

CITY OF PATTERSON PLANNING COMMISSION AGENDA
REGULAR MEETING
THURSDAY, APRIL 14, 2016, AT 7:00 P.M.
City Council Chambers
1 Plaza, Patterson, California

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Planning or Public Works Department at (209) 895-8000. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ITEMS FROM THE PUBLIC The public wishing to address the Planning Commission on items that do not appear on the agenda may do so; however, the Planning Commission will take no action other than referring the item to Staff for study and analysis and may place the item on a future agenda [Resolution 92-25].

Any member of the audience desiring to address the Planning Commission regarding a matter on the agenda, please raise your hand or step to the podium at the time the item is announced by the Chairperson. In order that all interested parties have an opportunity to speak, any person addressing the Planning Commission will be limited to a maximum of five (5) minutes unless the Chairperson grants a longer period of time.

STATEMENT OF CONFLICT BY COMMISSIONERS

RIGHT TO APPEAL Any person who is dissatisfied with the decision of the Planning Commission, may appeal such action to the City Council within ten (10) business days after action.

CORRESPONDENCE None

INFORMATIONAL ITEMS None

CONSENT AGENDA

1. Planning Commission Meeting Minutes of March 10, 2016

AGENDA ITEMS

1. **Public Hearing:** **Conditional Use Permit #16-03 – Lucky Pan Brenda’s Pupuseria, 401 N. 1st Street, APN # 131-001-001**
A public hearing to consider a Conditional Use Permit for the establishment of a mobile food vendor at 401 N. First Street, located in the Industrial Zone. Hours of operation would be from 10:00 a.m. – 10:00 p.m. Monday – Sunday. The project is exempt from review under the California Environmental Quality Act.

2. Public Hearing: Architectural & Site Plan Review #16-02 – Cuts Unlimited Roll Up Security Door, 40 S. 3rd Street, APN# 131-008-015
A public hearing to consider an Architectural & Site Plan Review for the placement of roll up security door at 40 S. 3rd Street. Based on the Downtown Design Guidelines, Planning Commission review is required for placement of this type of screening. Planning Commission will determine whether the design is compatible with the guidelines set out for that area. The project is exempt from review under the California Environmental Quality Act.

- **ITEMS FROM STAFF**
- **ITEMS FROM COMMISSION**
- **ADJOURNMENT**

**CITY OF PATTERSON
PLANNING COMMISSION MINUTES
March 10, 2016**

The Planning Commission regular meeting of March 10, 2016 was called to order by Chairperson West at 7:01 p.m.

SHOWN PRESENT: Chairperson West, Vice Chairperson Applegate, Commissioner Bendix, Commissioner Barba, and Commissioner Bingham. Also shown present were City Planner Andrews, City Attorney Hallinan and Planning Commission Secretary Ochoa.

ROLL CALL: Chairman West, Vice Chairman Applegate
Commissioner Bendix (not present at roll call),
Commissioner Barba, Commission Bingham

EXCUSED: None

ITEMS FROM PUBLIC: None

STATEMENT OF CONFLICT BY COMMISSIONERS: None

CORRESPONDENCE: None

INFORMATIONAL ITEMS:

A Brave New World for Cell Antennas in California

CONSENT AGENDA:

Motion to approve the Planning Commission minutes of February 11, 2016

Vice Chairman Applegate

Second: Commissioner Bingham

Motion passed: 4-0 Vote (Commissioner Bendix arrived after vote)

ROLL CALL: Chairman West, Vice Chairman Applegate, Commissioner Bendix,
Commissioner Barba, Commissioner Bingham

EXCUSED: Commissioner Bendix (arrived after vote)

ABSTAINED: None

1. **Public Hearing: Freeway-Oriented Signage Ordinance**
The Planning Commission will consider amending Chapter 18.82 of the Patterson Municipal Code related to freeway-oriented signs. Potential changes include expansion of the area where freeway-oriented signs may be placed and restrictions related to the maximum height and minimum lot size served by such signs. The Planning Commission's recommendation will be forwarded to the City Council for consideration at a regular City Council meeting.

City Planner Andrews gave the staff report

Open Public Hearing: 7:12 p.m.

1. **Larry Buehner, Patterson** – He stated that we need to try to encourage retailers and customers to come to our City this is why we need better signage.
2. **Dejeune Shelton, 536 Peregrine, Patterson** - She is representing the Chamber, they want to be able to have more time to review the sign ordinance further. She wants their members to be able to weigh in on the ordinance changes also.
3. **Rick Ringler, GDR Engineering** – He is the engineer for the project and stated there is an application with the City right now with the request to be able to put in a sign that is visible from the freeway. They are eager to get started on the project.
4. **Ken Buehner, Patterson** – The site is at Park Center Drive, at least half mile from residential. A taller sign shouldn't disturb the residential area. He stated that the sign will need to be 100 feet high for the project in house. The sign should be visible from the freeway.
5. **Dejuene Shelton, 536 Peregrine, Patterson** – She does not want to hold up any business coming to town. She just wants the Chamber to be able to be more involved to address some of their concerns.
6. **Larry Buehner, Patterson** - He also stated we can get input from the Chamber, however they are strictly speaking of the view from the freeway mainly at this time to be able to have a view from both sides of I-5.

Close Public Hearing: 7:30 p.m.

Commissioners discussed the project with staff

Motion to approve Freeway-Oriented Ordinance and recommend approval to City Council

Second: Vice Chairman Applegate
Motion passed: Commissioner Bendix
5-0 Vote

ROLL CALL: Chairman West, Vice Chairman Applegate, Commissioner Barba,
Commissioner Bendix, Commissioner Bingham
ABSTAINED: None
EXCUSED: None

ITEMS FROM STAFF:

City Planner Andrews stated the next Planning Commission meeting will be in April. There will not be a meeting on March 24, 2016. We have received an application for Flying J and an application for a subdivision north of Kohls, which is still a few weeks out.

ITEMS FROM COMMISSION: None

ADJOURNMENT: The Planning Commission regular meeting of March 10, 2016 was adjourned by Chairperson West at 7:45 p.m.

Prepared by Lisa Ochoa, Secretary
City of Patterson Planning Commission

**CITY OF PATTERSON
Planning Commission Staff Report
Lucky Pan Brenda's Pupuseria
Conditional Use Permit #16-03
April 14, 2016 Meeting**

PROJECT SUMMARY

A public hearing to consider the establishment of a mobile food vendor, along with related equipment and a seating area at 401 North 1st Street within the Heavy Industrial Zone.

APPLICANT AND SITE INFORMATION

Applicant:	Brenda Zavala
Owners:	Lara First Street LLC
Environmental Review:	Exempt
Location:	401 N. 1st Street
Assessor Parcel Number:	131-001-001
Building Size:	N/A
Parcel Size:	Approximately 276,606 square feet
General Plan Designation:	HI, Heavy Industrial
Zoning Designation:	HI, Heavy Industrial
Present Land Use:	Heavy Industrial Uses - recycling center, auto care, mobile vendors
Surrounding Land Uses:	Heavy Industrial Uses (auto care, recycling center) single family residences
Recommendation:	Conditional Approval

BACKGROUND AND SITE DESCRIPTION

This Conditional Use Permit relates to the placement of a mobile food preparation unit, along with related equipment and a seating area at 401 N. 1st Street.

In 2007, the City Council approved an updated ordinance related to mobile vendors, entitled "Vending on Streets, Sidewalks, and Private Property" (PMC Chapter 5.10). This ordinance requires all new and relocated mobile food preparation units to obtain a conditional use permit. The Stanislaus County Department of Environmental Resources enforces the California Retail Food Code which relates to health permits, the safe handling of food, restroom facilities, and other issues related to food preparation.

The conditional use permit allows the Planning Commission to review a project to ensure that it is consistent with the municipal code and general plan, will not be detrimental to the surrounding community, and will be in harmony with the character and quality of the surrounding development.

The mobile vendor site is surrounded by residences to the east, a vacant lot and industrial park businesses (light industrial uses) to the north, railroad tracks and Highway 33 to the west and Heavy Industrial uses (Patterson Recycling, Patterson Auto Care, etc.) to the South.

Currently, there are 3 mobile food preparation units on the property. Restroom facilities are arranged with the on-site businesses. Adequate parking is provided on site. Staff strongly believes the site has adequate space to add a fourth mobile vendor but any additional food trucks would require some changes to the site.

PROJECT DESCRIPTION

The complete project consists of a catering truck, a canopy tent, and two (2) benches. The tent and seating are provided for customer use. The mobile food preparation unit would be located between two existing mobile vendors. An approved electrical outlet is located at this position. The applicant proposes business hours of 10:00 am to 10:00 pm daily. This would be a family operated business.

The applicant has received all necessary approvals from Stanislaus County Department of Environmental Resources, the vehicle's registration is up-to-date and the applicants have all the commercial insurance requirements that are needed.

ENVIRONMENTAL REVIEW

This project is exempt from review under the California Environmental Quality Act according to §15303(c).

FINDINGS

In order to approve the Conditional Use Permit application, the Planning Commission must find the following:

1. That the requested Conditional Use Permit is consistent with the City of Patterson General Plan and Zoning Ordinance.
2. That the establishment, maintenance, or operation of the proposed use or structure will conform to the requirements and the intent of this title; and that such proposed use or structure will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the city.

ALTERNATIVE ACTIONS

1. Determine that the findings for the Conditional Use Permit can be made and motion to approve CUP #16-03 subject to the conditions recommended in the staff report.
2. Determine that the findings for the Conditional Use Permit can be made, and motion to approve CUP #16-03 subject to the conditions recommended in the staff report with changes/revisions as may be submitted by the Commission.
3. Determine that the findings for the Conditional Use Permit can not be made and deny CUP #16-03.

RECOMMENDATION

Staff's recommendation is that the Commission should motion to approve Conditional Use Permit #16-03 subject to the findings and following conditions of approval:

1. That the mobile food preparation unit shall be equipped with a fully charged fire extinguisher in good condition.
2. That no cooking or food preparation shall be done while the mobile food preparation unit is in motion.
3. That waste water shall not be permitted to flow into the street.
4. That all trash and debris accumulating in the general vicinity of the vendor, by reason of the vendor, shall be collected by the vendor and deposited in a trash container.
5. That trash receptacles shall be provided on the site for the use of customers. Trash removal shall either be arranged with the City or the vendor shall obtain written permission from the property owner to utilize trash receptacles provided for other businesses on the same site.
6. That wastewater generated on-site shall not be released on-site or into the storm drainage system.
7. That this use permit is not transferable and shall expire and shall be to no effect if the licensee forfeits, is required to surrender or for any reason abandons the business license.
8. That the mobile food preparation unit shall clearly exhibit the name and business address of the person, firm, association, organization, company or corporation of the

owner of the unit in accordance with Section 114299 of the California Retail Food Code.

9. That this use permit is not transferable and shall expire and shall be to no effect if the licensee surrender the use for any reason.
10. That the hours of operation will be limited to the following: Sunday through Thursday eight a.m. to midnight; Friday and Saturday eight a.m. to one a.m.
11. That the project shall comply with all applicable State and Municipal Codes, and meet the requirements of the Public Works Director, City Engineer, Building Official, Community Development Director, and Fire Chief. Plans submitted for construction shall be overprinted or have attached all conditions of approval.
12. That the applicant shall indemnify, defend, and hold harmless the City of Patterson, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Patterson, its agents, officers and employees to attack, set aside, void, or annul, any approval by the City of Patterson and its advisory agency, appeal board, or legislative body concerning the project, which action is brought within the time period provided for by the Government Code of the State of California. The City of Patterson shall promptly notify the applicant of any claim, action or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify or hold the City harmless.

Respectfully submitted,



Teresa Rodríguez
Associate Planner

Attachments

Public Notice for CUP
Statement of Operation
Health Department Facility Inspection
Food Truck Photo

**PUBLIC NOTICE
THE CITY OF PATTERSON PLANNING COMMISSION
REGULAR MEETING**

NOTICE IS HEREBY GIVEN that the City of Patterson Planning Commission will hold a Regular Meeting on **Thursday, April 14, 2016, at 7:00 p.m.**, in the City Council Chambers located at 1 Plaza, Patterson, to consider the following:

Public Hearing: Conditional Use Permit #16-03 – Lucky Pan Brenda’s Pupuseria, 401 N. 1st Street, APN # 131-001-001

A public hearing to consider a Conditional Use Permit for the establishment of a mobile food vendor at 401 N. First Street, located in the Industrial Zone. Hours of operation would be from 10:00 a.m. – 10:00 p.m. Monday – Sunday. The project is exempt from review under the California Environmental Quality Act.

At the above noted time and place, testimony from interested persons will be heard by the Planning Commission and duly considered prior to making a recommendation. Any material submitted to the Planning Commission for consideration (photographs, petitions, letters, etc.) will be retained by the City and cannot be returned.

If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the Public Hearing.

Denise Melo, Planning Technician II
Community Development Department



Details of the proposed mobile food vendor used. hours of operations 10:00am - 10:00pm everyday is a family business we are going to have 3 people working, cooking, cashier, and one person responsible for cleaning inside and outside of the business. All family members .our business is going to be located at address 401 n 1st street Patterson ca 95363 this a private property that we has to pay rent every month we have fresh water electricity and place to dump our garbage and restroom and has plenty of parking space for future costumers. I don't think there is going to be a traffic impact because costumers will has to drive theirs cars inside the property to a parking space . no car will be parking on side of the street. Our food mobile concession trailer will be park in the middle of 3 mexican mobile trailers. Our food product is going to be different we are going to sell Salvadorian food.

RECEIVED

MAR 22 2016

ODD / PLANNING DIVISION
016

Our proposed use should meet the required use permit findings because we have all the documentation that the help department will need to allow. Our concession trailer to operate. We are making some changes on our trailer to make sure that will comply with Stanislaus county regulations. 401 n 1st street Patterson ca 95363 Our place of business is at private property that we pay for rent. Customer will have to drive their cars into that property that has plenty of parking space for customers, light our place of business is safe for any customer that decide to stop at our mobile concession trailer

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MAR 22 2016

CDD / PLANNING DIVISION
BY: _____



FOOD FACILITY INSPECTION OFFICIAL NOTICE

Facility: Lucky Pan Brenda's Pizzeria	Date: 03-21-16	Pg 1 of 1
Address: 145 S Kilroy Rd	F.N.: [] [] [] []	Time In: 3:00 pm
City: Turlock, CA	Zip: 95380	Specialist: [Signature]
Purpose: <input type="checkbox"/> Permit <input type="checkbox"/> Routine <input checked="" type="checkbox"/> Vehicle <input type="checkbox"/> Complaint <input type="checkbox"/> F.B.I. <input checked="" type="checkbox"/> Re-inspection # 1 <input type="checkbox"/> Other: ,		

License # 4M36180 VIN: 2287

Commissary: Catering Support Services
 0 145 S Kilroy Rd
 Turlock CA 95380

Operating at: Patterson Auto Care
 401 E A
 Turlock CA

* 5 of 5 violations noted on the 3/16/16 inspection have been corrected.

* This vehicle is permitted to operate pending any state department approval

* Permit # 0061-17 expires 3/21/17.

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MAR 22 2016

CDD / PLANNING DIVISION
BY: _____

COMPLIANCE DATE: Open

One re-inspection is conducted at no charge. An escalating service fee is assessed for each additional re-inspection required. \$ _____ will be charged if violations are not corrected by the compliance date.

Received by: [Signature]

Date: 03-21-2016



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MAR 29 2016

CDD / PLANNING DIVISION
BY: _____

**CITY OF PATTERSON
Planning Commission Staff Report
Cuts Unlimited (Roll Up Security Door)
Architectural & Site Plan Review #16-02
April 14, 2016 Meeting**

PROJECT SUMMARY

A public hearing to consider the placement of a metal roll-up security door at Cuts Unlimited at 40 S. 3rd Street within the Downtown Core Zone.

APPLICANT AND SITE INFORMATION

Applicant:	Mario & Adrian Garcia
Owners:	Mario & Becky Garcia
Environmental Review:	Exempt
Location:	40 S. 3rd Street
Assessor Parcel Number:	131-008-015
Building Size:	1,750 sf
Parcel Size:	Approximately 2,719 square feet
General Plan Designation:	DC, Downtown Core
Zoning Designation:	DC, Downtown Core
Present Land Use:	Beauty Salon
Surrounding Land Uses:	Commercial Uses
Recommendation:	Conditional Approval

BACKGROUND AND SITE DESCRIPTION

This Architectural & Site Plan Review relates to the placement of a metal roll-up security door at the business located at 40 S 3rd Street.

In 2002, the City Council adopted Community Design Guidelines and a Downtown Physical Design Plan that provide guidelines, used by the Planning Commission, in the review of projects that require design review in accordance with Section 18.94 of the Patterson Zoning Ordinance.

The primary goal of these design guidelines for the downtown is to preserve and enhance its attractiveness to residents and visitors as a place where: people prefer to walk rather than drive; and where the pleasant sidewalks, shading trees, and variety of shops, restaurants, and other activities encourage people to spend time, slow their pace, and engage one another.

PROJECT DESCRIPTION

The applicants are requesting the installation of the security roll-up door to eliminate the break in they have been experiencing. Since the Downtown Design Guidelines do not allow the use of security gates or grilles in front of windows, staff is bringing the item to the Planning Commission for approval. According to the guidelines, any necessary security grilles/gates should be placed inside, behind the window display area.

ENVIRONMENTAL REVIEW

This project is exempt from review under the California Environmental Quality Act according to §15303(c).

ALTERNATIVE ACTIONS

1. Determine that the findings for the Architectural & Site Plan Review can be made, and motion to approve Architectural & Site Plan Review #16-02 subject to the conditions recommended in the staff report.
2. Determine that the findings for the Architectural & Site Plan Review can be made, and motion to approve Architectural & Site Plan Review #16-02 subject to the conditions recommended in the staff report with changes/revisions as may be submitted by the Commission.
3. Determine that the findings for the Architectural & Site Plan Review cannot be made and deny Architectural & Site Plan Review #16-02.

FINDINGS

To approve the architectural and site plan review, the Planning Commission must find the following:

1. That the architectural and general appearance of the structures and grounds shall have architectural unity and be in keeping with the character of the neighborhood as not to be detrimental to the orderly and harmonious development of the city, or to the desirability of investment or occupation in the neighborhood.
2. That the site plan is consistent with this title, any applicable specific plan, any adopted development standards and design guidelines, and the general plan.

RECOMMENDATION

If the Commission finds that the findings can be made, attached are the conditions for the project:

1. That any and all security gates/grilles shall be openable from the inside without the use of a key or special knowledge or effort during periods that the space is occupied. The grills shall remain secured in the full-open position during the period of occupancy by the general public.
2. That where two or more means of egress are required, not more than one-half of the exits or exit access doorways shall be equipped with horizontal sliding or vertical security grilles during the period of occupancy by the general public.
3. That a Fire Department approved knock box be installed in an accessible area.
4. That prior to any work, a building permit shall be obtained.
5. That the project shall comply with all applicable State and Municipal Codes, and meet the requirements of the Public Works Director, City Engineer, Building Official, Community Development Director, and Fire Chief. Plans submitted for construction shall be overprinted or have attached all conditions of approval.
6. That the applicant shall indemnify, defend, and hold harmless the City of Patterson, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Patterson, its agents, officers and employees to attack, set aside, void, or annul, any approval by the City of Patterson and its advisory agency, appeal board, or legislative body concerning the project, which action is brought within the time period provided for by the Government Code of the State of California. The City of Patterson shall promptly notify the applicant of any claim, action or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify or hold the City harmless.

Respectfully submitted,



Teresa Rodriguez
Associate Planner

Attachments

Public Notice

Photo of Store Front

Sample of Proposed Door



CUTS UNLIMITED

CUTS UNLIMITED

OPEN
209.895.4247

OPEN

CUTS UNLIMITED

CUTS UNLIMITED

LUNAR
MARTES 9:30AM-7PM
MIÉRCOLES 9:30AM-7PM
JUEVES 9:30AM-7PM
VIERNES 9:30AM-5PM
SÁBADO 9:30AM-5PM
DOMINGOS CERRADO

PATTERSON RENTS
HOUSES, 3 BEDROOMS, 2 BATHS
W/ 2 CAR GARAGE, 1.5 YRS.
NEW FURNITURE, STOVE, DISHWASHER
STUCCO, ARTS & CRAFTS, 10% OFF. KITCHEN
UTENSILS INCLUDED
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