

CITY OF PATTERSON PLANNING COMMISSION AGENDA
REGULAR MEETING
THURSDAY, SEPTEMBER 22, 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

1. Woodland Builds A Healthy Urban Forest, One Tree At A Time, Western City July, 2016

CONSENT AGENDA

1. Planning Commission Meeting Minutes of August 25, 2016

AGENDA ITEMS

1. **Presentation:** **Measure L**
Staff will provide an informational presentation regarding Stanislaus County Measure L proposed for the coming November election.
2. **Report:** **City Tree Program**
A presentation regarding previous and ongoing actions taken related to the City's tree programs.

3. **Report:** **Walmart**
Review of concerns presented by citizens related to the operation of the Wal-Mart Center.
4. **Public Hearing:** **Conditional Use Permit, #15-05, Harmony Massage, 600 N. 2nd Street, Ste. 2, APN # 047-022-033**
Review of a Massage establishment at 600 N. 2nd Street, Ste. #2 in the GC, General Commercial District. Massage establishments require a Conditional Use Permit within the GC District. Since its approval date, staff has not received any complaints. The project is exempt from review under the California Environmental Quality Act.

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



WOODLAND BU HEALTHY URBAN ONE TREE AT A

The City of Woodland (pop. 57,526; area of 15 square miles) is named for the valley oaks that dotted its footprint when it was founded in 1871. This “City of Trees” strives to promote the importance of expanding its tree canopy to provide environmental, economic, health and aesthetic benefits.

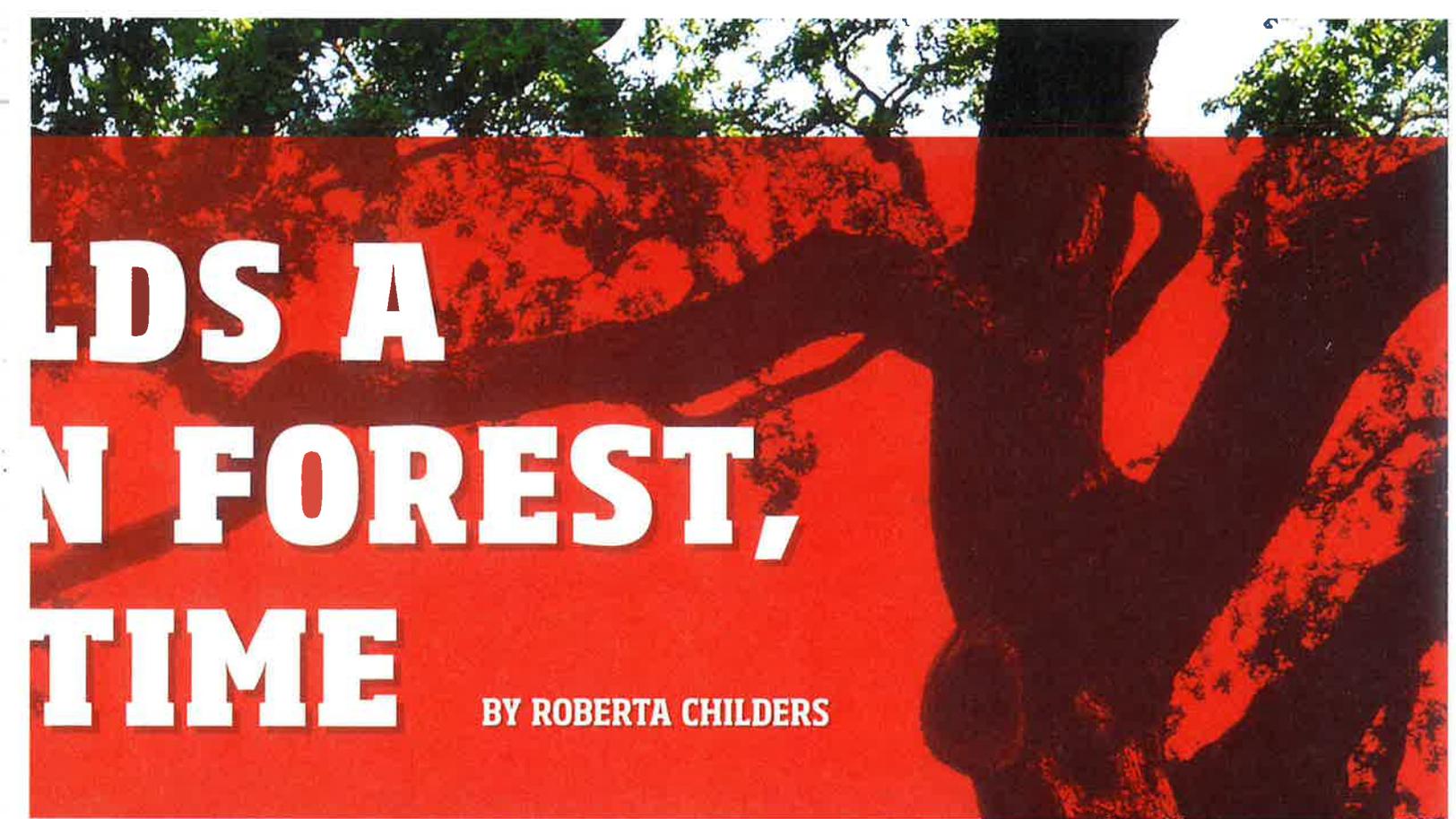
Long-standing programs include a city tree maintenance program headed by a staff certified arborist, annual Arbor Day community events celebrating Woodland’s tree heritage and future, planting requirements for new development, and a residential street-tree rebate program that

encourages residents to take advantage of the numerous benefits of shade trees. Policies and goals in Woodland’s General Plan and Climate Action Plan also reinforce the city’s commitment to enhancing its tree canopy.

CLIMATE ACTION PLAN TAKES ROOT

Because trees play a key role in reducing greenhouse gases, the city’s Climate Action Plan includes a goal of increasing Woodland’s tree canopy 50 percent more than the 2010 canopy coverage by planting 6,000 trees between 2014 and 2020.

Roberta Childers is environmental resources analyst for the City of Woodland and can be reached at roberta.childers@cityofwoodland.org. Woodland City Manager Paul Navazio also contributed to this article.



WILDS A N FOREST, TIME

BY ROBERTA CHILDERS

As part of this challenge, Woodland Mayor Tom Stallard initiated a communitywide 2,400 Trees Campaign with the goal of planting 2,400 trees between July 2014 and June 2016.

But several years of deep budget cuts had severely impacted the city's urban forestry program. Meeting the 2,400-tree challenge required pooling resources by enhancing collaboration with community organizations and forging new public-private partnerships. The Woodland Tree Foundation stepped up to coordinate and organize the effort, and Pacific Gas and Electric (PG&E) signed on as a sponsor.

The John & Eunice Davidson Fund, a private foundation, made a generous contribution and supports the Woodland Tree Foundation with annual grants of approximately \$10,000. The city's tree-planting initiatives gave PG&E an opportunity to educate the public on the importance of planting the "right tree in the right place" and marking underground utilities before digging.

continued

Woodland reached its 2,400-tree goal in March 2016 through a combination of community Arbor Day plantings, city facility improvements, trees planted by residents and business owners and as part of new construction — and the dedicated work of Woodland Tree Foundation volunteers. As a result, the city increased its goal by 600 trees for a total of 3,000 new trees planted by July 2016. As *Western City* went to press, the city was approaching its goal.

“Woodland has blown past its earlier 2,400-tree goal,” says Mayor Stallard. “Not only has the community benefited from the expanding tree canopy and the shade that the trees will bring, but the city is also achieving its climate action goals, and those who participate are having a wonderful time planting trees — a true win-win-win.”

WOODLAND TREE FOUNDATION PLAYS A CENTRAL ROLE

The Woodland Tree Foundation (www.woodlandtree.org), whose motto is “Building Community Through Canopy,” embodies the community’s dedication to its urban forest. Created in 2000 by local residents, the Woodland Tree Foundation in collaboration with Caltrans began planting native oaks along the recently completed Highway 113 between the cities of Woodland and Davis. Volunteers watered the oaks for several years until the trees were thriving.

Woodland Tree Foundation volunteers and city staff established a strong relationship from the start. Their first collaborative effort was organizing a well-attended Arbor Day planting in downtown Woodland in 2000.

The partnership grew as the foundation secured grants from the California Department of Forestry to plant trees on public lands, which required the city’s cooperation and support. City staff approved locations for concrete cutting along sidewalks and trained foundation volunteers on proper tree-planting methods; the foundation agreed to water the trees until they were established.

The foundation’s board of directors comprises 15 people. In addition to guiding the organization’s activities and policies, the board members participate in most of the tree-planting events and summer watering crews.

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LCW LIEBERT CASSIDY WHITMORE



IS IT TIME TO UPDATE YOUR PERSONNEL RULES?

California’s labor and employment laws are changing every year. It is essential for municipalities to continuously review and update their personnel handbooks to make sure that they are legally compliant.

LCW’s Liebert Model Personnel Policy Portal (LMP3) allows you to make the changes yourself, saving thousands of dollars in the process.

Visit LiebertLibrary.com/Timeline to check which policies you may be missing.

LMP3

How Woodland Funds Its Urban Forest

Three full-time employees staff the city’s Urban Forestry Program, which has an annual budget of \$500,000. The General Fund supports 75 percent of that budget. Funds from various Landscape and Lighting Assessments provide the balance. The program supports tree maintenance in municipal parks as well as on city streets. In 2014 the city set aside \$100,000 in additional funds for available General Fund reserves specifically to support initiatives related to Woodland’s Climate Action Plan: energy efficiency, water conservation and converting fleet vehicles to alternative fuels. The city’s support of the community tree-planting activities, including the Neighborhood Shade Tree Program, comes from this sustainability set-aside. Between April 2015 and May 2016 the city allocated \$39,500 in support of community tree planting activities.

The Woodland Tree Foundation contributes both money and hundreds of volunteer hours to the Neighborhood Shade Tree Program and other planting events held throughout the year. Through its fundraising efforts, the foundation contributes approximately \$17,000 per year to the Neighborhood Shade Tree Program. Pacific Gas and Electric also provides support for trees purchased for the program.



The City of Woodland is committed to expanding its tree canopy.

THE NEIGHBORHOOD SHADE TREE CAMPAIGN OFFERS FREE TREES TO RESIDENTS IN AN EFFORT TO CONSERVE ENERGY AND BEAUTIFY LOWER-INCOME NEIGHBORHOODS.



**WOODLAND
CITY PARK**

ACQUIRED
1910

**PARKS & REC.
COMMUNITY
SERVICES DEPT.**

Word of mouth and announcements published in the local newspaper helped generate an initial list of volunteers, which has grown to more than 400 people.

Annual tree-planting activities began expanding to include events at local parks and schools. Since 2000 the foundation has organized 34 planting events and planted over 1,000 trees in parks, along streets and at public facilities. Woodland Tree Foundation volunteers have planted more than 4,150 trees provided by the city and the foundation through numerous grants, private donations and funds raised at an annual “Tunes for Trees” benefit concert.

“At Woodland Tree Foundation planting events, there is a palpable shared joy that all participants experience when collectively improving the community for the next generation,” says David Wilkinson, president of the foundation. “The renewal gained by freely contributing one’s labor and time to public tree plantings is one measurement of a community’s cohesion and health. These community values are weakened when responsibility for neighborhood beautification and civic greening is abdicated solely to the public sector, especially when tree planting and

maintenance budgets are customarily chopped during economic downturns or due to voter negativity regarding local taxes, which help fund these programs.”

In 2016 the foundation took the lead on partnering with PG&E, the Woodland Joint Unified School District and the city to conduct education and planting events at two local elementary schools. The school district contributed \$600 to match a \$2,550 grant from PG&E, and the city donated \$1,000 in-kind by loaning 40 metal tree stakes and providing mulch. The foundation’s coordinator met with the representatives from the district and individual schools to select, locate and purchase trees, conduct the instruction, organize the planting events and equip and train school volunteers to water the trees during the summer for three years. A week before the planting events, Woodland City Manager Paul Navazio taught classes at the Freeman Elementary School and Rhoda Maxwell Elementary School about the science and benefits of trees, including greenhouse gas sequestration and climate change, to approximately 200 students who subsequently planted the trees.

NEIGHBORHOOD SHADE TREE CAMPAIGN HAS MULTIPLE BENEFITS

The community’s success in achieving the 2,400 Trees Campaign goal can be largely attributed to the city’s partnership with the Woodland Tree Foundation — and more specifically, the foundation’s innovative Neighborhood Shade Tree Campaign, which offers free shade trees to residents in an effort to conserve energy and beautify lower-income neighborhoods where the existing tree canopy is sparse.

“The Woodland Tree Foundation’s Neighborhood Shade Tree Campaign provides a wonderful community service,” says Navazio. “It enhances neighborhood beautification and property values and gives individuals and organizations opportunities for civic engagement.”

The foundation coordinates Saturday morning tree-planting events. Up to 15 teams of three to six people go to designated residential locations, where trees, stakes and mulch were delivered in advance. The volunteer teams typically plant three to five trees per location, which usually takes less than three hours.

“We had such a positive experience with the Woodland Tree Foundation, from our first consultation to the actual planting of our tree by a local Boy Scout troop,” says homeowner Heidi Hazlehurst.

“Our shade trees are a perfect way to reduce our energy costs while beautifying our home and reducing noise pollution,” says homeowner Tyler Jacobsen.

The program, which receives city funding and staff support, includes tree-maintenance training for homeowners. Activities include informational workshops and providing educational handouts at nurseries and community events. In addition, the program website (www.woodlandtree.org) offers tips on recommended trees for local soil and climate and maintaining trees during a drought.



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- Brisbane's sustainable plan to develop 660 acres of brownfields on the San Francisco Bay



Online at www.westerncity.com



LEFT Volunteers of all ages help plant trees in Woodland's Legacy Grove; Woodland Tree Foundation volunteers plant a free shade tree for residents as part of the city's Neighborhood Shade Tree Campaign, *BELOW*.



SEVERAL YEARS OF DEEP BUDGET CUTS SEVERELY IMPACTED THE CITY'S URBAN FORESTRY PROGRAM.

The Woodland Tree Foundation coordinator conducts outreach to potential tree recipients and volunteers for the Neighborhood Shade Tree Campaign using informational tools in both English and Spanish that include:

- Flyers distributed door to door by volunteers;
- Numerous newspaper articles and paid ads;
- The City of Woodland and foundation websites and a Facebook page;
- Volunteer websites, including UC Davis, VolunteerMatch, Volunteer Connection, JustServe, Volunteer Davis and Sacramento Tree Foundation;
- Community service electronic and physical bulletin boards at Woodland's two high schools and Woodland Community College;
- City and county roadside electronic message boards;
- Speaking engagements at meetings of the Lions Clubs, Boy Scouts, Rotary, Kiwanis and Rose Club and city Water-Wise Workshops;
- Email distribution through NextDoor.com;
- Lawn signs;
- Informational tables at community events, such as farmers' markets; and
- Communications targeting the Woodland Chamber of Commerce and local property management companies.

LEGACY TREE GROVE IS ANOTHER COMMUNITY ASSET

Another highlight of building community appreciation of trees is the recently christened Legacy Grove. Set in motion in 2013 by interested community members, the project came to fruition in 2016 with the city's designation of land at the Woodland Community and Senior Center. Approximately 100 native shade trees were planted in the Legacy Grove in early 2016 along future pathways. The Legacy Grove provides an opportunity for the community to dedicate trees, benches or pavers in honor of individuals or groups. This attractive and accessible location also serves as another place where community members can learn about the many benefits that trees provide.

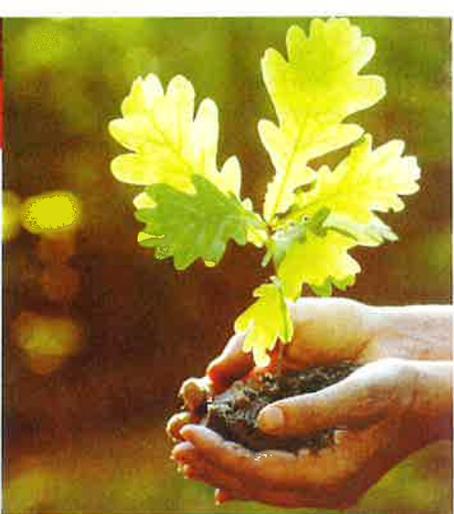
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SUSTAINING HERITAGE, COMMUNITY AND THE ENVIRONMENT

Woodland demonstrates its commitment to enhancing and maintaining a healthy urban forest for current and future generations through its close collaboration

with the Woodland Tree Foundation and partnerships with PG&E, the school district and the community.

“Every tree we plant helps Woodland’s legacy grow,” says Navazio. “We are sustaining our city’s heritage, community and environment, one tree at a time.” ■



J O B O P P O R T U N I T I E S

City of Culver City

ASSISTANT TO THE CITY MANAGER



The Assistant to the City Manager is responsible for providing leadership support to the City Manager by planning and recommending organizational policies and performance strategies. The position functions as a member of the City Manager’s Executive Team and provides a variety of specialized complex administrative and management analysis to support decision-making and strategic direction. The ideal candidate will possess exceptional customer service skills; a cooperative approach when establishing and maintaining working relationships with public officials, private agencies, and stakeholders; sound independent judgment; and solid analytical skills and sensitivity to administrative, operational, economic and organizational issues. A minimum of four (4) years of management assistance experience in a public sector organization and a Bachelor’s degree are required.

Potential candidates are encouraged to apply immediately as the application filing will close at 5:00 p.m., Thursday, July 28, 2016. For more position information and requirements, please view the full job announcement by visiting our website: www.culvercity.org/jobs

Community Services Director City of Fremont, CA



The fourth largest city in the San Francisco Bay Area, Fremont (pop. 226,551) serves as the eastern anchor of the Silicon Valley and is one of the most ethnically and culturally diverse cities in the region. Supported by 90 FTE, the Community Services Department consists of Recreation Services, Park Maintenance, Landscape Architecture, and Environmental Services.

The ideal candidate will be adept at managing large and complex priorities, as well as highly skilled at engaging with a wide variety of stakeholders. He/she will be a supportive manager and outstanding mentor. In addition, this individual will be an exceptional communicator with superior relationship and consensus building abilities. A Bachelor’s degree in a relevant discipline and six (6) years of broad experience in the profession, which includes at least three (3) years of service as a supervisor, are required.

The salary range for this position is \$154,246 to \$208,232. Salary is supplemented by an attractive benefits package. Closing date: **Sunday, July 24, 2016**. For detailed recruitment brochure and to apply, visit www.tbcrecruiting.com.

Julie Yuan-Miu • 925.820.8436
Teri Black • 424.296.3111
www.tbcrecruiting.com

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Tips for Implementing a Successful Urban Forestry Program

The City of Woodland offers these suggestions for city officials who want to create or enhance a tree-planting program in their community:

- Articulate the environmental benefits of an urban forest in your city’s Climate Action Plan goals and policies;
- Identify and partner with a “community champion,” such as a local foundation or nonprofit community-based organization;
- Work with your local utility to identify common goals that can be achieved through tree plantings;
- Allocate funds, however small the amount may be initially, to leverage or match outside funding;
- Engage community volunteers through service organizations and/or social media;
- Start with small-scale plantings in city parks or at other public facilities;
- Involve arborists in selecting appropriate species and placement and developing instructions for planting and care of trees;
- Provide appropriate tools and safety equipment;
- After collaborative efforts with community partners are in place, expand tree-planting program outreach and opportunities to property owners; and
- Recognize and foster the multiple benefits that a tree-planting initiative can provide in disadvantaged neighborhoods.

**CITY OF PATTERSON
PLANNING COMMISSION MINUTES
AUGUST 25, 2016**

The Planning Commission regular meeting of August 25, 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, Associate Planner Rodriguez, City Attorney Kerry Fuller and Planning Commission Secretary Melo.

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

EXCUSED: None

ITEMS FROM PUBLIC: None

STATEMENT OF CONFLICT BY COMMISSIONERS:

At the start of the meeting, Vice Chairperson Applegate had no statement of conflict but he excused himself from the discussion on the proposed project for Walmart online pick-up extension at the time it was announced since he felt he may be within 500 feet of the proposed project site.

CORRESPONDENCE: None

INFORMATIONAL ITEMS: None

CONSENT AGENDA:

Motion to approve Planning Commission meeting minutes of June 9, 2016

Second: Commissioner Bendix
Motion passed: Commissioner Bingham
3-0-2 vote

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

Ayes: Chairperson West, Commissioner Bendix, Commissioner Bingham

Noes: None

Abstained: Vice Chairperson Applegate, Commissioner Barba

Excused: None

Planning Commission Minutes
August 25, 2016 - Official

Motion to approve Planning Commission meeting minutes of July 28, 2016

Vice Chairperson Applegate
Commissioner Bendix
Second:
Motion passed: 5-0 vote

ROLL CALL: Commissioner Barba, Commissioner Bingham, Chairperson West, Vice
Chairperson Applegate, Commissioner Bendix
Ayes: Chairperson West, Vice Chairperson Applegate, Commissioner Barba,
Commissioner Bingham, Commissioner Bendix
Noes: None
Abstained: None
Excused: None

Motion to approve Planning Commission meeting minutes of August 11, 2016

Vice Chairperson Applegate
Commissioner Bendix
Second:
Motion passed: 4-0-1 vote

ROLL CALL: Commissioner Barba, Commissioner Bendix, Chairperson West, Vice
Chairperson Applegate, Commissioner Bingham
Ayes: Chairperson West, Vice Chairperson Applegate, Commissioner Barba,
Commissioner Bendix
Noes: None
Abstained: Commissioner Bingham
Excused: None

AGENDA ITEMS:

- 1. Public Hearing: Minor Design Review #16-02, Walmart Online Pick-Up Extension
1030 Sperry Avenue, Patterson, CA 95363, APN# 021-042-012**
The project consists of the construction of an online grocery pick-up area. The extension will offer greater customer convenience when choosing how to pick-up their online purchases. Walmart is proposing the addition of a 1,499± square foot modular to match the existing architectural details of the building. Pick-up addition will result in a loss of twenty six (26) parking spaces, but the required parking stall ratios remain so no impact is foreseen. The proposed construction includes the transition of individual parking stalls into a canopy-covered area with power and communication extensions from the building and related parking lot striping. The project is exempt from review under the California Environmental Quality Act.

Associate Planner Rodriguez gave the staff report. She answered questions from the Commission.

Open Public Hearing: 7:11 p.m.

Darrin Smith, Bohler Engineering, representing Walmart on the proposed project

Mr. Smith stated that the hours of operation are 8:00 a.m. to 8:00 p.m. He also stated that it's not a drive-thru pickup so traffic shouldn't be a problem because the times are scheduled when you can pick up the groceries. Mr. Smith answered questions from the Commissioners.

Ted Sanchez & Josie Sanchez, 537 Pitscottie Lane, Patterson, CA

Ms. Sanchez turned in a letter listing complaints from the residents on Pitscottie Lane regarding the proposed project. She stated that she doesn't feel that the proposed project is needed because everyone can just go inside to purchase their groceries. She also stated that there are so many things going on in the parking lot already especially after midnight like parking big rigs or RV's overnight, power washing, collecting carts. She stated that if their sound wall was raised another foot it would help eliminate some of the noise. Mr. Sanchez stated that people commit crimes and run from the store and try to hide near their property. He is also tired of not having privacy because their sound wall is so low.

Lupita Leon, 549 Pitscottie Lane, Patterson, CA

Ms. Leon stated that she doesn't have enough privacy in her own backyard and isn't able to have her doors or windows open because of the noise across the street at Walmart and on Ward Avenue.

Dan Guenther 545 Pitscottie Lane, Patterson, CA

Mr. Guenther stated that he has the same concerns as his neighbors. He is concerned that the new project will have more people coming to Walmart so he asked that more security be provided. He also complained about the crime and noise at Walmart. He asked if the sound wall in his subdivision could possibly be raised. Mr. Guenther answered questions from the Commission.

Josie Sanchez, 537 Pitscottie Lane, Patterson, CA

Ms. Sanchez stated that the canopy wouldn't look like the architectural style of the existing building and didn't think it needed to be there. She also stated that she expected the Planning Commission to be their voice and speak to Walmart about their concerns.

Denise Sullivan, 522 Emily Court, Patterson, CA

Ms. Sullivan stated that Walmart has been a wonderful partner in the community. She stated that Patterson Walmart has been offered a pilot opportunity which would help those with a lot of children or people with disabilities so they won't have to go in the store. She also stated that she supported the proposed project. She answered questions from the Commission.

Troy McComak, 630 Pine Creek Lane, Patterson, CA

Mr. McComak stated that the neighbors on Pitscottie Lane may be able to work with Walmart to put up a wall made out of masonry to be a better neighbor to them and possibly split the cost of the project.

Close Public Hearing: 7:35 p.m.

Vice Chairperson Applegate excused himself from the discussion on the proposed project since he may be within 500 feet of the proposed project site.

Commissioners discussed the proposed project and asked questions of staff.

Reopen Public Hearing: 7:39 p.m.

Darrin Smith, Bohler Engineering, representing Walmart on the proposed project

Mr. Smith stated that you have to park under the canopy while the groceries are being delivered to your car. He answered questions from the Commission.

Reclose Public Hearing: 7:41 p.m.

Commissioners continued to discuss the proposed project.

Reopen Public Hearing: 7:47 p.m.

Josie Sanchez, 537 Pitscottie Lane, Patterson, CA

Ms. Sanchez asked to stall the proposed project until some of the current issues are taken care of at Walmart. She invited the commissioners to come and sit in her backyard or other neighbors' backyards to witness it all.

Reclose Public Hearing: 7:49 p.m.

Motion to approve Minor Design Review #16-02, Walmart Online Pick-Up Extension with four findings and nine conditions of approval:

Commissioner Bendix

Conditions of Approval

1. That construction activity resulting in a land disturbance of one acre or more occur, a Storm Water Pollution Prevention Program (SWPPP) must be on file with the Public Works Department prior to issuance of a rough grading or final grading permit. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger common plan of development or sale must obtain the Construction Activities Storm Water General Permit (2009-0009-DWQ Permit). Construction activity includes clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement. Construction activity does not include routine maintenance such as, maintenance of original line and grade, hydraulic capacity, or original purpose of the facility. Therefore a SWPPP Plan must be completed and submitted to the City prior to any construction activities and must address grading, drainage, erosion control, and Post Construction BMPs. In addition, the project must file an NOI with the State via the SMARTS System to obtain a Stormwater State Permit (WDID).

2. The project shall comply with the latest edition of the California Green Building Code including sections related to Water Efficiency and Conservation for indoor and outdoor water use; Construction Waste Reduction, Disposal, and Recycling; Site Development; Construction & Demolition; Irrigation Controllers; Storm Water Drainage and Retention, etc.
3. That a Construction Waste Management Plan shall be submitted to the Public Works Department for review and approval. All businesses generating 4 cubic yards of waste per week must comply with AB 939 Commercial Recycling requirements.
4. That the project shall meet all applicable fire requirements as per the California Fire Code, including, but not limited to, occupancy load, egress (path of travel), fire extinguishers, and emergency lighting (illuminated exits); edition to be noted at the time of permit issuance.
5. That all areas on the premises must remain or be made accessible in compliance with the Americans with Disabilities Act and related legislation.
6. That prior to any construction, including "tenant improvements," plans shall be submitted and approved and shall be prepared by an architect or engineer licensed to practice in the State of California.
7. That approved fire extinguishers, if required, shall be installed at locations as specified by the Fire Chief or his/her designated representative.
8. 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.
9. 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.

Second: Commissioner Barba
Motion passed: 4-0 vote with 1 abstention

ROLL CALL: Commissioner Barba, Chairperson West, Commissioner Bendix,
 Commissioner Bingham

Ayes: Chairperson West, Commissioner Barba,
 Commissioner Bendix, Commissioner Bingham

Noes: None

Abstained: Vice Chairperson Applegate

Excused: None

There was a consensus to direct staff to look at some of the neighbors' concerns that live on Pitscottie Lane regarding the Walmart store.

2. Public Hearing: Architectural & Site Plan Review #16-04, Conditional Use Permit #16-08, Flores Excavation and Demolition, Inc., 317 S. 2nd Street, APN# 131-007-008

The applicant has submitted an application for Conditional Use Permit and an Architectural and Site Plan Review. The applicant is proposing the use of a company yard for the storage of small equipment and vehicles within the shop. The applicant wishes to construct an 8' stucco wall around the perimeter of the parcel. Fencing over 6' tall require the approval from Planning Commission. The applicant is also proposing the installation of a portable office for non-public use. Due to the nature of the business, the project is exempt from review under the California Environmental Quality Act.

Associate Planner Rodriguez gave the staff report. She answered questions from the Commission.

Open Public Hearing: 7:57 p.m.

Brian Flores, 20533 Sarazen Lane, Patterson, CA

Mr. Flores stated that he'd like to put an 8' masonry wall around the property with 2 gates instead of a partial wood fence in the front like originally proposed. He answered questions from the Commission.

Close Public Hearing: 8:06 p.m.

Commissioners discussed the proposed project and asked questions of staff.

Motion to approve Architectural & Site Plan Review #16-04 and Conditional Use Permit #16-08, Flores Excavation & Demolition, Inc. with two findings and eight conditions of approval with a new condition of approval, "that the fence be designed to be aesthetically pleasing and approved by the Planning Director."

Vice Chairperson Applegate

Conditions of Approval

1. 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.
2. That the masonry wall be treated with a graffiti-resistant aesthetic surface.

3. That the wall shall include offsets consistent with the Page 50 of the Community Design Guidelines related to fences and walls.
4. That a Fire Department approved Knox box be installed in an accessible area.
5. That prior to any work, a building permit shall be obtained.
6. The applicant shall obtain an encroachment permit from the Public Works Department for any work conducted within the public right-of-way.
7. Prior to issuance of a certificate of occupancy, the address shall be clearly visible on the building per City Standards.
8. 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.
9. That the fence be designed to be aesthetically pleasing and approved by the Planning Director.

Second: Commissioner Bendix
Motion passed: 5-0 vote

ROLL CALL: Vice Chairperson Applegate, Commissioner Barba, Chairperson West, Commissioner Bendix, Commissioner Bingham
Ayes: Chairperson West, Vice Chairperson Applegate, Commissioner Barba, Commissioner Bendix, Commissioner Bingham
Noes: None
Abstained: None
Excused: None

ITEMS FROM STAFF:

City Planner Andrews stated that the next Planning Commission meeting will be on September 22nd. No meeting on September 8th.

ITEMS FROM COMMISSION:

Commissioner Bingham asked how they could help the people that live on Pitscottie Lane near Walmart. Commissioners discussed ideas with staff on how they could help.

Vice Chairperson Applegate asked if there has been any action taken at the gas station across from Mil's that has an exterior roll up door.

Commissioner Bingham stated that Cuts Unlimited had the roll up door up but no mural yet.

Vice Chairperson Applegate asked about lot coverage in residential zones. He stated that the new houses across from his house seem to be larger than the other houses in the area. (203 Fall Avenue).

Commissioners discussed projects that were underway.

ADJOURNMENT: The Planning Commission regular meeting of August 25, 2016, was adjourned by Chairperson West at 8:18 p.m.

Prepared by Denise Melo, Secretary
City of Patterson Planning Commission

CITY OF PATTERSON
Planning Commission Staff Report
Measure L
September 22, 2016 Meeting

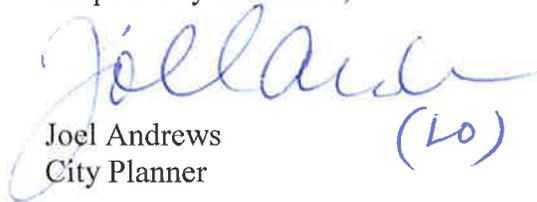
SUMMARY

Staff will provide an informational presentation regarding Stanislaus County Measure L proposed for the coming November election.

RECOMMENDATION

This report is provided for informational purposes. No action is recommended.

Respectfully submitted,


Joel Andrews
City Planner

(Lo)

CITY OF PATTERSON
Planning Commission Staff Report
Tree Program Update
September 22, 2016 Meeting

SUMMARY

A presentation regarding previous and ongoing actions taken related to the City's tree programs.

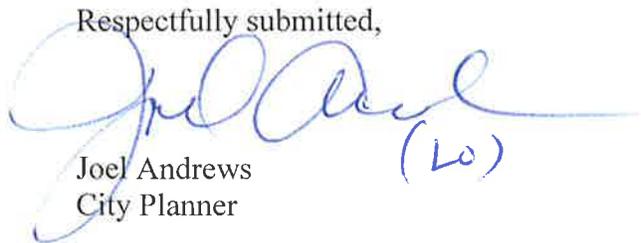
BACKGROUND

Staff was requested to provide an update related to the City's tree programs. The attached presentation will be given at the Planning Commission meeting.

RECOMMENDATION

This report is provided for informational purposes. No action is recommended.

Respectfully submitted,



(Lo)

Joel Andrews
City Planner

Attachments

"City of Patterson Tree Program Update" presentation slides

CITY OF PATTERSON TREE PROGRAM UPDATE

Planning Commission Meeting

September 22, 2016

Importance and Benefits of Trees-Storm Water

- Tree-lined streets retain large volumes of rainfall, reducing and cleansing runoff
- The planting of trees means improved water quality, resulting in less runoff and erosion.



Importance and Benefits of Trees-Air Quality

- Trees absorb CO² and other pollutant particulates
- Treeless areas increase air pollution



Importance and Benefits of Trees-Economic

- In one study, 83% of realtors believe that mature trees have a 'strong or moderate impact' on the salability of homes listed for under \$150,000
- On homes over \$250,000, this perception increases to 98%.
- Healthy, mature trees add an average of 10 percent to a property's value.



Importance and Benefits of Trees-Overall Canopy

- Neighborhoods with well-shaded streets can be up to 6–10° F cooler than neighborhoods without street trees
- Just three trees, properly placed around a house, can save up to 30% of energy use.



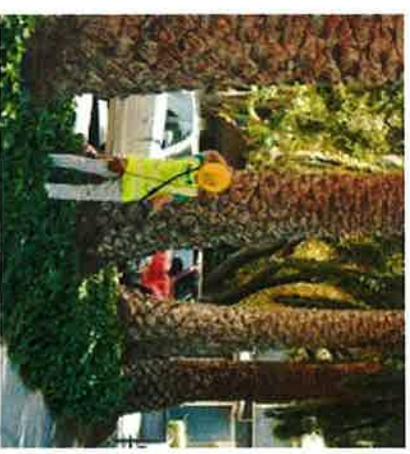
Importance and Benefits of Trees-Fun Tree Facts

- The net cooling effect of a young, healthy tree is equivalent to ten room-size air conditioners operating 20 hours a day.
- Make urban life more pleasant



CAL FIRE Tree Inventory

- In 2013, the City of Patterson applied for a grant under the Cal Fire Urban & Community Forestry Grant Program.
- The city was awarded a grant of \$51,000 to conduct a city-wide tree inventory
- Inventory was completed and it was determined we have 12,821 trees with 160 different species.



CAL FIRE Tree Inventory

| Tree Specie | Count | Percentage |
|--------------------|---------------|-------------|
| Chinese Pistache | 2,055 | 16% |
| London Plane | 1,027 | 8% |
| Saw-Leaf Zelkova | 942 | 7% |
| Modesto Ash | 841 | 7% |
| Grape Myrtle | 750 | 6% |
| Raywood Ash | 704 | 5% |
| Ornamental Pear | 616 | 5% |
| Coast Redwood | 527 | 4% |
| Mexican Fan Palm | 369 | 3% |
| Canary Island Palm | 363 | 3% |
| Other | 4,627 | 36% |
| Total | 12,821 | 100% |



Tree City USA

- Four criteria:
 - Maintaining a tree board or department,
 - Having a community tree ordinance,
 - Spending at least \$2 per capita on urban forestry, and
 - Celebrating Arbor Day.
- First designated in 2015



CAL FIRE Greenhouse Gas Reduction Fund (GGRF) Grant

- In early 2015, the City applied for the Cal Fire GGRF grant to create an Urban Forest Master Plan (UFMP). The application would include a 1,000 tree planting component.

- The City was awarded \$150,000 (with a 16k cost-share) to complete the UFMP and plant 1,000 trees.



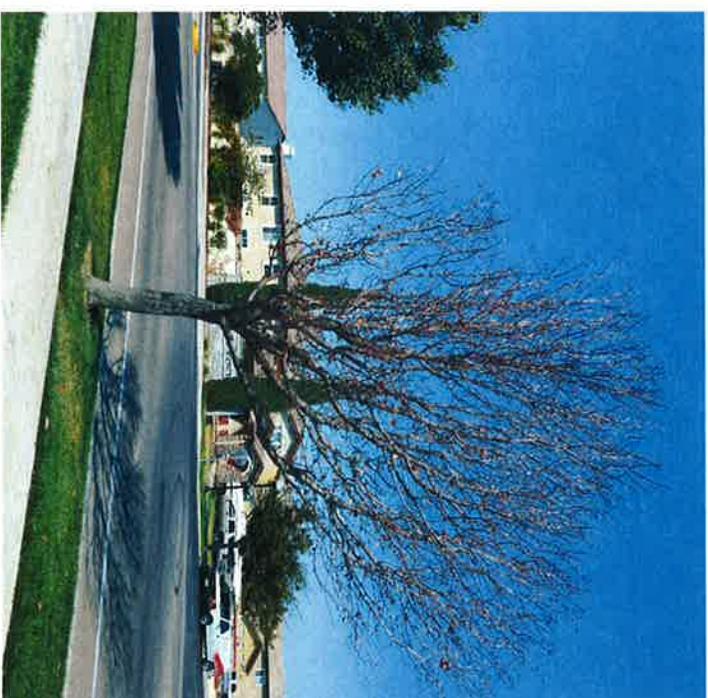
CAL FIRE Urban Forest Master Plan

- Provide a 40 year roadmap for tree management
- Provide policies for future maintenance and growth
- Outline goals, strategies, and implementation measures regarding the City's urban forest



CAL FIRE GGRF Tree Planting SOW

- Tree planting of 1,000 trees.
- Fill all vacancies; replace all dead and diseased trees based off tree inventory and canopy study.



CITY OF PATTERSON
Planning Commission Staff Report
Wal-Mart Concerns
September 22, 2016 Meeting

SUMMARY

Review of concerns presented by citizens related to the operation of the Wal-Mart Center.

BACKGROUND

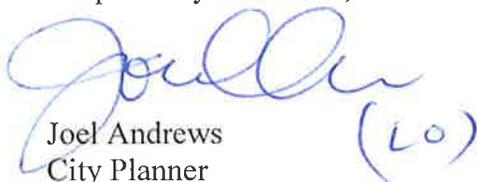
At the August 25th Planning Commission meeting, members of the public noted several concerns regarding the operation of the Wal-Mart Center. These concerns included the following:

- Police issues – Theft with offenders hiding in adjacent residential yards;
- Noise after hours including cleaning the parking lot, power washing gathering carts, loud talking, and work in the garden center; and
- Recreational Vehicles parking overnight

ANALYSIS

Staff will provide an oral update regarding complaints and discussions with Wal-Mart management at the meeting.

Respectfully submitted,


Joel Andrews
City Planner (LO)

Attachments

August 25, 2016 letter to Planning Commission from “Neighbors on Pitscottie Lane”

August 25, 2016

Walmart is right behind us on Ward Avenue, we only have a 5 foot sound wall dividing us and all the traffic and noise that are a direct result of Walmart. This proposed project should not move forward until we can come to a resolution. Unless you live on Pitscottie Lane, you have no idea what we are dealing with on a daily basis.

Problems

1. Police activity because of the stealing and just bad criminal behavior.
2. Cleaning the parking lot, of course after the store closes.
3. Unloading, which might be taking place in the garden center after the store closes.
4. Power washing after the store closes.
5. Employees gathering carts, loud talking.
6. The loitering, the skateboarders, trucks/cars that meet and talk loudly.
7. Big rigs and RV's who park overnight, I thought this was not going to be allowed at this Walmart location. I have attached just a few pictures, showing the illegal parking, the sign that doesn't allow overnight parking, the overgrowth around Walmart.

You do know when they detour traffic from hwy 5, they come right down Ward Ave.

Solution

I would like to see a foot added to our sound wall to help cut down on traffic/noise/privacy.

Remove those horrible dry pine trees, replace with different tree that might help with privacy and noise.

Walmart should be required to have security patrol the parking lot.

Hopefully the Planning Commission and The City of Patterson can help us come up with a resolution, where we all benefit.

Neighbors on Pitscottie Lane

**CITY OF PATTERSON
Planning Commission Staff Report
Harmony Massage
Review of Conditional Use Permit #15-05
September 22, 2016 Meeting**

PROJECT SUMMARY

A public hearing to review the massage establishment at 600 N. 2nd Street, Ste. 2 within the General Commercial Zone.

APPLICANT AND SITE INFORMATION

| | |
|----------------------------------|---|
| Applicant: | Feng Zhang |
| Owners: | Kevin & Valerie Byrne |
| Environmental Review: | Exempt |
| Location: | 600 N. 2nd Street, Ste. 2 |
| Assessor Parcel Number: | 047-022-033 |
| Building Size: | 867 square feet |
| Parcel Size: | Approximately 16,825 square feet |
| General Plan Designation: | GC, General Commercial |
| Zoning Designation: | GC, General Commercial |
| Present Land Use: | Commercial Uses |
| Surrounding Land Uses: | Residential & Commercial Uses |
| Recommendation: | Conditional Approval |

BACKGROUND AND SITE DESCRIPTION

This is a noticed public hearing, as required by ordinance, on the operation of a massage establishment at 600 N. 2nd Street, Suite 2. Harmony Massage was approved by the Planning Commission as Conditional Use Permit #15-05 at the July 23, 2015 meeting. Notice was sent to all neighbors within 500' of the use and to other City Departments. No derogatory comments or information have been made known to staff. The recommendation is that the use be allowed to continue operations as originally permitted, and that no further formal review be required. The original conditions of approval are repeated below for the Commission's information, and if no further formal review is required, condition #43, in italics below, would be deleted. Action on this item is exempt from CEQA review.

ALTERNATIVE ACTIONS

1. Determine that the use is in substantial compliance with the conditions of approval for Use Permit 15-05 and move to recommend that the use continue as permitted with no further requirement for periodic review.

2. Determine that the use is in substantial compliance with the conditions of approval for Use Permit 15-05 and move to recommend that the use continue as permitted, with further review scheduled for _____.

RECOMMENDATION

The recommendation is that, unless credible information is presented at the meeting which would indicate otherwise, the use be allowed to continue operations as originally permitted, and that no further formal review be required.

Conditional Use Permit

- 1) That the applicant shall be submit fingerprints, subject to a fee to cover actual costs, to submit to Department of Justice through LiveScan or equivalent, and may submit additional fee to cover the actual costs for subsequent arrest notice for renewal applications, to determine whether the applicant has any of the following:
 - (A) All convictions for any crime involving conduct which requires registration under California Penal Code Section 290 (Sex Offender Registration Act),
 - (B) Convictions of violations of California Penal Code Sections 266i (pandering), 315 (keeping or residing in house of ill-fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit place for gambling or prostitution), 647(b) (prostitution), 653.23 (supervision of prostitute),
 - (C) Convictions of any felony offense involving the sale of a controlled substance specified in Section 1104, 11055, 11056, 11057, or 11058 of the California Health and Safety Code,
 - (D) Convictions of crimes designated in California Government Code Section 51032 (massage—grounds for denial of license), or any crime involving dishonesty, fraud, deceit, violence or moral turpitude,
 - (E) All injunctions for nuisances under California Penal Code Sections 11225 through 11235 (red light abatement law),
 - (F) Convictions in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the referenced offenses of this subdivision,
- 2) That a description of all services to be provided by the applicant's proposed massage establishment be submitted to the planning department along with their business license application.

- 3) That the massage establishment permits issued to a certified massage establishment shall be suspended or revoked by the city manager or designees upon any of the following grounds:
 - a. The massage establishment permit holder has been arrested or filing of charges of a crime that would have caused denial of the massage establishment permit.
 - b. The massage establishment permit holder has made a material misrepresentation on the application for massage establishment permit or renewal.
 - c. The massage establishment permit holder has engaged in conduct or operated the certified massage establishment or as a massage practitioner in a manner which violates any of the provisions of this chapter, any conditions of the permit, or any of the laws which would have been grounds for denial of the permit. A massage therapist or massage practitioner employed by the massage establishment has been arrested for violating the provisions of Section 647(a) and (b) of the California Penal Code, or any other state law involving a crime of moral turpitude, or the premises for which the permit was issued is being operated in an illegal or disorderly manner, and such practices shall constitute in immediate suspension and/or revocation of certificate of registration.
 - d. The massage establishment permit holder employs or uses one or more non-certified massage practitioners to perform massage services.
 - e. Violations of this chapter or of California Business and Professions Code Section 4600 et seq., have occurred on the establishment premises.
 - f. The massage establishment permit holder has failed to comply with one or more of the zoning, business license, or health and safety requirements under this chapter.
 - g. The massage establishment permit holder has engaged in fraud, misrepresentation, or false statements in obtaining or maintaining a massage establishment permit.
 - h. There is an urgency of immediate action to protect the public from injury or harm.
 - i. Upon receipt of Notification of Suspension from the California Massage Therapy Council.
4. That if the massage establishment's permit is suspended or revoked, the massage establishment's permit shall be surrendered.

5. That the city shall have the right to enter the premises from time to time during regular business hours prior to the issuance of a massage establishment permit and subsequently for the purpose of making reasonable inspections to enforce compliance with this chapter and with building, fire, electrical, plumbing, and/or health and safety regulations. In the event a massage establishment permit has been issued, it may be revoked or suspended in the manner set forth in this chapter. It is unlawful for any massage establishment owner/operator to fail to allow code compliance or police officers into the premises or hinder such officers in any manner. During an inspection, code compliance and police officers may also verify the identity of the owner(s) and all employees.
6. That the massage establishment permit shall not be transferable except with the written approval of the city manager. A written application for such a transfer shall be made to the city manager. The application for such transfer shall contain the same information as required herein for an initial application for a massage establishment permit as set forth in Section 5.87.050. In the event of denial of such transfer, notification of and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered or certified mail or delivered in person.
7. That when extra massage practitioners are required for a special event at or organized by a certified massage establishment, the owner, manager, or operator of the establishment must supply the city with a list of certified massage practitioners who will be working at the event, copies of their certificates of registration, and any other information the city may reasonably require, not less than two weeks before the date of the event.
8. That all premises of certified massage establishments shall be subject to periodic inspection by the city for compliance with health, safety, and building standards and all such establishments shall comply with, in addition to zoning and building codes, the following requirements:
 - a. A recognizable and readable sign shall be posted at the main entrance of each massage establishment identifying the establishment as such establishment; provided, that all such signs shall comply with the sign regulations of the city.
 - b. The owner or operator of each massage establishment shall display the massage establishment permit issued to the establishment and to each massage practitioner employed in the establishment in an accessible and conspicuous place on the premises. Certified massage practitioners shall have his or her original state certificate at his or her place of business and his or her identification card in his or her possession while providing massage services.

- c. Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed and provided in accordance with the fire department and building department regulations and standards.
 - d. All building openings, entries, windows, etc., shall be located, covered or screened in such a manner as to prevent a view from the outside of the building into dressing rooms, treatment rooms, restrooms, and other areas where patrons of the establishment may not be fully dressed.
 - e. Lighting in parking lots shall be in compliance with Chapter 18.76 of the municipal code.
 - f. Construction of rooms used for toilets, baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the city building code. Plumbing fixtures shall be installed in accordance with the city plumbing code:
9. That all steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the city.
 10. That all floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. Dry heat rooms with wooden floors need not be provided with pitched floors and floor drains.
 11. That a source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.
 12. That hot and cold running water under pressure from a potable source shall be provided to all washbasins, bathtubs, showers, and similar facilities. Each water basin shall be provided with soap or detergent and single-service towels placed in permanently installed dispensers. A trash receptacle shall be provided in each room where such facilities are located.
 13. That minimum lighting in accordance with the Uniform Building Code, and in addition, at least one artificial light of not less than forty watts shall be provided in each enclosed room where massage is being administered.
 14. That floors shall be free from any accumulation of dust, dirt, or refuse.
 15. That one front door shall be provided for patron entry to the massage establishment, which shall open to an interior patron reception and waiting area immediately inside the front door. All patrons and any persons other than individuals employed or retained by the massage establishment shall be required to enter and exit through the front.

16. That the hours of operation shall be displayed in a conspicuous public place in the reception area and in any front window clearly visible from outside of the massage establishment.
17. That a list of services available and the cost of such services shall be posted in an open and conspicuous public place on the premises. No massage establishment operator shall permit, and no person employed or retained by the certified massage establishment shall offer to perform, any services or fees other than those posted.
18. That the premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after each use on each patron.
19. That it is unlawful for any certified massage practitioner or other person to be other than fully clothed in non-transparent clothing at all times that shall not expose their genitals, pubic area, buttocks, or chest or for any operator of a massage establishment to allow or permit prohibited dress.
20. That no loudspeakers or sound equipment shall be used by a massage establishment for amplification of sound to a level discernible by the public beyond the walls of the building in which use is conducted.
21. That no person shall give, or assist in the giving of, any massage or other body treatment to any other person under the age of eighteen years, unless the parent or guardian of the minor person has consented thereto in writing.
22. That no person owning, operating, or managing massage establishment may employ or use any person under eighteen years of age without written parental consent.
23. That walls, ceilings, floor, pools, showers, bathtubs, water basins, toilets, wet and dry heat rooms, steam or vapor rooms and cabinets and all other facilities shall be maintained in good repair and in a clean and sanitary condition. Showers, water basins, toilets, wet and dry heat rooms, steam or vapor rooms, and cabinets and compartments shall be thoroughly cleaned at least once each day the massage establishment is in operation. Bathtubs shall be thoroughly cleaned after each use.
24. That clean and sanitary towels, sheets and linens shall be provided for each person. No common usage of sheets, towels and linens shall be permitted. Towels, sheets and linens shall be provided in sufficient quantity and shall not be used by more than one person unless such towels, sheets and linens have been re-laundered. Separate closed cabinets or containers shall be provided for the storage of clean and soiled towels, sheets and linens, and such cabinets or containers shall be plainly marked "clean linen" and "soiled linen."

25. That cover pad used on massage tables shall be in workmanlike manner with durable, washable plastic or other waterproof material.
26. That all exterior doors shall be unlocked from interior side during business hours, unless the massage establishment is a business entity owned by one individual with one or no independent contractors.
27. That no massage establishment granted a massage establishment permit or license under the provisions of this chapter shall place, publish or distribute, or cause to be placed, published or distributed, any advertisement, picture or statement which is known, or through the exercise of reasonable care should be known, to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage service.
28. That it is unlawful for any massage service to be carried on within any cubicle, room, booth, or any area within a permitted establishment which is fitted with a door capable of being locked, with the exception of certain massage establishments envisioned under subsection L of this section. Toilets and cubicles used solely for the application of liquid and vapor baths shall be clearly marked as to purpose on the exterior door or curtain of said cubicle, room, or booth. Nothing contained herein shall be construed to eliminate other requirements of statute, ordinance or municipal code concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the code enforcement, the police or health departments.
29. That no permitted establishment shall operate as a school of massage, or operate in the same location, or use the same facilities as that of a school of massage except as otherwise may be provided by law.
30. That no person operating a massage establishment shall permit communication devices to be installed or used in any manner on the premises so as to interfere with or hinder inspections by code or law enforcement officers.
31. That no person or persons shall be allowed to live or sleep inside the massage establishment at any time. No part of the establishment shall be altered for residential or sleeping purposes.
32. That no person afflicted with an infection or parasitic infestation transmissible to a patron shall knowingly provide massage therapy to a patron, or remain on the premises of a certified massage establishment while so infected or infested.
33. That it is unlawful for any certified massage practitioner or other person to massage the genital area of any patron or the breasts of any female patron or for any operator of a massage establishment to allow or permit such massage.

34. That if during the life of a massage establishment permit, the applicant has any change in information concerning the original application, notification must be made to the city manager, in writing, within thirty calendar days of the change.
35. That it is unlawful for any certified massage establishment or any massage establishment permit holder, owner, operator, or responsible managing officer/employee to violate any of the mandatory requirements of this chapter applicable to massage establishments.
36. That any owner, licensee, manager, or massage establishment permit holder in charge or in control of a massage establishment or certified massage establishment or who knowingly employs a person who is not in possession of a valid, unrevoked massage establishment permit, or who allows such persons to perform, operate, or practice within such a place of business, shall be guilty of a misdemeanor.
37. That fire extinguishers shall be provided per code, with type and location to be approved by the Fire Marshall.
38. That the project shall comply with all applicable State and Municipal Codes, and meet the requirements of the Public Works Director, City Engineer, Building Inspector, Community Development Director, and Fire Chief. Plans submitted for any construction, encroachment, grading or sign permits shall incorporate the herein required changes and shall have these conditions listed thereon.
39. That the building address be displayed in a manner and size approved by the Fire Marshall. New signage shall incorporate the site address.
40. That all required permits shall be obtained for any construction or tenant improvements.
41. That no type of sign or other advertising visible from off-site may be installed or attached prior to obtaining permits for such sign. A banner limitation of one banner sign allowed during a 30 day period during each calendar year will be in effect.
42. 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.

43. *That the Use Permit shall be subject to review at a noticed public hearing before the Planning Commission at six (6) months after commencement of the use. Subsequent annual review shall be at the discretion of the Planning Commission.*

Respectfully submitted,



Teresa Rodriguez
Associate Planner

Attachments

Public Notice for CUP

**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, September 22, 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, #15-05, Harmony Massage, 600 N. 2nd Street, Ste. 2
APN # 047-022-033**
Review of a Massage establishment at 600 N. 2nd Street, Ste. #2 in the GC, General Commercial District. Massage establishments require a Conditional Use Permit within the GC District. Since its approval date, staff has not received any complaints. 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.

Lisa Ochoa, Planning Technician II
Community Development Department