CITY OF PATTERSON PLANNING COMMISSION AGENDA
REGULAR MEETING
THURSDAY, NOVEMBER 17, 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 October 13, 2016
2. Planning Commission Meeting Minutes of October 27, 2016

AGENDA ITEMS

1. **Public Hearing: Lot Line Adjustment #16-03 Gerald Fagnan, 516 and 520 Klopping Court, APN #'s 048-053-017, 018**
   The proposed lot line adjustment, submitted in accordance with State and City requirements, would reconfigure two existing lots. A 9,998± square foot lot, APN 048-053-018, located at 520 Klopping Court would be reduced to 9,620± square feet. The surplus property would be added to APN 048-053-017, a 7,762± square foot lot, located at 516 Klopping Court. This lot would be increased to 8,140± square feet once the lot line adjustment is completed.

2. **Presentation:** **Walmart Complaints**
Staff report regarding issues presented by residents of Pitscottie Lane related to operation of the Wal-Mart store, along with analysis by staff, and Wal-Mart's actions to resolve those concerns.**(This item was continued from the October 27, 2016 Planning Commission meeting)**

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

CITY OF PATTERSON
PLANNING COMMISSION MINUTES
OCTOBER 13, 2016

The Planning Commission regular meeting of October 13, 2016 was called to order by Chairperson West at 7:04 p.m.

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

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

ITEMS FROM PUBLIC: None

STATEMENT OF CONFLICT BY COMMISSIONERS:

Commissioner Bingham stated that he will need to abstain from Agenda Item #2 Thompson Chevrolet

CORRESPONDENCE: None

INFORMATIONAL ITEMS: None

CONSENT AGENDA:

Motion to approve Planning Commission meeting minutes of September 22, 2016
Commissioner Bendix
Second: Commissioner Bingham
Motion passed: 3-0-1 vote

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

AGENDA ITEMS:

1. **Presentation:** **Measure L**
   Staff will provide an informational presentation regarding Stanislaus County Measure L proposed for the upcoming November election.

Chairperson West stated that Measure L will be continued to another meeting.

2. **Public Hearing:** **Lot Line Adjustment #16-02 Thompson Chevrolet, s/w corner of Sperry Avenue and Highway 33, APN #'s 048-043-018, 019**
   The proposed lot line adjustment, submitted in accordance with State and City requirements, would reconfigure two existing lots. An 11.68 acre lot, APN 048-043-018, where the former DMSI facility is located, at the southwest corner of Sperry Avenue and Highway 33 would be reduced to 11.05 acres. The surplus property would be added to APN 048-043-019, a 2.56 acre lot, where Thompson Chevrolet is located, which is located to the north of the larger parcel.

Commissioner Bingham left the room when the item was announced.

City Planner Andrews gave a powerpoint presentation. He answered questions from the Commission.

Open Public Hearing: 7:11 p.m.

Max Garcia, GDR Engineering, Inc. Ceres, representing the owner for Thompson Chevrolet
Mr. Garcia made reference to condition of approval #7 and asked that the requirement be postponed until a building permit is pulled for the project so that the building can be used for its current use of outdoor storage. He answered questions from the Commission.

Bruce Thompson, Thompson Chevrolet, Patterson
Mr. Thompson stated that the building on the property isn't worth anything and the lot line adjustment is just for parking. He also stated that the building will not be occupied at this time but the fire department can come and look at it.

Close Public Hearing: 7:19 p.m.

Commissioners discussed the proposed project and asked questions of staff.

Motion to approve Lot Line Adjustment #16-02 and Resolution 2016-08 with six findings and ten conditions of approval revising condition of approval #7 to read: "That the owner of the vacant building shall perform a code analysis to the satisfaction of the Fire Department to determine suitability for any use other than parking prior to building permit."

Commissioner Bendix

Conditions of Approval

1. That the approval shall comply with all applicable state and municipal codes and meet the requirements of the City Engineer.

2. That any deed of trust encumbering the parcels of land shall be reflected in the recordation of this lot line adjustment.

3. That easements of record shall remain in effect and shall be recorded on the new deeds.

4. That the applicant shall have a new deed prepared and shall have it recorded. That photocopies of the new deed shall be submitted to the city clerk within six months of the Planning Commission's approval and that failure to record the deed and submit copies thereof shall void Planning Commission approval of the application.

5. That the Certificate of Compliance prepared by the City Engineer shall be recorded by the applicant or his engineer. The cost shall be that amount invoiced by the City Engineer.

6. That no non-conforming condition of zoning be created by this approval, except as was in existence prior to such approval.

7. That the owner of the vacant building shall perform a code analysis to the satisfaction of the Fire Department to determine suitability for any use other than parking prior to building permit ~~proposed use prior to occupancy~~.

8. All future site improvements shall comply with City standards and regulations, including applicable stormwater regulations.

9. All future construction shall comply with applicable building code requirements.

10. 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 City harmless.

Second:	Commissioner Barba
Motion passed:	3-0-1 vote
ROLL CALL:	Commissioner Barba, Chairperson West, Commissioner Bendix
Ayes:	Chairperson West, Commissioner Barba, Commissioner Bendix
Noes:	None
Abstained:	Commissioner Bingham
Excused:	Vice Chairperson Applegate

Commissioner Bingham returned to the meeting.

3. Public Hearing: **Architectural & Site Plan Review #16-03, Planned Development #16-02, Tentative Parcel Map #16-03, Development Agreement #16-01, Westside Self Storage Baldwin, APN #021-026-026**

Consideration of a self-storage facility on 9.58 acres on the west side of Baldwin Road, approximately 750 feet north of Sperry Avenue. The project would include six storage buildings totaling 28,900 square feet each, three storage buildings of 17,255 square feet each and a 1,500 square foot office building for a total of 226,665 square feet. A storm drain basin would be located along Baldwin Road to service the project. Access would be provided at a driveway on Baldwin Road with six parking spaces, including one accessible parking space. Included with the application is a parcel map that would divide the property into eight parcels ranging from 0.92 to 1.93 acres in size. The stated reason for the division is for financing of the project as phases are built. The Planned Development application requests exceptions from three development standards outlined for the Industrial Business Park Zone where the project is located: 1) The maximum building coverage is 50 percent, the applicant proposes 54.3 percent building coverage. 2) The maximum impervious surface coverage is 80 percent. The applicant proposes 85.9 percent. 3) The minimum lot size is 1.5 acres. The applicant requests lots as small as 0.92 acres.

City Planner Andrews gave a powerpoint presentation. He answered questions from the Commission. He stated that the health care district impact fee in the development agreement should be revised. He also stated that condition of approval #63 should be revised as stated below in the motion.

Open Public Hearing: 7:34 p.m.

Max Garcia, GDR Engineering, Ceres, representing the owners of the project

Mr. Garcia spoke about the storm drain basins in the city. He stated that the conditions of approval were discussed with staff. He answered questions from the Commission.

George Petrulakis, development attorney, Modesto, representing the project
Mr. Petrulakis spoke about the health care district fee that was included in the development agreement. He answered questions from the Commission.

Close Public Hearing: 7:51 p.m.

Commissioners discussed the proposed project and asked questions of staff.

Motion to approve Westside Self Storage Baldwin and Resolution 2016-09 with six findings for the negative declaration, two findings for the architectural and site plan review, two findings for the planned development, six findings for the development agreement and seven findings for the tentative parcel map recommending adoption of the ordinance to the City Council subject to the findings and 90 conditions of approval and 3 mitigation measures with revision to condition #63 as presented by staff to state: "That the private storm drain basin shall be fully stabilized with landscaping and irrigation system. *The onsite basin may be constructed in phases to match the phased construction of the project. If the business park storm drain system can be modified to accommodate direct connection, the project storm drain system may be connected directly into the City of Patterson's storm drainage system and the onsite basin eliminated from the project."*
Also, to confirm fees of health care district in the development agreement.
Commissioner Bendix

Conditions of Approval

1. The project shall comply with all applicable State and Municipal Codes, including the latest edition of the California Building Codes and the California Green Code and meet the requirements of the Public Works Department, City Engineer, Building Inspector, Planning Department and Fire Chief.

2. The applicant shall comply with all conditions of approval and adopted mitigation measures.

3. Development shall occur in substantial conformance with the site plan as may be approved by the Planning Commission.

4. The applicant shall agree to defend at his/her sole expense any action brought against the City, its present or former agents, officers, or employees because of the issuance of said approval, or in any way relating to the implementation thereof, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his/her obligations under this condition.

5. Prior to issuance of a certificate of occupancy, mail receptacles shall be provided as required by the Postmaster of the City of Patterson.

6. Construction shall be limited to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays, and on Saturdays to between the hours 8:00 a.m. and 6:00 p.m.; that additional hours may be permitted at the discretion of the Public Works Director. Construction activities may be allowed at any time on the interior of buildings once they are entirely enclosed, in conformance with the City's noise ordinance.

7. That on site exterior lighting shall not be excessive and shall be shielded and directed to not emit off-site. Lighting fixtures shall be reviewed and approved by the Planning Department.

8. Prior to issuance of a certificate of occupancy for each building, all ducts, meters, air conditioning equipment and all other mechanical equipment, whether on the ground, on the structure or elsewhere, shall be screened from public view with materials architecturally compatible with the main structure. It is especially important that gas and electric meters, electric transformers, and large water piping systems be completely screened from a standard public viewing height of 6 feet. All roof-mounted equipment which generates noise, solid particles, odors, etcetera, shall cause the objectionable material or effects to be directed away or shielded from adjoining land designated for residential development. A plan for the treatment of roof top equipment shall be submitted to the Planning Department prior to issuance of a building permit.

9. All planted areas shall be separated from driveways by concrete curbs.

10. Street trees shall be required along street frontages; the type, size, and location shall be in accordance with the City's street tree list, and as approved by the Planning Department and the Public Works Director. Street trees shall be installed per City Standards and a street tree deposit shall be posted with the Public Works Department.

11. Prior to issuance of a building permit, a final landscaping and irrigation plan shall be prepared by a licensed landscape architect, subject to review and approval by the Planning, Public Works, Parks and Recreation, Police, Building and Fire Departments, and in compliance with AB 1881. The landscaping plan shall be consistent with City Standards and shall include the following:

    (1) Tree staking, soil preparation and planting detail;

    (2) The use of landscaping to screen ground-mounted utility and mechanical equipment;

    (3) The required landscaping and improvements. This includes:

(a) Deep root planters shall be included in areas where trees are within five feet (5') of asphalt or concrete surfaces and curbs;

(b) Water conservation practices including the use of low flow heads, drip irrigation, mulch, gravel, drought tolerant plants and mulches shall be incorporated into the landscaping plan;

(c) An automated irrigation system; emphasizing low-water use techniques where feasible;

(4) The size, type and location of all plant materials; native and low-water use and drought resistant species shall be emphasized;

(5) The type and location of all paving and furniture, including benches, fountains, or other features;

12. Along the northern fence line, climbing vines shall be planted every 10 feet.

13. That the access gate shall remain open at all times during public hours.

14. Prior to issuance of a building permit, the applicant shall submit a detailed drawing of the trash enclosure for review and approval by the Planning Department and the Public Works Department. Trash enclosures shall be constructed to City standards and storm water regulations and shall be architecturally compatible with the design of the project and shall be laid out for easy access by collection trucks.

15. Project must comply with the installation and maintenance of full trash-capture system or devices that traps all particles retained by a 5 mm mesh screen and has a design treatment capacity that satisfies all Federal, State, and local requirements.

16. Interior vehicle travelways shall be designed to be capable of withstanding loads imposed by trash and delivery trucks.

17. All on-site utilities shall be underground and all utility fixtures, transformers, switching boxes and other installations shall be screened from view to the satisfaction of the Planning Department.

18. Per Title 24, Section 2-7102 of the State Disabled Access Regulations, the parking lot shall provide the required number of handicapped parking spaces.

19. All end parking spaces and spaces adjacent to raised curbing shall be one foot wider than the normal stall width (10 feet total).

20. Prior to the approval of grading and public improvement plans, the applicant shall establish a deposit account for plan check and inspection costs, post bonds as appropriate and obtain an encroachment permit as required.

21. Applicant shall provide design details (or vendor specifications) for all streetscape items (planters, waste containers, benches, bicycle racks etc.) with the building permit application.

22. The applicant shall submit a Construction Waste Management Plan to the Public Works Department.

23. For landscape and irrigation within the public ROW, a deposit shall be required to cover the installation of irrigation, landscaping, and plant materials (relocation) based upon the estimate of costs to be paid for and provided by the applicant.

24. Prior to issuance of certificate of occupancy, the applicant shall post handicapped parking, per Police Department and Americans with Disabilities Act requirements.

25. Prior to issuance of a certificate of occupancy, the address shall be clearly visible on the building per City Standards.

26. Prior to concrete pour inspection, compaction tests are required for all footings.

27. Electrical conduit shall have a separate ground wire installed.

28. Prior to building permit issuance, the applicant shall submit to the City for review and approval a grading and drainage plan in compliance with all applicable regulations of the City of Patterson.

29. At the time of Public Improvement Plan review, plans shall be submitted to all applicable public utility companies for review. Comments from the utilities regarding required easements, transformer locations, etc. shall be forwarded to Public Works Department for review and approval.

30. The applicant shall pay all applicable fees due the City and other Special Districts providing services to the site.

31. The project shall connect to the City's municipal system for water, sewer and storm, and be signed up for services prior to occupancy.

32. The applicant shall be responsible during construction for cleaning city streets, curbs, gutters and sidewalks of dirt tracked from the subject site. The flushing of dirt and debris to storm drain or sanitary sewer facilities shall not be permitted. The cleaning shall be done after each day's work or as directed by the Director of Public Works or the Planning Department.

33. All required public improvements shall be designed and constructed in accordance with the City of Patterson Standard Specifications and Drawings, including any standards updated prior to approval of the improvement plans.

34. The applicant shall submit a mitigation plan for review and approval by the City and the San Joaquin Valley Air Pollution Control District (SJVAPCD) for construction-related emissions prior to construction. Such a plan shall include provisions for compliance with District Rule VIII and shall include at least the following requirements:

    a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.

    b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

    c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

    d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

    e. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, *or* at least six inches of freeboard space from the top of the container shall be maintained.

    f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets if and as needed when operations are occurring. *(The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)*

    g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

    h. Limit traffic speeds on unpaved roads to 15 mph; and

    i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

35. All signage shall be submitted for a sign permit and shall be in accordance with relevant provisions of the Patterson Zoning Ordinance.

36. That the design and materials used on the monument sign shall reflect the design elements and materials used on the main building, to the satisfaction of the Planning Department.

37. "Set in Place" domes shall be used if truncated domes are used.

38. The project shall participate in a City-Wide Maintenance Community Facility District or Benefit Assessment District and Landscape Maintenance District to help pay for maintenance of public improvements.

39. All pre-existing public improvements adjacent to the project area shall meet ADA standards, if they do not already.

Grading

40. Complete grading and drainage plans shall be submitted to and approved by the City Engineer.

41. As required by the Public Works Department, the applicant shall deposit with the City, at time of plan check submittal, adequate funds to employ a qualified independent engineering consultant selected by the City to review grading and drainage improvement plans and to inspect the site prior to and during all major site preparation and grading. A qualified Soils Engineer shall submit tests and reports to certify each parcel as ready for construction prior to starting foundations.

42. Where the difference in average elevations between adjacent lots is in excess of six inches, slope shall not exceed 2 to 1 grade or a grade found reasonable in the soils report, or a retaining wall shall be required.

43. Prior to any site grading or construction, an erosion control plan and program shall be submitted to and approved by the Public Works Department. Said plan and program shall address specific temporary and permanent erosion control measures associated with the project.

44. It is the contractor's responsibility to use watering, dust fences, or other methods as directed by the City, to control dust throughout the construction operation. The applicant shall use all reasonable efforts to obtain non-potable water for construction or dust control purposes. This condition shall not be interpreted as prohibiting the use of City water supplies for the irrigation of street lines and landscaping required in common areas.

45. All grading construction debris materials shall be removed and disposed into an approved dump site prior to any excavation or fill operations and/or as directed by the Public Works Director.

46. The applicant or his/her agents or employees shall be responsible for removal and clean-up of any spill on public streets during his entire grading operations.

47. Lots shall drain into a street or approved drain in such a manner that there will be no undrained depressions. The design of all such drains shall be subject to the review and approval of the City Engineer.

48. An engineering cost estimate shall be submitted with the grading and improvement plans for public improvements. The applicant's engineer shall sign and stamp the calculation and cost estimates prior to issuance of building permits.

49. Prior to issuance of the grading permit, final right-of-way width and routes for drainage channels, pipelines, and service roads needed shall be established.

50. Measures to control erosion during construction shall be incorporated into the grading plans, and shall be subject to review and approval by the City Engineer.

51. Prior to issuance of a grading permit, the applicant shall submit a soils report, prepared by a registered geologist or qualified civil engineer, concerning soil conditions for grading, excavations, slope stabilization and revegetation, and footing and foundation construction.

52. The applicant shall obtain a grading permit for on-site excavation and fill prior to construction.

Sewer, Water and Drainage

53. Prior to issuance of a building permit, sufficient water pressure and capacity to serve the portion of the project area where such development is proposed will be assured.

54. Design of the proposed project facilities shall include provisions to minimize water requirements, including the use of the following, to the extent deemed practical by the City:

    a. Use of low-flow fixtures, including toilets as per the Uniform Building Code.
    b. Use of drought-tolerant, native landscaping.

55. Non-potable water mains and appurtenances shall be installed as required by the City for demands that are compatible with non-potable water, including, but not limited to, landscape irrigation and car washing. Non-potable water system and installation shall be in accordance with the latest version of the City's non-potable water standards or guidelines, including pipe color, signage, cross connection control program, etc. Connection to the non-potable water system shall be required when it becomes available.

56. Separate water meters shall be installed for landscaping and indoor (potable) water services.

57. Water meters shall be ordered and purchased through the Public Works Department.

58. All improvements shall be designed in accordance with the City of Patterson Improvement Standards, to the satisfaction of the Public Works and Engineering Departments.

59. Any abandoned wells on the project site shall be destroyed in accordance with requirements of the Stanislaus County Environmental Health Division prior to issuance of any grading permit or other site improvements. All abandoned/destroyed wells shall be clearly shown on the improvement plans for the project. Confirmation of well destruction shall be provided to the Public Works Department.

60. The project shall comply with City of Patterson Best Management Practices as defined in the City's latest Urban Water Management Plan, California Urban Water Conservation Council BMPs, AB 1881, and mandatory water conservation measures defined in the State of California Green Building Code.

61. Water mains shall be installed on-site to provide adequate flow and reliability as required by the City Water Engineer and Fire Marshal. Building fire suppression demands shall not exceed 2,500 gpm, or as limited by the water distribution system.

62. Backflow prevention devices shall be installed by the applicant on all water services as required by the Public Works Department and the California Department of Public Health standards.

63. That the private storm drain basin shall be fully stabilized with landscaping and irrigation system. *The onsite basin may be constructed in phases to match the phased construction of the project. If the business park storm drain system can be modified to accommodate direct connection, the project storm drain system may be connected directly into the City of Patterson's storm drainage system and the onsite basin eliminated from the project.*

64. That the storm interceptor shall meet all current NPDES requirements.

65. Prior to constructing the storm drain basin, plans and capacity calculations shall be submitted to determine adequate size. Such plans shall be reviewed and approved to the Engineering Department's satisfaction.

66. Additional calculations and plans shall be submitted with improvement plans for on-site storm drain system.

67. All permanent basins shall be designed to meet the Post-Construction Stormwater Standards and AB 1881 requirements. Storm drainage plans shall be engineered and/or developed by a Qualified Stormwater Designer.

68. A secured maintenance agreement shall be required to ensure that the basin is monitored maintained, and completed to satisfy state, local, and federal stormwater regulations.

69. Wet tapping sleeves will not be allowed if service line is bigger than half the pipe size of the existing water main.

70. Reduced pressure backflow service shall be required on 2" water service.

71. The project shall comply with all applicable stormwater regulations and establish a SWPPP inspection deposit account.

72. If deemed necessary by the State Water Resources Control Board, the project shall obtain an Industrial Stormwater Permit.

73. All pre-existing sewer laterals and storm drain lines shall be video inspected to ensure that the lines are clear of any debris and that they are not damaged.

Roads

74. All sight distances for all corners and driveways shall conform to the City's sight distance requirements to the satisfaction of the City Engineer.

75. As applicable, all streets, alleys, sidewalks, curbs, and gutters adjacent to the project shall be improved as necessary to provide safe vertical and horizontal transitions to connect improvements constructed within this project to existing improvements, as directed by the City Engineer. Any street, alley, sidewalk, or curb damaged by the applicant or its agents or employees shall be repaired, prior to final acceptance of tract improvements by the City Council or sooner at the discretion of the City Engineer.

Utilities

76. All on-site utilities shall be underground.

77. The applicant shall obtain an encroachment permit from the Public Works Department for construction work.

78. Street lights will be provided and installed as required by the Public Works Director and the City Engineer. The type, height, and design of street lights shall be subject to review and approval by the City and will direct lighting downward, shielding to the greatest extent practical, light exposure beyond that needed for proper intersection or street lighting. Street lights shall be LED.

79. The applicant is to be responsible for all damages to existing and new telephone facilities caused by workers or subcontractors under the direction of the applicant.

80. All new telephone facilities shall be underground except where indicated by the telephone company upon engineering of the project.

81. The applicant shall provide all necessary on-site easements for streets, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the City. Said easements shall be subject to the review and approval of the Public Works Department, City Engineer and the City Attorney.

82. All water, gas, sewer, underground electrical power, cable T.V., or telephone lines, or conduits, or underground drain lines shall be installed before any paving is placed. Utility stub connections to property boundaries of each parcel may be omitted only with the express and written permission of the City Engineer.

83. The applicant shall install adequately sized utility services and laterals prior to final acceptance.

Fire Department

84. Fire access around the buildings shall accommodate the turning radius of fire apparatus to the Fire Department's satisfaction. Outside curb to curb turning radius is 35.86 feet. Wall to wall turning radius is 39.95 feet.

85. Onsite fire hydrants shall be placed with a 3 ft. working clearance from fences or walls. Hydrants shall not encroach in the required width of the fire access roadway.

86. All new construction shall meet the requirements of the City Fire Department.

87. Sprinkler plans shall be submitted prior to construction materials being brought on site.

88. Fire Department Connection shall be the street and within 75' of a hydrant.

89. Prior to issuance of a certificate of occupancy, all buildings must be fully sprinklered per Building and Fire Department guidelines.

90. Fire sprinkler monitoring shall be required. System shall be UL Certified for the life of the building.

Mitigation Measures

1. The City shall require all of the following as a condition of project approval of future development projects:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, track-out (earth material deposited on City streets by construction equipment) shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and track-out.
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
- Install wind breaks at windward side(s) of construction areas;
- Suspend excavation and grading activity when winds exceed 20 mph; and

Limit area subject to excavation, grading, and other construction activity at any one time. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.

2. The project shall pay $2000 per developed acre to either the City, the Center for Natural Lands Management, the California Wildlife Foundation, or CDFG to establish a free movement corridor in Western Stanislaus County. Additionally, all excavated holes or trenches, more than two feet deep, shall be covered after each working day, or equipped with escape ramps. All construction pipes stored at the site overnight shall be inspected for

kit foxes. All food-related trash items shall be removed at least once a week from construction sites.

3.The project shall pay an in lieu fee of $600 per developed acre to be held by an agency approved by CDFG for the ultimate purpose of buying permanent conservation easements.

Second:	Commissioner Bingham
Motion passed:	4-0 vote
ROLL CALL:	Commissioner Barba, Chairperson West, Commissioner Bendix, Commissioner Bingham
Ayes:	Chairperson West, Commissioner Barba, Commissioner Bendix, Commissioner Bingham
Noes:	None
Abstained:	None
Excused:	Vice Chairperson Applegate

ITEMS FROM STAFF:

City Planner Andrews stated that the next Planning Commission meeting will be on October 27th with Measure L presentation, Walmart report, annual review Frontier Club and 6 month review of a conditional use permit.

ITEMS FROM COMMISSION:

Commissioner Bingham asked about the mural at Cuts Unlimited.

Chairperson West would like to have a workshop to talk about downtown. City Planner Andrews stated that a workshop will be coming up to talk about the parks downtown.

Commissioner Bendix asked what we can do to draw businesses downtown.

ADJOURNMENT: The Planning Commission regular meeting of October 13, 2016, was adjourned by Chairperson West at 8:07 p.m.

_____

Prepared by Denise Melo, Secretary
City of Patterson Planning Commission

CITY OF PATTERSON
PLANNING COMMISSION MINUTES
OCTOBER 27, 2016

The Planning Commission regular meeting of October 27, 2016 was called to order by Chairperson West at 7:00 p.m.

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

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

ITEMS FROM PUBLIC: None

STATEMENT OF CONFLICT BY COMMISSIONERS:

Vice Chairperson Applegate stated that he had a conflict with the Walmart staff report.

CORRESPONDENCE: None

INFORMATIONAL ITEMS: None

CONSENT AGENDA:

Chairperson West stated that the Planning Commission meeting minutes of October 13, 2016 will be on the next agenda due to a lack of quorum to approve the minutes.

AGENDA ITEMS:

1. **Presentation:** **Measure L**
   Staff will provide an informational presentation regarding Stanislaus County Measure L proposed for the upcoming November election.

City Planner Andrews introduced Rosa De Leon Park, executive director of StanCOG representing Measure L. Ms. De Leon Park thanked staff and the public and introduced the City of Patterson Mayor Luis Molina sitting in the audience. She spoke in favor of Measure L and answered questions from the Commission.

Luis Molina, Mayor of Patterson and representative of StanCOG. Mayor Molina stated that they felt this was the best measure that would pass. He spoke in favor of Measure L and answered questions from the Commission.

2. **Presentation:** **Walmart Complaints**
Staff report regarding issues presented by residents of Pitscottie Lane related to operation of the Wal-Mart store, along with analysis by staff, and Wal-Mart's actions to resolve those concerns.

City Planner Andrews stated that we need to accept public comment on the staff report.

Open Public Comments: 7:41 p.m.

There was no public testimony so Vice Chairperson Applegate wasn't required to leave the room.

Chairperson West stated that this item would move on to the next Planning Commission meeting.

Close Public Comments: 7:42 p.m.

3. **Public Hearing:** **Conditional Use Permit #16-05 (6 Month Review) – Taquería Barajas, 101 E. Las Palmas Avenue, Patterson, APN # 047-033-012**
A review of a mobile food vendor establishment at 101 E. Las Palmas, located in the Industrial Zone. The use was approved by the Planning Commission on April 28, 2016. Since its approval date, staff has not received any complaints. The project is exempt from review under the California Environmental Quality Act.

City Planner Andrews gave the staff report and stated that there were no issues.

Open Public Hearing: 7:43 p.m.

No public testimony

Close Public Hearing: 7:43 p.m.

Commissioners had a discussion on the agenda item and asked questions of staff.

Motion to approve 6 month review of Conditional Use Permit #16-05 with condition #13 to be deleted:

Vice Chairperson Applegate

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.

~~13. That the Use Permit shall be subject to review at a noticed public hearing before the Planning Commission at six (6) months.~~

Second: Commissioner Bendix
Motion passed: 3-0 vote

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

4. Public Hearing: Conditional Use Permit # 10-02 – The Frontier Club (annual review) 35 S. 3rd Street - APN # 131-015-016
Review of a Conditional Use Permit for The Frontier Club bar located at 35 S. 3rd Street as required under the conditions of approval. The project included expanding the square footage of the establishment, and the addition of two pool tables, a stage for live bands, DJ's, etc., and a dance floor. The Planning Commission may amend the permit should credible information be presented that the Commission determines necessitates such action. The project is located in the DC, Downtown Core Commercial District and is exempt from review under the California Environmental Quality Act (CEQA).

City Planner Andrews gave the staff report and stated that there have not been any complaints.

Open Public Hearing: 7:46 p.m.

No public testimony

Close Public Hearing: 7:46 p.m.

Commissioners had a discussion on the agenda item and asked questions of staff.

Motion to approve Conditional Use Permit #10-02 with no further annual review and correction of condition of approval #34, removing the former police chief's email from the condition.
Vice Chairperson Applegate

Conditions of Approval

1. That all sign designs and plans shall be reviewed and approved by the Community Development Director prior to installation and be consistent with applicable guidelines.

2. That the project shall meet all applicable fire requirements as per the California Fire Code, including, but no 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.

3. That all areas on the premises must remain or be made accessible in compliance with the Americans with Disabilities Act and related legislation.

4. That the Use Permit shall be reviewed at a noticed public hearing before the Planning Commission at six (6) months and at one (1) year after commencement of the use. Subsequent annual review shall be at the discretion of the Planning Commission.

Public Safety

Security

5. A California State Licensed/Certified Security Company or Guard shall provide security for the business. The company shall be licensed to do business in the City of Patterson.

6. All security guards shall be licensed, as provisioned by California State Statute.

7. All Security guard applicants shall meet the application requirements by the Department of Consumer Affairs for a guard card/license.

8. Upon receipt of guard card, a copy of the guard card shall be furnished to the Patterson Police Department.

9. All security guards currently employed and new hires shall have sixty (60) days to come into compliance with the guard card requirements through the State.

10. There shall be at least one (1) security officer stationed at the entrance of the business during hours of operation. This officer shall keep count of the patrons entering and leaving the business by use of two mechanical counting devices, one for those entering and one for those patrons exiting and made available for inspection by the police department upon demand.

11. There shall be at least (1) uniformed security guard on duty to patrol the outside of the premises including, but not limited to, the vacant lot to the south and surrounding parking areas during hours of operation on Fridays and Saturdays. The guard is not to be counted as a bouncer or doormen or the minimum ratio of security personnel. All security guards shall be licensed as provisioned by California State Statute at hire referenced in Condition #1 of conditions of dance permit.

12. Additional security may be required for Special Events, as described in Condition #34.

Permit Requirements:

13. If the facility is leased, subletted, or rented, the organization or individual shall apply for a Daily Dance Permit application fifteen (15) days in advance of the event providing proof of security, and a copy of the lease agreement for use of the facility.

14. If the applicant/establishment is owned as a corporation or partnership, it shall provide to Patterson Police Department a full disclosure of all partners, and /or officers, including their addresses or phone numbers. Any changes shall be reported to the Patterson Police Department within three (3) business days.

15. These conditions shall be posted along with the dance hall establishment permit in public view and available to law enforcement for inspection upon request.

16. There shall be no topless dancing, nude dancing and/or male, female revues permitted on the premises at anytime.

17. The owner or applicant shall maintain evidence of liability insurance naming the City of Patterson as an additional insured on file at all times with the Patterson Police Department. Minimum liability amounts must be one million dollars ($1,000,000).

18. The use permit shall be revoked if the business license fees, filings and/or taxes are not current or paid in full.

19. Patterson Police Department may change or revise conditions of this use permit with 48-hour written notice.

Uniforms

20. All private security guards and security staff/bouncers shall be dressed in light colored (white, yellow, tan or light gray) shirts and outer layering with the following on the back of the shirts or outer layer, in black or dark blue lettering: 'SECURITY'. Only black or blue lettering is permitted and no smaller than 4 inches in height. Lettering must be monogrammed, embroidered or silk-screened. The front of the shirts shall also display the name of the security company and/or the club name and 'SECURITY' in smaller, visible print. Dark colored pants are acceptable.

Safety Provisions

21. Occupancy for the premises shall be posted above the main entrance, visible to the public, and also posted above all bar locations within the establishment.

22. At no time shall the occupancy exceed the rated number posted for occupancy. If it is determined that the premise is over their posted occupancy, the Police Department shall have the authority to restrict further entrance of patrons until the facility has abated their occupancy issue.

23. Entertainment provided by the licensee shall not be audible beyond the entertainment venue under the control of the licensee.

24. The licensee is responsible for the orderly disbursement of all patrons upon closing and within one (1) hour following to the establishment's closing time, and all doors are to remain unlocked during this time.

25. Security staff will remain on the premises until all patrons have left the vicinity of the premises and surrounding neighborhoods when the business closes, and shall discourage any loitering in the parking areas around the business during and at the close of the business.

26. At all times, during the hours of operation, the business shall remain open and accessible to law enforcement and the fire department.

27. Closing conditions are as follows:
    a. All sales of alcohol must cease at 1:30 A.M.
    b. Consumption of alcohol must stop by 2:00 A.M. and drinks are to be collected and disposed of.
    c. No new patrons are to be allowed into the club after 1:30 A.M.

28. Patrons requesting taxi service or alternative transportation shall be given reasonable assistance by the club management/security staff.

ABC Requirements

29. The applicant/owner shall obtain the appropriate licensing from the California Department of Alcohol Beverage Control.

30. The applicant/owner shall comply with all requirements of the ABC to include all condition of their ABC license issued for the premises.

31. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under control of the licensee.

32. On-duty employees for the business shall not consume alcoholic beverages or be under the influence of an alcoholic beverage on the premises during hours of operation.

33. Those areas adjacent to the business shall be maintained litter free, any materials that endanger public safety must be cleaned up within three (3) hours of closing time, and any remaining litter must be cleaned up by 9:00 a.m., the next day.

Special Events

34. That for any special event held on the premises, the owner or applicant shall notify the Patterson Police Department by electronic e-mail notification to the Police Chief ~~at~~

~~thughes@stanislaussheriff.com~~ no less than twenty four (24) calendar days in advance of the special event and shall be subject to the following requirements:

a. A "special event" is defined as any live performance, concert, live music event, live entertainment, any person or persons including DJ's providing musical entertainment with live or recorded music, or any outdoor activities.
b. The Patterson Police Department shall review the written notification of the special event and determine, based upon past experience and/or research whether it is reasonably likely that the special event may draw a large attendance, evoke increased violence, noise, public drunkenness, drug-trafficking and other illegal activity.
c. The Patterson Police Department will notify the permit holder of its determination fifteen (15) calendar days before the event, provided the Patterson Police Department receives timely notice of the special event. If the Patterson Police Department determines that the special event is reasonably likely to draw a large attendance, evoke increased violence, noise, public drunkenness, drug trafficking or other illegal activities, the Patterson Police Department will require the dance establishment to increase its security requirements. The additional security required for any special event is an express condition of the dance permit and is in addition to all other security requirements of the dance establishment permit.
d. Additionally, the holder of the establishment's use permit will be responsible for costs of additional police officers, community service officers and other staffing as determined by the Patterson Police Department, based upon past experience and/or research which is required to maintain the tranquility, good order, and well being of the downtown area and the community at large, prior to, during and after the dance establishment's special event. The Patterson Police Department will invoice the use permit holder for the cost of additional police officers, or other staffing within fifteen (15) days of the special event. The use permit holder shall pay said invoice within fifteen (15) days of the date on the invoice.
e. Any promotional advertising for any special event must be submitted twenty four (24) days in advance of the special event, to the attention of the Police Chief. Promotional advertising is all draft radio advertising, posters, handbills and any printed media advertising of a special event.
f. The dance establishment permit holder and/or establishment manager must notify all neighboring businesses within one hundred fifty (150) feet, at least twenty four (24) days in advance of the special event.
g. That for any outdoor activities not held on the use permit site, the permit holder shall provide proof of the owner's support of such activities.
h. That all outdoor events shall be subject to review and approval by the Police Department, Fire Department, Community Development Department, and Public Works Department.

Fines, Suspension and Revocation

35. The licensee agrees to pay for police services provided by the City of Patterson for costs of police services, as determined by the Chief of Police, and are a result of public disorder, arising from patrons of the establishment.

36. Any violations of these conditions, local ordinances or state laws, may result in administrative fines, or the immediate suspension and/or revocation of the use permit per Patterson Municipal Code.

General Conditions

37. 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.

38. 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 Bendix
Motion passed:	3-0 vote
ROLL CALL:	Chairperson West, Vice Chairperson Applegate, Commissioner Bendix
Ayes:	Chairperson West, Vice Chairperson Applegate, Commissioner Bendix
Noes:	None
Abstained:	None
Excused:	Commissioner Bingham, Commissioner Barba

ITEMS FROM STAFF:

City Planner Andrews stated that the next Planning Commission meeting will be on November 17th with the Walmart presentation, a lot line adjustment and a conditional use permit for a convenience store.

ITEMS FROM COMMISSION:

Vice Chairperson Applegate stated that he would be out of town on November 17th. He also stated that he has seen a lot of effects the drought has done. He asked staff about the City of Patterson water study and what the water supply is. He asked for a presentation from Public Works.

Commissioner Bendix asked about fees for encroaching on the public right of way.

ADJOURNMENT: The Planning Commission regular meeting of October 27, 2016, was adjourned by Chairperson West at 7:56 p.m.

Prepared by Denise Melo, Secretary
City of Patterson Planning Commission

CITY OF PATTERSON
Planning Commission Staff Report
Gerald Fagnan Lot Line Adjustment
516 & 520 Klopping Court
Lot Line Adjustment #16-03
November 17, 2016 Meeting

PROJECT SUMMARY

A public hearing to consider a lot line adjustment at APNs 048-053-017 and - 018, located at 516 and 520 Klopping Court. The lot line adjustment would rearrange the configuration of existing lots to create lots of 9,620± and 8,140± square feet.

APPLICANT AND SITE INFORMATION

Applicants/Owners:	**Gerald Fagnan**
Environmental Review:	**Categorically Exempt**
Location:	**516 & 520 Klopping Court**
Assessor Parcel Numbers:	**048-053-017 and 048-053-018**
Project Size:	**17,760 ± sq.ft. (total)**
General Plan Designation:	**Low Density Residential**
Present Use:	**Single-Family Residential**
Surrounding Land Uses:	**Residential**
Recommendation:	**Conditional Approval**

PROJECT DESCRIPTION

The proposed lot line adjustment, submitted in accordance with State and City requirements, would reconfigure two existing lots. A 9,998± square foot lot, APN 048-053-018, located at 520 Klopping Court would be reduced to 9,620± square feet. The surplus property would be added to APN 048-053-017, a 7,762± square foot lot, located at 516 Klopping Court. This lot would be increased to 8,140± square feet once the lot line adjustment is completed.

The change is proposed to accommodate an existing fence that was previously inadvertently constructed across property lines. Once completed, the lot lines for both properties will follow this fence line. The parcels are located in the Low Density Residential zone, which requires a minimum lot size of 6,000 square feet. The adjusted lots would meet the minimum requirements for both lot size and lot coverage.

ENVIRONMENTAL REVIEW

This project is exempt from review under the California Environmental Quality Act according to §15305.

ALTERNATIVE ACTIONS

1. Determine that the findings for the Lot Line Adjustment can be made, and motion to approve application #16-03 subject to the conditions recommended in the staff report.

2. Determine that the findings for the Lot Line Adjustment can be made, and motion to approve application #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 Lot Line Adjustment can not be made and deny application #16-03.

FINDINGS

The Planning Commission must make the following findings to approve the Lot Line Adjustment:

1. That the proposed adjustment will not adversely affect the use of property in the vicinity or conflict with covenants, restrictions or improvements required by the subdivision of which the subject parcels may be a part.

2. That all parcels affected thereby after the adjustment shall meet minimum zoning district requirements applicable to the parcels unless said affected parcels in their original configuration do not meet said minimum zoning district requirements, and will not result in the creation of lots without adequate access to publicly dedicated streets.

3. That parcels affected by the lot line adjustment will remain of such a size, shape and configuration as to be consistent with good land use practices.

4. That the proposed lot line adjustment does not violate the provisions of the California Land Surveyors Act.

5. That the proposed lot line adjustment will not conflict with easements acquired by the public at large for access through or use of the subject property, or necessary irrigation easements.

6. Except that where existing parcels or structures are nonconforming with respect to zone requirements, a lot line adjustment may be approved so long as the degree of nonconformance is not increased.

RECOMMENDATION

Staff recommends that the Planning Commission make the required findings and approve Lot Line Adjustment 16-03 with the following conditions:

1. That the approval shall comply with all applicable state and municipal codes and meet the requirements of the City Engineer.

2. That any deed of trust encumbering the parcels of land shall be reflected in the recordation of this lot line adjustment.

3. That easements of record shall remain in effect and shall be recorded on the new deeds.

4. That the applicant shall have a new deed prepared and shall have it recorded. That photocopies of the new deed shall be submitted to the city clerk within six months of the Planning Commission's approval and that failure to record the deed and submit copies thereof shall void Planning Commission approval of the application.

5. That the Certificate of Compliance prepared by the City Engineer shall be recorded by the applicant or his engineer. The cost shall be that amount invoiced by the City Engineer.

6. That no non-conforming condition of zoning be created by this approval, except as was in existence prior to such approval.

7. All future site improvements shall comply with City standards and regulations, including applicable stormwater regulations.

8. All future construction shall comply with applicable building code requirements.

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 City harmless.

Respectfully submitted,

Joshua Mann
Contract Planner

Attachments
Lot Line Adjustment Map
Location Map
Applicant's Findings Statement
Exhibit A – Legal Description Before Lot Line Adjustment
Exhibit B – Legal Description After Lot Line Adjustment
Public Notice

RESOLUTION NO. 2016-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PATTERSON APPROVING LOT LINE ADJUSTMENT 16-03

WHEREAS, a Lot Line Adjustment has been submitted for property located at 516 and 520 Klopping Court, consisting of APN's 048-053-017 and 048-053-018, City of Patterson, County of Stanislaus, and;

WHEREAS, the Lot Line adjustment conforms to Government Code §66412(d), which allows for land taken from one parcel to be added to an adjoining parcel, where a greater number of parcels than originally existed is not thereby created, and;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on November 17, 2016 to consider the project, and;

WHEREAS, the project was determined to be exempt from review under the California Environmental Quality Act according to §15305, and;

WHEREAS, based on the staff analysis and oral and written testimony, the Planning Commission finds, after due study, deliberation and public hearing and based on its independent judgment that the following circumstances exist:

1. That the proposed adjustment will not adversely affect the use of property in the vicinity or conflict with covenants, restrictions or improvements required by the subdivision of which the subject parcels may be a part.

2. That all parcels affected thereby after the adjustment shall meet minimum zoning district requirements applicable to the parcels unless said affected parcels in their original configuration do not meet said minimum zoning district requirements, and will not result in the creation of lots without adequate access to publicly dedicated streets.

3. That parcels affected by the lot line adjustment will remain of such a size, shape and configuration as to be consistent with good land use practices.

4. That the proposed lot line adjustment does not violate the provisions of the California Land Surveyors Act.

5. That the proposed lot line adjustment will not conflict with easements acquired by the public at large for access through or use of the subject property, or necessary irrigation easements.

6. Except that where existing parcels or structures are nonconforming with respect to zone requirements, a lot line adjustment may be approved so long as the degree of nonconformance is not increased.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Patterson as follows:

The Planning Commission approves Lot Line Adjustment #16-03 subject to the conditions listed in Attachment A.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Patterson, held on the 17th day of November, 2016, by Commissioner _____ , who moved its adoption, which motion was duly seconded by Commissioner _____ and the resolution adopted by the following vote:

AYES:

NOES:

EXCUSED:

APPROVED:

_____
Ron West, Chairperson
City of Patterson Planning Commission

ATTEST:

_____
Lisa Ochoa, Secretary
City of Patterson Planning Commission

Attachment A

Conditions of Approval

1. That the approval shall comply with all applicable state and municipal codes and meet the requirements of the City Engineer.

2. That any deed of trust encumbering the parcels of land shall be reflected in the recordation of this lot line adjustment.

3. That easements of record shall remain in effect and shall be recorded on the new deeds.

4. That the applicant shall have a new deed prepared and shall have it recorded. That photocopies of the new deed shall be submitted to the city clerk within six months of the Planning Commission's approval and that failure to record the deed and submit copies thereof shall void Planning Commission approval of the application.

5. That the Certificate of Compliance prepared by the City Engineer shall be recorded by the applicant or his engineer. The cost shall be that amount invoiced by the City Engineer.

6. That no non-conforming condition of zoning be created by this approval, except as was in existence prior to such approval.

7. That the owner of the vacant building shall perform a code analysis to the satisfaction of the Fire Department to determine suitability for proposed use prior to occupancy.

8. All future site improvements shall comply with City standards and regulations, including applicable stormwater regulations.

9. All future construction shall comply with applicable building code requirements.

10. 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 City harmless.

GERALD FAGNAN - LOT LINE ADJUSTMENT

LOCATION MAP

City of Patterson, Stanislaus County, California

September 29, 2016

RECEIVED

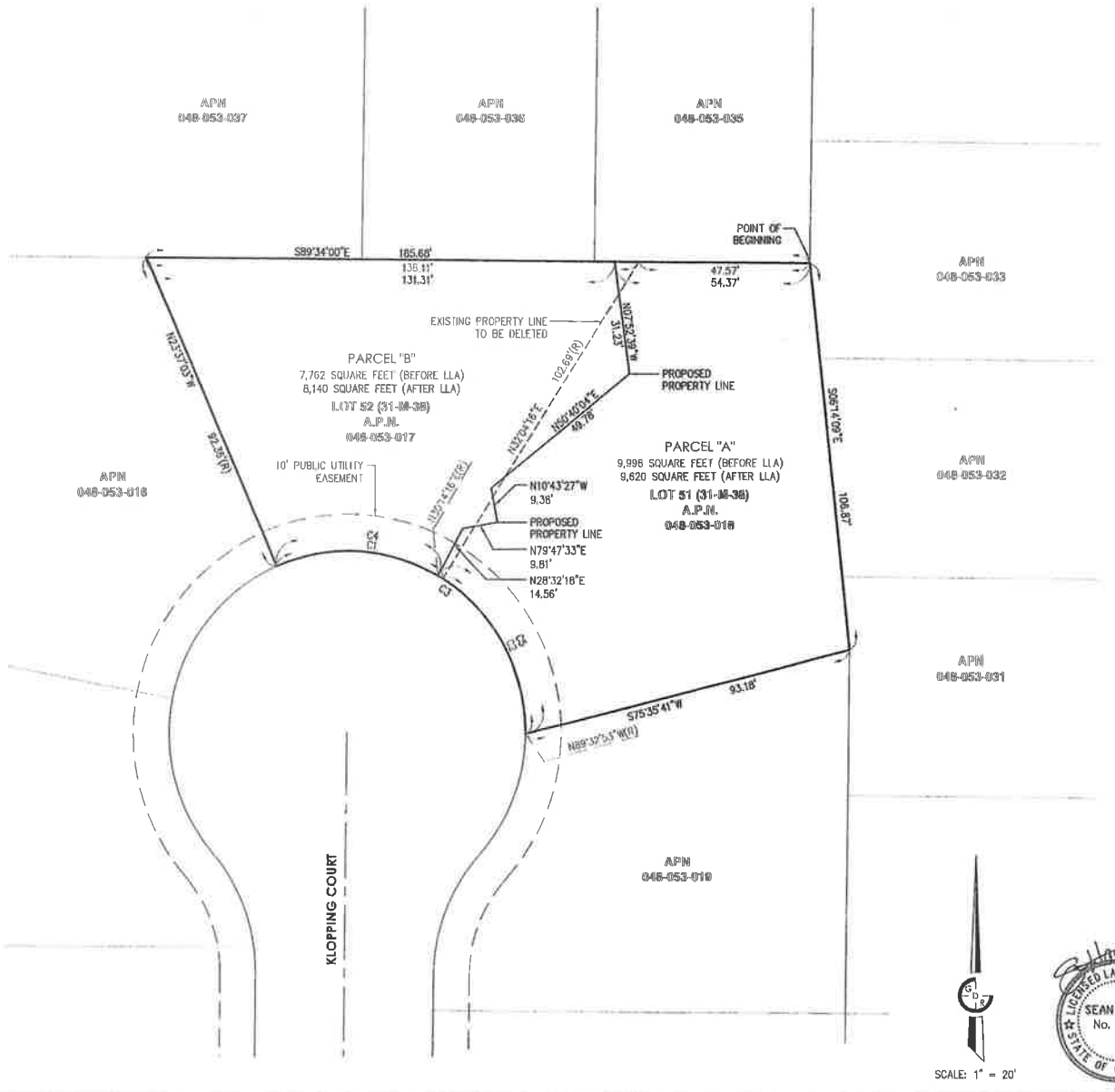
SEP 30 2016

CDD / PLANNING DIVISION

BY:

GDR ENGINEERING, Inc.

ENGINEERING/SURVEYING/PLANNING



GDR ENGINEERING, Inc.
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3525 MITCHELL ROAD, SUITE G CERES, CA 95307
TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
www.gdrengineering.com

APPLICANT

NAME:	GERALD FAGNAN
ADDRESS:	519 KLOPPING COURT
CITY/STATE/ZIP:	PATTERSON, CA 95363
PHONE:	209.892.6592

PROPERTY OWNERS

A.P.N.:	048-053-017
PROPERTY OWNER:	GERALD & THERESA FAGNAN
ADDRESS:	516 KLOPPING COURT
CITY/STATE/ZIP:	PATTERSON, CA 95363
A.P.N.:	048-053-018
PROPERTY OWNER:	THERESA FAGNAN
ADDRESS:	520 KLOPPING COURT
CITY/STATE/ZIP:	PATTERSON, CA 95363

PROJECT SUMMARY BEFORE LLA

LOT 51:	9,998 SQUARE FEET
LOT 52:	7,762 SQUARE FEET
TOTAL:	17,760 SQUARE FEET

PROJECT SUMMARY AFTER LLA

PARCEL "A":	9,620 SQUARE FEET
PARCEL "B":	8,140 SQUARE FEET
TOTAL:	17,760 SQUARE FEET

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	DELTA
C1	50.00'	48.60'	46.71'	55°41'19"
C2	50.00'	50.95'	48.77'	58°22'51"
C3	50.00'	99.54'	83.90'	114°04'10"
C4	50.00'	47.00'	45.29'	53°51'19"
C5	50.00'	52.55'	50.16'	60°12'51"

LICENSED LAND SURVEYOR
SEAN HARP
No. 7823
STATE OF CALIFORNIA
9-27-2016

LOT LINE ADJUSTMENT FOR
GERALD FAGNAN

BEING A DIVISION OF LOTS 51 & 52 AS SHOWN ON KINSHIRE ESTATES FILED IN BOOK 31 OF MAPS, PAGE 38 LYING IN THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN, IN THE CITY OF PATTERSON, STANISLAUS COUNTY, CALIFORNIA

JOB NO. 16053 SEPTEMBER 28, 2016 SHEET 1 OF 1

Gerald Fagnan – Lot Line Adjustment
Required Findings
September 30, 2016

A. That the proposed adjustment will not adversely affect the use of the property in the vicinity or conflict with covenants, restrictions or improvements required by a subdivision or which the subject parcels may be a part.

The proposed lot line adjustment does not adversely affect the use of the property in the vicinity or conflict with covenants, restrictions or improvements required by a subdivision or which the subject parcels may be a part.

B. That all parcels affected thereby after the adjustment shall meet minimum zoning area requirements applicable to the parcels unless said affected parcels in the original condition do not meet said minimum area zoning requirements, and will not result in the creation of lots without adequate access to publicly dedicated streets.

The proposed lot line adjustment will be in accordance with the minimum zoning of Single Family Residential for the City of Patterson and will not affect access to either parcel.

C. That parcels affected by the lot line adjustment will remain in such a size, shape and configuration as to be consistent with good land use practices.

The proposed lots will remain in such a size, shape and configuration that each parcel will still be able to develop in accordance to good land use practices.

D. That the lot line adjustment does not violate the provisions of the California Land Surveyors.

The proposed parcels are in accordance with the City of Patterson zoning requirements and minimum setbacks have been met.

E. That the proposed lot line adjustment will not conflict with easements acquired by the public at large for access through or use of the subject property, or necessary irrigation easements.

The proposed parcels do not conflict with easements acquired by the public at large for access through or use of the subject property, or necessary irrigation easements.

The proposed lot line adjustment between APN 048-053-017 & 048-053-018 is being submitted to adjust the existing property line to match the alignment of the new fence between the two properties. All minimum setbacks and requirements have been met per the City of Patterson Single Family Residential Zoning standards.

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EXHIBIT "A"
Legal Description of Properties Prior to Lot Line Adjustment
LOT 52 (Gerald J. Fagnan and Theresa J. Fagnan, husband and wife as joint tenants)

The land referred to herein below is situated in the City of Patterson, County of Stanislaus, State of California and is described as follows:

Lot 52, of Kinshire Estates, as per Map filed October 29, 1986 in Volume 31 of Maps and Plats, Page 38, Stanislaus County Records.

Excepting all Minerals and Hydrocarbon substances lying below a depth of 500 feet from the surface of the land, without the specific right to use the surface of said land for ingress and egress for the extraction of said minerals from described property.

Stanislaus County A.P.N. 048-053-017

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EXHIBIT "A"
Legal Description of Properties Prior to Lot Line Adjustment
LOT 51 (Theresa J. Fagnan, a widow)

The land referred to herein below is situated in the City of Patterson, County of Stanislaus, State of California and is described as follows:

Lot 51, of Kinshire Estates, as per Map filed October 29, 1986 in Volume 31 of Maps and Plats, Page 38, Stanislaus County Records.

Excepting all Minerals and Hydrocarbon substances lying below a depth of 500 feet from the surface therein without the right of surface entry.

Stanislaus County A.P.N. 048-053-018

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EXHIBIT "B"
Legal Description of Properties After Lot Line Adjustment
PARCEL "A" (Theresa J. Fagnan, a widow)

The land referred to herein below is situated in the City of Patterson, County of Stanislaus, State of California and is described as follows:

Beginning at the northeast corner of Lot 51, of Kinshire Estates, as per Map filed October 29, 1986 in Volume 31 of Maps, Page 38, Stanislaus County Records; thence along the easterly line of said Lot 51, South 06°14'09" East, a distance of 106.87 feet to the southerly line of said Lot 51; thence along said southerly line South 75°35'41" West, a distance of 93.18 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 50.00 feet to which a radial line bears North 89°32'53" West, thence northerly along the arc of said curve through a central angle of 60°12'51"; a distance of 52.55 feet; thence North 28°32'18" East, a distance of 14.56 feet; thence North 79°47'33" East, a distance of 9.81 feet; thence North 10°43'27" West, a distance of 9.38 feet; thence North 50°40'04" East, a distance of 49.78 feet; thence North 07°52'39" West, a distance of 31.23 feet to the north line of Lot 52 of said Kinshire Estates; thence along the north line of said Lots 52 and 51, South 89°34'00" East, a distance of 54.37 feet to the point of beginning.

Excepting all Minerals and Hydrocarbon substances lying below a depth of 500 feet from the surface of the land, without the specific right to use the surface of said land for ingress and egress for the extraction of said minerals from described property.

Contains 9,620 square feet, more or less.

9-29-2016

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SEP 29 2016

CDD / PLANNING DIVISION

EXHIBIT "B"
Legal Description of Properties After Lot Line Adjustment
PARCEL "B" (Gerald J. Fagnan and Theresa J. Fagnan, husband and wife as joint tenants)

The land referred to herein below is situated in the City of Patterson, County of Stanislaus, State of California and is described as follows:

A portion of Lots 51 and 52, of Kinshire Estates, as per Map filed October 29, 1986 in Volume 31 of Maps, Page 38, Stanislaus County Records excepting therefrom the following described property:

Beginning at the northeast corner of Lot 51, of Kinshire Estates, as per Map filed October 29, 1986 in Volume 31 of Maps, Page 38, Stanislaus County Records; thence along the easterly line of said Lot 51, South 06°14'09" East, a distance of 106.87 feet to the southerly line of said Lot 51; thence along said southerly line South 75°35'41" West, a distance of 93.18 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 50.00 feet to which a radial line bears North 89°32'53" West, thence northerly along the arc of said curve through a central angle of 60°12'51"; a distance of 52.55 feet; thence North 28°32'18" East, a distance of 14.56 feet; thence North 79°47'33" East, a distance of 9.81 feet; thence North 10°43'27" West, a distance of 9.38 feet; thence North 50°40'04" East, a distance of 49.78 feet; thence North 07°52'39" West, a distance of 31.23 feet to the north line of Lot 52 of said Kinshire Estates; thence along the north line of said Lots 52 and 51, South 89°34'00" East, a distance of 54.37 feet to the point of beginning.

Excepting all Minerals and Hydrocarbon substances lying below a depth of 500 feet from the surface of the land, without the specific right to use the surface of said land for ingress and egress for the extraction of said minerals from described property.

Contains 8,140 square feet, more or less.

9-29-2016

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BY: _____

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, November 17, at 7:00 p.m.,** in the City Council Chambers located at 1 Plaza, Patterson, to consider the following:

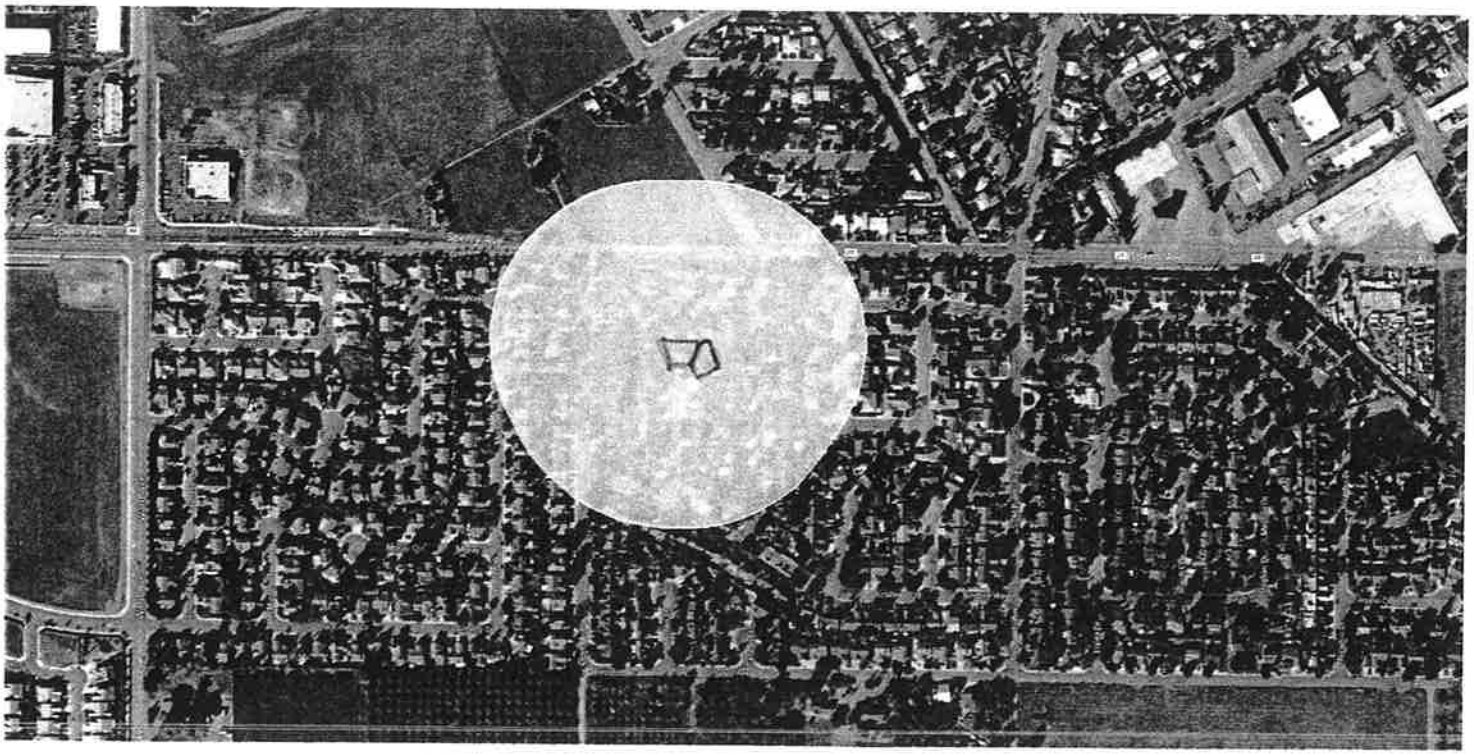
Public Hearing: **Lot Line Adjustment #16-03 Gerald Fagnan, 516 and 520 Klopping Court, APN #'s 048-053-017, 018**

The proposed lot line adjustment, submitted in accordance with State and City requirements, would reconfigure two existing lots. A 9,998± square foot lot, APN 048-053-018, located at 520 Klopping Court would be reduced to 9,620± square feet. The surplus property would be added to APN 048-053-017, a 7,762± square foot lot, located at 516 Klopping Court. This lot would be increased to 8,140± square feet once the lot line adjustment is completed.

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



CITY OF PATTERSON
Planning Commission Staff Report
Wal-Mart Complaints
October 27, 2016 Meeting

BACKGROUND

At a recent Planning Commission meeting, the Planning Commission directed staff to review complaints presented by residents along Pitscottie Lane, meet with representatives of Wal-Mart to resolve those issues, where possible, and report to the Commission.

DISCUSSION

While the complaints made by the neighbors vary, they fall into three overarching categories: Public safety, noise, and RV parking.

Public Safety

This item fell into two categories, one related to theft from the shopping center with the thieves hiding in the adjacent neighborhood, including private yards and people living in the bushes behind the Wal-Mart store.

While the actions of thieves cannot be controlled by Wal-Mart, preventative measures can be set in place to deter theft. The following mitigation measures were required of the Wal-Mart store upon opening:

- Provide professionally trained security personnel who are onsite 24 hours a day
- Implement a parking lot patrol in a marked vehicle. The parking lot patrol shall occur 24 hours a day.
- Install exterior or and interior video surveillance equipment within the Wal-Mart store.

The first and third measures are in place, the second is not. After meeting with staff, the Wal-Mart manager has requested approval of a parking lot patrol during operating hours to fulfill this requirement.

Regarding people living in the bushes, the Wal-Mart store manager has had the bushes behind the store trimmed to alleviate this issue.

Noise

Complaints about noise related to cleaning the parking lot, collecting shopping carts and power washing the parking lot and loud talking related thereto, as well as idling of trucks and noise from unloading in the garden center. Since opening, code enforcement has

received one complaint related to noise, specifically truck idling, which the code enforcement officer was unable to confirm.

Many of the listed activities are necessary to business operation, specifically cleanup of the site, so city staff asks management to remind employees about this issue and ask that they be considerate of neighbors during late hours.

Related to truck noise, the store manager has provided notice reminding Wal-Mart truck drivers that idling is prohibited and also asked vendor truck drivers to comply.

RV and truck parking

The third concern presented to the Commission related to RV and truck parking, specifically overnight parking. Such vehicles are allowed during business hours. As a mitigation measure to prevent overnight parking, the following requirement was set in place.

- Post signage in the parking area and at driveways advising patrons of prohibited activities, including vehicle maintenance, extended parking, camping, sleeping in vehicles, skateboarding, vehicle sales, and unauthorized sales.

Such signs are in place. Further, the store manager says they will place notices that RV's left on site overnight will be towed for offending vehicles.

Since the store opened, Code Enforcement has received one complaint related to RV parking in the Wal-Mart parking lot. The officer tried to contact the RV owner with no success that day and when he returned later, the RV was no longer on the site.

Wall

Several owners have expressed the view that raising the masonry wall along Ward Avenue, along the back of their property would alleviate these concerns. While that may be the case, other than the requirement for parking lot patrol, which store management plans to set in place, Wal-Mart has fulfilled the requirements set upon them and the City cannot require Wal-Mart to increase the height of the wall. Further, masonry walls require engineering and the wall may have been engineered for its current height. The neighbors may desire to hire an engineer to investigate raising the wall at their own expense.

STAFF RECOMMENDATION

Pending completion of the parking lot patrol requirement, staff believes that, Wal-Mart has fulfilled its requirements and has made a good faith effort to be a good neighbor in

responding to these issues. It is outside of the authority of the Planning Commission to require more without offense of these requirements. Therefore, staff recommends that no further action be taken on this matter by the Planning Commission.

Respectfully submitted,

Joel Andrews
City Planner