

CITY OF PATTERSON PLANNING COMMISSION AGENDA
REGULAR MEETING
THURSDAY, AUGUST 8, 2019, 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

CONSENT AGENDA

1. Planning Commission Meeting Minutes of April 11, 2019

AGENDA ITEMS

- 1. Public Hearing: Conditional Use Permit #19-03 – Jarvis Fine Mexican Food, 50 S. Del Puerto Avenue, APN #131-015-056**
- A public hearing to consider the establishment of a restaurant with an ABC License Type 47: on-sale general for bona fide public eating place. Within the Downtown Core District, eating establishments or bars wishing to serve alcoholic beverages require a Conditional Use Permit (CUP). A CUP is required in order to give the City of Patterson and the Sheriff's Department greater operational control over the establishment in the event the serving of alcoholic beverages becomes problematic. The City will be provided with greater leverage to take corrective action up to and including the complete revocation of the CUP.

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

**CITY OF PATTERSON
PLANNING COMMISSION MINUTES
APRIL 11, 2019**

The Planning Commission regular meeting of April 11, 2019 was called to order by Chairperson West at 7:01 p.m.

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

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

ABSENT: None

ITEMS FROM PUBLIC: None

STATEMENT OF CONFLICT BY COMMISSIONERS: None

CORRESPONDENCE: None

INFORMATIONAL ITEMS: None

CONSENT ITEMS:

Motion to approve Planning Commission meeting minutes of February 28, 2019 with addition under Items from Commission as stated by Vice Chairperson Applegate, “that we wanted to remind the Commission that our decisions could have impacts and if we’re changing a standard such as a building height we need to thoroughly look at that because there could often be some unintended results.”

Second: Commissioner Bendix
Commissioner Bingham
Motion passed: 4-0 vote

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

Ayes: Chairperson West, Commissioner Bendix, Commissioner Bingham, Vice Chairperson Applegate

Noes: None

Abstained: None

Absent: None

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AGENDA ITEMS:

1. Public Hearing: Tentative Parcel Map # 19-03

The project is a tentative parcel map to divide a 3.47 acre lot into three lots located on the northwest corner of Highway 33 and Poppy Ave. The current lot is currently divided into three parcels for tax purposes (APN 048-043-015, -016, and -017). The proposed parcel map would divide the property along those existing parcel lines creating lots measuring, respectively, 2.33, 0.48, and 0.66 acres. No development is proposed with this application.

City Planner Andrews presented the powerpoint presentation and answered questions from the Commission.

Open Public Hearing: 7:14 p.m.

Sean Harp, GDR Engineering, Inc.

Mr. Harp is representing the property owner. He stated that the assessor made the owner separate parcels for tax purposes. He answered questions from the Commission.

Close Public Hearing: 7:16 p.m.

Motion to approve Tentative Parcel Map #19-03 with six findings and thirteen conditions of approval with change to condition #4 to add, "at the development stage" and approval of Resolution 2019-03:

Vice Chairperson Applegate

Conditions of Approval

1. That the final map submitted for checking and recordation shall be prepared by a licensed civil engineer or land surveyor, each licensed to practice in the state of California, and shall meet all of the specifications of the state Subdivision Map Act.
2. That the parcels shall comply with the requirements of the General Commercial zoning classification.
3. That the approval shall comply with all applicable state and municipal codes and meet the requirements of the City Engineer and the Public Works Director.
4. At the development stage, the property shall be required to connect to the City's water, sewer, and storm drainage utility lines at the time of development. Once connected, the developer must abandon the private water well and septic tanks located onsite. All connections require plans to be submitted to the City for review and approval and an Encroachment Permit from the Public Works Department.
5. The property shall be required to install offsite public improvements (sidewalks, curb/gutters, streets, etc.) as required by the City Engineer and the Public Works Director at the time of development. Plans will need to be designed by a Civil Engineer and submitted to the City for review and approval.

6. That prior to recordation of a final map, all structures overlying proposed lot lines shall be demolished and all structures not in compliance with setback requirements related to the proposed lot lines shall be demolished or altered to comply with setback requirements. Demolition shall comply with the City's Construction and Demolition Ordinance and a Construction Waste Management Plan shall be submitted to the Public Works Department for review and approval.
7. That easements of record shall remain in effect and shall be recorded on the final map.
8. Public utility easements shall be granted as required by the appropriate companies and to the satisfaction of the Public Works Director and City Engineer.
9. The applicant shall file one copy of the Tentative Map to be used for assigning addresses.
10. That no non-conforming condition of zoning may be created or exacerbated by this approval.
11. Development of the area shall be as modified by these conditions and as may be modified by a development agreement between the City and the developer. In the event of a conflict between these conditions and the terms of a development agreement, the terms of the development agreement shall control and these conditions will be deemed modified.
12. That, per Patterson Municipal Code Section 16.20.010, failure to record a final map within twenty-four months of the date of approval or conditional approval of the tentative map shall terminate all proceedings, unless otherwise provided for under the Subdivision Map Act; provided, however, that upon application of the subdivider in writing, an extension not exceeding one year may be granted by the planning commission, except as provided under subsections (B) and (C) of this section. In the event the commission denies the subdivider's application for extension, the subdivider may appeal to the city council. Where proceedings have terminated because of failure to file a final map or failure to receive extension by the planning commission or city council, a new tentative map shall be filed in accordance with the provisions of this chapter before a final map may thereafter be recorded or any lot sold.
13. 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 Bingham
Motion passed: 4-0 vote

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

2. Public Hearing: Lot Line Adjustment # 19-01

A lot line adjustment between 516 and 519 Klopping Court. The change is proposed to accommodate an existing fence that was constructed across property lines. The same individual owns both parcels. Currently, 516 Klopping Court (APN 048-053-098) measures 8,140 square feet and 519 Klopping Court (APN 048-053-016) measures 11,401 square feet. The proposed adjustment would make 516 Klopping Court 6,633 square feet and 519 Klopping Court 12,908 square feet.

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

Open Public Hearing: 7:21 p.m.

Sean Harp, GDR Engineering, Inc.

Mr. Harp is representing the owner. He answered questions from the Commission.

Close Public Hearing: 7:22 p.m.

Motion to approve Lot Line Adjustment #19-01 with six findings and eight conditions of approval and approval of Resolution 2019-02:

Vice Chairperson Applegate

Conditions of Approval

1. That the approval shall comply with all applicable state and municipal codes and meet the requirements of the City Engineer and Public Works Director.
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 lot line adjustment shall not impact existing utility services (i.e., water meter box, sewer clean-out, etc.).
5. 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.

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

Second: Commissioner Bendix
Motion passed: 4-0 vote

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

- 3. Public Hearing: Palms Plaza, Development Agreement #18-01**
To consider the approval of a Development Agreement (DA) in association with the commercial development (Palms Plaza) of 57,600 square feet of retail/commercial space on a 12.29 acre parcel. The proposed project would consist of eight (8) buildings for Retail, General Office and Restaurant with building square footages varying from 3,000 square feet to 9,450 square feet, a Hotel with approximately 104 rooms and an adjacent Event Center of approximately 9,500 square feet, and other site development amenities. The related Architectural & Site Plan Review, Conditional Use Permit, Planned Development, and Tentative Parcel Map applications went before the Planning Commission on January 24, 2019 and received a 4-0 vote for approval. **(This agenda item will be continued to the next Planning Commission meeting on Thursday, April 25th per the applicant.)**

Community Development Director James stated that the agenda suggests that the Commission would continue the development agreement to a date certain but the applicant may adjust the site plan for the project so the development agreement will be held until that time. Community Development Director James recommends that the Commission motion to continue Palms Plaza Development Agreement off

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calendar until such time as applicant adjusts the site plan and then the public hearing will be noticed again.

Motion to continue Palms Plaza Development Agreement #18-01 to a future Planning Commission date:

Vice Chairperson Applegate

Second: Commissioner Bendix

Motion passed: 4-0 vote

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

Ayes: Chairperson West, Commissioner Bendix, Commissioner Bingham, Vice Chairperson Applegate

Noes: None

Abstained: None

Absent: None

Open Public Hearing: 7:26 p.m.

Arden Mann, 107 Nostalgia Avenue, Vice President Reflections community

Mr. Mann stated that he and his neighbors have concerns about the proposed 4-story hotel that will be built right behind their homes on Nostalgia Avenue. They also had concerns about the current traffic backup from the freeway coming onto Sperry Avenue. He stated that they also have concerns with the proposed convention center and what noise that would bring into their community especially at night. Staff and Commissioners spoke with him about the concerns.

Close Public Hearing: 7:40 p.m.

ITEMS FROM STAFF:

City Planner Andrews stated that the next Planning Commission meeting would be on May 9th.

ITEMS FROM COMMISSION: None

ADJOURNMENT: The Planning Commission regular meeting of April 11, 2019 was adjourned by Chairperson West at 7:41 p.m.

Prepared by Denise Melo, Secretary of City of Patterson Planning Commission

**CITY OF PATTERSON
Planning Commission Staff Report
Javi's Fine Mexican Food
Conditional Use Permit #19-03
August 8, 2019 Meeting**

PROJECT SUMMARY

A public hearing to consider the establishment of a restaurant with an ABC License Type 47: on-sale general for bona fide public eating place. Within the Downtown Core District, eating establishments or bars wishing to serve alcoholic beverages require a Conditional Use Permit (CUP). A CUP is required in order to give the City of Patterson and the Sheriff's Department greater operational control over the establishment in the event the serving of alcoholic beverages becomes problematic. The City will be provided with greater leverage to take corrective action up to and including the complete revocation of the CUP.

APPLICANT AND SITE INFORMATION

Applicant:	Javier Montañez
Owner:	Javier Montañez
Environmental Review:	Categorically Exempt
Location:	50 S. Del Puerto Avenue
Assessor Parcel Number:	131-015-056
Project Size:	Approximately 3,278 square feet (building area)
Zoning:	Downtown Core
Present:	Vacant Building
Surrounding Land Uses:	Commercial uses to the east, south, north, and west
Recommendation:	Conditional Approval

SITE AND PROJECT DESCRIPTION

The applicant wishes to operate a food establishment within the Downtown Core District. Chapter 18.42.030 of the Patterson Municipal Code (PMC) requires the approval of a CUP for establishments wishing to sell items other than beer and wine. In regards to alcohol sales, the CUP process is implemented to ensure a compatible use within the zone and surrounding uses. In November of 2018, applicant purchased the building located at 50 S. Del Puerto Avenue which was previously occupied by Pizza Plus. The building has been vacant for a few months and the applicant has now started the process to facilitate all the necessary tenant improvements to accommodate their proposed use. Tenant improvement plans have been submitted to our Building Department and are currently under review.

The applicant proposes to operate the restaurant Monday-Sunday from 11:00 a.m. to 9:00 p.m. One average, the applicant expects to have between 8-12 employees per day.

PARKING

The project is located within the Downtown Core Exemption area relative to parking. Off-street parking is not required within the downtown core exempt area. However, the project does provide 13 off-street parking stalls, including 1 accessible parking stall.

ENVIRONMENTAL REVIEW

This project is exempt from review under the California Environmental Quality Act pursuant to §15321 (Enforcement Actions by Regulatory Agencies).

ALTERNATIVE ACTIONS

1. Determine that the findings for the Conditional Use Permit can be made and motion to approve CUP #19-03 subject to the conditions recommended in the staff report and concurrence with the CEQA procedure.
2. Determine that the findings for the Conditional Use Permit can be made, and motion to approve CUP #19-03 subject to the conditions recommended in the staff report in conjunction with changes/revisions as may be submitted by the Commission.
3. Determine that the findings for the Conditional Use Permit can not be made and deny CUP #19-03.

FINDINGS

In order to approve the Conditional Use Permit application, the Planning Commission must find the following per Patterson Municipal Code Chapter 18.18.020 (C):

1. That the development is consistent with the city general plan and the municipal code.
2. That the establishment, maintenance, or operation of the proposed use or structure will conform to the requirements and the intent of this title; and that such proposed use or structure will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the city.

RECOMMENDATION

Staff recommends that the Planning Commission make the required findings and motion to approve Conditional Use Permit #19-03 with the following conditions:

1. That all new construction shall meet the requirements of the 2016 CA Fire Code as adopted and those amended and adopted by the City of Patterson as prescribed in Section 15.20.020 of the Patterson Municipal Code.
2. That approved fire extinguishers be installed within the building and shall be at least a 2A10BC. – 2016 CA Fire Code §906.
3. That all commercial fire alarm systems installed shall be UL listed and to be maintained through the life of the alarmed building per Patterson Municipal Code Chapter 15.20.020 (P).
4. That a Fire Department approved key box (Knox Key Box) shall be installed and secured in accordance with manufactures specifications and mounted to the right of the main entrance door(s) with the top of the box no higher than 6' above finished grade. Patterson Municipal Code Chapter 15.20.020 (Q).
5. That an address and/or suite identification shall be installed/affixed with numerals at least six (6) inches tall as per the City of Patterson Municipal Code.

6. That the use shall comply with all requirements for an “A-2” occupancy.
7. That the building shall comply with the 2016 CBC-Accessibility & 2010 ADA guidelines for accessibility.
8. All sign designs and plans shall be reviewed and approved by the Planning Division prior to installation and be consistent with applicable guidelines. Per PMC Chapter 18.82.060 the applicant is allowed a maximum of four (4) signs for a total of 150 square feet in sign area.
9. That a minimum of one (1) accessible parking spaces meeting the requirements of the 2016 California Building Code, Chapter 11B and they shall be the closest travel distance to the main entrance with an unobstructed path of travel.
10. This permit shall be reviewed approximately one year after the issuance of a certificate of occupancy for compliance with the listed conditions of approval. Based on any record of complaints as well as observations made by Planning Commissioners and/or staff, the Commission may alter or add to the existing conditions of approval, or find that the use is in compliance with all conditions of approval. Further, the Commission may rescind the requirement for further review or schedule further review.
11. That the applicant shall sign-up for utility services with the appropriate agencies and companies.
12. That the applicant shall submit a complete set of plans prepared by a CA licensed design professional for any changes of occupancy and/or buildings open to the general public.
13. That the project shall comply with all applicable stormwater regulations.
14. That the project comply with the installation of a backflow prevention device or if one is already installed, it must meet the current City Standards and be inspected and tested by the City to ensure it is working effectively.
15. That the project must comply with the latest edition of the California Green Building Code, including sections addressing Water Efficiency & Conservation for indoor and outdoor water use (SB 407, requires the retrofit of any outdated plumbing fixtures with current standards).
16. That if the project requires landscape plans, they must comply with AB1881 (Water Use Efficiency) requirements and provide an AB 1881 audit certificate if applicable.
17. That the applicant shall upgrade the trash enclosure to meet current City standards and comply with regulatory requirements. Said trash enclosure must be adequately sized to comply with commercial and organics recycling as well as regulatory requirements.
18. That any damaged sidewalks/curbs/gutter need to be addressed. This will require an encroachment permit to be obtained from Public Works and a license contractor must perform the work and meet the City standards for sidewalks/curbs/gutters.
19. That a grease interceptor must be installed and the business must be enrolled in the F.O.G. program (Fats, Oils, and Grease). Applicant will receive all the information on the FOG program during the business license inspection/site visit.
20. That if at any time work within the City’s right-of-way is required; a City Encroachment Permit shall be submitted to the Public Works Department.

21. The project shall comply with all applicable State and Municipal Codes, including the current Building Codes as adopted by the City of Patterson, and meet the requirements of the Public Works Department, City Engineer, Building Inspector, Community Development Director and Fire Chief.
22. That the applicant shall indemnify, defend, and hold harmless the City of Patterson, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Patterson, its agents, officers and employees to attack, set aside, void, or annul, any approval by the City of Patterson and its advisory agency, appeal board, or legislative body concerning the project, which action is brought within the time period provided for by the Government Code of the State of California. The City of Patterson shall promptly notify the applicant of any claim, action or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify or hold the City harmless.

Respectfully submitted,



Teresa Rodríguez
Associate Planner

Attachments

Project Location Map

Statement of Operational Characteristics

Public Notice

Google Maps 50 S Del Puerto Ave



Imagery ©2019 Google, Map data ©2019 50 ft



50 S Del Puerto Ave

Patterson, CA 95363



Directions



Save



Nearby



Send to your phone



Share

Photos

Project: Proposed Tenant Improvement for Javi's Fine Mexican Food

50 S. Del Puerto
Patterson, California 95363

Owner" Javier Montanez
2381 N. Johnson Road
Turlock, California 95380

Written Statement of Operations Characteristics

The proposed tenant improvement for this site is for 98 occupant load restaurant and bar. The location previously was also a food facility for Pizza Plus. The proposed improvements include new kitchen exhaust hood, new cooking equipment and new bar and equipment.

The operating hours will be 11:00 am to 9:00 pm (7) days a week.

There will be on average 8 – 12 employees per day

Parking and traffic impacts will be similar to the previous food facility business (Pizza Plus)

RECEIVED

JUN 21 2019

CDD / PLANNING DIVISION
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, July 25, 2019, at 7:00 p.m.**, in the City Council Chambers located at 1 Plaza, Patterson, to consider the following:

Public Hearing: Conditional Use Permit #19-03 – Javi’s Fine Mexican Food, 50 S. Del Puerto Avenue

A public hearing to consider a Conditional Use Permit for an eating establishment. The applicant is applying for an ABC License Type 47: On-Sale General for Bona Fide Public Eating Place. The subject site is located within the Downtown Core Zone and a Type 47 ABC License requires a CUP. Hours of operation would be from 11:00 a.m – 9:00 p.m. Monday – Sunday. The establishment expect to have an average of 8-12 employees per day. The project is exempt from review under the California Environmental Quality Act §15321.

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

