no historical resources on site or in the vicinity that would be impacted by the proposed project. The project is not located in a geologic formation that commonly contains paleontological resources, nor does the site contain unique geologic features. The site is within a highly disturbed property and there are no visible unique geologic features on site. There are no formal cemeteries in the vicinity of the project site. It is very unlikely that human remains will be encountered at the site during construction. However, if remains are encountered, California Health and Safety Code 7050.5 require that the County Coroner be contacted immediately. If the county Coroner determines the remains to be Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resource Code 5097.98

b) Less Than Significant Impact

Sonoma State University’s Northwest Information Center (NWIC) responded to PBS referral with the following: “The project area contains or is adjacent to the archaeological site P-23-001052. It is recommended that a qualified professional assess the status of the resource and provide project specific recommendations.” A “letter report” was filed with NWIC by author J. E. Thorne identifying site P-23-001052 in 1980. The site has “undefined boundaries”, and no documentation exists as to total area surveyed. No PBS records exist of a discretionary project occurring in the area at that time that would have triggered an archaeological survey. The project was reviewed by the Mendocino County Archaeological Commission on September 9, 2015. **Conditions Number 19 and 20** apply.

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Mendocino County General Plan Chapter 3 Development Element, discusses the area’s seismic hazards. Mendocino County is located just south of the Cascadia Subduction Zone and will likely be subjected to a strong earthquake in the foreseeable future. A number of faults are located throughout the county, including the San Andreas Fault in the southwest corner of the county, the Maacama Fault in the inland valley from Sonoma County to Laytonville, the Round Valley Fault in the northeastern part of the county, and the Etsel Ridge Fault in the eastern portion of the county (Mendocino County General Plan, 2009). Any structure built in Mendocino County will likely be subjected to seismic activity during its expected lifespan.

According to the Division of Mines and Geology Special Publication 42 index map, the eastern edge of the Maacama Fault zone is located approximately 500 feet west of the project site. Historically, the Maacama Fault has generated only a few moderate earthquakes. However, an abundance of micro-earthquakes (less than magnitude 3) are clearly associated with the fault (Mendocino County General Plan, 2009).

a) Less Than Significant Impact

Any project in the area could be subjected to a strong earthquake affecting the region. The proposed fuel pump canopy, and any renovations to the existing building, would be built to modern construction standards and would be designed to withstand earthquakes that can be expected in the region. Being within an alluvial basin, the project site comprises a soil type that is prone to liquefaction.

There are no escarpments, bluffs, cliffs, or other formations in the area that would be subject to failure in the event of an earthquake. Furthermore, the site does not appear prone to landslides. The surrounding forests and vegetation show no indication of landslides in the vicinity. The site and project itself would not destabilize the soil in a way that would subject surrounding land uses to increase risk from landslide.

The nature of the proposed use and the proposed development do not inherently subject the users to a greater seismic risk than they would otherwise be exposed to.

b) Less Than Significant Impact

The project proposes a new encroachment onto North State Street. The grading and the construction of the new encroachment have the potential to create sediment, impacting the water quality of Bakers Creek. Additionally, the project will increase the total area of impermeable surfacing. This will affect the amount of surface water runoff draining into the swale. After grading and construction is completed, weed barrier and potentially gravel would be placed over the bare ground of the project area, and a suitable landscape will be installed. These activities will minimize soil erosion, and loss of topsoil. **Conditions Number 21 through 24** will be implemented to avoid potentially significant impacts.

c, d, e) No Impact

The soil at the project site is Feliz Loam. This soil type is not considered to be an expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994); however, construction of the facility will still require engineered plans to be approved through the building permit process.

The Feliz soil series consists of very deep, well drained soils on flood plains. These soils formed in alluvium derived from mixed sedimentary rocks and have slopes of 0 to 8 percent. They are characterized as having slow to medium runoff; and moderate permeability. The soil will adequately support the use of septic tanks and alternative wastewater disposal systems where sewers are not available.

<u>VII. GREENHOUSE GAS EMISSIONS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The framework for regulating GHG emissions in California is described under Assembly Bill (AB) 32. In 2006, the California Global Warming Solutions Act (AB 32) definitively established the state’s climate change policy and set GHG reduction targets (health & Safety Code §38500 et sec.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions. The MCAQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

Because Mendocino County is primarily rural, the amount of greenhouse gases (GHG) generated by human activities, primarily the burning of fossil fuels for vehicles, heating, and other uses, is small compared to other, more urban counties (Mendocino General Plan, 2009).

a) Less Than Significant Impact

Construction activities associated with the establishment of the retail service station facilities could generate GHGs from the engine emissions. These activities are limited in scope and duration and would not contribute significantly to greenhouse gas emissions. The refueling of vehicles once the retail service station is in operation could also generate GHGs from the engine emissions. The provision of fuel does not inherently increase the demand for fuel or consumption thereof. Given the relatively small size of the project scale, the proposed project would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional or state level.

b) No Impact

There are no adopted local plans for reducing the emission of greenhouse gasses. The Mendocino County AQMD Regulation 3 Airborne Toxic Control Measures provides measured for reducing the emissions of greenhouse

gasses. The project will be subject to all rules of Regulation 3 and the applicant/owner will be required to acquire permits from AQMD prior to installation of gasoline tanks and associated dispensing hardware.

<u>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Mendocino County has adopted numerous plans related to hazard management and mitigation including, but not limited to: Community Wildfire Protection Plan, Multi-Hazard Mitigation Plan, Hazardous Waste Management Plan, and Operational Area Emergency Plan.

The project proposes the installation of a 30,000 gal underground storage tank (UST), and is situated within the Moderate Fire Hazard Severity Zone.

a, b) Less Than Significant Impact

The operation of a retail service station requires the routine use, transportation, and handling of hazardous materials. Both diesel and gasoline will be stored on site. These materials would be contained according to applicable regulations. Development standards require spill prevention, containment, and cleanup contingencies to be included in the project design. These would not create significant hazard to the public, or the environment, through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because the fuel stored would be contained as required by applicable laws. **Conditions Number 25 and 26** apply.

c) Less Than Significant Impact

Maps indicate that a private school named Cornerstone School is situated approximately one tenth of a mile east of the proposed fuel pump location. California law (California *Education Code* Section 33190) requires private schools offering or conducting a full-time elementary or secondary level day school for students between the ages of 6 and 18 to file an affidavit with the California Department of Education (CDE) (filing an affidavit with CDE does not constitute certification of status as a private school). The CDE's Private School Directory lists only private schools reporting enrollments of six or more students on their Private School Affidavits. The current list (revised May 5, 2016) does not include Cornerstone School. It is assumed that either the school has 5 or fewer students, or is not active at this time.

The emission and handling of hazardous materials are regulated by AQMD and the County of Mendocino's Department of Environmental Health (EH). The design, permitting, and installation of the service station's UST will be assessed through EH. **Conditions Number 25 and 26 apply.**

d) No Impact

There are no hazardous materials sites or other cleanups on site listed in the EnviroStor database maintained by the California Department of Toxic Substance Control (California Department of Toxic Substance Control, 2014). Development on the project site would not create a significant hazard to the public or the environment.

e, f) No Impact

The site is not within the vicinity of an airport zone, nor is it within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the project area.

g) No Impact

Mendocino County has an Emergency Operations Plan adopted in 2006. The plan outlines areas of responsibility for the County's different departments and protocols for responding to disasters, but does not designate evacuation routes or other specifics. Highway 101 is a main thoroughfare in the area and it is likely that during an evacuation that many residents would use Highway 101 to travel north or south. However, the proposed project would not impede traffic during construction nor would there be any significant increase in traffic as a result of the proposed project that would impede an evacuation. The proposed project would not have an effect on the execution of emergency response plans or evacuation plans.

h) Less Than Significant Impact

The subject property lies within the Redwood Valley-Calpella Fire District. It is in a Moderate Fire Hazard Severity Zone, and the State Responsibility Area. The retail service station could be exposed to wildland fires due to the fact that it exists at the edge of a developed area. However, most of the area around the service station is cleared of vegetation, which can reduce the risk of fire damage. Furthermore, the County will require clearance from CalFire for defensible space compliance, and the structure will be subject to rules and regulations for fire suppression systems. **Conditions Number 27 and 28 apply.**

<u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Mendocino County General Plan Chapter 4 Resource Management Element includes policies related to protection of environmentally sensitive habitat areas and maintaining water quality by minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

a, c, d, e, f) Less Than Significant Impact

As discussed in sections III. Air Quality, IV. Biological Resources, and VI. Geology and Soils, some grading will occur on site during construction, the amount of impermeable surfaces on the subject property will increase, and surface water runoff will carry an increased amount of pollutants associated with a retail service station. Implementation of Best Management Practices and Low Impact Design requirements of **Condition Number 22** will apply.

The increase in impermeable surfacing and the proposed new encroachment onto North State Street have the potential to alter the existing drainage pattern of the site. The owner/applicant will be required to meet **Condition Number 29**.

b) No Impact

The site is served by the Redwood Valley Water District, and will not impact the District. Additionally, the retail service station will consume less water than the restaurant use which it will replace.

g, h, i, j) No Impact

The site lies outside of any flood zone, and away from any bodies of water that could pose seiche, tsunami, or mudflow threat.

k, l, m) Less Than Significant

Potential impacts have been discussed in previous sections III, IV, and VI, and will be addressed by the conditions in sections I, III, IV, and VI.

<u>X. LAND USE AND PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is subject to the policies of the Mendocino County General Plan, and Title 20 Division I of the Mendocino County Code (MCC). "Automotive and Equipment – Gasoline Sales" is a use subject to a Minor Use Permit per MCC §20.088.015 of C-1 Limited Commercial District.

Policy DE-73: Encourage infill development in the core area through increased densities, reduced setbacks, increased building heights, and joint-use parking.

Policy DE-74: Focus new commercial development in the community areas in the 'core' area of each community.

Policy DE-76: Encourage improvement to existing structures.

a, b, c) No Impact

The project will not result in any physical improvements or barriers that would divide an established community. Neither will the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. The project is not located within any habitat conservation or natural community conservation plan areas.

<u>XI. MINERAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A variety of minerals resources are known to exist in the county. The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits (General Plan 2009).

a, b) No Impact

There are no known mineral resources on the site that would be of value to the region or the residents of the state. The property does not include a mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

XII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The County has identified noise standard within the County General Plan to ensure noise compatibility between land uses. The project is subject to the noise standards found in the County General Plan including:

- The Exterior Noise Level Standards (Table 3-J) General Plan Policy DE-100
- The Noise Compatibility Guidelines (Table 3-K) General Plan Policy DE-101
- Maximum Acceptable Interior Noise Levels (Table 3-L) General Plan Policy DE-103

Major noise sources in Mendocino County consist of highway and local traffic, railroad operations, airports, commercial and industrial uses, and recreation and community facilities. Highways with traffic that generate significant noise include U.S. Highway 101 and the State Routes (1, 20, 128, 162, 175, and 253).

a, b, c, d) Less Than Significant Impact

Occasional noise or vibrations may be caused by the presence of semi-truck trailers to refuel the UST, or as customers to the retail service station. These visits can reasonably be assumed to be short in duration and relatively infrequent. The only other anticipated noise to be generated by the project will result from construction activity and vehicles. After construction, the project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Residential areas near the project are well-screened from the project site by trees. Additionally, they are of an elevation and change in topography such that the transmittal of groundborne vibration and noise levels is unlikely. The ambient noise generated by the project is anticipated to be less than that generated by the traffic of neighboring State Highway 101.

The project will not result in any permanent increase in ambient noise levels in the project vicinity. There are no activities associated with the project that would generate excessive groundborne vibration or groundborne noise levels. The project will not result in any permanent increase in ambient noise levels in the project vicinity.

e, f) No Impact

There are no public use airports located within 2 miles of the project site. Neither are there any private airstrips within the vicinity of the project site.

XIII. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Retail service stations are a necessary component of a rural community, and serve as components of emergency infrastructure.

a, b, c) No Impact

The proposed project would occupy pre-existing commercial development, and will not displace any housing, or people. The project will not induce population growth, and create a demand for new housing, nor will existing residences be displaced or removed as a result of the project.

XIV. PUBLIC SERVICES.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Medical Services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Less than Significant Impact or No Impact

Demand for fire protection and police services are not expected to significantly increase as a result of the project. The project is also within the Redwood Valley-Calpella Fire District (RVCFD). RVCFD has reviewed the proposed project and offered no comment.

The project is also within the California Department of Forestry and Fire Protection (CalFire) state responsibility area. CalFire reviewed the proposed project and recommended fire safe standards pursuant to CalFire File Number 111-15. **Conditions Number 27 and 28** require the applicant to complete fire safe standards to the satisfaction of CalFire regulations.

The project will not increase population or demand for schools and parks or police and medical services. The project will have no direct impact on public facilities.

<u>XV. RECREATION.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, b) No Impact

The project will not increase the use of recreational facilities. Nor will it generate demand for new or expanded recreational facilities.

<u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate substantial additional vehicular movement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Effect existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially impact existing transportation systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Alter present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Increase traffic hazards to motor vehicles, bicyclists or pedestrians.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The subject property has frontage along North State Street, under the jurisdiction of County of Mendocino Department of Transportation (DOT). An existing encroachment onto North State located approximately 200 feet to the west of the subject property, in addition to a proposed encroachment on the subject property will provide access to the retail service station.

North State Street terminates at its intersection with State Highway 101 (US 101) approximately 600 feet from the subject property. It is anticipated that much of the business of the proposed retail service station will be traffic drawn off of US 101, under the jurisdiction of California Department of Transportation (Caltrans).

A traffic impact study analyzing the traffic impacts to the intersection of North State Street with US101 was conducted by the owner/applicant and reviewed by Caltrans for completeness, accuracy, and anticipated impact.

According to Caltrans, there is a higher than statewide average collision rate associated with making the southbound left turn movement onto US 101 from the north end of North State Street. Based on these finding, and the fact that the subject project will increase the number of vehicles making this movement, Caltrans is recommending that the County require, as a condition of approval for the project, that the North State Street leg of the intersection be modified to allow right in/right out access only.

a, c, d, f) Less Than Significant with Mitigation Incorporated

Collision data processed through the Caltrans Traffic Accidents Surveillance and Analysis System (TSAS) that covers the period of January 1, 2004, through December 31, 2013, shows that 11 collisions have occurred at the intersection of US 101 and North State Street. In this ten year period, there was 1 fatality and 11 people injured. A second fatal collision occurred on June 15, 2015, but is too current to be captured in the TSAS database.

North State Street has an Annual Average Daily Traffic (AADT) count of 1,500 at this location while US 101 has an AADT of 14,400. Eight of the 12 total collisions (which includes the 2015 fatal collision) involved vehicles using the North State Street leg of the intersection. Four of the 12 collisions involved westbound traffic failing to successfully cross US 101. However, excluding extraneous factors, this movement is associated with the predominant collision pattern at the intersection. Caltrans' analysis of the traffic data indicates that this turning movement will be increased to 17 vehicles per peak hour.

In order to address these increase movements, Caltrans has recommended that the westbound left and through movement from North State Street onto US 101 be eliminated. Vehicles traveling southbound on US 101 would still be able to access North State Street and can re-enter the highway using the West Road Interchange located approximately 1 mile to the southeast of the subject property. Northbound vehicles would be unaffected. **Condition Number 30, and Mitigation Measures 32 and 33** apply.

b) Less Than Significant Impact

The owner/applicant has submitted a variance permit application requesting a reduction of the required 37 off-street parking spaces to 30 spaces.

The retail service station as proposed is able to accommodate 30 parking spaces, including at least 1 ADA accessible space. Earlier uses at the subject property were more intensive in terms of occupancy load than those existing and proposed today, and per the current off-street parking regulations would have required substantially more parking than what appears to be reported present in the early 1980s. However, because no records exist depicting earlier parking configurations on the site, and because the current lot does not have marked spaces, it is unclear exactly how many existing parking spaces will be removed by the proposed retail service station.

MCC §20.180(G) does allow the Zoning Administrator to waive the application of certain provisions of the off-street parking regulations. For instance, such waivers have been granted recently: BU 2015-0497, the increased occupancy of market required additional parking in a legal non-conforming parking lot at Talmage Market; and BU 2015-0322, and BU 2015-0391, the increased occupancy of restaurant and installment of an in-ground pool required additional parking provided in a legal non-conforming parking lot. Staff feels that it is appropriate to grant a waiver for the reduction in required parking spaces. **Condition Number 31 and Mitigation Measure Number 34** apply.

e) No Impact

No aspect of the project hinders existing emergency access routes.

<u>XVII. UTILITIES AND SERVICE SYSTEMS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

provider's existing commitments?				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mendocino County General Plan Chapter 3 Development Element includes policies to carry out applicable provisions.

a, b, d, e) No Impact

Retail service stations do require some water during their day-to-day operations. Water service is provided to the subject property via the Redwood Valley County Water District, and no impact to the water district is anticipated. The property is not within any sanitation district, and wastewater must be accommodated by the existing septic facility.

c) Less Than Significant Impact

Proposed modification of the drainage swale will be addressed by **Conditions Number 22 and 29**.

f, g) No Impact

Solid waste will be generated during the construction phase, and during the operation of the retail service station. **Conditions Number 36 and 37** apply.

<u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed, and it has been determined that it would not:

- Substantially degrade environmental quality;
- Substantially reduce fish or wildlife habitat;
- Cause a fish or wildlife population to fall below self-sustaining levels;
- Threaten to eliminate a plant or animal community;
- Reduce the numbers or range of a rare, threatened, or endangered species;
- Eliminate important examples of the major periods of California history or pre-history;
- Achieve short term goals to the disadvantage of long term goals;

- Have environmental effects that will directly or indirectly cause substantial adverse effects on human beings; or
- Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects.

a) Less Than Significant

Based on the findings in this Initial Study, the proposed project would have a less than significant impact related to the potential to degrade the quality of the environment, substantially reduce habitat values, or otherwise impact listed species. See Biological Resources Section for a specific discussion of biological resources supporting this finding. The proposed project would not eliminate important examples of California history or prehistory. See Cultural Resources Section for a specific discussion of historic resources supporting this finding.

b) Less Than Significant

No cumulative impacts have been identified as a result of the proposed project. The proposed retail service station does not encourage, promote, or otherwise incentivize the construction of retail service stations. The project's individual impacts would not add appreciably to any existing or foreseeable future significant cumulative impact, such as visual quality, historic resources, traffic impacts, or air quality degradation. Any impacts are able to be reduced to the level of insignificance through existing regulations with which the project will be required to comply.

c) Less Than Significant

Based on the findings in this Initial Study, the proposed retail service center would not have environmental effects that would cause substantial adverse effects on human beings either directly or indirectly. The proposed project is consistent with the General Plan and zoning requirements, and development standards to reduce potential impacts have been incorporated into the project.

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

DATE

ADELE PHILLIPS

REFERENCES

- California Department of Conservation. (2012) *Williamson Act Maps*. Retrieved from: ftp://ftp.consrv.ca.gov/pub/dlrp/wa/mendocino_no_10_11_WA.pdf
- California Department of Conservation. (2015) *Alquist-Priolo Earthquake Fault Zone Maps, Redwood Valley Quad*. Retrieved from: http://gmw.consrv.ca.gov/shmp/download/quad/REDWOOD_VALLEY/maps/REDWOOD_VLY.PDF (year published: 1983)
- California Department of Toxic Substance Control. (2014) *EnviroStor*. Retrieved from: <http://EnviroStor.dtsc.ca.gov>
- Caltrans. (2014) *Scenic Highways*. Retrieved from: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/
- Mendocino County Air Quality Management District. (n.d.) *Particulate Matter Attainment Plan*. Retrieved from: <http://www.co.mendocino.ca.us/aqmd/AttainmentPlan.htm>
- Mendocino County General Plan. (2009)
- USDA Soil Conservation Service. (1991) *Soil Survey of Mendocino County, Eastern Part, and Trinity County, Southwestern Part, California*.

Resolution Number _____

County of Mendocino
Ukiah, California
September 15, 2016

U_2015-0009 and V_2015-0001 Faizan Corporation

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, AND GRANTING A MINOR USE PERMIT FOR A RETAIL SERVICE STATION, A SETBACK VARIANCE FOR A FUELING CANOPY, AND A WAIVER FOR REDUCTION IN OFF-STREET PARKING REQUIREMENTS.

WHEREAS, the applicant, Faizan Corporation, filed applications with the Mendocino County Department of Planning and Building Services for (A) a Minor Use Permit to establish and operate a retail service station ("Automotive and Equipment-Gasoline Sales" per Mendocino County Code §20.024.025(D)), comprising: a 3,000 sf office and convenience store, 6 fueling pumps under a 4,000± sf fueling canopy, and a 30,000 gallon underground fuel storage tank; and, (B) a setback Variance for a fueling canopy, allowing a 2 ft. front yard setback where 20 ft. is required; and, (C) a parking Waiver to reduce the required 37 off-street parking spaces to 30 spaces. The subject property is 2± miles northwest of Redwood Valley town center, lying on the northeast side of North State Street, (CR 104), 0.1 mile southeast of its intersection with Highway 101, 9621 N. State St., Redwood Valley; APN: 162-100-58; General Plan C – Commercial ; Zoning C1 – Limited Commercial:12K/NONE; 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 August 11, 2016 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, September 15, 2016, 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 for 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;

1. General Plan Findings:

The proposed project is consistent with the property's General Plan land use designation of Commercial (C) and with applicable goals and policies of the General Plan as subject to the Conditions of Approval found in Exhibit A of the resolution.

2. Retail Service Station Use Permit Findings:

- a. That adequate utility, access roads, drainage and other necessary facilities have been or are being provided.
- b. That the retail service station will not 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 such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
- c. That the proposed use as a retail service station preserves the integrity of the zoning district.

3. Fueling Canopy Variance Findings:

- a. That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;
- b. That 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;
- 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.
- d. That the granting of a variance to the required front yard setback 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;
- e. That the granting of a variance to the required front yard setback will not adversely affect the General Plan.

4. Parking Waiver Finding:

That the strict application of Mendocino County Code Chapter 20.180 results in an unnecessary hardship with regard to number of parking spaces required, and a waiver is granted per MCC §20.180.010(G).

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program set forth in the Conditions of Approval. The Planning Commission 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 and Variance, subject to the Conditions of Approval in Exhibit "A", attached hereto.

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 Planning Commission 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 taken.

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

ATTEST: ADRIENNE M. THOMPSON
Secretary to the Planning Commission

By: _____

BY: STEVEN D. DUNNICLIFF
Director

MOLLY WARNER, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM SEPTEMBER 15, 2016

U_2015-0009 and V_2015-0001

(A) a Use Permit to establish and operate a retail service station ("Automotive and Equipment-Gasoline Sales" per MCC §20.024.025(D)) with 6 fueling pumps under a 4,000± sf fueling canopy, and including a 30k gallon underground fuel storage tank; (B) a setback Variance for a fueling canopy, allowing a 2 ft. front yard setback where 20 ft. is required, and (C) a parking Waiver reducing the required 37 off-street parking spaces to 30 spaces. APN 162-100-58

APPROVED PROJECT DESCRIPTION:

The request comprises (A) a Use Permit to establish and operate a retail service station comprising: 3,000 sf office and convenience store, 6 fueling pumps under a 4,000± sq. ft. canopy, and a 30k gallon underground fuel storage tank (UST); (B) a setback Variance for a fueling canopy, allowing a 2 ft. front yard setback where 20 ft. is required, and (C) a parking Waiver reducing the required 37 off-street parking spaces to 30 spaces.

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

****All of the below conditions are predicated on the successful adoption of an Ordinance Amendment limiting left-turn and through movement at the North State Street and US 101 intersection, in accordance with California Department of Transportation and County of Mendocino Dept. of Transportation recommendations, being approved by the Board of Supervisors (see Mitigation Measure Number 32). If an Ordinance Amendment is not approved, no aspect of either U_2015-0009 or V_2015-0001 may be developed.**

Standard Conditions of Approval:

1. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within two (2) years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
2. In the event that the use of the facility should cease operation for a period exceeding one (1) year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by U_2015-0009.
3. 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 by conditions of the use permit.
4. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
5. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds, and any such revocation shall proceed as specified in Title 20 of the Mendocino County Code:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

6. 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.
7. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit. The requirements set forth in the below noted letters shall be adhered to. Said letters are on file with the Department of Planning and Building Services:
 - a. California Department of Transportation (CalTrans): January 7, 2016, and February 3, 2016
 - b. County of Mendocino Department of Transportation (DOT): October 14, 2015, and February 10, 2016
 - c. California Department of Forestry and Fire Protection (CalFire): May 19, 2015
 - d. County of Mendocino Department of Planning and Building Services (PBS): July 25, 2015
 - e. Mendocino County Air Quality Management District (AQMD): August 3, 2015
 - f. Mendocino County Environmental Health (EH): August 4, 2015
 - g. County of Mendocino Archaeological Commission: September 9, 2015
8. 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

Aesthetics

9. Prior to construction, plan and elevation drawings of all signs, including visual appearance and method of illumination, shall be submitted to PBS for review and approval in accordance with MCC Chapter 20.184. All signs, including informational and/or directional signs shall not cumulatively exceed 160 sq. ft. in area. Banners and similar temporary signs shall count towards total square footage used.
10. No signs shall be allowed within any public right-of-way/roadway.
11. All landscaping shall comply with current State mandated "Water Efficient Landscape" requirements as managed by the State Department of Water Resources. A detailed landscaping plan shall be submitted to PBS for review and approval. Landscaping proposed shall be drought tolerant and native to the area. Approved landscaping shall be established and maintained.
12. 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.

Air Quality

13. The project is subject to all rules of Regulation 3 (Airborne Toxic Control Measures) of the Mendocino County AQMD. Prior to issuance of building permit, applicant shall acquire permits from AQMD prior to installation of gasoline tanks and hardware.
14. The access road, driveway, parking areas, and interior circulation routes shall be maintained in such a manner as to ensure minimum dust generation subject to AQMD Regulation 1 Rule 430 (Fugitive Dust Emissions). All grading must comply with AQMD Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with AQMD regulations regarding asbestos content.

15. Any demolition or renovation of structures may require asbestos clearance and notification to the AQMD. Prior to issuance of demolition building permits by PBS, the applicant shall submit a copy of the National Emissions Standards for Hazardous Air Pollutants [NESHAP] clearance from the AQMD to PBS.
16. Prior to issuance of building permit, the owner/applicant shall contact the Mendocino County 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 PBS stating that the project is in compliance with State and Local regulations relating to naturally occurring asbestos.

Biological Resources

17. No material shall be placed into or where it may pass into any stream or watercourse in quantities which would be deleterious to fish, wildlife or other beneficial uses.
18. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to PBS. Said fee of \$2,260.25, OR CURRENT FEE, shall be made payable to the Mendocino County Clerk and submitted to PBS within 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 Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by PBS 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 the sole responsibility to ensure timely compliance with this condition.**

Cultural Resources

19. A qualified professional archaeologist is to be on site during all excavating or earth moving activities associated with the project, and prior to Final of building permit, archaeologist must provide PBS with a report summarizing their observations. (The California Office of Historic Preservation administers the California Historical Resources Information System which maintains a list of qualified archaeologists.)
20. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of MCC Chapter 22.12.090 "Discoveries" relating to archaeological discoveries have been satisfied.

Geology and Soils

21. Prior to the issuance of building permits, a soils report and engineered foundation may be required by PBS.
22. The owner/applicant shall acknowledge in writing to PBS that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant shall submit to PBS an acknowledgement of these grading and site preparation standards:
 - 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 project shall utilize Low Impact Design techniques to reduce the amount of surface water runoff, and to filter runoff before it enters the drainage swale.
 - c. 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.

- d. 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.
 - e. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - f. 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.
 - g. All earth-moving activities shall be conducted between May 15th and October 1st of any given calendar year unless wet weather grading protocols are approved by PBS or other agencies having jurisdiction.
 - h. 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 (38.3 m³) on any one lot and does not obstruct a drainage.
23. Construction and earthwork shall be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.
24. Prior to issuance of building permit, the applicant shall have a drainage plan prepared that is consistent with the National Pollutant Discharge Elimination System (NPDES) program, including post-construction standards that demonstrate how the drainage features will be maintained for the life of the project. Said plan will be submitted to both the Mendocino County Water Agency and PBS for approval.

Hazards and Hazardous Materials

25. Prior to issuance of building permit, the owner/applicant shall receive any applicable permits from EH for the installation of the 30k gal. underground storage tank.
26. Prior to issuance of building permit, a Hazardous Materials Management Plan (HMMP) approved by EH shall be submitted to PBS. An HMMP is required if any hazardous material/waste onsite exceeds 55 gallons (liquid), 500 lbs (solids), or 200 cubic feet (gases) in quantity. This plan shall be maintained and complied with for the duration of the project.
27. The Owner/Applicant shall comply with those recommendations in CalFire letter of May 19, 2015 (CalFire# 111-15) or other alternatives as acceptable to CalFire. Prior to Final of building permit, written verification granting "Final Clearance" from CalFire shall be submitted by the owner/applicant to PBS confirming that conditions have been met to the satisfaction of CalFire.
28. Owner/Applicant shall comply with all requirements of the Fire Code. Prior to Final of building permit, written verification from Redwood Valley Fire District shall be submitted by the owner/applicant to PBS confirming that conditions have been met to the satisfaction of the Fire District.

Hydrology and Water Quality

29. Prior to issuance of building permit, the owner/applicant shall provide DOT with a site plan designed by a licensed civil engineer that provides for properly designed culvert pipes and manages post construction drainage. The site plan shall include a swale drainage study.

Transportation / Traffic

30. Prior to issuance of the building permit, the owner/applicant shall obtain the necessary DOT encroachment permit, and provide a commercial driveway approach with concrete edges per County Standards A 41 A, and A 41 B.
31. All parking areas shall be paved with permeable surfacing materials such as permeable pavers or gravel to encourage onsite infiltration of stormwater runoff. Traffic patterns and parking spaces shall be delineated.

Mitigation Measures:

32. ** Prior to issuance of a building permit, the applicant must obtain an ordinance amendment approved by the Board of Supervisors limiting left-turn and through movement at the North State Street 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 the approval of the aforementioned ordinance amendment.
33. ** Subsequent to obtaining the ordinance amendment, prior to the issuance of the building permit, and pursuant to encroachment permit procedures administered by Caltrans, the applicant shall obtain an encroachment permit for all work within the State Right of Way, such as signs and pavement markings, at the intersection of North State Street and US 101:
 - a. owner/applicant shall provide the necessary signs and striping, as determined by DOT
 - b. owner/applicant shall pay for their installation by a qualified general contractor per CalTrans' specifications;
 - c. a copy of the approved encroachment permit shall be submitted to PBS Planning Division along with the building permit application for the retail service station;
 - d. this encroachment permit shall be separate from the encroachment permits relating to the proposed new site entrance.
34. ** Prior to issuance of a building permit, a parking plan shall be submitted PBS for review and approval. Parking area shall be located and designed to:
 - a. appear subordinate to the uses served;
 - b. be visually attractive;
 - c. meet normal, not maximum single day expected vehicle demand;
 - d. provide adequate area for both parking and circulation movements outside public rights-of-way and private ways not intended for that purpose or use, and
 - e. provide for on-site treatment of stormwater.

Utilities and Service Systems

35. Prior to issuance of building permit, the owner/applicant shall obtain approval from EH for septic system.
36. Prior to issuance of building permit, owner/applicant shall submit a Construction Waste Management Plan.
37. Prior to Final of building permit, owner/applicant shall contract with a commercial solid waste disposal service to provide disposal services.

Business License

38. Prior to Final of building permit and the commencement of operations, the applicant shall submit a copy of their Mendocino County Business License to PBS. This license shall be kept active and if in the event that the license is inactive for a period of one (1) year or longer, the use permit and business will automatically expire.

Variance

39. **The owner/applicant is advised that the Variance will expire at the end of two (2) years, on September 15, 2018,** unless construction of the canopy is commenced and diligently pursued in compliance with required building permits prior to that date.

EXHIBIT B

**APPLICANT'S STATEMENT
REGARDING VARIANCE FINDINGS
SEPTEMBER 15, 2016**

V_2015-0001 – FAIZAN

- (A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;

"The property in question is zoned C1—Limited Commercial—and fronts on a section of North State Street that is a frontage road running parallel with State Highway #101. This section of the State Highway is posted for maximum speed of 65 miles per hour. The profile of the highway through this area is on an up gradient in both directions from this site. The alignment is on a gentle curve to the left coming from the south and continuing to the north the highway climbs and trends to the right.

The property was zoned C1—Limited Commercial—by the Board of Supervisors back in 1987. It was the hope of the County fathers that this land use designation would facilitate a balance between jobs and housing. This area was to be the area where a limited number of retail commercial goods and services could be provided to meet the day to day needs of local residents. It was their hope that both housing and commerce could develop in balanced proportions and that undesirable traits like excessive noise and/or traffic could be minimized.

Historically businesses have had trouble succeeding in this location. At least part of the problem is communication with the traveling public and getting them to slow and turn off the highway. The hope is to attract and establish other businesses that could benefit and market to the same public community and travelers as well."

- (B) That 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;

"Time has proven that unless a special approach is deployed to communicate with passing motorists and a special effort is made to attract neighboring residents that this cycle will continue to repeat itself. It will take a special selection and balance of businesses to overcome the obstacles to doing business."

- (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.

"If this little enclave of businesses are going to attract other businesses and prosper, this variance is necessary to preserve and allow these enterprises to enjoy a substantial property right possessed by other property in other similarly zoned property in the area."

- (D) That 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;

"As outlined above the granting of this variance will not be a [detriment]. It will be a benefit to the neighborhood, the surrounding community, and the traveling public."

(E) That the granting of such variance will not adversely affect the General Plan.

“The granting of this request will not adversely affect the General Plan. It will provide need[ed] commercial goods and services on a local level as well as draw dollars into the county that might have been spent in other jurisdiction[s]. Having these services on a local level will reduce traffic and resulting emissions that would otherwise be generated by trips to town or other commercial locations.

The location of the fueling canopy in front of the existing row of buildings as proposed encroaches into the front yard such that there isn't a front yard. The extenuating circumstance is that the public right-of-way across the front of the property is deeper than normal. The current distance between centerline and property line is 57'. The current half width for corridor preservation along this frontage is 35'. Doing the math the difference being 22'. The reasoning behind moving the fueling canopy forward (eliminating the front yard setback) is to allow parking and traffic circulation between the canopy and the existing building.

Between where the canopy is proposed and the existing building there are 2 overlapping, privately held easement[s] for roadway and utility purposes. This prevents [the] canopy from being built in accordance with the front yard setback. The project sponsor has attempted to purchase the easement but without success.

As a mitigation, the project sponsor is willing to landscape and provide irrigation in the space between the edge of the road and the front of the canopy and maintain it. Two new driveway openings are proposed by this application which will require MC-DOT buy-in and [oversight].”