



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: JUNE 8, 2023
TO: ZONING ADMINISTRATOR
FROM: SAM VANDY VANDEWATER, SENIOR PLANNER
SUBJECT: REVOCATION OF USE PERMIT U_2017-0007

On May 30, 2017, a Use Permit Application (U_2017-0007) was submitted to the Mendocino County Department of Planning & Building Services (MCPBS) requesting permission to establish a gas station at 1550 South State Street, Ukiah (APNs 003-430-81 and -82; formally 003-430-55 and -60 at time of project submission). The project was processed using standard public agency referral, project analysis, and public hearing procedures. During the referral period, the Mendocino County Department of Transportation (MCDOT) requested several Conditions of Approval be included as part of their referral response. These conditions were included in the project resolution as Conditions of Approval #18, #27, #28, and #29.

On December 14, 2017, the Use Permit Application (U_2017-0007) was heard by the Zoning Administrator where all conditions requested by MCDOT were adopted as part of the project. Between this date of approval and March 2021, the applicant worked to complete all applicable Conditions of Approval in order to obtain a Business License to operate.

On April 2, 2021, the applicant submitted their Business License Application (BL_2021-0080) to operate the gas station pursuant to U_2017-0007; upon review by Planning, it was found that Conditions #27, #28, and #29, among several others, had not been completed.

On April 5, 2021, the MCPBS received a letter from the MCDOT stating an extension of time for Conditions of Approval #27, #28, and #29 to a new date of April 5, 2023, had been provided to the applicant. The intention of the extension by MCDOT was to allow the applicant more time to design and initiate improvements to Jefferson Street that would adhere to County standards for sidewalks, drainage, and access; improvements to South State Street had already been completed. Additionally, this allowed for the approval of the Business License Application (BL_2021-0080) since the South State Street improvements, considered to be the more important of the two public road improvement requirements, were completed.

On April 26, 2023, MCDOT Staff Alexander Sequeira contacted senior planning staff regarding the status of the outstanding conditions (#27, #28, and #29). MCDOT Staff stated that the applicant had not completed said conditions and requested the Planning Division take appropriate action towards the applicant and project. MCPBS Senior Planner Sam Vandy Vandewater contacted the applicant and stated that a resolution between them and MCDOT Staff must be determined, or the project would be scheduled for public hearing for revocation. A brief discussion between the applicant and MCDOT staff occurred to remedy the situation, but on May 17, 2023, MCDOT staff informed MCPBS Staff that any agreement had stalled and to proceed with any appropriate remedial action.

Therefore, Planning Staff is recommending the Zoning Administrator revoke the previous approval for Use Permit U_2017-0007, pursuant to Mendocino County Code Section 20.196.055(A)(2), for being in violation of Conditions of Approval #27, #28, and #29 as identified by and discussed with MCDOT.

ATTACHMENTS:

1. Adopted Resolution
2. Communications between MCPBS and MCDOT