



**ZONING ADMINISTRATOR
STAFF REPORT- MINOR USE PERMIT**

**DECEMBER 14, 2017
U_2017-0007**

SUMMARY

OWNER/APPLICANT: GHULAM ANSARI
18770 N. HWY. 1
FORT BRAGG, CA 95437

AGENT: LAWRENCE MITCHELL, AIA
135 W. GOBBI ST., SUITE 203
UKIAH, CA 95482

REQUEST: To establish and operate a 6 dispenser gas station with a canopy roof in a property with an existing convenience store

APPLICATION DEEMED COMPLETE: July 9, 2017

LOCATION: Outside of Ukiah City limits, 1.75± miles south of City center, lying west of South State St. and north of Jefferson Lane (CR 267). Located at 1550 S. State St., Ukiah (APNs: 003-430-55 & 003-430-60).

TOTAL ACREAGE: 1.13 ± acres

GENERAL PLAN: MU-2 – Mixed Use

ZONING: C-1 – Limited Commercial, 6K

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Eduardo Hernandez

BACKGROUND

PROJECT DESCRIPTION: The applicant is requesting a Use Permit to establish and operate a retail service station ("Automotive and Equipment-Gasoline Sales" per Mendocino County Code (MCC) §20.024.025(D)) with 6 fueling dispensers under a 2,900 sq. ft. canopy, two underground storage tanks with a 25,000 and 22,000 gallons respective capacity; on a C-1 zoned property 1.75± miles south of Ukiah City center, lying west of South State Street. The proposed project would be an addition to a business with an existing two story convenience store which includes propane sales and a deli; which are permitted uses per MCC §20.088.010(C).

The proposed project is not phased; site plans with the fuel trucks circulation plan were provided and reviewed per local agencies.

RELATED APPLICATIONS ON-SITE:

- Boundary Line Adjustment B_2017-0017 reconfigured the boundary between the 2 subject assessor's parcels.

On-Vicinity:

- N/A

SITE CHARACTERISTICS: The subject property is in the middle of a commercial strip west of South State Street, with residential zone to the west and, Ukiah's municipal airport to the east. The property is located at a corner with local road Jefferson Lane. At 4,500± feet south of Talmage Rd; this would be the southernmost gas station inside the Ukiah Valley Area Plan (UVAP).

The site is in a category B-2 Airport Zone area, and the proposed project is an acceptable use according to the Mendocino County Airport Comprehensive Land Use Plan.

The database used by this office to verify if a given parcel is served by a water district indicated the parcels from this application were not being served by any water district. However, the applicant provided proof of water service by Willow Water District. The discrepancy was noted and copies of the documentation provided were routed to the Assessor's office to update our database.

Existing development on the site includes a 2-story convenience store, a 2-story single-family residence, and the soon to be demolished "Water Trough" bar.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOTS ACREAGES	USES
NORTH	C	C-1	1.23±	COMMERCIAL
EAST	Ukiah City	Ukiah City	N/A	UKIAH CITY
SOUTH	MU-2	C-2	0.46± & 5.88±	COMMERCIAL
WEST	SR	R-1	0.3±, 0.14±, 0.14±, 0.15±, 0.24±, & 0.32±	RESIDENTIAL

PUBLIC SERVICES:

Access: SOUTH STATE ST (CR 104A)
Fire District: UKIAH VALLEY
Water District: WILLOW WATER
Sewer District: UKIAH VALLEY
School District: UKIAH UNIFIED

AGENCY COMMENTS: On August 28, 2017 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. 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 comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT	DATE
MC Dept. of Transportation	Comments	09/28/17
MC Dept. of Environmental Health-Ukiah	Comments	08/27/2017
MC PBS, Building Services Division-Ukiah	No Comment	08/25/2017
MC Assessor	No Response	
MC Air Quality Management District	Comments	10/24/2017
MC Water Agency	No Response	
CA Regional Water Quality Control Board	No Response	
CA State Clearinghouse	No Response	
MC Airport Land Use Commission	No Comments	08/25/2017
MC Local Agency Formation Commission	No Response	

REFERRAL AGENCIES	COMMENT	DATE
City of Ukiah Planning Department	No Response	
Ukiah Valley Sanitation District	No Response	
Willow Water District	No Response	
Ukiah Valley Fire District	No Comments	08/28/2017
Cloverdale Rancheria	No Response	
Sherwood Valley Band of Pomo Indians	No Response	
Redwood Valley Rancheria	Comments	08/30/2017

KEY ISSUES

GENERAL PLAN and ZONING CONSISTENCY: The project is consistent with its General Plan designation of Mixed Use (MU-2). The Land Use Section Policy DE-12 of the General Plan states that the intent of the Mixed Use land use designation is as follows:

“The Mixed Use classification is a new category for future use that would allow two to three story mixed-use development with commercial uses encouraged at street level... This classification is intended for the core of Community Planning Areas and along important transportation corridors near City boundaries... The intent of this classification is to provide for true pedestrian and transit-capable urban development.”

As discussed in the staff report and the Initial Study, the project will be located on a previously developed site. The impacts of any tree removal, grading, and other development activities, will be reduced to the greatest extent possible with the inclusion of the recommended Conditions of Approval.

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”, as defined in MCC §20.024.025(D), is a use subject to a Minor Use Permit per MCC §20.088.015(C) in the C-1 Limited Commercial District.

The proposed project, if constructed in conformance with the recommended Conditions of Approval, will be consistent with the General Plan and Zoning designations for the property.

SPECIAL PLANS: The subject property is within the Ukiah Valley Area Plan (UVAP), which recognizes State Street as one of the most important roads in the area. The proposed project is compatible with the corridor’s commercial character, and will provide services along a mostly private vehicle transited corridor. The UVAP MU-2 land use classification allows a variety of residential, commercial, civic, light industrial and mixed use developments. Prohibited uses include heavy industrial. The gas station component of the Project constitutes a commercial retail use.

On page 3-7 of the UVAP, mixed use development is identified as a key issue and the following is stated:

“Mixed Use Development: Generally, mixed use and compact development patterns allow greater efficiency and economy in providing public services conserves agricultural and resource lands, preserves the rural character desired by many of the County’s residents, and can provide more affordable housing. It also encourages more walking and biking, benefiting community health. Both the General Plan and this document [UVAP] include Mixed Use as a Land Use option.”

The proposed project would conform to the above UVAP provisions regarding MU-2 classification. The project may be considered infill, which makes use of an existing developed site, thereby keeping development compact and reducing the demand to develop additional lands for similar uses. The project is conditioned to require design review for landscaping, lighting, signage and parking (Conditions X, Y and Z).

USE PERMIT

Air Quality: The proposed project was referred to the Air Quality Management District (AQMD), and their comments were provided in 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. Condition #17 requires that prior to the issuance of any permits related to the gas station construction, the applicant shall contact the office of AQMD to perform a Screening Level Health Risk Assessment to identify the calculated risk from exposure to air toxic contaminants, and acquire all permits pertinent to their office.

Airport Zone: The proposed project was referred to the Mendocino County Airport Land Use Commission (ALUC) on August 25, 2017 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 within the standards provided by its airport zone designation of B-2. The proposed project is an allowable use per the Airport Comprehensive Land Use Plan (ACLUP), and is within the height limitations per Part 77, Subpart C, of the Federal Aviation Regulations and with the United States Standard for Terminal Instrument Procedures (TERPS). The height limitation for B-2 airport zones is also in accordance with the height limit provided for C-1 zoning districts per MCC Sec. 20.088.045 which states no building in C-1 Limited Commercial districts shall be over 35 feet in height. The project is therefore found to be in compliance with the guidelines of its airport zone category and the Airport Comprehensive Land Use Plan.

Use Permit Findings

- a. *That adequate utility, access roads, drainage and other necessary facilities have been or are being provided for the proposed retail service station.*

MCDOT has reviewed the proposed project and recommends conditional approval. Building Division of Mendocino County Department of Planning and Ukiah Valley Fire Department have reviewed the project and didn't provide any comments. Mendocino County Department of Environmental Health requires additional permitting through their Department, which has been incorporated into the Conditions of Approval.

- 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.*

The retail service station is located to the east of a dense residential area, 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. However, the Mendocino County Air Quality Management District reviewed the proposed project and will require additional assessment and permitting through their office, which has been added in the Conditions of Approval.

- c. *That the retail service station preserves the integrity of the zoning district.*

The proposed project is located in a zoning district which encourages dense, mixed-use development that incorporates multi-story buildings. The applicant proposes a single story business in a property that has an existing two-story convenience store and a two story residence. Although this proposed project does not fully represent the intent of a Mixed-Use district; it is projected that it will not undermine its integrity.

CEQA: Staff has completed an Initial Study for the project and determined that the project could have a significant impact on air quality. The Mitigated Negative Declaration was released for public comment on August 14, 2017. 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 air quality to a less than significant level. Staff recommends that the Zoning Administrator certify a Mitigated Negative Declaration for the project.

RECOMMENDATION

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

DATE

EDUARDO HERNANDEZ

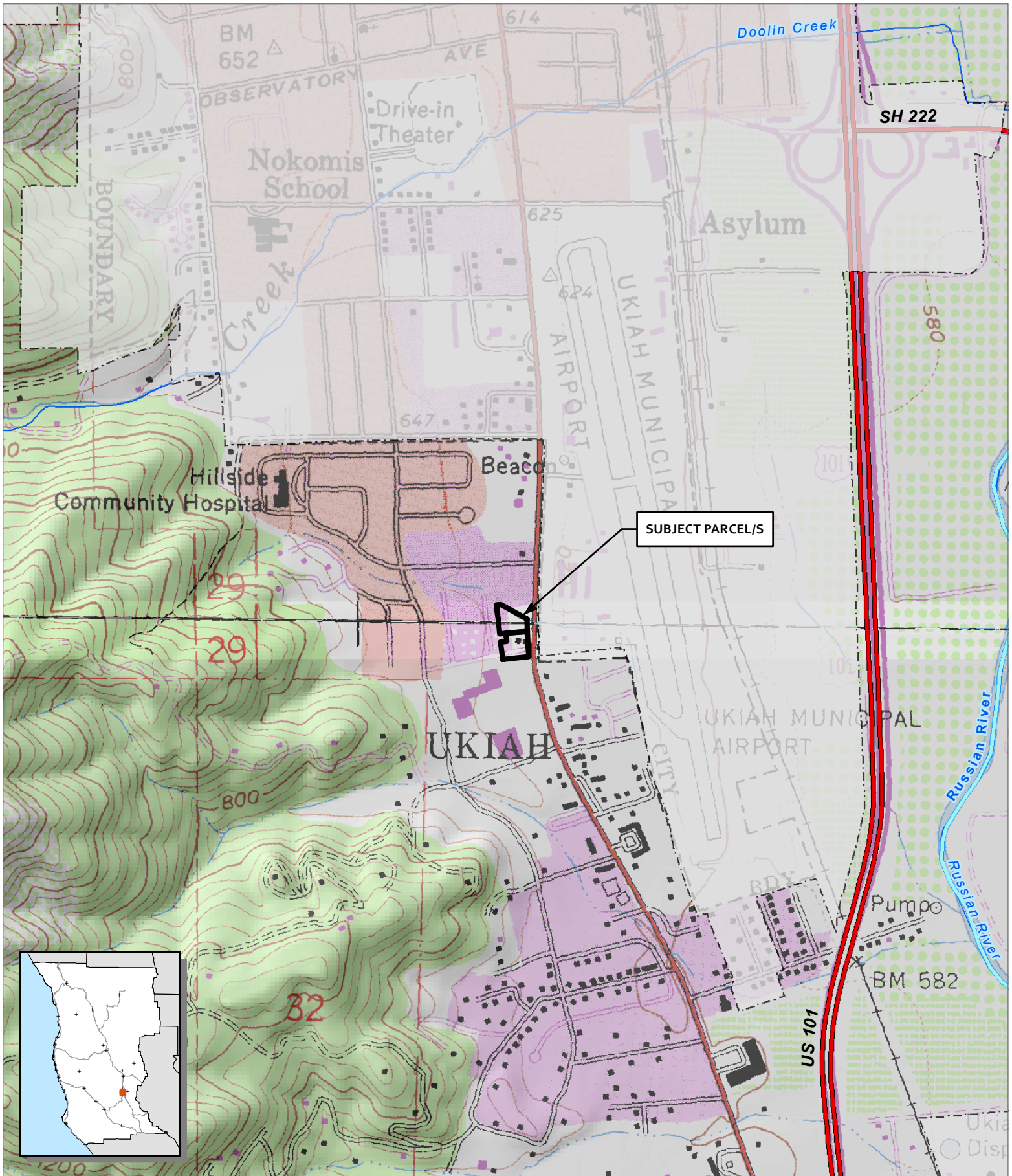
Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery
- C. Plans by Applicant
- D. Zoning Display Map
- E. General Plan Classifications
- F. Adjacent Parcels
- G. Fire Responsibility Areas
- H. Water Districts
- I. Storm-water Permitting Zones
- J. Airport Zones
- K. Miscellaneous Map

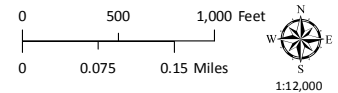
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A)



CASE: U 2017-0007
 OWNER: ANSARI, Ghulam
 APN: 003-430-55, 60
 APLCT: Ansari Ghulam
 AGENT: Lawrence Mitchell
 ADDRESS: 1550 S. State Street, Ukiah

- Incorporated City Limits
- Highways
- ~~~~~ Major Rivers
- ~~~~~ Named Rivers



ATTACHMENT A

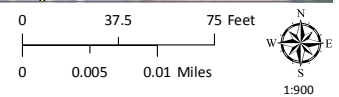
LOCATION MAP

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- Public Roads
- Private Roads
- Driveways/Unnamed Roads



ATTACHMENT B

AERIAL IMAGERY

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11

MARK	DATE	REVISION
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NOR CAL GASOLINE
NEW FUELING CANOPY
1550, 1570 S. STATE ST.
UKIAH, CA

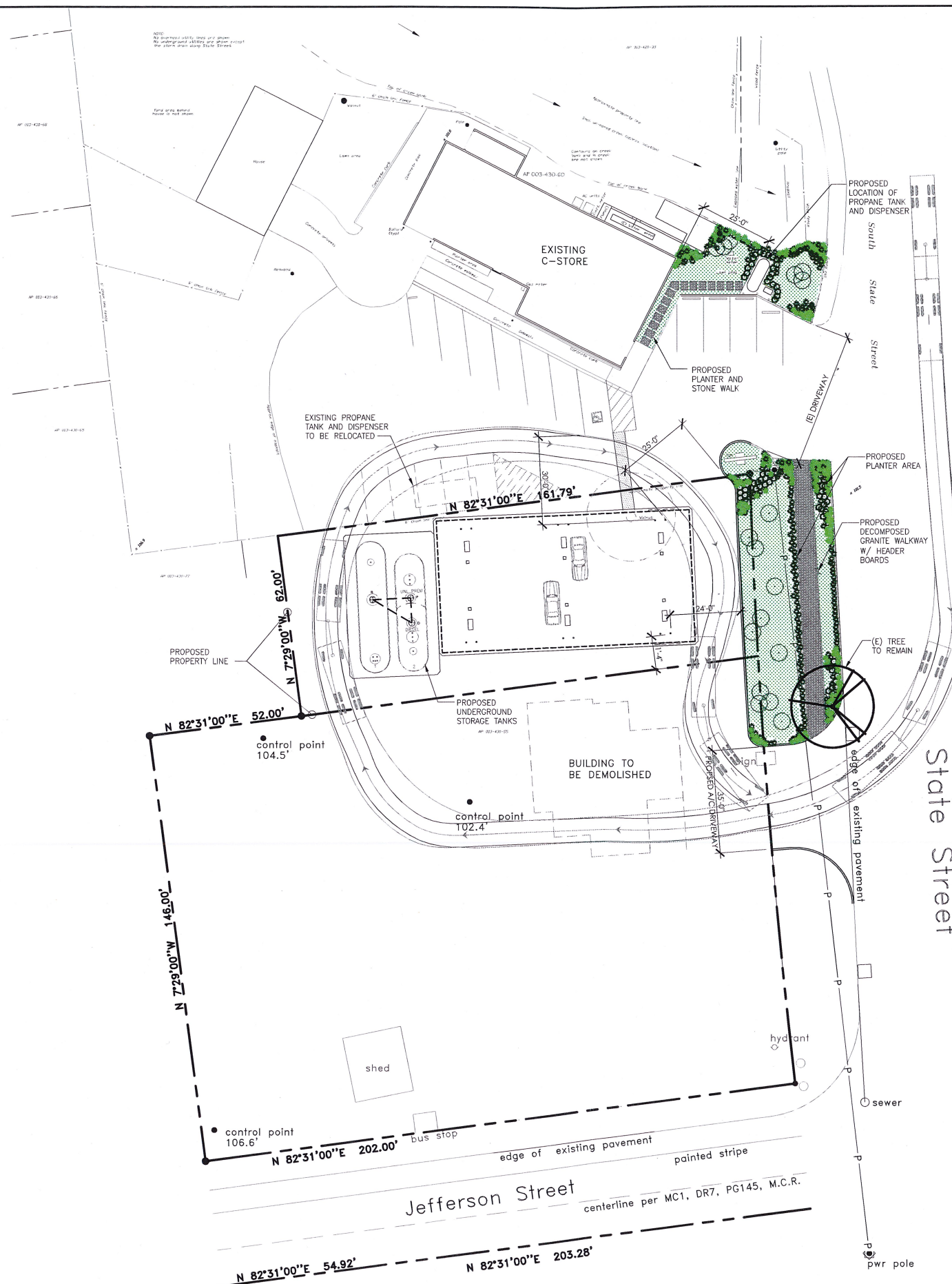
Project Number
NCG17001.0

Sheet Name

PRELIM
SITE
PLAN

Sheet Number

SP1



SCALE: 1" = 20' - 0"

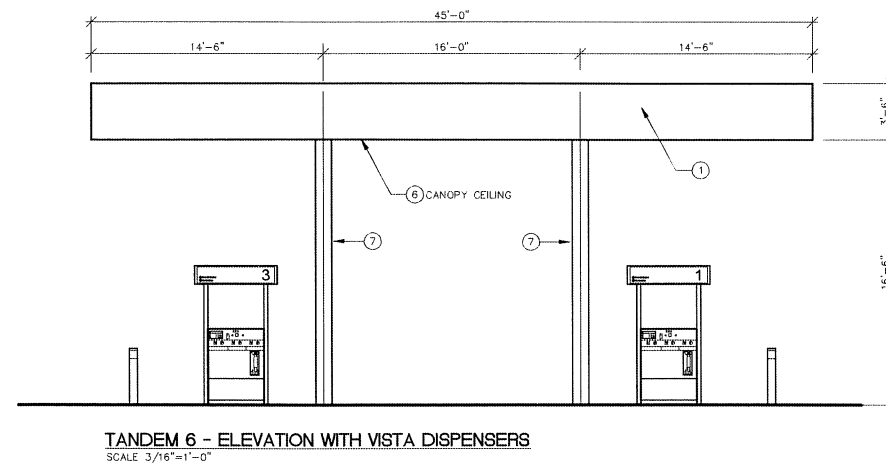
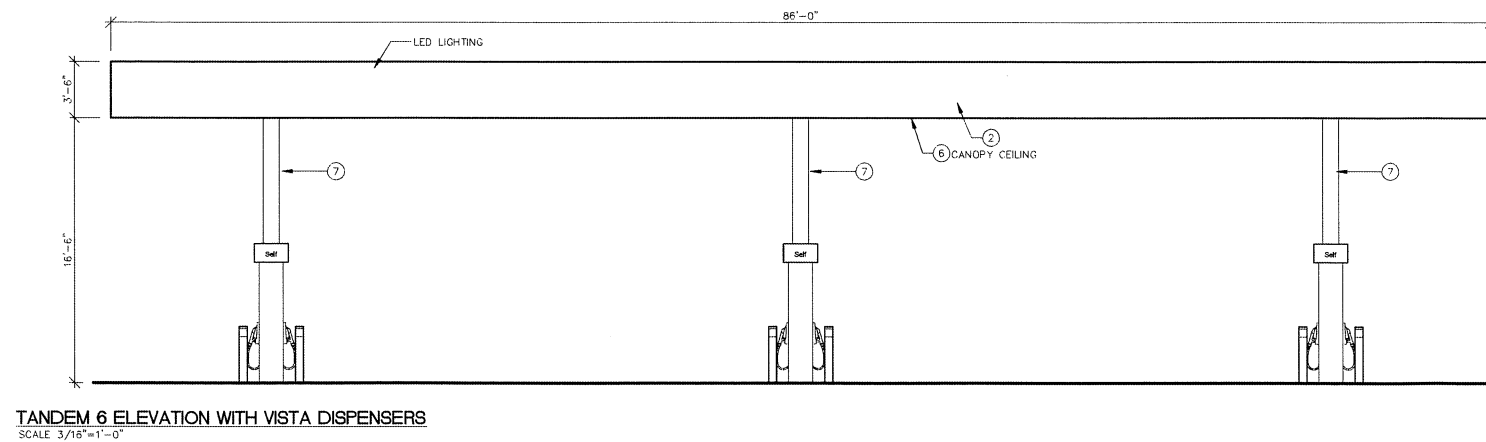
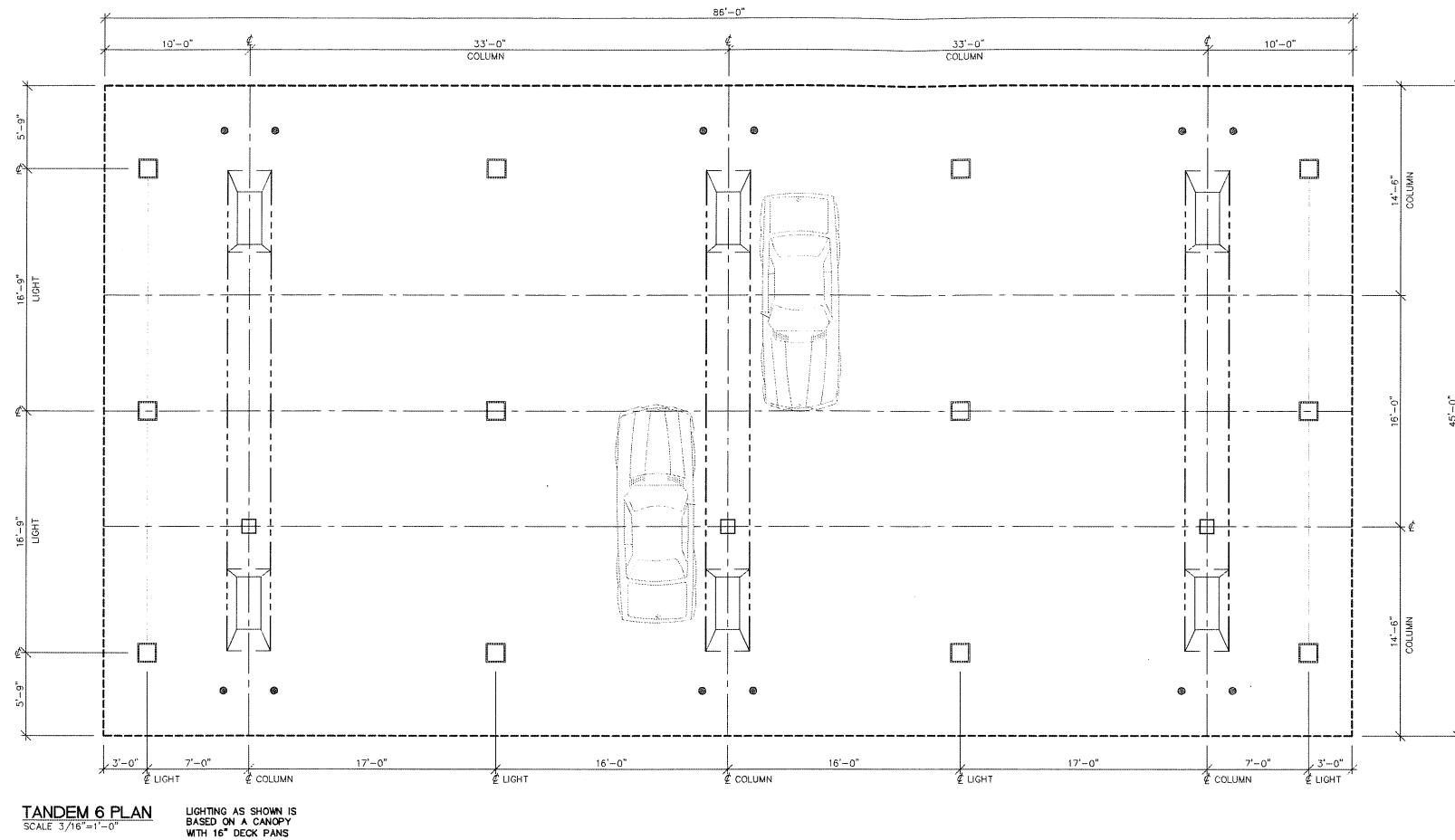


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ATTACHMENT C

1 PRELIMINARY SITE PLAN
SCALE: 1" = 20'-0"

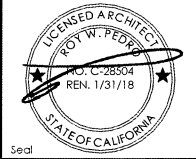
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ATTACHMENT C



2455 Bannett Valley Rd, Suite A-102
Santa Rosa, CA, 95404



Seal

REVISION

DATE

MARK

NOR CAL GASOLINE
NEW FUELING CANOPY
1550, 1570 S. STATE ST.
UKIAH, CA

Project Number
NCG17001.0

Sheet Name
CANOPY
PLAN AND
ELEVATIONS

Sheet Number
CA1

USE	E-W	X	N-S	=	(SF)	X	FACTOR	=	(SF)	OCCUPANCY			PARKING		
										CUST	-	EMP	CUST	-	EMP
INACTIVE STORAGE	20.25		8.00		162.00					-	-	-	-	-	-
INACTIVE STORAGE	26.25		32.33		848.66					-	-	-	-	-	-
ACCESSORY	21.50		32.33		695.10	X	1.00		695.10	-	-	-	-	-	-
RETAIL SALES	40.50		42.50		1,721.25	X	1.00		1,721.25	18.00	-	3.00	9.00	-	2.00
			1ST FLR	=	3,427.01		2ND FLR	=	2,416.35	TOTAL	=	21.00	TOTAL	=	11.00

$$695.10 + 1,721.25 = 2,416.35 \div 300 \text{ SF/SPACE} = 8.0$$

	MARK	DATE	REVISION
	△	-	
	△		
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**NOR CAL GASOLINE
NEW FUELING CANOPY**
1550, 1570 S. STATE ST.
UKIAH, CA

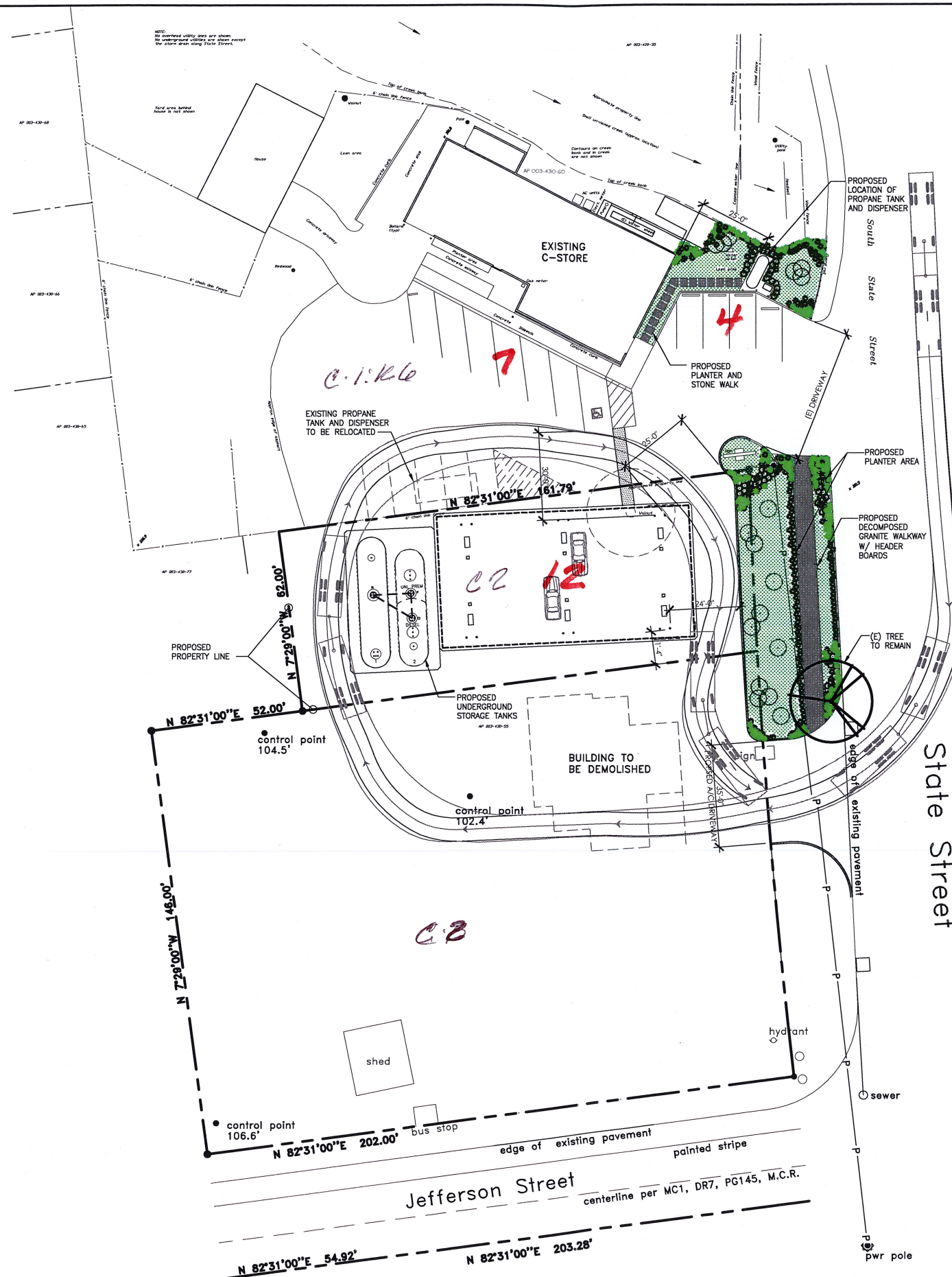
Project Number
NCG17001.0

Sheet Name

**PRELIM
SITE
PLAN**

Sheet Number

SP1



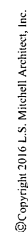
23 CARS TOTAL

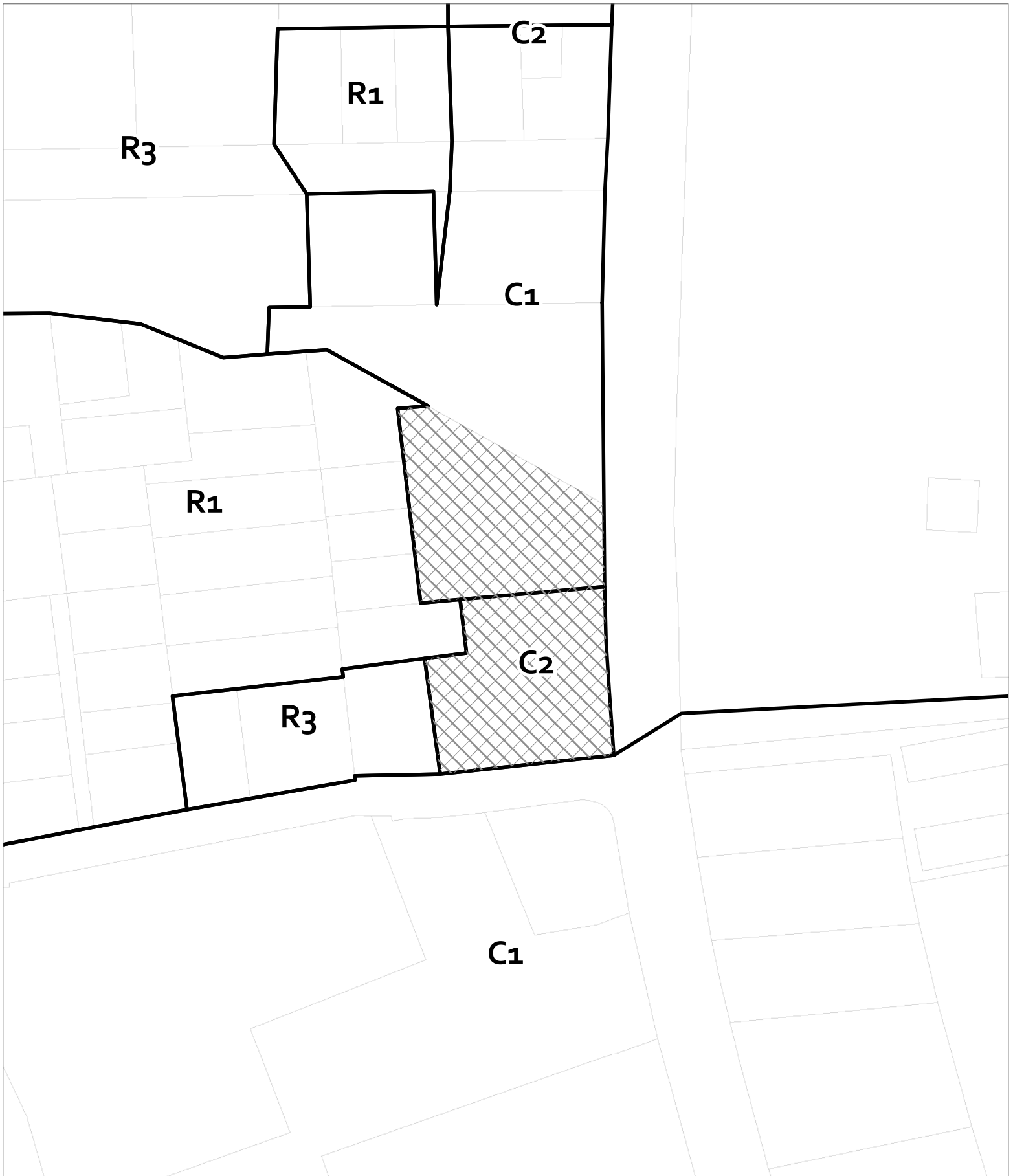
ATTACHMENT C

Profile view of the proposed roadbed. The horizontal axis represents stationing from 0 to 80. The vertical axis represents elevation. The profile shows a series of steps: a 10-foot wide section at 10' elevation, a 10-foot wide section at 15' elevation, a 10-foot wide section at 20' elevation, a 10-foot wide section at 25' elevation, and a 10-foot wide section at 30' elevation. The profile is labeled "PROPOSED ROADBED" and "NORTH".

SCALE: 1"=20'-0"

1 PRELIMINARY SITE PLAN
SCALE: 1" = 20'-0"

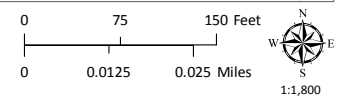




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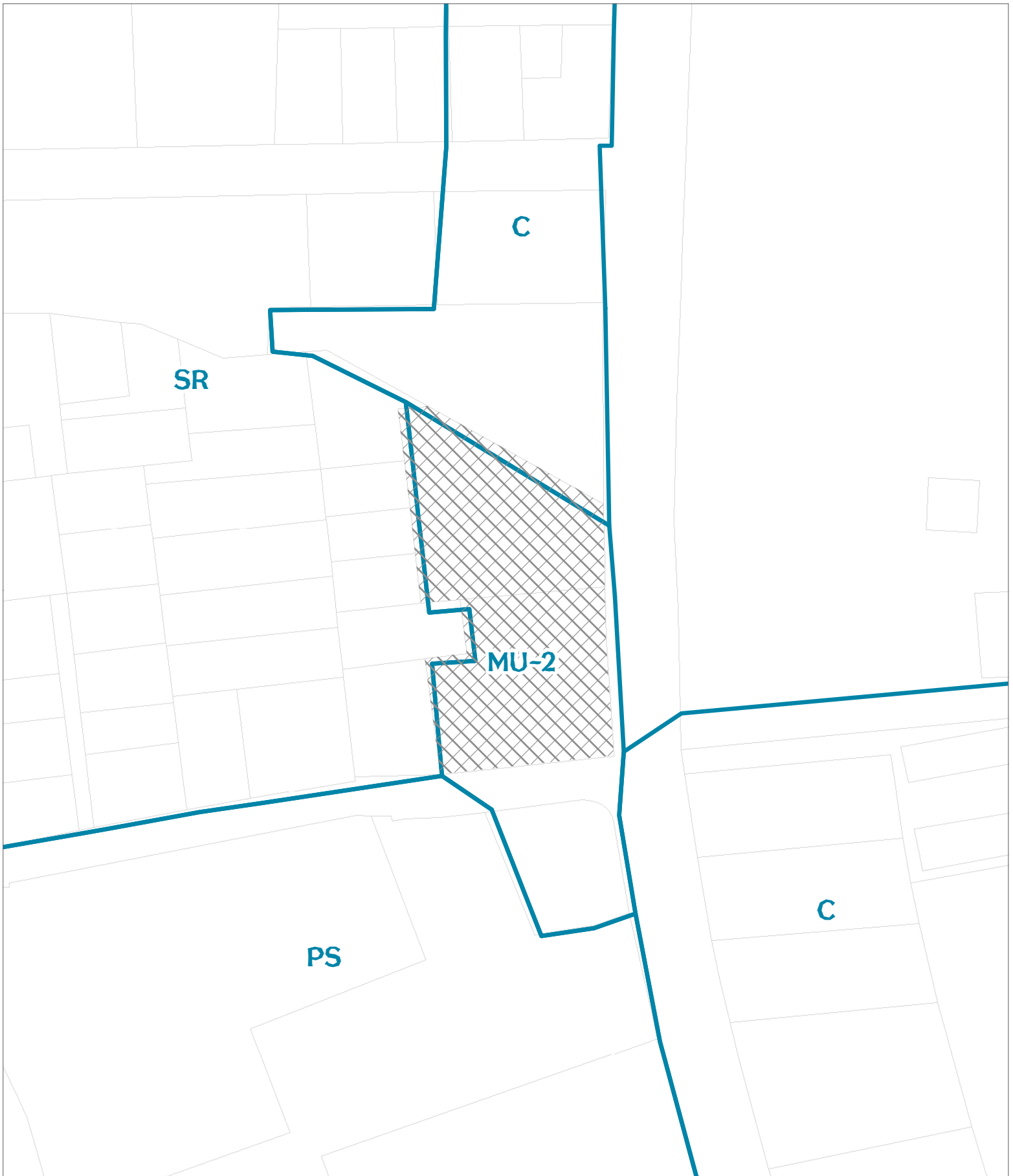
 Zoning Districts

ATTACHMENT D




ZONING DISPLAY MAP

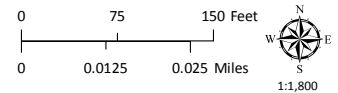
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 General Plan Classes

ATTACHMENT E

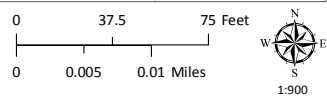


GENERAL PLAN CLASSIFICATIONS

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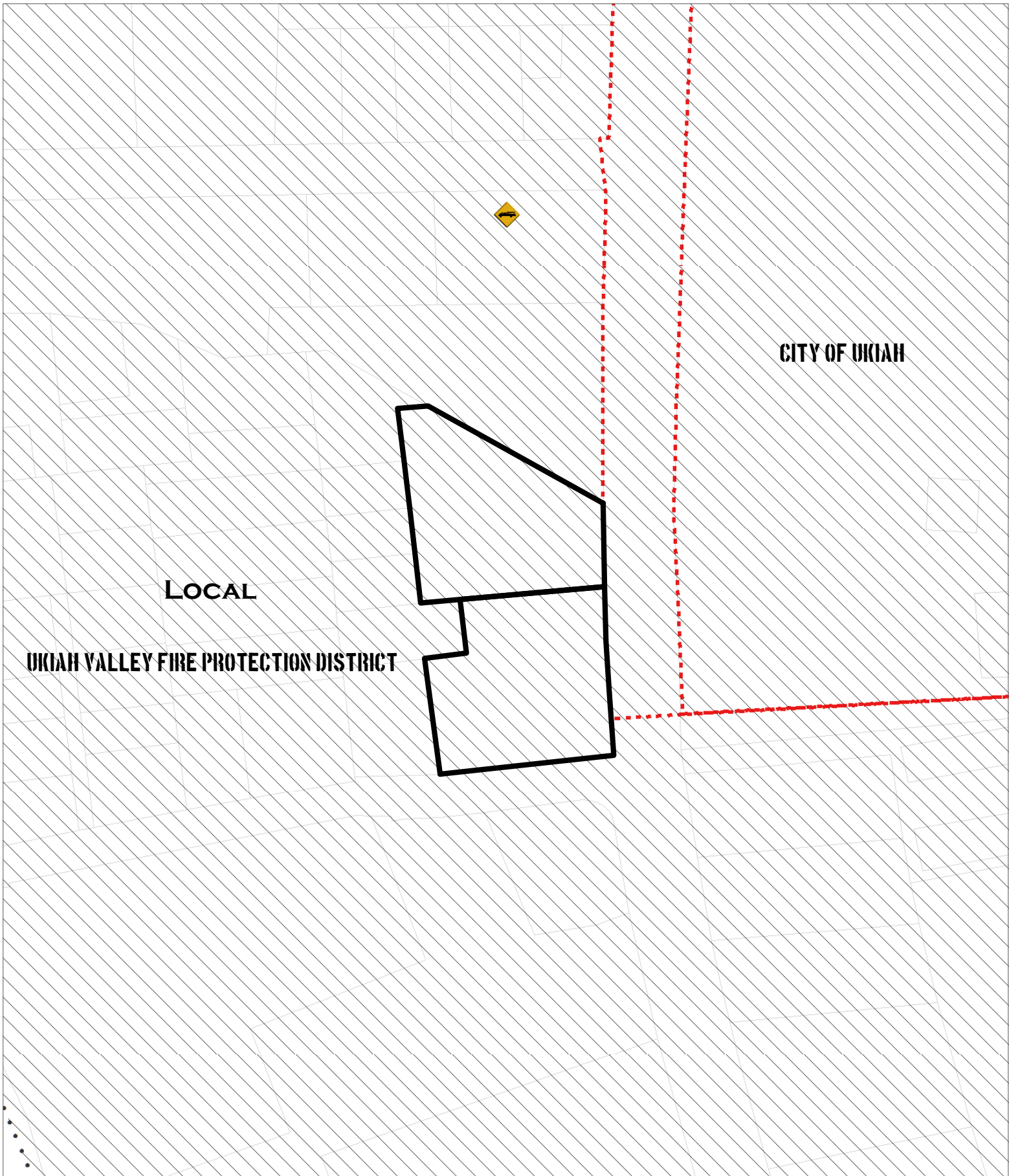
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APLCT: **Ansari Ghulam**
AGENT: **Lawrence Mitchell**
ADDRESS: **1550 S. State Street, Ukiah**






ATTACHMENT F

ADJACENT PARCELS

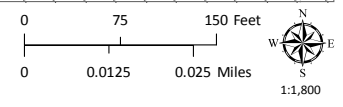
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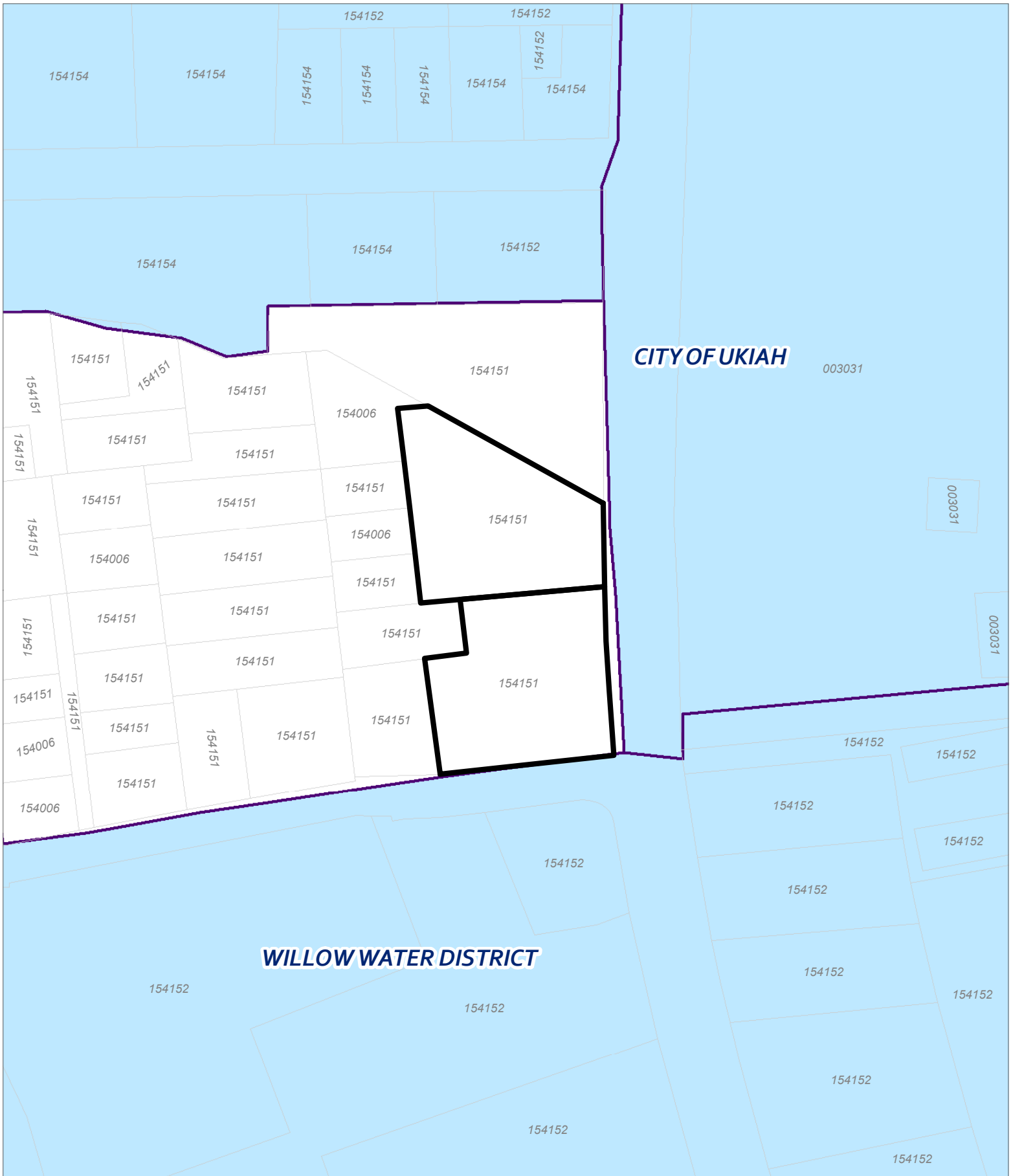
-  Fire Stations
-  County Fire Districts
-  Local Responsibility Areas

ATTACHMENT G



FIRE RESPONSIBILITY AREAS

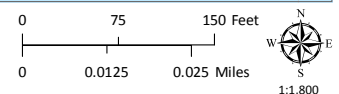
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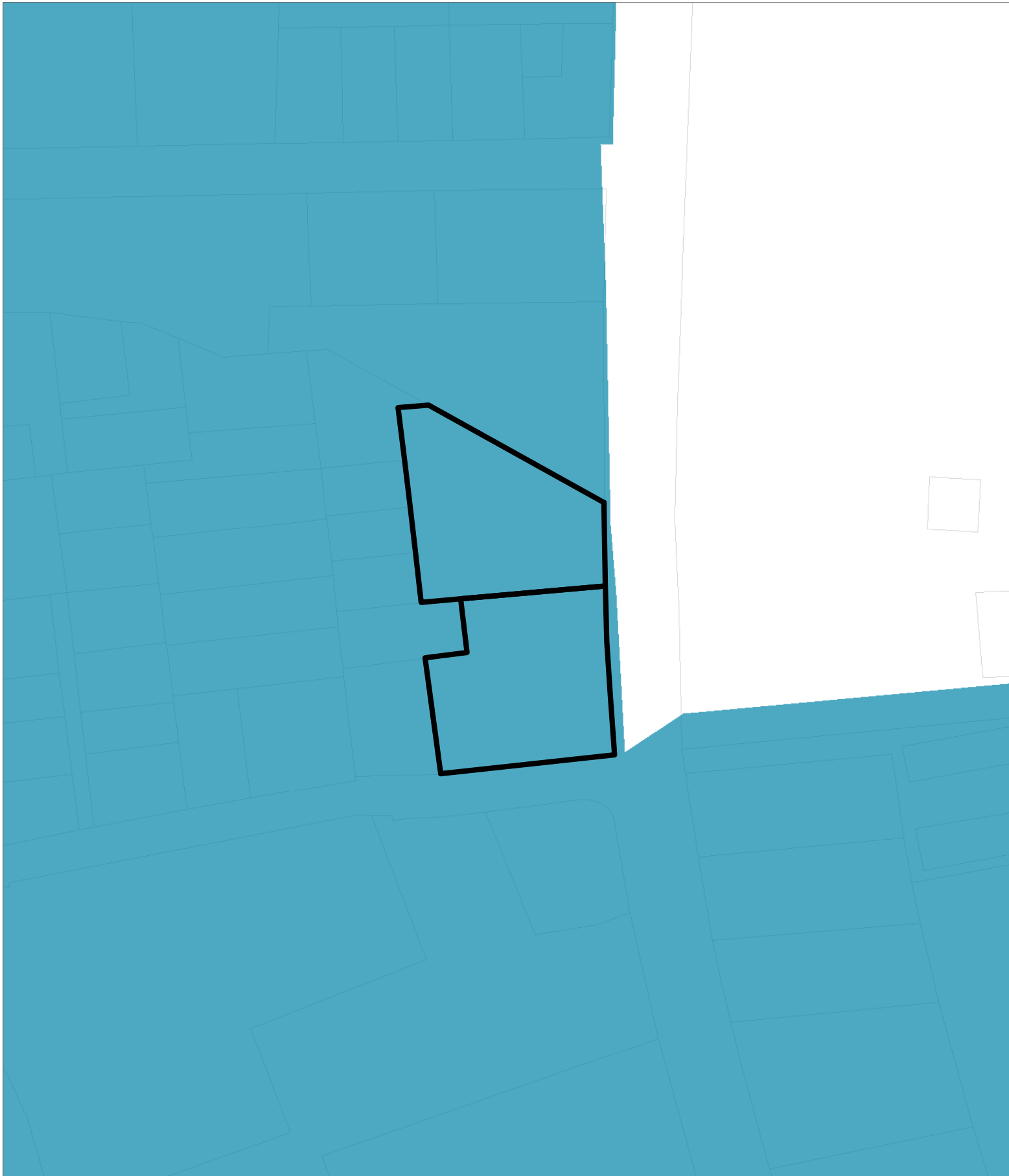
 County Water Districts

ATTACHMENT H



WATER DISTRICTS

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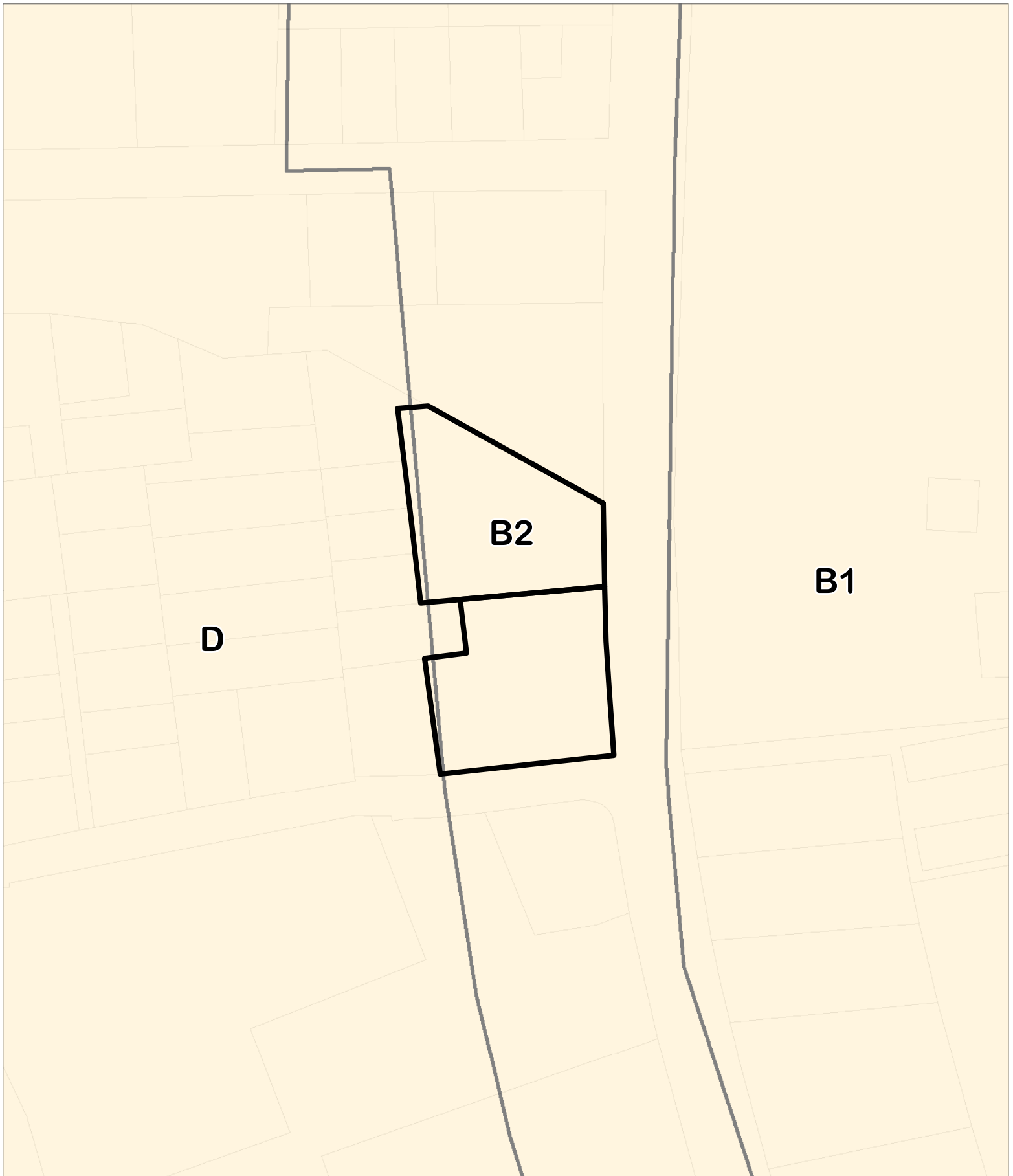
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ATTACHMENT I

 Ukiyah Stormwater Areas

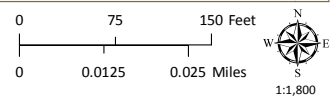
STORMWATER PERMITTING ZONES

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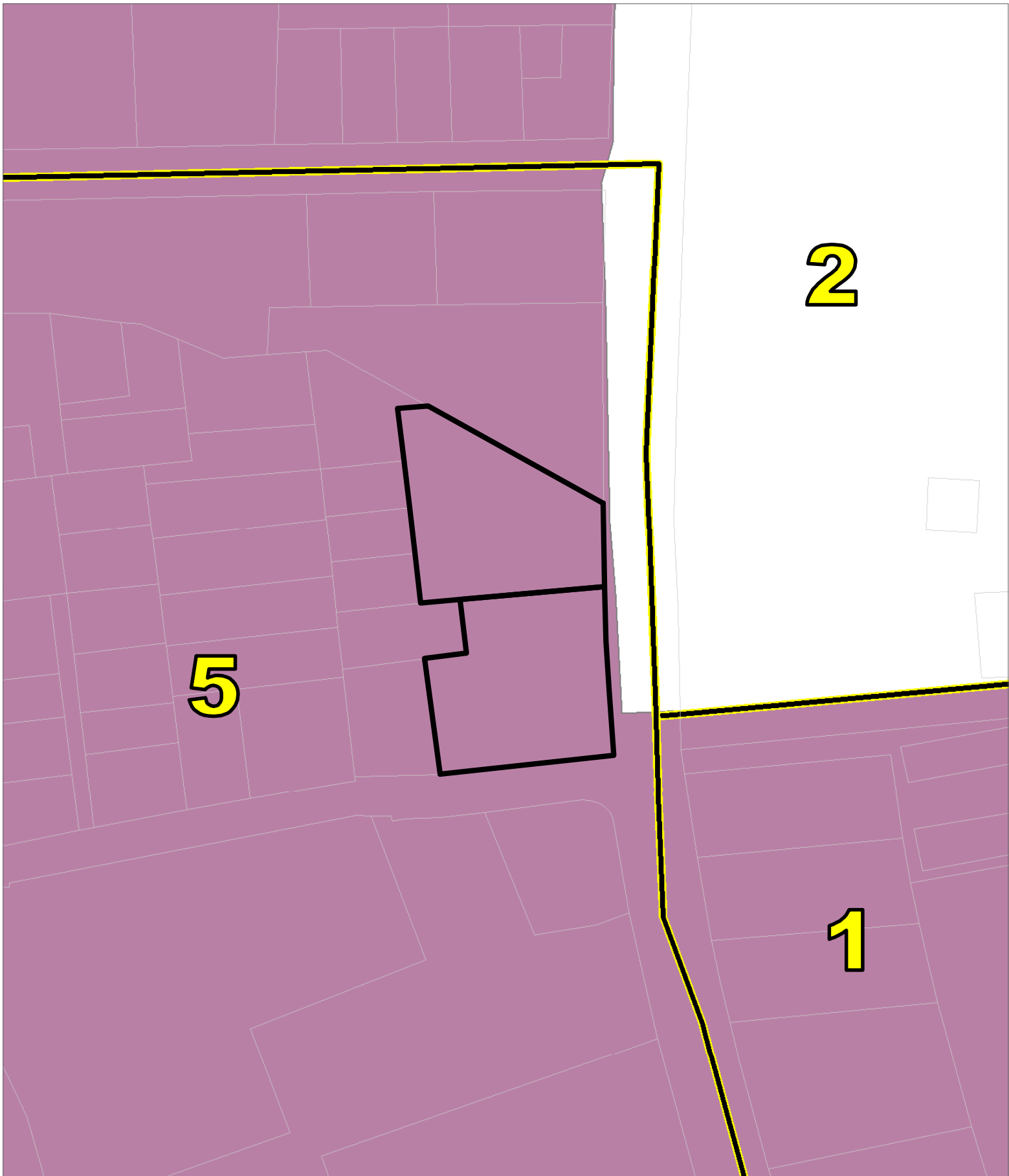
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ATTACHMENT J






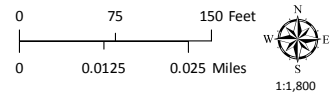
AIRPORT ZONES

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-  UVAP Boundary
-  Supervisorial Districts 2010
-  Ukiah Valley Sanitation Dist.



ATTACHMENT K

MISC

Section I Description of Project.**DATE:** 11/13/2017**CASE#:** U_2017-0007**DATE FILED:** 05/30/2017**OWNER/APPLICANT:** GHULAM ANSARI**AGENT:** LAWRENCE MITCHELL, AIA**PROJECT COORDINATOR:** Eduardo Hernandez**REQUEST:** Use Permit to establish and operate a 6 dispenser gas station with a canopy roof in a property with an existing convenience store**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration**LOCATION:** Outside of Ukiah City limits, 1.75± miles south of City center, lying west of South State St. (CR 104A) and north of Jefferson Lane (CR 267). Located at 1550 South State St., Ukiah (APNs: 003-430-55 & 003-430-60).**Section II Environmental Checklist.**

"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).

Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.

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 checked="" 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 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.

<u>I. AESTHETICS.</u> 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 type="checkbox"/>	<input checked="" 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-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 storm water.

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 setting of the proposed project is the south end of Ukiah, where South State Street is surrounded by commercial land including the Ukiah Municipal Airport across the street; giving the location an urban character.

The subject property represents the southern-most extent of Ukiah's commercial zoning district, and has frontage along South State Street; formerly US Highway 101. The proposed project location is south of Downtown Ukiah, just outside of the City Limits.

The subject property is centrally located within the South State Street commercial area, and takes advantage of an existing, two-story, convenience store owned and operated by the applicant of the proposed project. The store has been in operation many years. The property also includes a single-story structure which used to be a bar and has been closed for some time, and the applicant plans on demolishing it to make space for his proposed project.

a) – c) No Impact: The proposed project is not located or visible from a scenic vista. The construction and use of a gas station will not degrade the existing visual character or quality of the site or its surroundings.

d) Less Than Significant Impact: With the establishment of a fueling canopy and parking areas, the proposed use may potentially be a source of light pollution or glare. However, the property is screened from neighboring areas by large trees. To ensure consistency with the above County policies related to exterior lighting and ensure that lighting will not significantly impact aesthetics and nighttime views, **Condition 14** ensures consistency with the above County policies and further minimizes impact.

<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"/>

a – e) No Impact

The proposed project is on a commercially zoned strip; and there are no agricultural, timberland, or forestland districts in the immediate area. The project could not interfere with any agricultural operations in the surrounding area as proposed due to the project's limited scope.

<u>III. AIR QUALITY.</u> 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 checked="" type="checkbox"/>	<input 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) – 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** will ensure that the project will achieve compliance with AQMD standards.

d) Less Than Significant with Mitigation Incorporated: 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 nearest residence is approximately 50 feet away to the west, and is well screened by trees. The fueling canopy is about 250 feet from Grace Hudson Elementary School limits. Exhaust from gas dispensing operations and construction would not have a significant impact on neighbors due to standard emission control measures. A mitigation measure is necessary to ensure that potential impacts are brought to less than significant levels, due to the sites proximity to sensitive receptors.

Mitigation Measure 1 (Condition 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).

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. Additionally, compliance with AQMD Regulation 3, per **Condition 15**, will limit objectionable odors.

<u>IV. BIOLOGICAL RESOURCES.</u> 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 type="checkbox"/>	<input checked="" 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"/>

The location of the proposed project is not within or near the immediate location of sensitive biological areas, however the County of Mendocino is very specific in regards to its water and biological resources. Following are summaries of several applicable policies from the General Plan Chapter 4 Resource Management which ensure the protection of the resources:

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.

a) –f) No Impact: 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. Additionally, 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 urban character.

The proposed project would not conflict with local ordinances or policies protecting biological resources. This site is located on a previously developed property. The project footprint is relatively small, and it is not anticipated that there will be any significant impact on plants or wildlife; however, the project will require limited tree removal. **Condition 18 will apply.** Additionally, the project is subject to the Department of Fish and Game Code Section 711.4 wildlife habitat loss mitigation fee. **Condition 33 will apply.**

<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 type="checkbox"/>	<input checked="" 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 Sec. 22.12.050 – 22.12.100).

a) – d) No Impact: Given the proposed project's location, there is no reason to suspect the presence of human remains or any other artifacts of cultural or historic value. However, during the project's construction; **Condition 19** will apply.

<u>VI. GEOLOGY AND SOILS.</u> 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

a) No Impact: Any project in the area could be subjected to a strong earthquake affecting the region. The proposed development would be built to modern construction standards and would be designed to withstand earthquakes that can be expected in the region.

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 that to which they would otherwise be exposed.

b) Less than Significant Impact: The project only proposes development inside the applicant's property. The grading and the construction of the fueling canopy and underground tanks will not increase the total area of impermeable surfacing, however; water runoff and erosion is expected. Potential impacts caused by grading activities and increases in impermeable surfacing and change in use will be limited by implementation of **Conditions 20 and 21**.

c) – e) No Impact: The proposed project soil is not unstable, risky, or incapable of adequately supporting the use of waste water disposal systems.

<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 measures for reducing the emissions of greenhouse gasses. The project will be subject to all requirements 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, as reflected in **Condition 15**.

<u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:	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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 two underground tanks including a 25,000 gal. unleaded gasoline tank, and a 22,000 gal. split tank with 12,000 gal. supreme gasoline and 10,000 gal. diesel. The property is outside of a fire hazard severity zone. The Fire District assigned to this site is Ukiah Valley Fire, and its headquarters is located approximately 200 feet north of this site.

a) – c) 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. The Mendocino County Department of Environmental Health, Hazardous Materials (Hazmat) Division foresees this section for which **Conditions 22 and 23** will apply.

Grace Hudson Elementary School is at 200± ft. within one-quarter mile (1,320 ft.) west of the proposed project location. **Condition 17** previously mentioned in the Air Quality section will apply.

d), f) No Impact: The subject property is not included in California Environmental Protection Agency's Cortese List of Hazardous Waste and Substances Sites. The project would not result in a safety hazard for people residing or working in the project area.

e) Less Than Significant Impact: The subject property is located across South State Street from the Ukiah Municipal Airport; in the airport zone, category B-2. 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 of its airport zone category and the Airport Comprehensive Land Use Plan.

g) – h) 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. The proposed project would not impede traffic during construction, nor there would 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.

The subject property lies within the Ukiah Valley Fire Protection District, a local responsibility area. It is unlikely that the retail service station could be exposed to wildland fires due to the urban and developed area on which it lies. No comments on the proposed project were provided by Ukiah Valley Fire Protection District.

<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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
substantial additional sources of polluted runoff?				
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 type="checkbox"/>	<input checked="" type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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) – 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 are required as **Condition 20**.

The required ground alteration during installation of the proposed underground tanks has the potential to alter the existing drainage pattern of the site. The owner/applicant will be required to meet **Condition 21**.

b) No Impact: The site is served by the Willow Water District, and has existing District Water Service. The proposed use will not impact the District.

g) – j), l), m) 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. It does not represent danger to groundwater; and it would not impact any aquatic, wetland, or riparian habitat.

k) 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 checked="" type="checkbox"/>	<input 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), c) No Impact: The project will not result in any physical improvements or barriers that would divide an established community. The project is not located within any habitat conservation or natural community conservation plan areas.

b) Less Than Significant Impact: The proposed project location is zoned Commercial (C-2) and the land use designation by the General Plan is Mixed Use; the proposed fueling station is not in conflict with these.

The subject property is also located inside the Ukiah Valley Area Plan (UVAP), which contains guidelines for sustainability practices, active transportation, and affordable housing. Even though the proposed project does not meet all guidelines in the UVAP, it is compatible with the area and a permissible use within the MU-2 classification and does not have the potential to have a significant impact to the area.

<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.

<u>XII. NOISE.</u> 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 checked="" type="checkbox"/>	<input 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) – e) Less Than Significant Impact: Occasional noise or vibrations may be caused by the presence of semi-truck trailers to refuel the underground storage tanks, or as customers to the retail service station. These visits can reasonably be assumed to be short in duration and only during typical hours of operation. 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. The ambient noise generated by the project is anticipated to not be much greater than that generated by the traffic of South State Street or the airport.

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 ground borne vibration or noise levels. The project will not result in any permanent increase in ambient noise levels in the project vicinity.

The project location is across the street from the Ukiah Municipal Airport on South State Street, however; it is not expected to add significant noise to the area. It will not represent harm to the people residing or working at the location or the vicinity.

f) No Impact: There are no private airstrips located within 2 miles of the project site.

<u>XIII. POPULATION AND HOUSING.</u> 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 community, and serve as components of emergency infrastructure.

a) – c) No Impact: The proposed project would occupy a previously-developed commercially zoned property, and will not displace any housing, or people. The project will not induce population growth, nor create a demand for new housing, nor will existing residences be displaced or removed as a result of the project. The site contains an existing residence which will remain unchanged.

<u>XIV. PUBLIC SERVICES.</u>	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 checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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) No Impact : Demand for fire protection and police services are not expected to significantly increase as a result of the project. The project is within the Ukiah Valley Fire Protection District (UVFPD). The project was referred to UVFPD on August 14, 2017; the agency offered no comments. 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Alter present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The subject property has frontage along South State Street (County Road 104A), and is under the jurisdiction of Mendocino County Department of Transportation (MCDOT). The project was referred out to MCDOT and some comments were provided, for which **Conditions 27 through 29** apply.

a), b) Less than Significant Impact: Due to the addition of the fueling station to the existing convenience store, vehicular movement is expected to increase; however it is not expected to represent a significant impact to the area. The retail service station is able to accommodate at least 23 parking spaces, including at least 1 American Disability Act (ADA) accessible space. **Conditions 25 through 27** shall apply.

c) – f) No Impact : The main access to the project location is through South State Street, which conveniently has an existent shared lane to be used for cars coming from the southbound. It is not expected to substantially increase transportation systems, alter present patterns of circulation, obstruct emergency services, nor increase traffic hazards to any type of users.

<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 provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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) – g) 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 Willow Water District, and no impact to the water district is anticipated. The property is served by the Ukiah Valley Sanitation District. No impact to the sanitation district is anticipated.

Solid waste will be generated during the construction phase, and during the operation of the retail service station. A Construction Waste Management Plan is required, as recommended in **Condition 30**.

c) Less Than Significant Impact: Recommended modifications of existing drainage are addressed by **Condition 20**.

<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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) No Impact: Based on the findings in this Initial Study, the proposed project would not have an 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) No Impact: 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 Impact: 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

EDUARDO HERNANDEZ

Resolution Number _____

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 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 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: 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 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.

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.