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**James Feenan**

Planning &amp; Building Services

**From:** Annemarie <aweibel@mcn.org>  
**Sent:** Monday, November 27, 2023 1:43 PM  
**To:** pbscommissions  
**Cc:** Julia Acker; James Feenan  
**Subject:** Faizan Corporation minor use permit U\_2021-0016 & Variance V\_2021-0005

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Commissioners & staff,

I support the comments by Dolly Riley and Alex de Grassi from the Redwood Valley Municipal Advisory Council (RV MAC), as well as the comments by Peter McNamee of the Mendocino Grassroots Institute (GRI) of Mendocino County. Please deny this minor use permit U-2021-0016 & Variance V-2021-0005. The RV MAC voted on 11-8-23 to support the denial of this project and asked again why no EV charging stations were considered. Why do we not prepare for a time (2045) when 100% of the energy needs to be Clean Energy (SB 100)?

GRI launched a campaign to prohibit the construction of new fossil fuel stations in Mendocino County. Sonoma County successfully lobbied for the enactment of a prohibition. Prohibiting the construction of new gas stations requires simple changes to a jurisdiction's zoning regulations. Benefits of enacting such a prohibition include the avoidance of new, potentially toxic hazardous waste sites, and a renewed focus on alternative transportation options that avoid the use of fossil fuels. Considering the increasingly worrisome climate situation worldwide and the sordid role of fossil fuel corporations we need to rethink the way we do business in our County. GRI has also been in touch with our Supervisors Gjerde and Haschak who created a subcommittee to look into this. Mendocino County also adopted on June 27, 2006 a Precautionary Principle Policy. The Initial Study is not addressing these issues addressed in this Policy. Neither is it addressing what the Department of Planning and Building Services (PBS) has posted on their web page under Mission Statement: Be problem solvers seeking solutions to issues within the framework of the regulations and provide precise, up-to-date and innovative advice and technical expertise. Nor is it addressing the County's Climate Crisis Policy. We know that by 2035 California will ban the sale and registration of new internal combustion engine autos & light truck vehicles. Mendocino County already has 2 times the amount of gas stations per county resident than Sonoma and Humboldt have. We do not need any additional gas stations!

The public comment by Dolly Riley (3) includes the law suit that was filed in December of 2022 against this corporation by the following counties: Alameda, Lake, Contra Costa, Marin, Sonoma, Yolo, and Mendocino. In Mendocino County 4 gas stations in Ukiah and 1 in Fort Bragg were found to show serious violations. Some gas stations were even charged with fraudulently selling 89 octane gas and labeling it 91 octane gas. The Faizan Corporation agreed to pay a \$500,00 fine. Would the money from this gas station leave our County, or our Country? Will they also sell diesel? Will it become an overnight truck parking/truck stop facility?

Why would we trust a Corporation doing business in these counties after we are aware of their serious violations?

Fort Bragg was smart not to allow Auto Zone to set foot after they were accused in 2019 for Hazardous Waste violations in 45 California counties at California Stores and needed to pay \$11M.

This gas station would comprise 10 gas pumps (originally 6), as well as 2 separate illuminated canopies within the required twenty (20) foot front yard setback, a freestanding fuel price pole sign, twenty-eight (28) new parking spaces,

landscaping, and conversion of part of an existing structure to a convenience store; and also a Variance (V\_2021-0005) to allow construction of a sixty-five (65) foot tall freestanding sign where a maximum of twenty-five (25) feet is required. The proposed signs would exceed the maximum sign area allowable per Mendocino County Code Chapter 20.184. The Resolution lists that the Coyote Valley Casino gas station already exceeds County requirements for sign area, but also that it does not exceed the 25 ft. height limit and has 6 fuel pumps. Redwood Valley already has a gas station with 2 fuel pumps. Why is another gas station planned at this location? Would the convenience store also sell liquor? This would affect the area very much.

Granting of the Variance would allow the fueling stations and canopy to be positioned within 2 feet of the property boundary in an area where 20 ft. is required. The Resolution under Denial of Sign Variance Finding lists that the Variance must be denied and then allows the 2 feet property boundary, and a maximum 512 sq. ft. where 128 sq. ft. is required. How would the property boundary be with 6 gas pumps? This "signage should enhance the visual appearance of developments", but it does not.

The resolution states that "pursuant to MCC Section 20.196.020(C), such use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county. The project is not expected to result in a nuisance or otherwise be detrimental within the meaning of this finding. The proposed commercial activities would occur within an existing commercial area. Compliance with recommended conditions of approval and applicable regulatory standards would ensure that potential detriments have been avoided or reduced". I disagree.

Seeing what the Faizan corporation was accused of does not make me feel confident that this project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of the proposed use.

This at-grade intersection is located at the base of the Ridgewood Grade and near the end of the Ukiah freeway section, in a section of expressway with a posted speed of 65 MPH. The intersection currently has a collision rate below the statewide average for similar intersections. However, a significant increase in traffic at this intersection will likely result in a significant increase in traffic collisions. The intersection of US Route 101 project and North State Street was designed to provide access primarily to the local community, with some allowance for neighborhood commercial uses. It was not designed to handle large volumes of vehicle movements that a pass-by-trip-oriented highway service commercial use would attract. The additional noise from trucks using their jake breaks has not been looked at in the Initial Study.

Chapter 504.2 of the Highway Design Manual (HDM) on Interchange Design Standards for Freeway Entrances and Exits. Figure 504.2B illustrates the standard "Provide a safe and reliable transportation network that serves all people and respects the environment." My question is if a safety-based evaluation called the Intersection Safety Operational Analysis Process or ISOAP is currently in final form and would have to be taken into consideration?

This project does not appear to conform with the C-1 Limited Commercial District zoning, as defined by the Mendocino County Code, Chapter 20.088. The intent section says: "This district is intended to create and enhance areas where public facilities and services are available. It is also intended to facilitate a balance between jobs and housing, provide for the possibility of live/work spaces, and provide additional opportunities for affordable housing. A limited number of retail commercial goods and services are desired primarily to meet day to day needs of local residents and to facilitate livable/walkable communities and live/work opportunities. Typically, this district would be applied in conjunction with residential uses and would permit only those uses which do not significantly increase traffic, noise or other impacts." Why is this allowed when it clearly is not the intent of the Mendocino County Code, Chapter 20.088? There might be overnight parking/truck stop facilities, and sale of diesel fuel attracting trucks to stop for overnight parking.

The signs, the illuminated huge canopies, and the convenience store are a visual blight as they would block views or otherwise disrupt views of the surrounding hills and other natural features. The Initial Study did not really address this issue sufficiently. Neither was the new source of substantial light or glare addressed sufficiently which would adversely affect day or nighttime views in the area.

The Initial Study did not really address the Energy issue. Constructing this 10 gas pump station would result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction and/or operation. To at least place charging stations for electric vehicles would help counteract the wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources.

Why are there no requirements to have a Native American monitor the excavation knowing that this site is a known depository of Native American relics?

The Initial Study did not address runoff finding their way into nearby Forsythe Creek and polluting it.

Please deny this minor use permit U-2021-0016 & Variance V-2021-0005.

Sincerely, Annemarie Weibel