

Resolution Number ZA\_2018-0002

County of Mendocino  
Ukiah, California  
DECEMBER 14, 2017

U\_2017-0007 GHULAM M. ANSARI

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO,  
STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND  
GRANTING A MINOR USE PERMIT TO BUILD AND OPERATE A GAS STATION IN  
SOUTH UKIAH

WHEREAS, the applicant, GHULAM M. ANSARI, filed an application for a MINOR USE PERMIT with the Mendocino County Department of Planning and Building Services to establish and operate a six (6) dispenser gas station with a canopy roof on a property with an existing convenience store, outside of Ukiah city limits, 1.75± miles south of city center, lying west of South State Street and north of Jefferson Lane at 1550 S. State St., Ukiah (APNs: 003-430-55 & 003-430-60) – General Plan MU-2; Zoning C1:6K/AZ; Supervisorial District 5; (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 14, 2017 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 Zoning Administrator held a public hearing on December 14, 2017 at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the MITIGATED NEGATIVE DECLARATION which was proven by an Initial Study performed. All interested persons were given an opportunity to hear and be heard regarding the MITIGATED NEGATIVE DECLARATION and the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Zoning Administrator regarding the MITIGATED NEGATIVE DECLARATION and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. **General Plan Findings:** The proposed project is consistent with the property’s General Plan land use designation of Mixed Use (MU-2) 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. **Zoning Findings:**
  - a. That adequate utility, access roads, drainage and other necessary facilities have been or are being provided for the proposed retail service station.
  - 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 the facility, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
  - c. That the retail service station preserves the integrity of the zoning district.
3. **Project Findings:** The Zoning Administrator approves U\_2017-0007 subject to the conditions of approval recommended by staff, and further finding:

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

The site is developed with a single family residence and a convenience store in which requisite services are or would be provided. The site gains access from South State Street (CR 104A) and Jefferson Lane (CR 267). Condition 27 safeguards American Disability Act (ADA) compliance, Condition 28 requires construction of driveway approaches to Department of Transportation standards and Condition 29 will ensure adequate wastewater disposal.

- b. 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 project would authorize the construction and operation of a gas station. The property is clearly marked as a commercial area and the project would fit with the current use of the property. The project has been conditioned to minimize potential nuisances and will ensure compatibility with surrounding land uses.

- c. That such use preserves the integrity of the zoning district.

The property is zoned Limited Commercial (C-1). Convenience stores and retail in general is a permitted use in C-1 districts. The project is intended to expand the retail sales aspect of the existing use of the property thereby preserving the integrity of the zone district.

4. **ALUC Finding:** The proposed project was referred to the Mendocino County Airport Land Use Commission (ALUC) and comments were received stating that due to the lateral location of the proposed project in the B-2 airport zone, no ALUC approval is required. The project is in compliance with the guidelines related to allowable uses and height limitations, among other standards, of its airport zone category and the Airport Comprehensive Land Use Plan.
5. **Air Quality Finding:** The proposed project was referred out to the Air Quality Management District (AQMD), and their comments were provided on a letter dated October 19, 2017. The AQMD identified the project as a potential emitter of toxics to sensitive receptors such as Grace Hudson Elementary School which is 250± feet southwest of the project location. Due to the location of the project near sensitive receptors it was determined through the Initial Study that a mitigation measure would be required to reduce potential impacts from the proposed project to less than significant levels. As such, Condition 17 is recommended to ensure that sensitive receptors are protected from any potential hazards associated with the project.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby adopts the Mitigated Negative Declaration set forth in the Conditions of Approval. The Zoning Administrator 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 Zoning Administrator.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested MINOR USE PERMIT, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Zoning Administrator 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.

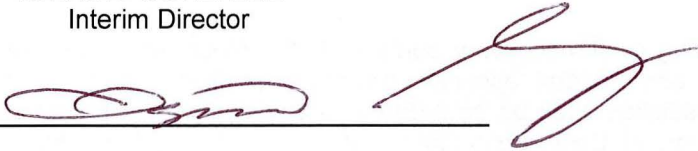
BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

ATTEST: VICTORIA DAVIS  
Commission Services Supervisor

By: 

BY: IGNACIO GONZALEZ  
Interim Director



## EXHIBIT A

### CONDITIONS OF APPROVAL

U\_2017-0007

DECEMBER 14, 2017

To establish and operate a six (6) dispenser gas station with a canopy roof in a property with an existing convenience store.

**APPROVED PROJECT DESCRIPTION:** To establish and operate a six (6) dispenser gas station with a canopy roof in a property with an existing convenience store.

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

#### **Conditions of Approval:**

1. 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. Written verification from the County Division of Code Enforcement shall be submitted to Planning and Building Services that all outstanding violations have been cleared to the satisfaction of that office.
2. 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.
3. 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\_2017-0007.
4. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of this use permit.
5. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith is mandatory, unless a modification has been approved by the Zoning Administrator.
6. 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.
7. 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.
8. 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. Air Quality Management District (AQMD): dated October 19, 2017
  - b. Mendocino County Department of Environmental Health (MCDoEH): dated August 15, 2017

- c. Mendocino County Department of Transportation (MCDOT): dated September 28, 2017
  - d. Redwood Valley Little River Band of Pomo Indians (RVLRBoPI): dated August 30, 2017
9. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.

**Aesthetics:**

10. 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.
11. No signs shall be allowed within any public right-of-way/roadway.
12. 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.
13. During construction, no tree removal or limb removal of the existing trees on the subject property shall occur without prior review and approval by the Department of Planning and Building Services. In the event that the screening trees located on the south and west portions of the subject property die during the life of the project, they shall be replaced with similar species in the same location.
14. 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:**

15. The project is subject to all rules of Regulation 3 (Airborne Toxic Control Measures) of the Mendocino County Air Quality Management District (AQMD). Prior to issuance of building permit, applicant shall acquire permits from AQMD prior to installation of gasoline tanks and hardware.
16. 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.
17. \*\*Prior to issuance of building permit, the owner/applicant shall contact the AQMD to have a Screening Level Health Risk Assessment performed to identify the calculated risk from exposure to benzene. Following review of the Screening Level Health Risk Assessment, the AQMD will prepare a 30 day public notice of a possible source of air hazardous emissions near a school in accordance with California Health and Safety Code, Section 42301.6(a).

**Biological Resources:**

18. No trees shall be removed from the County Roads right-of-way.

**Cultural Resources:**

19. 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:**

20. 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 1<sup>st</sup>.
- g. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 1<sup>st</sup> 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 m<sup>3</sup>) on any one lot and does not obstruct a drainage.

21. 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:**

22. Prior to issuance of building permit, a Spill Prevention, Control and Countermeasures (SPCC) Tier III plan approved by the Mendocino County Department of Environmental Health (MCDoEH) shall be submitted to PBS.
23. Prior to issuance of building permit, a Hazardous Materials Management Plan (HMMP) approved by MCDoEH 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.
24. Owner/Applicant shall comply with all requirements of the Fire Code. Prior to Final of building permit, written verification from Ukiah 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.

### **Transportation/Traffic:**

25. 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 storm water.
26. All parking areas shall be paved with permeable surfacing materials such as permeable pavers or gravel to encourage onsite infiltration of storm water runoff. Traffic patterns and parking spaces shall be delineated.
27. The applicant shall construct ADA compliant sidewalks, curbs and gutters adjacent to the parcel along both South State Street and Jefferson Lane per MCDOT Std.'s A40A & B.
28. The applicant shall construct driveway approaches at each connection to the County roads per MCDOT Std.'s A50 and A51C with Commercial Driveway Type where driveway thickness is 8 inches and transition is 4 feet
29. The applicant shall construct valley gutters at the approaches at each connection to the County roads per MCDOT Std. A41A.

### **Utilities and Service Systems:**

30. Prior to issuance of building permit, owner/applicant shall submit a Construction Waste Management Plan.

### **Business License:**

31. 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.

### **Lighting Plan:**

32. As part of the building permit application process for this project, the applicant is required to provide PBS with a Lighting Plan. The plan must clearly show lighting will only affect the project site, and will not exceed its boundaries. This is to protect the residents adjacent to the site.

**California Department of Fish and Wildlife:**

33. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Wildlife Code are submitted to PBS. Said fee of \$2,266.25, 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 Wildlife 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.**

**Related Project Completion:**

34. Related Boundary Line Adjustment application B\_2017-0017 must be completed prior to making use of this permit.