



**SPECIAL MEETING
ARVIN PLANNING COMMISSION**

**THURSDAY APRIL 19, 2018 6:00p.m.
CITY HALL COUNCIL CHAMBERS
200 CAMPUS DRIVE, ARVIN**

CALL TO ORDER

Chair Olivia Trujillo

PLEDGE OF ALLEGIANCE

ROLL CALL:	Olivia Trujillo	Chairperson
	Janett Zavala	Vice Chairperson
	Yesenia Martinez	Planning Commissioner
	Miguel Rivera	Planning Commissioner
	Gerardo Tinoco	Planning Commissioner

STAFF:	Jake Raper	City Planner
	Shannon L. Chaffin	City Attorney – Aleshire & Wynder
	Cecilia Vela	Secretary

PUBLIC COMMENTS:

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the City on any item listed on the agenda, or on any non-listed matter over which the City has jurisdiction. At special or emergency meetings, members of the public may only address the City on items listed on the agenda. The City may request speakers to designate a spokesperson to provide public input on behalf of a group, based on the number of people requesting to speak and the business of the City.

In accordance with the Brown Act, all matters to be acted on by the City must be posted at least 72 hours prior to the City meeting. In cases of an emergency, or when a subject matter needs immediate action or comes to the attention of the City subsequent to the agenda being posted, upon making certain findings, the City may act on an item that was not on the posted agenda.

AGENDA STAFF REPORTS AND HANDOUTS:

Staff reports and other disclosable public records related to open session agenda items are available at City Hall, 200 Campus Drive, Arvin, CA 93203 during regular business hours.

CONDUCT IN THE CITY COUNCIL CHAMBERS:

Rules of Decorum for the Public

Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City, be subject to ejection from the meeting per Gov. Code Sect. 54954.3(c).

Removal from the Council Chambers

Any person who commits the following acts in respect to a meeting of the City shall be removed from the Council Chambers per Gov. Code Sect. 54954.3(c).

- (a) Disorderly, contemptuous or insolent behavior toward the City or any member thereof, tending to interrupt the due and orderly course of said meeting;
- (b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
- (c) Disobedience of any lawful order of the Mayor, which shall include an order to be seated or to refrain from addressing the City; and
- (d) Any other unlawful interference with the due and orderly course of said meeting.

AMERICANS with DISABILITIES ACT:

In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by the City, please contact the City Clerk’s office, (661) 854-3134. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

1. Approval of Agenda As To Form. Motion _____ Second _____ Vote _____

Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

2. PUBLIC COMMENTS

This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.

3. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Special Meeting of April 04, 2018.

Staff recommends approval of the Minutes of the Special Meeting of April 04, 2018.

Motion _____ Second _____ Vote _____

Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

4. PUBLIC HEARING(S)

A. Consideration and Approval of A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit 2017-1416LMCT - 1416 La Mesa Court, Jaclyn Prado Family Day Care (Large Day Care Facility).

Staff recommends opening the hearing, allowing for public testimony, closing the hearing and approving the Resolution.

Motion _____ Second _____ Vote _____

Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

B. Consideration and Approval of A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit 2017-1017BMB – Off-Site Sales of Alcoholic Beverages – The Grand Liquor and Adoption of Exemption Per CEQA Guidelines Section 15061(B)(3) (1017 Bear Mountain Boulevard).

Staff recommends opening the hearing, allowing for public testimony, closing the hearing and approving the Resolution.

Motion _____ Second _____ Vote _____

Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

- C. Consideration and Approval of A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit (CUP) and Site Development Plan (SDP) 2018-240LA – Ismaili Market - Expansion of A Non-Conforming Use Regarding Storage and Patio Use, and Denial of Expansion for A Take Out Kitchen, Located Within the R-1-Single Family Dwelling Zone at 240 Langford in Arvin, and Adopt the Notice of Exemption Per CEQA Guidelines Section 15061(B) (3).

Staff recommends opening the hearing, allowing for public testimony, closing the hearing and approving the Resolution.

Motion _____ Second _____ Vote _____
Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

5. REPORTS FROM STAFF

6. PLANNING COMMISSIONER COMMENTS

7. ADJOURNMENT

I hereby certify, under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall Bulletin Board, not less than 24 hours prior to the meeting. Dated: April 18, 2018.



Cecilia Vela, Secretary

**REGULAR MEETING MINUTES
ARVIN PLANNING COMMISSION**

APRIL 04, 2018

CALL TO ORDER @ 6:00PM

PLEDGE OF ALLEGIANCE

ROLL CALL: VC Zavala and PC Tinoco absent; All others present.

1. Approval of Agenda As To Form.

Motion to approve the Agenda.

Motion PC Rivera Second PC Martinez Vote 3-0

2. PUBLIC COMMENTS

This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.

NONE

3. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Regular Meeting of March 13, 2018.

Staff recommends approval of the Minutes of the Regular Meeting of March 13, 2018.

Motion to approve Minutes of the Regular Meeting of March 13, 2018.

Motion PC Rivera Second PC Martinez Vote 3-0

4. PUBLIC HEARING(S)

A. Consideration and Approval of A Resolution of the Planning Commission of the City of Arvin Recommending the City Council Approve the Uncodified Ordinance for Third Amendment By and Between Westminster Capital, Inc. and the City of Arvin of the Development Agreement Between Sycamore Villas, LLC, and the City of Arvin, Concerning Tract 5816, Recorded on July 3, 2002 As Amended. (City Planner)

Staff recommends to open the hearing, allow for public testimony, close the hearing and approve the Resolution.

Hearing opened.

No public testimony.

Hearing closed.

Motion to approve the Resolution.

Motion Chair Trujillo Second PC Martinez

Vote 3-0

Resolution No. APC 2018-03

5. REPORTS FROM STAFF

6. PLANNING COMMISSIONER COMMENTS

7. ADJOURNED @ 6:15PM

Respectfully submitted,

Cecilia Vela, Secretary



ARVIN PLANNING COMMISSION Agenda Report

Meeting Date: April 19, 2018

TO: Planning Commission

FROM: Jake Raper, City Planner – Contract Planner JAS Consultants

SUBJECT: Conditional Use Permit (CUP) 2017-1416LMCt – Jaclyn Prado Family Day Care located at 1416 La Mesa Court APN 189-471-01– Large Day Care that permits up to 14 children. Applicant: Jaclyn Prado, Arvin, CA 93203

RECOMMENDATION

Motion to Approve Resolution of the City of Arvin Planning Commission Conditional Use Permit 2017- 1416LMCt – 1416 La Mesa Court - APN 189-471-01–, Jaclyn Prado Family Day Care

I. BACKGROUND

The applicant is seeking approval of a Conditional Use Permit to establish a "large family day care" at an existing residence located at 1416 La Mesa Court. The site is located at the southwest corner of Sycamore Road, east side of Villa Drive, and the northeast corner of La Mesa Court, APN 189-471-01. Application for the child care facility is attached and included is a floor plan illustrating the layout of the proposed uses, Attachment 1.



The proposed project is the establishment of a large day care facility which may be 9 to 14 children located at 1416 La Mesa Court. In addition, should the City approve the Conditional Use Permit, the applicant will be required to apply for and receive a City Business Licenses as well approval from the State of California Department of Social Services. The State of California under Division 2, Licensing Provisions, Chapter 3.4 California Child Day Care Act has established criteria and regulations for Child Care, Attachment

2. The State Department reviews and licenses private day care businesses throughout the State. Generally, day care centers are appropriate for residential neighborhoods; however, there can be several issues that can present concerns. Adults picking up and dropping off their children can be an issue for adjacent neighbors if these persons are parking in front of neighbor's residences. Fortunately, loading and unloading only occurs for a brief period. A review of the site indicates that there is ample parking on-street to permit persons to pick up and drop off their children.

Another issue can be noise. Children playing outdoors can pose a nuisance for adjacent residential neighbors especially if a neighbor requires a quiet environment if they are sleeping during the day and working at night. This may or may not be an issue for the adjacent home to the proposed day care facility.

All neighboring properties have been notified, all Conditional Use Permits require a mailed notice of the proposed activity to all neighboring properties within 300 feet of the site. The public hearing will allow concerned individuals to participate and share any questions and concerns relating to the proposed use.

II. GENERAL PLAN AND ZONING CONFORMITY:

General Plan Land Use Designation: Low Density Residential

Zoning Designation: The site zoning designation is R-1 Single Family Dwelling

II. PUBLIC NOTIFICATION:

The City properly noticed on April 8, 2018 hearing before the Planning Commission for the proposed 2017- 1416LMCt - 1416 La Mesa Court, pursuant to Government Code sections 65090 and 65091 and section 597.46 by publication in the newspaper, Attachment 3. In addition, the City Clerk provided notice of the proposed large day care facility by mailing the public notice to all property owners within the 300-foot radius.

III. ENVIRONMENTAL CONSIDERATIONS

Exempt from environmental review for a Large Family Day Care Home is established under Division 2, Licensing Provisions, Chapter 3.4 California Child Day Care Act, Sections 1596.46 (c) A large family day care home shall not be subject to the provisions of Division 13 (commencing with section 210000) of the Public Resources Code.

IV. AGENCIES COMMENTS:

On January 16, 2018, the application was distributed to City of Arvin departments for review and comment. Comments noted by the Building Official related to compliance with the California Building Code Section 445 "Large Family Day-Care Homes and Section 907.2.6.4 of the Fire Protection Systems. Attachment 4.

EXHIBITS AND ATTACHMENTS

Resolution – Resolution of the City of Arvin Planning Commission Conditional Use Permit 2017-1416LMCt – 1416 La Mesa Court, Jaelyn Prado Family Day Care.

Attachment 1 – Application

Attachment 2 – Family Day Care Homes Zoning – Division 2, Licensing Provisions, Chapter 3.4 California Child Day Care Act

Attachment 3 - Public Hearing Notice

Attachment 4 – Building Official comment and Sections 907.2.6.4 and Section 445.

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN APPROVING CONDITIONAL USE PERMIT 2017- 1416LMCT – 1416 LA MESA COURT, JACLYN PRADO FAMILY DAY CARE (LARGE DAY CARE FACILITY)

WHEREAS, the Planning Commission opened the public hearing on April 19, 2018 and has received testimony and other evidence at the meeting; and

WHEREAS, public notice for the public hearing was published in the (Newspaper on April 8, 2018 and notices were mailed to individual property owners within 300-feet of the project site on April 8, 2018 in accordance with section Division 2, Licensing Provisions, Chapter 3.4 California Child Day Care Act, Section 1597.46 (a minimum of 100-foot radius of the proposed Large Day Care Facility); and

WHEREAS, the Planning Commission of the City of Arvin hereby finds and adopts the following findings:

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. Exempt from environmental review for a Large Family Day Care Home is established under Division 2, Licensing Provisions, Chapter 3.4 California Child Day Care Act, Sections 1596.46 (c) A large family day care home shall not be subject to the provisions of Division 13 (commencing with section 210000) of the Public Resources Code.
3. Large Day Care Facilities are permitted in the R-1 Single Family Zone District as provided under Division 2. Licensing Provisions, Chapter 3.4 California Child Day Care Act, Sections 1596.70 through 1597.47; and
4. The applicant will be required to apply for and receive a City Business Licenses as well approval from the State of California Department of Social Services — which reviews and licenses private day care businesses throughout the State.

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

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. This matter is not a project for the purposes of the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines section 15274, CEQA does not apply to the establishment or operation of a large family day care home, which provides in-home care for up to fourteen children, as defined in section 1596.78 of the Health and Safety Act.
3. The proposed project is consistent with the Arvin General Plan and purpose and standards of Arvin’s Single Family Residential (R-1) zone.
4. The proposed Large Day Care Facility proposed by Conditional Use Permit (CUP) 2017- 1416LMCt will not have an adverse impact on the public health, safety, or welfare.

BE IT FURTHER RESOLVED that the Planning Commission approves Conditional Use Permit (CUP) 2017-1416LMCt for a Large Family Day Care Facility subject to the following conditions:

1. Prior to operation, the applicant shall secure a business license from the City of Arvin;
2. Prior to obtaining a business license the applicant shall submit to the City of Arvin a permit from the State of California, Department of Social Services, specifically a license indicating that up to 14 children are permitted at the project location.
3. The large family day care facility must be established within one year of approval of by the Planning Commission and failure to do so shall void the Planning Commission approval.

4. The approval by the Planning Commission is for this specific location and is non-transferable to a different location.
5. The facility must receive clearance and approvals from the Kern County Fire Department and shall remain in compliance with the Title 24 of the California Administrative Code.
6. That smoking of tobacco in a private residence that licensed as family day care home shall be prohibited during the hours of operation as a family day care home and in those areas of the family day care home where children are present. The smoking of tobacco on the premises of a licensed day care center shall be prohibited per Division 2, Licensing Provisions, Chapter 3.4 California Child Day Care Act, Sections 1596.795(a) and (b).
7. In accordance with Division 2, Licensing Provision, Chapter 3.4 California Child Day Care Act, Section 1597.40 Policy, Subsection (d)(1) The applicant shall provide a 30-day written notice to the landlord or owner of the rental property prior to the commencement of operation of the family day care home.

I hereby certify that the foregoing is a full, true and correct copy of the resolution duly and regularly adopted and passed by the Planning Commission of the City of Arvin at a special meeting held on the 19th day of April 2018 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CECILIA VELA, Secretary

ARVIN PLANNING COMMISSION

By: _____
OLIVIA TRUJILLO, Chairperson

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, City Attorney
 Aleshire & Wynder, LLP

I, _____, Secretary of the Planning Commission of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of Arvin on the date and by the vote indicated herein.

SECTION 1a: Receipt and application date:

Payment of application fees in the amount of	\$ 1350.00
Date Received:	DEC 07 2017
Staff:	<i>[Signature]</i>
Receipt No.	30036

SECTION 2: Applicant's Information:

- Name: *Jaclyn Prado*
- Address: *1416 LA Mesa Ct*
- Contact Information: *(661) 404-6766* Email: *pradojaclyn4@gmail.com*

SECTION 3: Property Owners Information:

- Name: *Ofelia Oliveros*
- Address: *2410 King St Arvin CA 93203*
- Contact Information: *(661) 854-7000* Email:

SECTION 4: Project Information and Description:

1.	Proposed Name: <i>Jaclyn Prado</i>
2.	Address: <i>1416 LA Mesa Ct Arvin CA 93203</i>
3.	Location: <i>1416 LA Mesa Ct Arvin CA 93203</i>
4.	Assessor Parcel Number: <i>18947101/4</i>
5.	GP Designation: Zoning Designation:
6.	Parcel Size:

ATT.# 1



CITY OF ARVIN
141 Plumtree Drive, P.O. Box 548
Arvin, California 93203
661-854-2822 Office
661-854-2969 Fax

PART 1 – GENERAL INFORMATION APPLICATION

RESIDENTIAL PROJECTS

(As Applicable to Proposal)

Total Lots 1 Total Dwelling Units _____ Total Acreage 2,547
New Density/Acre _____ Gross Density/Acre _____

Single Family

Two Family Duplex

Multi-Family Apartments

Multi-Family Condominiums

Number of Acreage: 0.14

Square feet/Unit: 2,547

For Sale or Rent: rent

Price Range: 950.00

Type of Unit:

Studio:

1 Bedroom

2 Bedroom

3 Bedroom

4+ Bedroom

COMMERCIAL, INDUSTRIAL, MANUFACTURING OR OTHER PROJECT

(Complete as Applicable to Proposal)

Type of Use(s): _____

Expected Influence: Regional _____ Citywide: _____ Neighborhood _____

Days and Hours of Operation: _____

Total Occupancy/Capacity of Building(s): _____

Total Number of Fixed Seats: _____ Total Number of Employees: _____

Anticipated Number of Employees Per Shift: _____

Square Footage of: Office Area _____

Warehouse Area _____

Sales Area _____ Storage Area _____ Loading Area _____

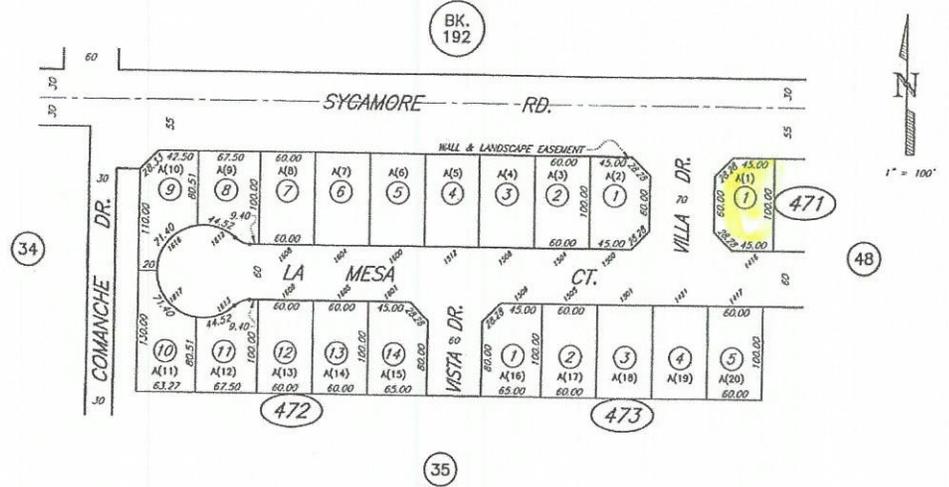
Total Number of Visitors/Customers on site at any one time: _____

Other Occupants (if applicable): _____

Will the proposed use involve any toxic or hazardous material or waste? If yes explain:

List any permits or approvals required for the project by State or Federal agencies:

TRACT 5816 PH. 1
PTN NW1/4 OF SEC. 35, T.31S. R.29E.



LEGEND	SUBD. KEY	DISCLAIMER
DRAWN January 31, 2001	REF. SUBD. A. TR 5816 PH 1	This map is for assessment purposes only. It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.
JURISDICTION CITY OF ARVIN	(LOT DESIGNATIONS IN PARENTHESIS)	

ASSESSORS MAP NO. 189-47
COUNTY OF KERN

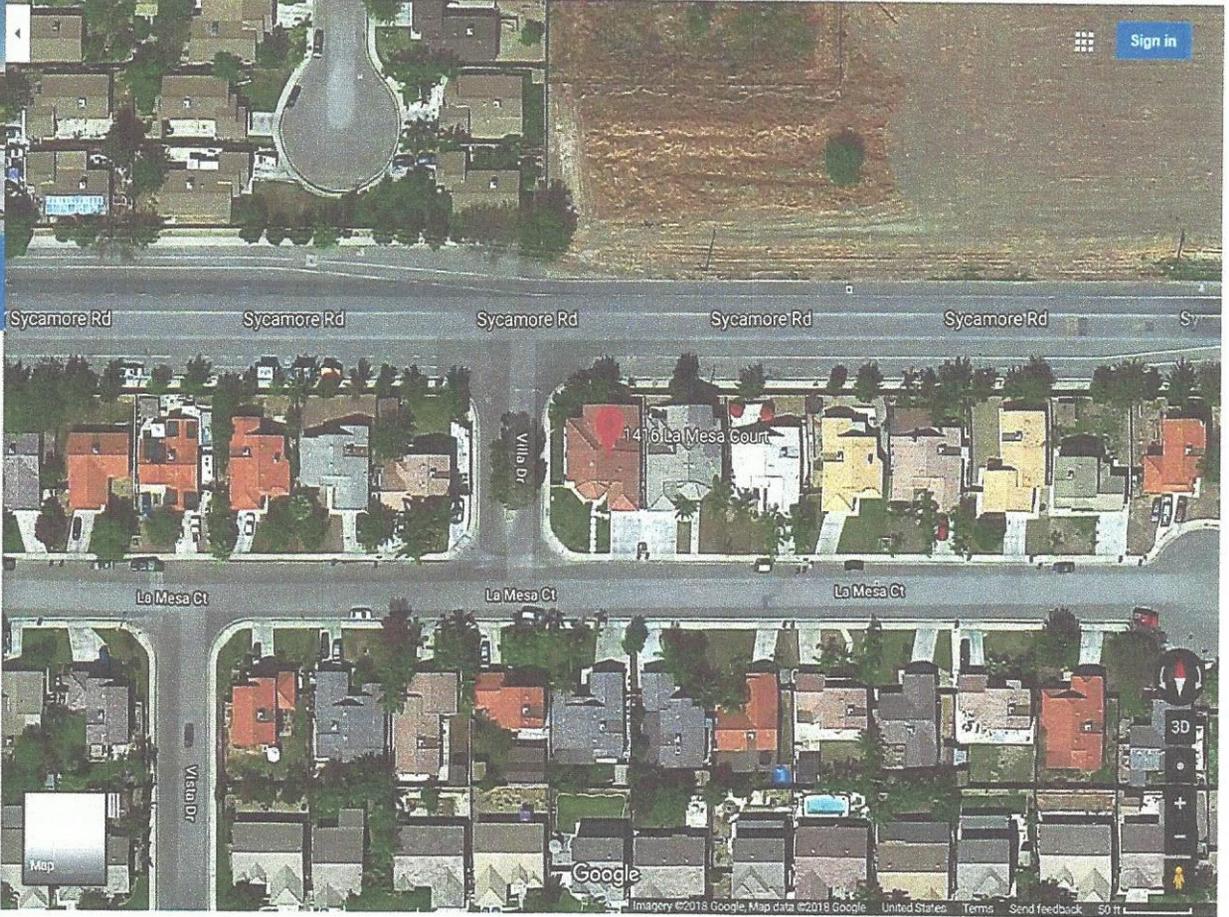
1416 La Mesa Court, Arvin, CA



1416 La Mesa Ct
Arvin, CA 93203

- SAVE
- NEARBY
- SEND TO YOUR PHONE
- SHARE

Add a missing place







= METROSCAN PROPERTY PROFILE =
Kern (CA)

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OWNERSHIP INFORMATION

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Parcel Number :189 471 01 00 Building Number :1of1
 Ref Parcel #: S: T: R:
 Owner :Oliveros Ofelia
 CoOwner :
 Site Address:1416 La Mesa Ct Arvin 93203
 Mail Address:240 King St Arvin Ca 93203
 Owner Telephone:

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SALES AND LOAN INFORMATION

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Transferred :05/01/2013 Loan Amount :
 Document # :60744 Lender :
 Sale Price :\$141,000 Loan Type :
 Deed Type:Grant Deed Interest Rate :
 % Owned :100 Vesting Type:Unmarried Person

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ASSESSMENT AND TAX INFORMATION

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Land :\$37,134 % Improved :75
 Structure:\$112,469 Exempt Type :
 Other : Exempt Amount :
 Timber : Tax Rate Area :009020
 Total :\$149,603 17-18 Taxes :\$2,673.69

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PROPERTY DESCRIPTION

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Map Grid :
 Census :Tract:62.02 Block :1
 Land Use :0101 Res,Sgl Fam Res,R-1 Zone
 Legal :MAP 5816 BLOCK 1 LOT 1
 :
 Tract Number:5816

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PROPERTY CHARACTERISTICS

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Bedrooms :5 Stories :2 Year Built :2007
 Bathrooms:4.00 Bldg SF :2,547 Williamson :
 Dining Room :Yes 1st Flr SF :1,853 Lot Acres:.14
 Family Room : 2nd Flr SF : Lot SF :6,098
 Total Rooms : Addtl SF :347 Lot Dimen:
 Heat Type:Forced BsmTot SF: Frame Type :Wood
 Air Conditn :Ctrl Frccd Air Garage SF:440 Bldg Cond:Good
 Fireplace:1 Garage Spc : Bldg Shape :B
 Pool : GarageType :Attached Patio SF :347
 Spa : Porch SF :272 Units :1

Transfer History

Property ID: 189 471 01 00

Buyer : Oliveros Ofelia Price : \$141,000
 CoOwner : Xfered: 05/01/2013
 Title : Doc # : 60744
 Lender: Deed : Grant Deed
 Loan : Vest : Unmarried Person
 Loan\$: %Owned: 100
 Rate : \$/SqFt: 55.36

Buyer : Oliveros Ofelia Price :
 CoOwner : Xfered: 05/01/2013
 Title : Doc # : 60744
 Lender: Deed :
 Loan : Vest :
 Loan\$: %Owned: 100
 Rate : \$/SqFt: 0.00

Buyer : Gutierrez Norma J Price :
 CoOwner : Xfered: 07/22/2011
 Title : Doc # : 93039
 Lender: Deed :
 Loan : Vest :
 Loan\$: %Owned: 100
 Rate : \$/SqFt: 0.00

Buyer : Gutierrez Norma J Price :
 CoOwner : Xfered: 07/22/2011
 Title : Doc # : 93039
 Lender: Deed : Grant Deed
 Loan : Vest :
 Loan\$: %Owned: 100
 Rate : \$/SqFt: 0.00

Buyer : Gutierrez Norma J Price :
 CoOwner : Gutierrez Maria Xfered: 07/22/2011
 Title : Doc # : 93038
 Lender: Deed : Grant Deed
 Loan : Vest :
 Loan\$: %Owned: 100
 Rate : \$/SqFt: 0.00

Buyer : Gutierrez Norma J Price :
 CoOwner : Xfered: 07/12/2006
 Title : Fidelity National Title Doc # : 168142
 Lender: Deed : Quit Claim
 Loan : Vest :
 Loan\$: %Owned: 100
 Rate : \$/SqFt: 0.00

Buyer : Gutierrez Manuel/Maria Price :
 CoOwner : Xfered: 09/09/2005
 Title : Doc # : 246802
 Lender: Deed : Grant Deed
 Loan : Vest :
 Loan\$: %Owned: 100
 Rate : \$/SqFt: 0.00

Buyer : Gutierrez Norma J Price :
 CoOwner : Xfered: 05/04/2005
 Title : Chicago Title Co Doc # : 112897
 Lender: Deed : Grant Deed
 Loan : Vest :
 Loan\$: %Owned: 100
 Rate : \$/SqFt: 0.00

Transfer History

Property ID: 189 471 01 00

Buyer : Gutierrez Norma J
CoOwner :
Title : Chicago Title Co
Lender:
Loan :
Loan\$:
Rate :

Price : \$120,000
Xfered: 05/04/2005
Doc # : 112896
Deed : Grant Deed
Vest :
%Owned: 100
\$/SqFt: 47.11

which deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity if the ordinance does not distinguish residential care facilities which serve six or fewer persons from other family dwellings of the same type in the same zone and if the ordinance does not distinguish residents of residential care facilities from persons who reside in other family dwellings of the same type in the same zone.

(5) No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential care facility which serves six or fewer persons which is not required of a family dwelling of the same type in the same zone.

(6) Use of a family dwelling for purposes of a residential care facility serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 or local building codes. However, nothing in this section is intended to supersede Section 13143 or 13143.6, to the extent these sections are applicable to residential care facilities serving six or fewer persons.

(b) No fire inspection clearance or other permit, license, clearance, or similar authorization shall be denied to a residential care facility because of a failure to comply with local ordinances from which the facilities are exempt under subdivision (a), provided that the applicant otherwise qualifies for the fire clearance, license, permit, or similar authorization.

(c) For the purposes of any contract, deed, or covenant for the transfer of real property executed on or after January 1, 1979, a residential care facility which serves six or fewer persons shall be considered a residential use of property and a use of property by a single family, notwithstanding any disclaimers to the contrary.

(d) Nothing in this chapter shall authorize the imposition of rent regulations or controls for licensed residential care facilities.

(e) Licensed residential care facilities shall not be subject to controls on rent imposed by any state or local agency or other local government or entity.

(Added by Stats. 1990, Ch. 1333; Amended by Stats. 1991, Ch. 832.)

1569.85. Zoning preemption

Whether or not unrelated persons are living together, a residential care facility for the elderly which serves six or fewer persons shall be considered a residential use of property for the purposes of this article. In addition, the residents and operators of the facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property pursuant to this article.

For the purpose of all local ordinances, a residential care facility for the elderly which serves six or fewer persons shall not be included within the definition of a boarding house, rooming house, institution or home for the care of the aged, guest home, rest home, sanitarium, mental hygiene home,

or other similar term which implies that the residential care facility for the elderly is a business run for profit or differs in any other way from a family dwelling.

This section shall not be construed to forbid any city, county, or other local public entity from placing restrictions on building heights, setback, lot dimensions, or placement of signs of a residential care facility for the elderly which serves six or fewer persons as long as the restrictions are identical to those applied to other family dwellings of the same type in the same zone.

This section shall not be construed to forbid the application to a residential care facility for the elderly of any local ordinance which deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity if the ordinance does not distinguish residential care facilities for the elderly which serve six or fewer persons from other family dwellings of the same type in the same zone; and if the ordinance does not distinguish residents of the residential care facilities for the elderly from persons who reside in other family dwellings of the same type in the same zone.

No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential care facility for the elderly which serves six or fewer persons which is not required of a family dwelling of the same type in the same zone.

Use of a family dwelling for purposes of a residential care facility for the elderly serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 or local building codes. However, nothing in this section is intended to supersede Section 13143 or 13143.6, to the extent these sections are applicable to residential care facilities for the elderly providing care for six or fewer residents.

For the purposes of this section, "family dwelling," includes, but is not limited to, single-family dwellings, units in multifamily dwellings, including units in duplexes and units in apartment dwellings, mobilehomes, including mobilehomes located in mobilehome parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.

(Added by Stats. 1986, Ch. 844; Amended by Stats. 1987, Ch. 1092.)

FAMILY DAY CARE HOMES ZONING

(Division 2. Licensing Provisions, Chapter 3.4. California Child Day Care Act)

1596.70. Title

This chapter and Chapters 3.5 (commencing with Section 1596.90) and 3.6 (commencing with 1597.30) may be cited as the California Child Day Care Facilities Act.

(Added by Stats. 1984, Ch. 1615; Amended by Stats. 1985, Ch. 1064.)

ATT. # 2

1596.71. Applicability

This chapter applies to Chapters 3.5 (commencing with Section 1596.90) and 3.6 (commencing with Section 1597.30). This chapter also applies to Chapter 3.65 (commencing with Section 1597.70).

(Added by Stats. 1984, Ch. 1615.)

1596.72. Legislative intent

The Legislature finds all of the following:

(a) That child day care facilities can contribute positively to a child's emotional, cognitive, and educational development.

(b) That it is the intent of this state to provide a comprehensive, quality system for licensing child day care facilities to ensure a quality day care environment.

(c) That this system of licensure requires a special understanding of the unique characteristics and needs of the children served by child day care facilities.

(d) That it is the intent of the Legislature to establish within the State Department of Social Services an organizational structure to separate licensing of child day care facilities from those facility types administered under Chapter 3 (commencing with Section 1500).

(e) That good quality child day care services are an essential service for working parents.

(Added by Stats. 1984, Ch. 1615; Amended by Stats. 1985, Ch. 1064.)

1596.73. Purpose

The purposes of this act are to:

(a) Streamline the administration of child care licensing and thereby increase the efficiency and effectiveness of this system.

(b) Encourage the development of licensing staff with knowledge and understanding of children and child care needs.

(c) Provide providers of child care with technical assistance about licensing requirements.

(d) Enhance consumer awareness of licensing requirements and the benefits of licensed child care.

(e) Recognize that affordable, quality licensed child care is critical to the well-being of parents and children in this state.

(Added by Stats. 1984, Ch. 1615; Amended by Stats. 1985, Ch. 1064.)

1596.74. Definitions

Unless the context otherwise requires, the definitions contained in this chapter govern the construction of this chapter and Chapters 3.5 (commencing with Section 1596.90) and 3.6 (commencing with Section 1597.30).

(Added by Stats. 1984, Ch. 1615.)

1596.75. Child

"Child" means a person who is under 18 years of age who is being provided care and supervision in a child day care facility, except where otherwise specified in this act.

(Added by Stats. 1984, Ch. 1615.)

1596.750. Child day care facility

"Child day care facility" means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes.

(Added by Stats. 1984, Ch. 1615; Amended by Stats. 1994, Ch. 690.)

1596.76. Day care center

"Day care center" means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers.

(Added by Stats. 1984, Ch. 1615; Amended by Stats. 2002, Ch. 1022.)

1596.77. Department

"Department" means the State Department of Social Services.

(Added by Stats. 1984, Ch. 1615.)

1596.770. Director

"Director" means the Director of Social Services.

(Added by Stats. 1984, Ch. 1615.)

1596.771. Employer-sponsored child care center

"Employer-sponsored child care center" means any child day care facility at the employer's site of business operated directly or through a provider contract by any person or entity having one or more employees, and available exclusively for the care of children of that employer, and of the officers, managers, and employees of that employer.

(Added by Stats. 1994, Ch. 690.)

1596.773. Probation; Revocation

(a) "Probation" means the period of time that a licensed child day care facility is required to comply with specific terms and conditions set forth by the department in order to stay or postpone the revocation of the facility's license.

(b) "Revocation" means an administrative action taken by the department to void or rescind the license of a child day care facility because of serious or chronic violations of licensing laws or regulations by the facility.

(Added by Stats. 2004, Ch. 358.)

1596.775. Findings

The Legislature finds and declares all of the following:

(a) There is a severe shortage of child care for school age children throughout California, with many school age children going home to an empty, unsupervised setting after school.

(b) For nearly five years several counties have participated in a pilot program that allows for a family day care home to

care for two additional children above the current number allowed pursuant to licensing regulations.

(c) As part of the pilot program, a study was conducted by the Assembly Office of Research. The results of the study demonstrated that the pilot program achieved all of the following results:

- (1) Increased access to care for school age children.
 - (2) Participating providers encountered few problems and strongly support expansion of the program.
 - (3) Parents of children in the pilot program family day care homes strongly support the program.
 - (4) Participating providers with additional children were no more likely to receive substantiated complaints from licensing officials than nonparticipants.
 - (5) Local governments and planning officials saw little or no impact on their licensing policies and procedures.
 - (6) Overall quality of care was not adversely affected.
- (Added by Stats. 1996, Ch. 18.)*

1596.78. Family day care home

(a) "Family day care home" means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

(b) "Large family day care home" means a home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, as set forth in Section 1597.465 and as defined in regulations.

(c) "Small family day care home" means a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home, as set forth in Section 1597.44 and as defined in regulations.

(Added by Stats. 1984, Ch. 1615; Amended by Stats. 1989, Ch. 70.)

1596.79. Person

"Person" means an individual, partnership, association, corporation, limited liability company, or governmental entity, such as the state, a county, city, special district, school district, community college district, chartered city, or chartered city and county.

(Added by Stats. 1984, Ch. 1615; Amended by Stats. 1985, Ch. 1064; Amended by Stats. 1994, Ch. 1010.)

1596.790. Planning agency

"Planning agency" means the agency designated pursuant to Section 65100 of the Government Code.

(Added by Stats. 1984, Ch. 1615.)

1596.791. Provider

"Provider" means a person who operates a child day care facility and is licensed pursuant to Chapter 3.5 (commencing

with Section 1596.90) or 3.6 (commencing with Section 1597.30).

(Added by Stats. 1984, Ch. 1615.)

1596.792. Inapplicability

This chapter, Chapter 3.5 (commencing with Section 1596.90) and Chapter 3.6 (commencing with Section 1597.30) do not apply to any of the following:

- (a) Any health facility, as defined by Section 1250.
- (b) Any clinic, as defined by Section 1202.
- (c) Any community care facility, as defined by Section 1502.
- (d) Any family day care home providing care for the children of only one family in addition to the operator's own children.

(e) Any cooperative arrangement between parents for the care of their children when no payment is involved and the arrangement meets all of the following conditions:

(1) In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible caregiver with respect to all the children in the cooperative.

(2) Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.

(3) There can be no payment of money or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of which may not exceed the actual cost of the activity.

(4) No more than 12 children are receiving care in the same place at the same time.

(f) Any arrangement for the receiving and care of children by a relative.

(g) Any public recreation program. "Public recreation program" means a program operated by the state, city, county, special district, school district, community college district, chartered city, or chartered city and county that meets either of the following criteria:

(1) The program is operated only during hours other than normal school hours for kindergarten and grades 1 to 12, inclusive, in the public school district where the program is located, or operated only during periods when students in kindergarten and grades 1 to 12, inclusive, are normally not in session in the public school district where the program is located, for either of the following periods:

(A) For under 16 hours per week.

(B) For a total of 12 weeks or less during a 12-month period. This total applies to any 12 weeks within any 12-month period, without regard to whether the weeks are consecutive.

In determining "normal school hours" or periods when students are "normally not in session," the State Department

of Social Services shall, when appropriate, consider the normal school hours or periods when students are normally not in session for students attending a year-round school.

(2) The program is provided to children who are over the age of four years and nine months and not yet enrolled in school and the program is operated during either of the following periods:

(A) For under 16 hours per week.

(B) For a total of 12 weeks or less during a 12-month period. This total applies to any 12 weeks within any 12-month period, without regard to whether the weeks are consecutive.

(3) The program is provided to children under the age of four years and nine months with sessions that run 12 hours per week or less and are 12 weeks or less in duration. A program subject to this paragraph may permit children to be enrolled in consecutive sessions throughout the year. However, the program shall not permit children to be enrolled in a combination of sessions that total more than 12 hours per week for each child.

(h) Extended day care programs operated by public or private schools.

(i) Any school parenting program or adult education child care program that satisfies both of the following:

(1) Is operated by a public school district or operated by an individual or organization pursuant to a contract with a public school district.

(2) Is not operated by an organization specified in Section 1596.793.

(j) Any child day care program that operates only one day per week for no more than four hours on that one day.

(k) Any child day care program that offers temporary child care services to parents and that satisfies both of the following:

(1) The services are only provided to parents and guardians who are on the same premises as the site of the child day care program.

(2) The child day care program is not operated on the site of a ski facility, shopping mall, department store, or any other similar site identified by the department by regulation.

(l) Any program that provides activities for children of an instructional nature in a classroom-like setting and satisfies both of the following:

(1) Is operated only during periods of the year when students in kindergarten and grades 1 to 12, inclusive, are normally not in session in the public school district where the program is located due to regularly scheduled vacations.

(2) Offers any number of sessions during the period specified in paragraph (1) that when added together do not exceed a total of 30 days when only schoolage children are enrolled in the program or 15 days when children younger than schoolage are enrolled in the program.

(m) A program facility administered by the Department of Corrections that (1) houses both women and their children, and (2) is specifically designated for the purpose

of providing substance abuse treatment and maintaining and strengthening the family unit pursuant to Chapter 4 (commencing with Section 3410) of Title 2 of Part 3 of the Penal Code, or Chapter 4.8 (commencing with Section 1174) of Title 7 of Part 2 of that code.

(n) Any crisis nursery, as defined in subdivision (a) of Section 1516.

(o) This section shall remain in effect only until July 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2011, deletes or extends that date.

(Added by Stats. 1984, Ch. 1615; Amended by Stats. 1985, Ch. 1064; Amended by Stats. 1987, Ch. 1487; Amended by Stats. 1989, Ch. 413; Amended by Stats. 1990, Ch. 388; Amended by Stats. 1991, Ch. 316; Amended by Stats. 1992, Ch. 625; Amended by Stats. 1993, Ch. 280; Amended by Stats. 1995, Ch. 372; Amended by Stats. 1997, Ch. 942; Amended by Stats. 2004, Ch. 664; Amended by Stats. 2005, Ch. 22; Amended by Stats. 2007, Ch. 288 [Effective January 1, 2008, Repealed July 1, 2011].)

1596.792. Inapplicability (Part 2)

This chapter, Chapter 3.5 (commencing with Section 1596.90) and Chapter 3.6 (commencing with Section 1597.30) do not apply to any of the following:

(a) Any health facility, as defined by Section 1250.

(b) Any clinic, as defined by Section 1202.

(c) Any community care facility, as defined by Section 1502.

(d) Any family day care home providing care for the children of only one family in addition to the operator's own children.

(e) Any cooperative arrangement between parents for the care of their children when no payment is involved and the arrangement meets all of the following conditions:

(1) In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible caregiver with respect to all the children in the cooperative.

(2) Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.

(3) There can be no payment of money or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of which may not exceed the actual cost of the activity.

(4) No more than 12 children are receiving care in the same place at the same time.

(f) Any arrangement for the receiving and care of children by a relative.

(g) Any public recreation program. "Public recreation program" means a program operated by the state, city, county,

special district, school district, community college district, chartered city, or chartered city and county that meets either of the following criteria:

(1) The program is operated only during hours other than normal school hours for kindergarten and grades 1 to 12, inclusive, in the public school district where the program is located, or operated only during periods when students in kindergarten and grades 1 to 12, inclusive, are normally not in session in the public school district where the program is located, for either of the following periods:

(A) For under 16 hours per week.

(B) For a total of 12 weeks or less during a 12-month period. This total applies to any 12 weeks within any 12-month period, without regard to whether the weeks are consecutive.

In determining "normal school hours" or periods when students are "normally not in session," the State Department of Social Services shall, when appropriate, consider the normal school hours or periods when students are normally not in session for students attending a year-round school.

(2) The program is provided to children who are over the age of four years and nine months and not yet enrolled in school and the program is operated during either of the following periods:

(A) For under 16 hours per week.

(B) For a total of 12 weeks or less during a 12-month period. This total applies to any 12 weeks within any 12-month period, without regard to whether the weeks are consecutive.

(3) The program is provided to children under the age of four years and nine months with sessions that run 12 hours per week or less and are 12 weeks or less in duration. A program subject to this paragraph may permit children to be enrolled in consecutive sessions throughout the year. However, the program shall not permit children to be enrolled in a combination of sessions that total more than 12 hours per week for each child.

(h) Extended day care programs operated by public or private schools.

(i) Any school parenting program or adult education child care program that satisfies both of the following:

(1) Is operated by a public school district or operated by an individual or organization pursuant to a contract with a public school district.

(2) Is not operated by an organization specified in Section 1596.793.

(j) Any child day care program that operates only one day per week for no more than four hours on that one day.

(k) Any child day care program that offers temporary child care services to parents and that satisfies both of the following:

(1) The services are only provided to parents and guardians who are on the same premises as the site of the child day care program.

(2) The child day care program is not operated on the site of a ski facility, shopping mall, department store, or any other similar site identified by the department by regulation.

(l) Any program that provides activities for children of an instructional nature in a classroom-like setting and satisfies both of the following:

(1) Is operated only during periods of the year when students in kindergarten and grades 1 to 12, inclusive, are normally not in session in the public school district where the program is located due to regularly scheduled vacations.

(2) Offers any number of sessions during the period specified in paragraph (1) that when added together do not exceed a total of 30 days when only schoolage children are enrolled in the program or 15 days when children younger than schoolage are enrolled in the program.

(m) A program facility administered by the Department of Corrections that (1) houses both women and their children, and (2) is specifically designated for the purpose of providing substance abuse treatment and maintaining and strengthening the family unit pursuant to Chapter 4 (commencing with Section 3410) of Title 2 of Part 3 of the Penal Code, or Chapter 4.8 (commencing with Section 1174) of Title 7 of Part 2 of that code.

(n) This section shall become operative on July 1, 2011.

(Added by Stats. 2004, Ch. 664; Amended by Stats. 2005, Ch. 22; Amended by Stats. 2007, Ch. 288 [Effective January 1, 2008, Operative July 1, 2011].)

1596.7925. *(Repealed by its own terms January 1, 2001.)*

1596.793. Exemption of specific recreation programs

This chapter and Chapters 3.5 (commencing with Section 1596.90) and 3.6 (commencing with Section 1597.30) do not apply to recreation programs conducted for children by the Girl Scouts, Boy Scouts, Boys Club, Girls Club, or Camp Fire, or similar organizations as determined by regulations of the department. Child day care programs conducted by these organizations and the fees charged for that specific purpose are subject to the requirements of this chapter, Chapter 3.5 (commencing with Section 1596.90), and Chapter 3.6 (commencing with Section 1597.30).

(Added by Stats. 1985, Ch. 1110; Amended by Stats. 1986, Ch. 714.)

1596.794. Department liaison

The department shall serve as the liaison to child day care facilities for the purposes of Sections 17608 to 17613, of the Education Code.

(Added by Stats. 2006, Ch. 865.)

1596.795. No smoking ordinance

(a) The smoking of tobacco in a private residence that is licensed as a family day care home shall be prohibited during the hours of operation as a family day care home and in those areas of the family day care home where children are present.

Nothing in this section shall prohibit a city or county from enacting or enforcing an ordinance relating to smoking in a family day care home if the ordinance is more stringent than this section.

(b) The smoking of tobacco on the premises of a licensed day care center shall be prohibited.

(Added by Stats. 1986, Ch. 407; Amended by Stats. 1993, Ch. 335.)

1597.40. Policy

(a) It is the intent of the Legislature that family day care homes for children should be situated in normal residential surroundings so as to give children the home environment which is conducive to healthy and safe development. It is the public policy of this state to provide children in a family day care home the same home environment as provided in a traditional home setting.

The Legislature declares this policy to be of statewide concern with the purpose of occupying the field to the exclusion of municipal zoning, building and fire codes and regulations governing the use or occupancy of family day care homes for children, except as specifically provided for in this chapter, and to prohibit any restrictions relating to the use of single-family residences for family day care homes for children except as provided by this chapter.

(b) Every provision in a written instrument entered into relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging of the real property for use or occupancy as a family day care home for children, is void and every restriction or prohibition in any such written instrument as to the use or occupancy of the property as a family day care home for children is void.

(c) Except as provided in subdivision (d), every restriction or prohibition entered into, whether by way of covenant, condition upon use or occupancy, or upon transfer of title to real property, which restricts or prohibits directly, or indirectly limits, the acquisition, use, or occupancy of such property for a family day care home for children is void.

(d) (1) A prospective family day care home provider, who resides in a rental property, shall provide 30 days' written notice to the landlord or owner of the rental property prior to the commencement of operation of the family day care home.

(2) For family day care home providers who have relocated an existing licensed family day care home program to a rental property on or after January 1, 1997, less than 30 days' written notice may be provided in cases where the department approves the operation of the new location of the family day care home in less than 30 days, or the home is licensed in less than 30 days, in order that service to the children served in the former location not be interrupted.

(3) A family day care home provider in operation on rental or leased property as of January 1, 1997, shall notify the landlord or property owner in writing at the time of the annual license fee renewal, or by March 31, 1997, whichever occurs later.

(4) Notwithstanding any other provision of law, upon commencement of, or knowledge of, the operation of a family day care home on his or her property, the landlord or property owner may require the family day care home provider to pay an increased security deposit for operation of the family day care home. The increase in deposit may be required notwithstanding that a lesser amount is required of tenants who do not operate family day care homes. In no event, however, shall the total security deposit charged exceed the maximum allowable under existing law.

(5) Section 1596.890 shall not apply to this subdivision.

(Renumbered from 1597.501 and Amended by Stats. 1983, Ch. 1233; Amended by Stats. 1996, Ch. 449.)

1597.41. *(Repealed by Stats. 1996, Ch. 11.)*

1597.43. Family day care homes; residentially zoned

The Legislature finds and declares all of the following:

(a) Family day care homes operated under the standards of state law constitute accessory uses of residentially zoned and occupied properties and do not fundamentally alter the nature of the underlying residential uses. Family day care homes draw clients and vehicles to their sites during a limited time of day and do not require the attendance of a large number of employees and equipment.

(b) The uses of congregate care facilities are distinguishable from the uses of family day care homes operated under the standards of state law. For purposes of this section, a "congregate care facility" means a "residential facility," as defined in paragraph (1) of subdivision (a) of Section 1502. Congregate care facilities are used throughout the day and night, and the institutional uses of these facilities are primary uses of the facilities, not accessory uses, and draw a large number of employees, vehicles, and equipment compared to that drawn to family day care homes.

(c) The expansion permitted for family day care homes by Sections 1597.44 and 1597.465 is not appropriate with respect to congregate care facilities, or any other facilities with quasi-institutional uses. Therefore, with these provisions, the Legislature does not intend to alter the legal standards governing congregate care facilities and these provisions are not intended to encourage, or be a precedent for, changes in statutory and case law governing congregate care facilities.

(Added by Stats. 1996, Ch. 18.)

1597.44. Small family day care homes; children

A small family day care home may provide care for more than six and up to eight children, without an additional adult attendant, if all of the following conditions are met:

(a) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.

(b) No more than two infants are cared for during any time when more than six children are cared for.

(c) The licensee notifies each parent that the facility is caring for two additional school age children and that there may be up to seven or eight children in the home at one time.

(d) The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.

(Added by Stats. 1996, Ch. 18; Amended by Stats. 2003, Ch. 744.)

1597.45. Small family day care homes

All of the following shall apply to small family day care homes:

(a) The use of single-family residence as a small family day care home shall be considered a residential use of property for the purposes of all local ordinances.

(b) No local jurisdiction shall impose any business license, fee, or tax for the privilege of operating a small family day care home.

(c) Use of a single-family dwelling for purposes of a small family day care home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law) or for purposes of local building codes.

(d) A small family day care home shall not be subject to Article 1 (commencing with Section 13100) or Article 2 (commencing with Section 13140) of Chapter 1 of Part 2, except that a small family day care home shall contain a fire extinguisher and smoke detector device that meet standards established by the State Fire Marshal.

(Added by Stats. 1983, Ch. 1233. Amended by Stats. 1989, Ch. 70.)

1597.46. All of the following shall apply to large family day care homes:

(a) A city, county, or city and county shall not prohibit large family day care homes on lots zoned for single-family dwellings, but shall do one of the following:

(1) Classify these homes as a permitted use of residential property for zoning purposes.

(2) Grant a nondiscretionary permit to use a lot zoned for a single-family dwelling to any large family day care home that complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to those homes, and complies with subdivision (e) and any regulations adopted by the State Fire Marshal pursuant to that subdivision. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise level generated by children. The permit issued pursuant to this paragraph shall be granted by the zoning administrator, or if there is no zoning administrator by the person or persons designated by the planning agency to grant these permits, upon the certification without a hearing.

(3) Require any large family day care home to apply for a permit to use a lot zoned for single-family dwellings. The zoning administrator, or if there is no zoning administrator, the person or persons designated by the planning agency to handle the use permits, shall review and decide the applications. The use permit shall be granted if the large family day care home complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning the following factors: spacing and concentration, traffic control, parking, and noise control relating to those homes, and complies with subdivision (e) and any regulations adopted by the State Fire Marshal pursuant to that subdivision. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise levels generated by children. The local government shall process any required permit as economically as possible.

Fees charged for review shall not exceed the costs of the review and permit process. An applicant may request a verification of fees, and the city, county, or city and county shall provide the applicant with a written breakdown within 45 days of the request. Beginning July 1, 2007, the application form for large family day care home permits shall include a statement of the applicant's right to request the written fee verification.

Not fewer than 10 days prior to the date on which the decision will be made on the application, the zoning administrator or person designated to handle the use permits shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100-foot radius of the exterior boundaries of the proposed large family day care home. No hearing on the application for a permit issued pursuant to this paragraph shall be held before a decision is made unless a hearing is requested by the applicant or other affected person. The applicant or other affected person may appeal the decision. The appellant shall pay the cost, if any of the appeal.

(b) In connection with any action taken pursuant to paragraph (2) or (3) of subdivision (a), a city, county, or city and county shall do all of the following:

(1) Upon the request of an applicant, provide a list of the permits and fees that are required by the city, county, or city and county, including information about other permits that may be required by other departments in the city, county, or city and county, or by other public agencies. The city, county, or city and county shall, upon request of any applicant, also provide information about the anticipated length of time for reviewing and processing the permit application.

(2) Upon the request of an applicant, provide information on the breakdown of any individual fees charged in connection with the issuance of the permit.

(3) If a deposit is required to cover the cost of the permit, provide information to the applicant about the estimated

final cost to the applicant of the permit, and procedures for receiving a refund from the portion of the deposit not used.

(c) A large family day care home shall not be subject to the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(d) Use of a single-family dwelling for the purposes of a large family day care home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law), or for purposes of local building and fire codes.

(e) Large family day care homes shall be considered as single-family residences for the purposes of the State Uniform Building Standards Code and local building and fire codes, except with respect to any additional standards specifically designed to promote the fire and life safety of the children in these homes adopted by the State Fire Marshal pursuant to this subdivision. The State Fire Marshal shall adopt separate building standards specifically relating to the subject of fire and life safety in large family day care homes which shall be published in Title 24 of the California Administrative Code. These standards shall apply uniformly throughout the state and shall include, but not be limited to: (1) the requirement that a large family day care home contain a fire extinguisher or smoke detector device, or both, which meets standards established by the State Fire Marshal; (2) specification as to the number of required exits from the home; and (3) specification as to the floor or floors on which day care may be provided. Enforcement of these provisions shall be in accordance with Sections 13145 and 13146. No city, county, city and county, or district shall adopt or enforce any building ordinance or local rule or regulation relating to the subject of fire and life safety in large family day care homes which is inconsistent with those standards adopted by the State Fire Marshal, except to the extent the building ordinance or local rule or regulation applies to single-family residences in which day care is not provided.

(f) The State Fire Marshal shall adopt the building standards required in subdivision (d) and any other regulations necessary to implement this section.

(Added by Stats. 1983, Ch. 1233; Amended by Stats. 2006, Ch. 105.)

1597.465. Large family day care homes; children

A large family day care home may provide care for more than 12 children and up to and including 14 children, if all of the following conditions are met:

(a) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.

(b) No more than three infants are cared for during any time when more than 12 children are being cared for.

(c) The licensee notifies a parent that the facility is caring for two additional school age children and that there may be up to 13 or 14 children in the home at one time.

(d) The licensee obtains the written consent of the

property owner when the family day care home is operated on property that is leased or rented.

(Added by Stats. 1996, Ch. 18; Amended by Stats. 2003, Ch. 744.)

1597.47. Single family residential restrictions

The provisions of this chapter shall not be construed to preclude any city, county, or other local public entity from placing restrictions on building heights, setback, or lot dimensions of a family day care facility as long as such restrictions are identical to those applied to other single-family residences. The provisions of this chapter shall not be construed to preclude the application to a family day care facility for children of any local ordinance which deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity. The provisions of this chapter also shall not be construed to prohibit or restrict the abatement of nuisances by a city, county, or city and county. However, such ordinance or nuisance abatement shall not distinguish family day care facilities from other single-family dwellings, except as otherwise provided in this chapter.

(Added by Stats. 1983, Ch. 1233.)

MOBILE HEALTH CARE UNITS

(Division 2. Licensing Provisions, Chapter 9. Mobile Health Care Units)

1765.105. Parent facility; definition

As used in this chapter, the following definitions shall apply:

(a) "Parent facility" means a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2, or a clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2.

(b) (1) "Mobile service unit" or "mobile unit" means a special purpose commercial coach as defined in Section 18012.5, or a commercial coach as defined in Section 18001.8, that provides services as set forth in Section 1765.110, and meets any of the following criteria:

(A) Is approved pursuant to this chapter by the state department as a service of a licensed health facility, as defined in Section 1250.

(B) Is approved by the state department pursuant to this chapter as a service of a licensed clinic, as defined in Section 1200.

(C) Is licensed pursuant to this chapter by the state department as a clinic, as defined in Section 1200.

(D) Is licensed pursuant to this chapter as an "other" type of approved mobile unit by the state department. "Other" types of approved mobile units shall be limited to mobile units performing services within new health facility or clinic licensure categories created after the effective date of this chapter. The State Department of Health Services shall not

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT 2017-1416 LA MESA COURT, LARGE DAY CARE
FACILITY – JACLYN PRADO FAMILY DAY CARE LOCATED AT 1416 LA MESA
COURT, ARVIN

NOTICE IS GIVEN that the Planning Commission of the City of Arvin will conduct a public hearing on the following on the date, time, and place set forth below:

Meeting Date: April 19, 2018

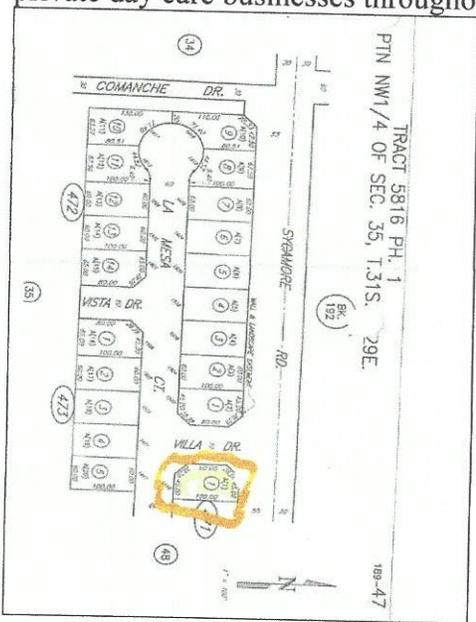
Time: 6:00 PM

Place: City Hall Council Chambers, 200 Campus Drive, Arvin, CA 93203

Subject: Conditional Use Permit (CUP)2017-1416LMCt – 1416 La Mesa Court, establishment of a large day care facility (9-14) children.

The Planning Commission of the City of Arvin, California, will conduct a Public Hearing at which time you may be present and be heard concerning CUP 2017-1416LACt – Jaclyn Prado Family Daycare Care a proposed Large Day Care Faculty of 9 to 14 children, located at 1416 La Mesa Court.

Description of the Project: The proposed project is the establishment of a day care facility which may be 9 to 14 children to be located at 1416 La Mesa Court. In addition, should the City approve the Conditional Use Permit, the applicant will be required to apply for and receive a City Business Licenses as well approval from the State of California Department of Social Services — which reviews and licenses private day care businesses throughout the State.



The CUP 2017-1416LMCt is not subject to the provisions of CEQA. A large family day care home shall not be subject to the provisions of Division 13 (commencing with Section 21000) of the Public Resources. If you challenge the approval or denial of this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at or prior to, the public hearing.

Upon conclusion of the hearing, the Planning Commission may approve, conditionally approve or disapprove the adoption of the proposed Conditional Use Permit for the Jaclyn Prado Family Daycare at 1416 La Mesa Court, Arvin.

/s/ _____
Cecilia Vela, Secretary to the Planning Commission
of the City of Arvin

/s/ _____
Jake Raper, Planner

Published April 08, 2018, Bakersfield Californian

ATT # 3

ROUTED: January 16, 2018

COMMENT DEADLINE: February 2, 2018



Return Completed Form to:
City of Arvin, 141 Plumtree Drive, Arvin, CA 93203
Community Development Department, Planning Division
Attn: Jake Raper, AICP JAS Contract Planner
E-mail: jraper@arvin.org or jakeraper@yahoo.com
661-854-2822 Office 661-854-2969 Fax
Alternate phone number for Jake: 805-234-7908

AGENCY MAILING LABEL HERE

CUP 2017-1416LaMct
Large Day Care
1416 La Mesa Ct
Applicant: Jaclyn Prado

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

YES - Please complete below.

NO - Sign and Return EITHER by Mail, Fax, or Email.

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS-- Please list or email requested conditions to be included for consideration :

REQUIRED CONDITIONS OF APPROVAL- Please list or email requested conditions to be included for consideration

Project must comply w/ CBC section 445 "Large Family Day-Care Homes," & section 907.2.6.4 "Fire Protection Systems"
See Attached

DOES YOUR AGENCY NEED ANY ADDITIONAL INFORMATION FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):

REVIEWED BY: Mark McPhain Name (Please Print) Phone Number _____ Date 1-18-18

City of Arvin, P.O. Box 548, 141 Plumtree Drive, Arvin, CA 93203
Rosemarie Chavez, Building Technician or Jake Raper, JAS Contract Planner Updated January 2018

ATT # 4

**TABLE 443.7.3.1
HAZARDOUS MATERIALS QUANTITY PER LABORATORY SUITE**

STORY	PERCENTAGE OF MAXIMUM ALLOWABLE QUANTITY PER LABORATORY SUITE ^{a, b}	NUMBER OF LAB SUITES PER FLOOR BASED ON CONSTRUCTION TYPE					
		Type IA	Type IB	Type IIA, IIIA, IV	Type IIB, IIIB, VA	Type VB	
Above grade plane	Above 20	0	NP	NP	NP	NP	NP
	15 to 20	25	4	NP	NP	NP	NP
	11, 12, 13, 14	50	8	NP	NP	NP	NP
	7, 8, 9, 10	50	16	NP	NP	NP	NP
	6	75	20	20	NP	NP	NP
	4, 5	75	20	20	20	NP	NP
	3	100	UL	UL	UL	UL	NP
	1, 2	100	UL	UL	UL	UL	UL
Below grade plane	1	75 ^c	10	10	10	10	10
	2	50 ^d	5	5	5	5	5
	3 and below	0	NP	NP	NP	NP	NP

UL = Unlimited, NP= Not permitted

- a. Percentages shall be of the maximum allowable quantity per laboratory suite shown in Tables 307.1(1) and 307.1(2). Allowable hazardous material increases for buildings equipped throughout with an automatic sprinkler system shall not be applicable to Group L occupancies.
- b. When an individual laboratory suite occupies more than one story, the more restrictive percentage of the maximum allowable quantity per laboratory suite shall apply.
- c. The total aggregate quantity of flammable liquids on the first story below grade shall be limited to the maximum total aggregate quantity for Group B occupancy control areas.
- d. The total aggregate quantity of flammable liquids on the second story level below grade shall be limited to a maximum total aggregate quantity for Group B occupancy control areas.

443.7.4 Handling and transportation. The handling and transportation of hazardous materials shall be in accordance with Section 5003 of the California Fire Code.

443.7.5 Transportation of hazardous materials above the 10th story. Transportation of hazardous materials above the 10th story shall be limited to 5 percent of the maximum allowable quantities of Tables 307.1 (1) and 307.1(2.) Quantities are permitted to be increased 100 percent in buildings with an approved automatic sprinkler system in accordance with Section 903.3.1.1. Materials where footnote g of Table 307.1(1) applies shall not be increased.

443.8. Elevators and elevator lobbies above the 10th story. Any story containing a Group L occupancy above the 10th story shall be provided with elevators and elevator lobbies in accordance with Sections 443.8.1 through 443.8.3.

443.8.1 An elevator that serves every story of the building shall be provided on each side of the 2-hour fire-smoke barrier.

443.8.2 An elevator lobby shall be provided on each side of the 2-hour fire-smoke barrier at each floor in accordance with Section 413.14.1. Exceptions to 413.14.1 shall not apply.

443.8.3 The elevator and its associated elevator lobbies and elevator machine rooms shall be pressurized in accordance with Section 909.6.

443.9 Existing Group L (Formerly Group H-8) occupancies, additions, alterations, or repairs. See Section 3416.

**SECTION 444
Reserved**

**SECTION 445
LARGE FAMILY DAY-CARE HOMES [SFM]**

445.1 Large family day-care homes.

445.2 For purposes of clarification, Health and Safety Code Section 1597.46 is repeated.

(a) A city, county, or city and county shall not prohibit large family day care homes on lots zoned for single-family dwellings, but shall do one of the following:

(1) Classify these homes as a permitted use of residential property for zoning purposes.

(2) Grant a nondiscretionary permit to use a lot zoned for a single-family dwelling to any large family day-care home that complies with local ordinances prescribing reasonable standards, restrictions and requirements concerning spacing and concentration, traffic control, parking and noise control relating to such homes, and complies with subdivision (d) and any regulations adopted by the state fire marshal pursuant to that subdivision. Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise level generated by children. The permit issued pursuant to this paragraph shall be granted by the zoning administrator, if any, or if there is no zoning administrator by the person or persons designated by the planning agency to grant such permits, upon the certification without a hearing.

(3) Require any large family day-care home to apply for a permit to use a lot zoned for single-family dwellings. The zoning administrator, if any, or if there is no zoning administrator, the person or persons designated by the planning agency to handle the use permits shall review and decide the applications. The use permit shall be granted if the large family day care home complies with local ordinances, if any, prescribing reasonable standards, restrictions and requirements concerning spacing and concentration, traffic control, parking and noise control relating to such homes, and complies with subdivision (d) and any regulations adopted by the state fire marshal pursuant to that subdivision.

Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise levels generated by children.

The local government shall process any required permit as economically as possible, and fees charged for review shall not exceed the costs of the review and permit process. Not less than 10 days prior to the date on which the decision will be made on the application, the zoning administrator or person designated to handle such use permits shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100-foot radius of the exterior boundaries of the proposed large family day care home. No hearing on the application for a permit issued pursuant to this paragraph shall be held before a decision is made unless a hearing is requested by the applicant or other affected person. The applicant or other affected person may appeal the decision. The appellant shall pay the cost, if any of the appeal.

(b) A large family day-care home shall not be subject to the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(c) Use of a single-family dwelling for the purposes of a large family day-care home shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) of Division 13 (State Housing Law), or for purposes of local building and fire codes.

(d) Large family day-care homes shall be considered as single-family residences for the purposes of the State Uniform Building Standards Code and local building and fire codes, except with respect to any additional standards specifically designed to promote the fire and life safety of the children in these homes adopted by the State Fire Marshal pursuant to this subdivision.

445.3 Smoke alarms. Large family day-care homes shall be equipped with State Fire Marshal approved and listed single station residential type smoke alarms. The number and placement of smoke alarms shall be determined by the enforcement authority.

445.4 Fire extinguishers. Large and small family day-care homes shall be equipped with a portable fire extinguisher having a minimum 2A10BC rating.

445.5 Fire alarm devices. See Section 907.2.6.4.

445.6 Compliance. Every large-family day-care home shall comply with the provisions for Group R-3 occupancies and, if appropriate, Section 426.1. For the purposes of Section 426.1, the first story shall be designated as the floor used for residential occupancy nearest to the street level which provides primary access to the building.

Enforcement of the provisions shall be in accordance with the Health and Safety Code Sections 13145 and 13146. No city, county, city and county, or district shall adopt or enforce any building ordinance or local rule or regulation relating to the subject of fire and life safety in large-family day-care homes which is inconsistent with those standards adopted by the State Fire Marshal, except to the extent the building ordinance or local rule or regulation applies to single-family residences in which day care is not provided.

445.7 Special hazards. Every unenclosed gas-fired water heater or furnace which is within the area used for child care in a large family day-care home shall be protected in such a way as to prevent children from making contact with those appliances.

Exception: This does not apply to kitchen stoves or ovens.

445.8 Exiting. See Section 1015.7.

tem and automatic smoke detection system installed for alerting staff.

Exception: An automatic smoke detection system is not required within temporary holding cells.

[F] 907.2.6.3.1 **System initiation.** Actuation of an automatic fire-extinguishing system, automatic sprinkler system, a manual fire alarm box or a fire detector shall initiate an approved fire alarm signal which automatically notifies staff.

[F] 907.2.6.3.2 **Manual fire alarm boxes.** Manual fire alarm boxes are not required to be located in accordance with Section 907.4.2 where the fire alarm boxes are provided at staff-attended locations having direct supervision over areas where manual fire alarm boxes have been omitted.

[F] 907.2.6.3.2.1 **Manual fire alarm boxes in detainee areas.** Manual fire alarm boxes are allowed to be locked in areas occupied by detainees, provided that staff members are present within the subject area and have keys readily available to operate the manual fire alarm boxes.

[F] 907.2.6.3.3 **Automatic smoke detection system.** An automatic smoke detection system shall be installed throughout resident housing areas, including sleeping units and contiguous day rooms, group activity spaces and other common spaces normally accessible to inmates.

Exceptions:

1. Other approved smoke detection arrangements may be used to prevent damage or tampering or for other purposes provided the function of detecting any fire is fulfilled and the location of the detectors is such that the speed of detection will be equivalent to that provided by the spacing and location required in accordance with NFPA 72 as referenced in Chapter 35. This may include the location of detectors in return air ducts from cells, behind grilles or in other locations. Spot type, combination duct and open area smoke detectors may be used when located not more than 14 inches (356mm) from the return air grill. For initiation and annunciation purposes, these detectors may be combined in groups of four. The fire code official having jurisdiction, however, must approve the proposed equivalent performance of the design.
2. For detention housing and/or mental health housing area(s), including correctional medical and mental health uses, automatic smoke detection system in sleeping units shall not be required when all of the following conditions are met:

- 2.1. All rooms, including the inmate cells are provided with an automatic sprinkler system in accordance with Section 903.3.1.1.
- 2.2. Building is continuously staffed by a correctional officer at all times.
- 2.3. The exception to Section 903.2.6.2 shall not apply.
3. Smoke detectors are not required to be installed in inmate cells with two or fewer occupants in detention facilities which do not have a correctional medical and mental health use.
4. Smoke detectors are not required to be installed in inmate day rooms of detention facilities where 24-hour direct visual supervision is provided by a correctional officer(s) and a manual fire alarm box is located in the control room.

907.2.6.3.4 **System annunciation.** A staff alerting fire alarm shall sound at all staff control stations on the floor of activation and an audible and visual signal shall be indicated on an annunciator at the facility control center upon activation of any automatic extinguishing system, automatic detection system, or any smoke detector or manual actuating or initiating device. In addition, where there are staff-control stations on the floor, an audible, visual and manual alarm shall be located in each staff control station.

Fire and trouble signals of fire alarm systems and sprinkler water-flow and supervisory signals of extinguishing systems shall be annunciated in an area designated as the facility control center which shall be constantly attended by staff personnel. All such signals shall produce both an audible signal and visual display at the facility control center indicating the building, floor zone or other designated area from which the signal originated in accordance with Section 907.6.3.

All local detention facilities within the scope of Section 6031.4 of the Penal Code shall have a automatic smoke detection system. A manual fire alarm-initiating device shall be installed in all guard control stations and shall be capable of alerting personnel in a central control point to the presence of fire or smoke within the facility.

907.2.6.4. **Large family day-care.** Every large family day-care home shall be provided with at least one manual device at a location approved by the authority having jurisdiction. Such device shall actuate a fire alarm signal, which shall be audible throughout the facility at a minimum level of 15 db above ambient noise level. These devices need not be interconnected to any other fire alarm device, have a control panel or be electrically supervised or provided with emergency power. Such device or devices shall be attached to the struc-

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ture and may be of any type acceptable to the enforcing agency, provided that such devices are distinctive in tone and are audible throughout the structure.

[F] 907.2.7 **Group M.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group M occupancies where one of the following conditions exists:

1. The combined Group M occupant load of all floors is 500 or more persons.
2. The Group M occupant load is more than 100 persons above or below the lowest level of exit discharge.

Exceptions:

1. A manual fire alarm system is not required in covered or open mall buildings complying with Section 402.
2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will automatically activate throughout the notification zones upon sprinkler waterflow.

[F] 907.2.7.1 **Occupant notification.** During times that the building is occupied, the initiation of a signal from a manual fire alarm box or from a waterflow switch shall not be required to activate the alarm notification appliances when an alarm signal is activated at a constantly attended location from which evacuation instructions shall be initiated over an emergency voice/alarm communication system installed in accordance with Section 907.5.2.2.

[F] 907.2.8 **Group R-1.** Fire alarm systems and smoke alarms shall be installed in Group R-1 occupancies as required in Sections 907.2.8.1 through 907.2.8.3.

[F] 907.2.8.1 **Manual fire alarm system.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-1 occupancies.

Exceptions:

1. A manual fire alarm system is not required in buildings not more than two stories in height where all individual sleeping units and contiguous attic and crawl spaces to those units are separated from each other and public or common areas by at least 1-hour fire partitions and each individual sleeping unit has an exit directly to a public way, egress court or yard.
2. Manual fire alarm boxes are not required throughout the building when all of the following conditions are met:
 - 2.1. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2;

2.2. The notification appliances will activate upon sprinkler waterflow; and

2.3. At least one manual fire alarm box is installed at an approved location.

[F] 907.2.8.2 **Automatic smoke detection system.** An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed throughout all interior corridors serving sleeping units.

Exception: An automatic smoke detection system is not required in buildings that do not have interior corridors serving sleeping units and where each sleeping unit has a means of egress door opening directly to an exit or to an exterior exit access that leads directly to an exit.

[F] 907.2.8.3 **Smoke alarms.** Single- and multiple-station smoke alarms shall be installed in accordance with Section 907.2.11.

[F] 907.2.9 **Group R-2 and R-2.1.** Fire alarm systems and smoke alarms shall be installed in Group R-2 and R-2.1 occupancies as required in Sections 907.2.9.1 and 907.2.9.4.

[F] 907.2.9.1 **Manual fire alarm system.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where:

1. Any dwelling unit or sleeping unit is located three or more stories above the lowest level of exit discharge;
2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit; or
3. The building contains more than 16 dwelling units or sleeping units.
4. *Congregate residences with more than 16 occupants.*

Exceptions:

1. A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, egress court or yard.
2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler waterflow.



**ARVIN PLANNING COMMISSION
Agenda Report**

Meeting Date: April 19, 2018

TO: Planning Commission

FROM: Jake Raper, City Planner – Contract Planner JAS Consultants

SUBJECT: Conditional Use Permit (CUP) 2017-1017BMB – 1017 Bear Mountain Boulevard – The Grand Liquor - Off-Site Sales of Liquor for Licenses Type 21 - Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Common for grocery stores, convenience stores, liquor stores, drug stores, club warehouse stores, and any other store where alcohol is sold for consumption elsewhere. Applicant: Simranjit Deol, 10015 Tungsten Street, Bakersfield, CA 93311

RECOMMENDATION

Motion to Approve Resolution of the City of Arvin Planning Commission Conditional Use Permit 2017- 1017BMB – The Grand Liquor - Off-Site Sales of Alcoholic Beverages and adopt the Notice of Exemption per Section 15061(b)(3) General Rule per CEQA.

I. BACKGROUND

The applicant is requesting approval of the conditional use permit for the off-sale liquor licenses, Type 21, which would authorize the authorizes the sale of beer, wine and distilled spirits for consumption off the premises. As explained by the California Department of Alcoholic Beverage Control, a Type 21 license is common for grocery stores, convenience stores, liquor stores, drug stores, club warehouse stores, and any other store where alcohol is sold for consumption elsewhere.

The proposed location of the Liquor Store is 1017 Bear Mountain Boulevard. The small commercial development currently has a few mixed uses operating out of the facility. These businesses include a Barbara Shop, auto services for smog and tire shops. Other small business also exists such as a proposed office.

The applicant has applied for an Application for Alcoholic Beverage License(s), Type 21. The ABC's File Number is 586713, dated December 11, 2017 under the owner's name of Deol Investment LLC for a business name of The Grand Liquor to be located at 1017 Bear Mountain Boulevard, Arvin, CA 93203. The applicant's address is 10015 Tungsten Street, Bakersfield, Ca 93311, Attachment 1.

The applicant be required to obtain business licenses from the State of California Department of



Alcoholic Beverage Control and the City will need to provide verification of the approval of a Conditional Use Permit as is required by City Ordinance.

The City adopted Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales on November 17th, 2015 with an implementation date of January 1, 2016. Definitions for Off-sale and On-sale alcoholic beverage establishments were adopted (Sections 5.28 Subsection G and H). Additionally,

“Section 5.28.020 Premises requiring conditional use permit” requires all Off-sale and On-sale alcoholic beverage establishments shall only be permitted upon the granting of a conditional use permit by the planning commission pursuant to Chapter 17.56 – Conditional Use Permits and Chapter 17.54 – Variances, Modifications, and Zone Changes. Ordinance No. 425 establishes Operational Standards for Off-sale and



On-sale alcoholic beverage sales establishment, Sections 5.28.31 and 5.28.32. Ordinance 425 is on file with the City Clerk’s Office. Should the applicant receive approval of the Conditional Use Permit application, the operations will be required to comply with the ordinance operational criteria as well as apply for a City Business licenses.

In addition to the Conditional Use Permit, the applicant will be required to obtain a Site Development Permit as is required by City Code. The Site Development Permit will review the site elevations, parking requirements, landscape requirements as is established by city code. Staff in discussing the application with the property owners identified several issues that will be established as conditions of approval. As discussed with the applicant, existing signs within the commercial development have not received sign permits and appear not in compliance with the

sign ordinance, parking layout will need to be modified with emphasis on location and design for the Handicap spaces required by code; elevation modifications will be required. Of note, the proposed location of the liquor store currently is part of auto operation with roll up doors. The applicant stated that the exterior will be modified to reflect a store front rather than an automotive business. Landscaping at the site is lacking and will be required to be updated to meet city standards.

II. GENERAL PLAN AND ZONING CONFORMITY:

Project Location: The project site is located at 1017 Bear Mountain Boulevard, southside of Bear Mountain Boulevard, west of Morton Place and east of Monroe Street, APN 191-070-39.

General Plan Land Use Designation: General Commercial

Zoning Designation: The site zoning designation is C-2 General Commercial

II. PUBLIC NOTIFICATION AND CONSULTATION:

The City properly noticed the April 19, 2018 special hearing date before the Planning Commission for the proposed CUP 2017-1017BMB pursuant to Government Code sections 65090 and 65091 by publication in the newspaper on April 8, 2018, Attachment 2. In addition, the City Clerk provided notice of the proposed conditional use permit by mailing the public notice to all property owners within the 300-foot radius.

III. ENVIRONMENTAL CONSIDERATIONS

Staff is recommending adoption of a Ministerial Determination – which means no possible effect on the environment resulting from this project. The project is determined to be Exempt per Section 15061(b) (3) General Rule is proposed for project. A Notice of Exemption has been prepared and is on file at the Community Development Department.

The project received an initial review under the requirements of the California Environmental Quality Act. Staff determined that the project is exempt from CEQA pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), and that this project is exempt from the requirements of the California Environmental Quality Act (CEQA), in that it can be seen with certainty that there is no possibility that the granting of a conditional use permit to operate an off-sale of liquor within an existing commercial building within the C-2 Zone District will have a significant and adverse impact on the environment. The use is within an existing developed commercial center, it will not modify the physical aspect of the existing development, it merely allows the off-sale of alcoholic beverages to occur within an existing building, and the activity is regulated by Chapter 5.28 Alcoholic Beverage Sales of the Arvin Municipal Code. As such, it is not a project which has the potential for causing a significant effect on the environment.

IV. AGENCIES COMMENTS:

On January 16, 2018, the application was distributed to City of Arvin departments for review and comment.

Comments noted by the various departments related to the handicap parking location and layout, compliance with building codes. Staff will require the completion of and submittal of a Site Development Permit for the commercial development due to the intensification of uses. Issues such as signs, parking layout, landscaping, and exterior modification to reflect store front rather than an automotive store front will be addressed and conditioned requiring these improvements to occur.

EXHIBITS AND ATTACHMENTS

Resolution – Resolution of the City of Arvin Planning Commission Conditional Use Permit 2017- 1017BMB – Off-Site Sales of Alcoholic Beverages and adopt the Notice of Exemption per Section 15061(b)(3) General Rule per CEQA

Exhibit A - Arvin Municipal Code, Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales

Attachment 1 – Application for Alcoholic Beverage License(s) File Number 586713.

Attachment 2 – Public Hearing Notice

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN APPROVING CONDITIONAL USE PERMIT 2017- 1017BMB – OFF-SITE SALES OF ALCOHOLIC BEVERAGES - THE GRAND LIQUOR AND ADOPTION OF EXEMPTION PER CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, the Planning Commission opened the public hearing on April 19, 2018, and has received testimony and other evidence at the meeting; and

WHEREAS, public notice for the public hearing was published in the (Newspaper on April 8, 2018 and notices were mailed to individual property owners within 300-feet of the project site on April 8, 2018; and

WHEREAS, the environmental document, Notice of Exemption is on file at the City of Arvin Community Development Department; and

WHEREAS, the Planning Commission of the City of Arvin hereby finds and adopts the following findings:

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. A Notice of Exemption, per Section 15061(b) (3) General Rule, General Exemption per the California Environmental Quality Act, is on file at the City of Arvin Community Development Department. The approval of a conditional use permit permitting off-sale liquor store within an existing commercial center can be seen with certainty will have a significant and adverse impact on the environment. The use is regulated by Chapter 5.28 Alcoholic Beverage Sales of the Arvin Municipal Code. As such, it is not a project which has the potential for causing a significant effect on the environment.
3. Off-sale of Liquor for Licenses Type 21 - Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold.is in compliance with the City of Arvin's General Plan GC, General Commercial Land Use Designation and Zoning Classification of C-2 General Commercial is a permitted use under said designation and upon granting a Conditional Use Permit as is required by Chapter 5.28 Alcoholic Beverage Sales.
4. Prior to the utilization of the Conditional Use Permit, the applicant and property owner shall be required to apply for and receive approval of a Site Development Permit and said conditions of approval, if any, shall be met prior to utilization of the conditional use permit and prior to the operation and opening for business of the liquor store.

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

1. The recitals set forth above are true and correct and incorporated herein by this reference.
2. The Planning Commission finds that the project is exempt from CEQA pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), and that this project is exempt from the requirements of the California Environmental Quality Act (CEQA), in that it can be seen with certainty that there is no possibility that the granting of a conditional use permit to operate an off-sale of liquor within an existing commercial building within the C-2 Zone District will have a significant and adverse impact on the environment. The use is within an existing developed commercial center, it will not modify the physical aspect of the existing development, it merely allows the off-sale of alcoholic beverages to occur within an existing building, and the activity is regulated by Chapter 5.28 Alcoholic Beverage Sales of the Arvin Municipal Code. As such, it is not a project which has the potential for causing a significant effect on the environment.
3. The Planning Commission finds that, with the imposition of the conditions applicable to Conditional Use Permit 2017 - 1017BMB, including Chapter 5.28 of the Arvin Municipal Code, the proposed use:
 - a. Does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
 - b. Does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
 - c. Does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
 - d. Complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
 - e. Upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
 - f. Complies with the alcohol sale limitations of Municipal Code section 5.28.032(A)(6). Complies with the public nuisance prevention measures of of Municipal Code section 5.28.032(A)(7).
4. The Planning Commission approves Conditional Use Permit 2017 - 1017BMB subject to the following conditions:
 - a. The business shall maintain a valid State Department of Alcohol and Beverage Control (ABC) alcoholic beverage license and comply with all license requirements.

- b. The off-sale of liquor for Licenses Type 21 shall remain in compliance with the Arvin Municipal Code, Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales at all times. (See Exhibit A.) Specifically, the following conditions and operational standards apply:
- i. The use shall not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
 - ii. The use shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
 - iii. The use shall not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
 - iv. Operations shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business license fees.
 - v. Upkeep and operating characteristics will remain compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood.
 - vi. Operations shall comply with the following alcohol sale limitations:
 1. No wine shall be displayed, sold or given away in containers of less than seven hundred fifty (750) milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six (6) percent alcohol by volume.
 2. No wine shall be displayed, sold or given away with an alcoholic content greater than fifteen (15) percent by volume unless in corked bottles and aged at least two (2) years.
 3. No distilled spirits shall be displayed, sold or given away in containers of less than three hundred seventy-five (375) milliliters, except pre-mixed cocktails.
 4. The display, sale or distribution of fifty (50) milliliters "airline bottles" and three hundred seventy-five (375) milliliters "hip flask" containers is prohibited.
 5. No beer, ale or malt liquor shall be offered for sale in a container with a volume greater than thirty-two (32) ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two (2) or more gallons, which are clearly designed to dispense multiple servings.
 6. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
 7. No display, sale or distribution of beer or wine, wine coolers or similar

alcoholic beverages shall be made from an ice tub, barrel or similar container.

8. All display of alcoholic beverages shall be no closer than five (5) feet from the store entrance.
- vii. The use must comply with the following public nuisance prevention measures:
1. Lighting: Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment patrons while not spilling onto surrounding residential and commercial properties. A photometric study may be required to demonstrate compliance.
 2. Litter: Adequate litter receptacles shall be provided on site and in the building. The premises shall be kept free of the accumulation of litter and shall be removed no less frequently than once each day the business is open.
 3. Loitering: The following measures shall be required:
 - a. No fixtures or furnishings that encourage loitering and nuisance behavior are permitted on the premises. This includes, but is not limited to chairs, seats, stools, benches, tables, crates, etc.
 - b. The establishment's operators or employees shall be required to discourage loiterers and to ask persons loitering longer than fifteen (15) minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.
 - c. No video or other electronic games shall be located in an off-sale alcoholic beverage establishment.
 - d. No pay phones are permitted outside of the off-sale establishment.
 4. Cups: The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.
 5. Signage: There shall be no exterior advertising of alcoholic products, or tobacco and paraphernalia or similarly controlled products.
 6. Signs: The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish and the predominant language of the patrons:
 - a. "California State Law prohibits the sale of alcoholic beverages to persons younger than twenty-one (21) years of age."
 - b. "No Loitering or Public Drinking."
 - c. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."
 7. Presentation of Documents: A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license shall be required to be kept on the premises and presented to any enforcement officer or authorized state or county official upon request.
 8. Mitigating Alcohol Related Problems: The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to sales to minors, the congregation

of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.

9. Drug Paraphernalia: The establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with California Health and Safety Code section 11000.
 10. Prohibited Vegetation: Exterior vegetation shall not be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.
 11. Window Obstructions: To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than fifteen (15) percent of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.
 12. Training: Each off-sale operator and their employees shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Arvin police department and annually to the Arvin City Clerk as a pre-condition to the City issuing the operator a new business license.
 13. Posting of Documents: A copy of these operational standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one (1) prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.
- c. A total of 25 parking spaces on the site shall be provided in compliance with the requirements of the Municipal Code; or alternatively, the business owner(s) and property owner(s) agree to pay in-lieu fees for parking fees provided for in the Municipal Code and as determined by the City.
 - d. Each employee sign a written acknowledgment that he/she has reviewed and understood each of these conditions. A copy of written acknowledgements shall be maintained on the premises at all times, and made available to the Police Department upon reasonable request.
5. The property owner(s) and business owners(s) shall submit affidavits of acceptance of the conditions of approval for this project, including an acknowledgement that failure to

comply with the conditions of approval shall constitute grounds for revocation, prior to Conditional Use Permit 2017 - 1017BMB becoming effective.

6. This Resolution shall become effective immediately.

I hereby certify that the foregoing is a full, true and correct copy of the resolution duly and regularly adopted and passed by the Planning Commission of the City of Arvin at a special meeting held on the 19th day of April 2018 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CECILIA VELA, Secretary

ARVIN PLANNING COMMISSION

By: _____
OLIVIA TRUJILLO, Chairperson

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

I, _____, Secretary of the Planning Commission of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of Arvin on the date and by the vote indicated herein.

EXHIBIT A CONDITIONAL USE PERMIT 2017-1017BMB – 1017 BEAR MOUNTATION BOULEVARD
OFF – SALE ALOCHOLIC BEVARAGE SALES ESTABLISHMENT
Arvin – Chapter 5.28 – ALCOHOLIC BEVERAGE SALES

EXHIBIT A - CUP 2017-1017BMB

Arvin - Chapter 5.28 - ALCOHOLIC BEVERAGE SALES⁶

Sections:

Editor's note— Ord. No. 425, § 2, adopted Nov. 17, 2015, amended Ch. 5.28 in its entirety to read as herein set out. Former Ch. 5.28, §§ 5.28.010—5.28.050, pertained to similar subject matter, and derived from Ord. 219 §§ 1—4 , 1986; Ord. 224, 1988; Ord. 295, 1996.

5.28.010 - Definitions.

For the purpose of this chapter only, the following terms shall be defined as follows:

- A. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and any liquid or solid containing alcohol, spirits, wine, or beer, that contain one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed or combined with other substances, the sale of which requires an license issued by the California Department of Alcoholic Beverage Control.
- B. "Alcoholic beverage sales establishment" means an establishment where an alcoholic beverage sales activity occurs. Alcoholic beverage sales establishments include but are not limited to the following recognized types of establishments: liquor stores, beer and wine stores, convenience markets, markets, neighborhood specialty food markets, retail sales establishments, wine shops, service stations, taverns, clubs, cocktail lounges, ballrooms, cabarets, dance bars, piano bars, billiard or game parlors, bowling alleys, nightclubs, dance halls, cafes, bars, restaurants, with bars, full-service restaurants, fast food establishments, and breweries. For purposes, of this chapter, an "alcoholic beverage sales establishment" also includes a general retail store, a grocery store and a retail pharmacy that devotes any percentage of its gross floor area to the sale and display of alcoholic beverages.
- C. "Bona fide public eating place" means licensed premises which are maintained in good faith and used for the regular service of meals to patrons. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. (Business and Professions Code Section 23038).
- D. Conditional Use Permit. For the purpose of this chapter, "conditional use permit" shall be as defined in Chapter 17.56 of the Arvin Municipal Code.
- E. "Deemed approved activity" means any existing permitted or conditionally permitted alcoholic beverage sales activity. Such activity shall be considered a deemed approved activity effective January 1, 2016 as long as it complies with the deemed approved performance standards set forth in Section 5.28.037.
- F. "Deemed approved status" means the permitted use of land for a deemed approved activity.
- G. "Enforcement officer" means the city manager or designee, and chief of police or designee."
- H. "Off-sale alcoholic beverage establishment" means an establishment that conducts retail sales of alcoholic beverages for consumption off the premises where sold. For purposes of this chapter, an "off-sale alcoholic beverage establishment" does not include a lawfully established alcohol beverage production manufacturer such as a winery, brewery, or micro-brewery that sells alcohol for off-site consumption.
- I. "On-sale alcoholic beverage establishment" means an establishment that conducts retail sales of alcoholic beverages for consumption on the premises were sold.

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- J. "Operational standards" means regulations for the business practice activities and land use for locations with a conditional use permit issued in conformance with the regulations in this chapter on or after January 1, 2016 or those further requirements imposed on off-sale alcoholic beverage establishments to achieve the purpose of this chapter. Operational standards

constitute requirements which must be complied with by an establishment in order to maintain its conditional use permit or deemed approved status.

- K. "Performance standards" means regulations for the business practice activities and land use for locations with deemed approved status, in whole or in part, or those further requirements imposed to achieve the purpose of this chapter. Performance standards constitute requirements which must be complied with by an off-sale alcoholic beverage establishment in order to retain its deemed approved status.

5.28.020 - Premises requiring conditional use permit.

- A. The city council hereby declares that except as provided in subsection B all new alcoholic beverage sales establishments shall only be permitted upon the granting of a conditional use permit by the planning commission pursuant to Chapters 17.56 and 17.54.
- B. Unless otherwise required by this chapter, a conditional use permit shall not be required of an alcoholic beverage sales establishment consisting of a general retail store, a grocery store, or a retail pharmacy which has (1) at least ten thousand (10,000) square feet of gross floor space, and (2) a maximum of ten (10) percent of the gross floor area devoted to the sale and display of alcoholic beverages. A conditional use permit shall not be required of an alcoholic beverage production manufacturer with an accessory tasting room. A conditional use permit shall not be required of bona fide public eating place. An alcoholic beverage establishment exempt from the requirement of a conditional use permit pursuant to this subsection is deemed to have been approved to conduct alcoholic beverage sales commercial activity subject to the terms and conditions of a conditional use permitted required under this chapter provided, however, that if it is found to be in violation of this chapter such an exempt establishment may lose its exemption and be required to obtain a conditional use permit as set forth in Section 5.28.039.

5.28.030 - Continuation or reestablishment of premises—Restrictions.

An alcoholic beverage sales establishment that has obtained a conditional use permit to operate may not be continued or reestablished, if any of the following occur after the effective date of the ordinance codified in this chapter:

- A. The establishment changes its type of retail liquor license within a license classification; or
- B. The operation of the establishment is abandoned or discontinued, including the case where the license for such operation is suspended; or
- C. There is a substantial change in the mode or character of the operation of the establishment.

5.28.031 - Operational standards—Applicable to new on-sale alcoholic beverage sales activities.

All new, modified, or redeveloped alcoholic beverage sales activities shall be designed, constructed, and operated to conform to all of the following operational standards:

- A. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.

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- B. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
- C. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
- D. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code §§ 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
- E. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- F. Training: Each on-sale operator and their employees shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Arvin police department and annually to the Arvin City Clerk as a pre-condition to the city issuing the operator a new business license.

5.28.032 - Operational standards—Applicable to new, modified, or redeveloped off-sale alcoholic beverage sales activities.

- A. All new, modified, or redeveloped off-sale alcoholic beverage sales activities shall be designed, constructed, and operated to conform to all of the following operational standards:
 - 1. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
 - 2. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
 - 3. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
 - 4. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
 - 5. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
 - 6. That it complies with the following alcohol sale limitations:

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- a. No wine shall be displayed, sold or given away in containers of less than seven hundred fifty (750) milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six (6) percent alcohol by volume.
 - b. No wine shall be displayed, sold or given away with an alcoholic content greater than fifteen (15) percent by volume unless in corked bottles and aged at least two (2) years.
 - c. No distilled spirits shall be displayed, sold or given away in containers of less than three hundred seventy-five (375) milliliters, except pre-mixed cocktails.
 - d. The display, sale or distribution of fifty (50) milliliters "airline bottles" and three hundred seventy-five (375) milliliters "hip flask" containers is prohibited.
 - e. No beer, ale or malt liquor shall be offered for sale in a container with a volume greater than thirty-two (32) ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two (2) or more gallons, which are clearly designed to dispense multiple servings.
 - f. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
 - g. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel or similar container.
 - h. All display of alcoholic beverages shall be no closer than five (5) feet from the store entrance.
7. That it complies with the following public nuisance prevention measures:
- a. Lighting: Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment patrons while not spilling onto surrounding residential and commercial properties. A photometric study may be required to demonstrate compliance.
 - b. Litter: Adequate litter receptacles shall be provided on site and in the building. The premises shall be kept free of the accumulation of litter and shall be removed no less frequently than once each day the business is open.
 - c. Loitering: The following measures may be required:
 - i. No fixtures or furnishings that encourage loitering and nuisance behavior are permitted on the premises. This includes, but is not limited to chairs, seats, stools, benches, tables, crates, etc.
 - ii. The establishment's operators or employees shall be required to discourage loiterers and to ask persons loitering longer than fifteen (15) minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.
 - iii. No video or other electronic games shall be located in an off-sale alcoholic beverage establishment.
 - iv. No pay phones are permitted outside of the off-sale establishment.
 - d. Cups: The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.
 - e. Signage: There shall be no exterior advertising of alcoholic products, or tobacco and paraphernalia or similarly controlled products.
 - f. Signs: The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish and the predominant language of the patrons:

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- i. "California State Law prohibits the sale of alcoholic beverages to persons younger than twenty-one (21) years of age."
 - ii. "No Loitering or Public Drinking."
 - iii. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."
- g. Presentation of Documents: A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license shall be required to be kept on the premises and presented to any enforcement officer or authorized state or county official upon request.
 - h. Mitigating Alcohol Related Problems: The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.
 - i. Drug Paraphernalia: An off-sale alcohol establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with California Health and Safety Code section 11000.
 - j. Prohibited Vegetation: Exterior vegetation shall not be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.
 - k. Window Obstructions: To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than fifteen (15) percent of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.
 - l. Training: Each off-sale operator and their employees shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Arvin police department and annually to the Arvin City Clerk as a pre-condition to the City issuing the operator a new business licenssem.
 - m. Posting of Documents: A copy of these operational standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one (1) prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.
- B. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.

5.28.033 - Grounds for conditional use permit suspension, revocation or termination.

An alcoholic beverage sales establishment's conditional use permit may be suspended for up to one (1) year, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in Section 17.54.130 for failure to comply with operational standards, training requirements or conditions of approval imposed through their conditional use permit. Notice of such hearing by the

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planning commission at which it will consider the modification, suspension or revocation of an establishment's conditional use permit shall be in writing and shall state the grounds therefore. At least ten (10) days prior to the date of the hearing, written notices shall be mailed by first-class mail and certified mail return receipt requested to the operator at the address set forth on the operator's businesses license and to any owner of the property on which the establishment is located at the address shown on the county assessor's property tax assessment records.

5.28.034 - Appeal from suspension, modification or revocation of conditional use permit.

Any applicant or other person aggrieved by a decision of the planning commission to suspend, modify or revoke a conditional use permit pursuant to this chapter may appeal the decision to the city council pursuant to Section 17.54.130 of this code.

(Ord. No. 425, § 2, 11-17-2015)

5.28.035 - Deemed approved alcoholic beverage sales regulations.

Except as otherwise provided in this chapter, any permitted or conditionally permitted alcoholic beverage sales establishment, and legal nonconforming alcoholic beverage sales establishment lawfully operating prior to January 1, 2016 pursuant to an ABC license that authorizes the retail sale of alcoholic beverages for off-site or on-site consumption shall thereafter be an establishment with deemed approved status in accordance with Section 5.28.036. In addition, any alcoholic beverage establishment exempt from the requirement to obtain a conditional use permit pursuant to subsection (B) of Section 5.28.020 that lawfully commences operations on or after January 1, 2016 shall be an establishment with deemed approved status for purposes of this chapter. Such establishment may continue to lawfully operate provided the operation is conducted in compliance with the performance standards contained in Section 5.28.037, and has satisfied the applicable training requirements.

5.28.036 - Automatic deemed approved status.

All alcoholic beverage sales commercial activities not consistent with the standards and regulations set forth in this chapter that were conducted by permitted or conditionally permitted activities, and all legal nonconforming activities for off-sale alcohol establishments, on January 1, 2016, shall automatically become deemed approved activities as of January 1, 2016, and shall no longer be considered permitted, conditionally permitted or legal nonconforming activities. In addition, all alcoholic beverage sales commercial activities of an alcoholic beverage sales establishment exempt from the requirement to obtain a conditional use permit pursuant to subsection (B) of Section 5.28.020 that lawfully commence operations on or after January 1, 2016 that are not consistent with the standards and regulations set forth in this chapter are deemed approved activities. Each deemed approved activity shall retain its deemed approved status as long as it complies with the performance standards of this ordinance.

5.28.037 - Deemed approved performance standards for alcoholic beverage sales establishments.

The provisions of this section shall be known as the deemed approved performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects of alcoholic beverage sales activities. These standards shall apply to all deemed approved alcoholic beverage sales activities that hold deemed approved status pursuant to this chapter. An on-sale alcoholic beverage sale activity shall retain its deemed approved status only if it conforms to all of the operational standards set forth in the Section 5.28.031. An off-sale alcoholic beverage sales activity shall retain its deemed approved status only if it conforms to all of the following deemed approved performance standards:

- A. The off-sale alcohol establishment shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
- B. The off-sale alcohol establishment shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.

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- C. The off-sale alcohol establishment shall not allow repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct.
- D. The off-sale alcohol establishment shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
- E. The off-sale alcohol establishment's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- F. A copy of these performance standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one (1) prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.
- G. The owners and all employees of the alcohol beverage sales establishment involved in the sale of alcoholic beverages shall complete an approved course in "responsible beverage sales" (RBS) within sixty (60) days of hire for employees hired after the passage of this ordinance or within six (6) months of the passage of this ordinance for existing employees. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Arvin police department and annually to the Arvin City Clerk as a pre-condition to the city issuing the operator a new business license.

5.28.038 - Notification to owners of establishments conducting deemed approved activities.

The city's police department shall notify the owner and/or operator of an on-sale or off-sale alcohol establishment of each deemed approved activity as shown on their city business license, and also, if not the same, any property owner at the address shown on the county assessor's property tax assessment records, of the activity's deemed approved status. The notice shall be sent by first-class mail and certified mail return receipt requested and shall include a copy of the performance standards in this chapter with the requirement that they be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review. This notice shall also provide that the activity is required to comply with all performance standards, and that the activity is required to comply with all other aspects of the deemed approved regulations. Should the notice be returned, then the notice shall be sent via regular mail. Failure of any person to receive notice given pursuant to this chapter shall not affect the deemed approved status of the activity.

5.28.039 - Grounds for deemed approved status suspension, revocation or termination.

- A. An alcoholic beverage sales establishment's deemed approved status may be suspended for up to one (1) year, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in Section 17.54.130, for failure to comply with the performance standards set forth in Section 5.28.037. Notice of such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's deemed approved status shall be in writing and shall state the grounds therefore. Notice shall be mailed by first-class mail and certified mail return receipt requested at least ten (10) days before the date of the hearing.
- B. The occurrence of any of the following shall terminate the deemed approved status of the alcoholic beverage sales activity after notice and a hearing in front of the planning commission in accordance

EXHIBIT A CONDITIONAL USE PERMIT 2017-1017BMB – 1017 BEAR MOUNTATION BOULVARD
OFF – SALE ALOCHOLIC BEVARAGE SALES ESTABLISHMENT

Arvin – Chapter 5.28 – ALCOHOLIC BEVERAGE SALES

with Section 17.54.130, and require the issuance of a conditional use permit in order to continue the alcoholic beverage sales activity:

1. An existing alcoholic beverage sales activity changes its activity so that ABC requires a different type of license.
2. There is a substantial modification to the mode or character of operation.
3. As used herein, the phrase "substantial modification to the mode or character of operation" includes but is not be limited to the following:
 - a. The off-sale alcoholic beverage sales activity establishment increases the floor or land area or shelf space devoted to the display or sales of any alcoholic beverage.
 - b. The off-sale alcoholic beverage sales activity establishment extends the hours of operation.
 - c. The off-sale alcoholic beverage sales activity establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period one hundred eighty (180) days or greater by ABC.
 - d. The off-sale alcoholic beverage sales activity voluntarily discontinues active operation for more than one hundred eighty (180) consecutive days or ceases to be licensed by the ABC.
4. A "substantial change in the mode of character of operation" shall not include:
 - a. Re-establishment, restoration or repair of an existing off-sale alcoholic beverage sales activity on the same premises after the premises have been rendered totally or partially inaccessible by a riot, insurrection, toxic accident or act of God, provided that the re-establishment, restoration or repair does not extend the hours of operation of any establishment or add to the capacity, floor or land area or shelf space devoted to alcoholic beverages of any establishment that sells any alcoholic beverages for off-site consumption.
 - b. Temporary closure for not more than one hundred eighty (180) days in cases of vacation or illness or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment that sells any alcoholic beverages for off-site consumption, provided notice is provided to the city. The planning commission may, upon request of an owner of an alcoholic beverage sales establishment made prior to the expiration of one hundred eighty (180) days, grant one (1) or more extensions to the period of temporary closure, none of which may exceed sixty (60) days, and together not to exceed one hundred eighty (180) days.
5. Once it is determined by the City that there has been a discontinuance of active operation for one hundred eighty (180) consecutive days or a cessation of ABC licensing, it may be resumed only upon the granting of a conditional use permit as provided in Sections 5.28.020 and Chapters 17.54 and 17.56. In the event that any active operation is discontinued on a property for a period of one hundred eighty (180) consecutive days, such discontinuance shall be presumed to be abandonment of the use by the property owner. At any time after any active operation is discontinued for a period of one hundred eighty (180) consecutive days or more, the city manager's designee shall notify the property owner in writing of the determination of presumed abandonment of the active operation. The property owner may appeal the determination to the planning commission by filing with the city manager a written notice of appeal within fifteen (15) days of delivery of the city manager's determination. At a public hearing noticed as provided for in Section 17.54.130, the planning commission may overturn the determination only upon making a finding that the evidence supports the property owner's position that the nonconforming use was not discontinued for a period of one hundred eighty (180) consecutive days or more. The property owner shall be notified by the city of the

EXHIBIT A CONDITIONAL USE PERMIT 2017-1017BMB – 1017 BEAR MOUNTATION BOULEVARD
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termination of the deemed approved status and shall be informed of the property owner's right to appeal the city's decision to the planning commission.

5.28.040 - Chapter provisions not exclusive.

The regulations of this chapter are in addition to those set forth in the zoning provisions of Title 17 of the Arvin Municipal Code, and do not contain any rights not otherwise granted under the provisions and procedures contained in Title 17 of this code.

5.28.045 - Appeal from suspension, modification or revocation of deemed approved status.

Any applicant or other person aggrieved by a decision of the planning commission from a suspension, modification or revocation of an establishment's deemed approved status pursuant to this chapter may appeal the decision to the city council pursuant to Section 17.54.130 of this code.

5.28.050 - Alcoholic beverage warning signs.

- A. Purpose. The Surgeon General of the United States has advised women who are pregnant, or considering pregnancy, not to drink alcoholic beverages. Recent research indicates that alcohol consumption during pregnancy, especially in the early months, can harm the fetus, and result in birth defects involving heart and bone structure. In order to serve the public health, safety and welfare, the declared purpose of this chapter is to educate the public by requiring that warning signs be placed at all locations where alcoholic beverages are sold to the public.
- B. Duty to Post Signs or Notices.
1. Any person or entity who owns, operates, manages, leases or rents premises that operate an alcoholic beverage sales establishment shall cause a sign or notice to be posted on the premises as provided in this section. The sign or notice shall read as follows:

WARNING. DRINKING ALCOHOLIC BEVERAGES, INCLUDING BEER AND WINE, DURING PREGNANCY CAN CAUSE BIRTH DEFECTS.
 2. It shall also contain the telephone number of the county department to call for more information.
 3. The sign or notice as required herein shall not be smaller than ten inches (10") wide by ten inches (10") long, nor shall the lettering for the required wording be less than one inch (1") in height.
- C. Placement of Notice. The required sign or notice shall be placed as follows:
1. Where the sale or dispensing of wine, beer or other alcoholic beverage to the public is primarily intended for consumption off the premises, at least one (1) sign shall be so placed as to assure that it is conspicuously displayed so as to be readable from all locations at which such sale or dispensing occurs.
 2. Where the sale of wine, beer or other alcoholic beverages to the public is primarily provided through over-the-counter service, at least one (1) sign shall be placed to assure that it is readable from all counter locations available to the public.
 3. Where the sale or dispensing of wine, beer or other alcoholic beverages to the public is primarily provided for consumption on the premises at tables served by food or beverage service persons, at least one (1) sign shall be placed to assure it is readable by the public entering the premises. In addition, at least one (1) sign shall be placed to assure that it is conspicuously displayed so as to be readable in each public restroom.
- D. Language. In the event a substantial number of the public patronizing a premises offering for sale or dispensing wine, beer or other alcoholic beverages, uses a language other than English as a primary language, any sign or notice required by subsection B of this section shall be worded in both English and the primary language or languages involved.

EXHIBIT A CONDITIONAL USE PERMIT 2017-1017BMB – 1017 BEAR MOUNTATION BOULEVARD

OFF – SALE ALOCHOLIC BEVARAGE SALES ESTABLISHMENT

Arvin – Chapter 5.28 – ALCOHOLIC BEVERAGE SALES

E. Enforcement, Violation and Penalties.

1. Primary enforcement of the provisions of this section shall be with the Chief of Police or designee.
2. Anyone subject to the provisions of subsection B of this section who knowingly fails to post the required warning is guilty of an infraction.

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
 4800 STOCKDALE HWY
 STE 213
 BAKERSFIELD, CA 93309
 (661) 395-2731

File Number: **586713**
 Receipt Number: **2471879**
 Geographical Code: **1509**
 Copies Mailed Date: **December 11, 2017**
 Issued Date:

DISTRICT SERVING LOCATION: **BAKERSFIELD**

First Owner: **DEOL INVESTMENT LLC**
 Name of Business: **GRAND LIQUOR THE**
 Location of Business: **1017 BEAR MOUNTAIN BLVD
 ARVIN, CA 93203-1320**

County: **KERN**

Is Premise inside city limits? **Yes** Census Tract **0063.03**

Mailing Address:
 (If different from premises address) **10015 TUNGSTEN ST
 BAKERSFIELD, CA 93311**

Type of license(s): **21**

Transferor's license/name: Dropping Partner: Yes No

<u>License Type</u>	<u>Transaction Type</u>	<u>Fee Type</u>	<u>Master</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
21 - Off-Sale General	ORIGINAL FEES	NA	Y	0	09/22/17	\$13,800.00
21 - Off-Sale General	RENEWAL FEE	NA	Y	0	12/11/17	\$646.00
NA	FEDERAL FINGERPRINTS	NA	N	1	12/11/17	\$24.00
NA	STATE FINGERPRINTS	NA	N	1	12/11/17	\$39.00
Total						\$14,509.00

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of KERN

Date: September 22, 2017

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

See 211 Signature Page

DEOL INVESTMENT LLC

Department of Alcoholic Beverage Control
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)
 ABC 211 (6/99)

State of California

TO: Department of Alcoholic Beverage Control
 4800 STOCKDALE HWY
 STE 213
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 Is Premise inside city limits? **Yes** Census Tract **0063.03**

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Transferor's license/name: _____ Dropping Partner: Yes ___ No

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
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NA	FEDERAL FINGERPRINTS	NA	N	1	12/11/17	\$24.00
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Total						\$14,509.00

Have you ever been convicted of a felony? **No**
 Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**
 Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of KERN Date: September 22, 2017

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

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Applicant Name(s)

Applicant Signature(s)

See 211 Signature Page

DEOL INVESTMENT LLC

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT 2017-1017BMB – OFF-SALE OF ALCOHOLIC
BEVERAGES – “THE GRAND LIQUOR” LOCATED AT 1017 BEAR MOUNTAIN
BOULEVARD, ARVIN

NOTICE IS GIVEN that the Planning Commission of the City of Arvin will conduct a public hearing on the following on the date, time, and place set forth below:

Meeting Date: April 19, 2018

Time: 6:00 PM

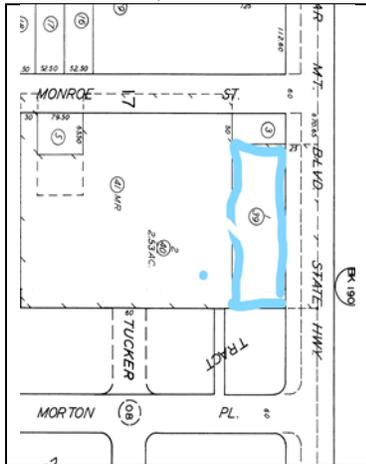
Place: City Hall Council Chambers, 200 Campus Drive, Arvin, CA 93203

Subject:

1. Determination there is no possibility that this project may have a significant effect under CEQA Guidelines Section 15061(b)(3).
2. Conditional Use Permit (CUP)2017-1017BMB, 1017 Bear Mountain Boulevard for the off-sale of alcoholic beverages, Type 21 Licenses which authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold.

The Planning Commission of the City of Arvin, California, will conduct a Public Hearing at which time you may be present and be heard concerning CUP 2017-1017BMB – The Grand Liquor for the off-sale of alcoholic beverages, Type 21 Licenses, which authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold.

Description of the Project: The proposed project is the establishment of a liquor store to be located at 1017 Bear Mountain Boulevard, Arvin, for the off-sale of alcoholic beverages, Type 21 Licenses, which the sale of beer, wine, and distilled spirits for consumption off the premises where sold. This type of license is common for grocery stores, convenience stores, liquor stores, drug stores, club warehouse stores and any other store where alcohol is sold for consumption elsewhere. The project received an initial review under the requirements of the California Environmental Quality Act. Staff determined that the project is exempt from CEQA pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), and that this project is exempt from the requirements of the California Environmental Quality Act (CEQA), in that it can be seen with certainty that there is no possibility that the establishment of a store within the C-2 Zone District will have a significant and adverse impact on the environment. The use is within an existing developed commercial center, it will not modify



the physical aspect of the existing development, it merely allows the off-sale of alcoholic beverages to occur within an existing building, and the activity is regulated by Chapter 5.28 Alcoholic Beverage Sales of the Arvin Municipal Code. As such, it is not a project which has the potential for causing a significant effect on the environment. The agenda and project documents may be found on the City’s website once the agenda is posted. www.arvin.org.

The CUP 2017-1017BMB is exempt from CEQA pursuant to Title 14 of the California Code of

Regulations, Section 15061(b)(3). If you challenge the approval or denial of this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at or prior to, the public hearing.

Upon conclusion of the hearing, the Planning Commission may approve, conditionally approve or disapprove the adoption of the Notice of Exemption and the proposed Conditional Use Permit for the Off-Sale of liquor beverage sales at 1017 Bear Mountain Boulevard – proposed business name, The Grand Liquor.

/s/ _____
Cecilia Vela, Secretary to the Planning Commission
of the City of Arvin

/s/ _____
Jake Raper, Planner

Published April 08, 2018 Bakersfield Californian



**ARVIN PLANNING COMMISSION
Agenda Report**

Meeting Date: April 19, 2018

TO: Planning Commission

FROM: Jake Raper, City Planner – Contract Planner JAS Consultants

SUBJECT: Conditional Use Permit (CUP) and Site Development Plan (SDP) 2018-240LA – Ismaili Market- Expansion of a Non-conforming Use Regarding Storage and Patio Use and Denial of Expansion of a Take-Out Kitchen Located within the R-1-Single Family Dwelling Zone, APN 192-130-26, Arvin, CA 92303

RECOMMENDATION

CONDITIONALLY APPROVE:

Approve Resolution of the City of Arvin Planning Commission Approving Conditional Use Permit (CUP) and Site Development Plan (SDP) 2018-240LA – Ismaili Market- Expansion of a Non-conforming Use- Regarding Storage and Patio Use and denying of expansion for a takeout kitchen, located within the R-1-Single Family Dwelling Zone at 240 Langford in Arvin, and Adopt the Notice of Exemption Per CEQA Guidelines Section 15061(B)(3);

I. BACKGROUND

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for the expansion of a non-conforming neighborhood grocery store (commercial use) located in a residential zone. The subject property is located at the northeast corner of Langford Avenue and Stockton Avenue and is zoned R-1-Single Family Dwelling. The subject property is developed with a 24'-6" X 50'-0" 1,274 square foot neighborhood market, a 1,346-square foot residence and a 700-square foot detached garage, all of which were built prior to the City's incorporation on December 21, 1960; Attachment 1 – Site Plan, Attachment 2 -Floor Plan of Proposed Addition 2015, Attachment 3 – Aerial Photo of Site; Attachment 3, 4, 5,6, 7, 8, 9, and 10 Photographs of the Existing Site Improvements.

Pursuant to Section 17.08.020 (R-1 Zone) of the Municipal Code, a commercial use is not an allowed use within the R-1 Zone. As such the existing neighborhood grocery store on the property is considered a legal non-conforming use and is subject to the rules and regulations of Section 17.52.010 (Nonconforming Uses) of the Municipal Code which addresses non-conforming land uses. As a rule, a non-conforming use may be maintained and continued; provided there is no increase or enlargement of the area, space, or volume occupied or devoted to the non-conforming use, and there is no intensification of the land use. However, Section 17.56 (Conditional Uses) and Section 17.54 (Variances, Modifications, and Zone Changes) of the Municipal Code establishes procedure for the Planning Commission to process requests for Conditional Uses. As authorized by Chapter 17.08.020 Permitted Uses, Subsection J, the Planning Commission may permit addition uses according to the provision of Chapter 17.56 Conditional Use Permits. *Based upon the unique circumstances of this project, the applicant's request to expand the non-conforming use by a conditional use permit may be a procedure to allow the expansion.*

Prompted by a building code violation, the applicant is requesting approval of a CUP to legalize a 490-square foot addition that is proposed as a take-out kitchen and an 800-square foot open patio that is attached to the take-out kitchen. These improvements were partially constructed without building permits; Attachments 3, 4 Photographs of street side yard and rear yard. During construction the applicant received a building citation and has since been coordinating with the Community Development Department to gain clearance for the proposed addition.

The applicant has submitted Conditional Use Permit and Site Development Permit for the proposed expansion.

In 2015, prior to the commencement of any construction activity, the applicant applied for a 490-square foot (20'-0" X 24.5') addition to the existing store represented as a storage area, Attachment 2, 2015-Floor Plan of Proposed Addition. The 490-square foot addition was approved for storage only, the application did not include the open patio area, and building permit was cleared for construction and the permit was subsequently issued by the City. However, the addition was never completed, consequently, the building permit was never utilized and it expired.

The prior approval in 2015 of the 490-square foot addition was an oversight by City staff and the lack of coordination allowed the clearance and approval. The building permit was not exercised by the applicant by the payment of fees and construction per the building code.

However, in 2017, the applicant partially constructed the addition as a Take-Out Kitchen and an Open Patio – the construction is without City Clearance. The City Municipal Code clearly states that any expansion of a non-conforming use is not permitted, however the code also provides an opportunity for the Planning Commission to approve other uses as noted above. In 2017, the applicant was cited for constructing the proposed 490 square foot take-out kitchen, 800 square foot open patio without proper approval or building permits.

Nevertheless, in processing the 490 storage addition staff determined that the additional storage space would not provide an intensification of land use as well as the open patio area. For instance, additional storage space would not result in an increase of the commercial sales area, and it would not generate additional parking spaces. Furthermore, the additional storage area would not generate additional customer demand.

II. GENERAL PLAN AND ZONING CONFORMITY:

Project Location: The subject property is located at 240 Langford Avenue. The convenience store is located on the corner of Langford Avenue and Stockton Avenue. The residence is located to the east of the convenience store and fronts Langford Avenue. Surrounding development consists entirely of single family development.

General Plan Land Use Designation: Low Density Residential

Zoning Designation: The site zoning designation is R-1.

In order to approve a CUP for the expansion of a non-conforming use, it must be determined that the project is being held to the same standards as other properties in the vicinity that are also in the same General Plan and zoning designation. Therefore, the project would be required to be in conformance with the following General Plan and zoning regulations:

Height- The maximum allowed height for the subject site is 35 feet. The proposed project is a one-story structure with a maximum height of 16'-6". The proposed project follows the maximum height limit requirement.

Front Yard- The minimum required front yard setback is 20 feet. The existing convenience store is setback from the front property line by approximately 8 feet. However, the proposed addition is located in the rear of the building. Therefore, the proposed addition does not intensify the non-conforming front yard setback.

Street side yard- The minimum required street side yard setback is 10 feet. The existing convenience store is setback approximately 12 feet from the street side yard. However, the Patio Addition extends beyond the building footprint all the way to the property line, creating a 0-foot street side yard setback. Therefore, the proposed addition is not in compliance with the minimum zoning standards and it would create a new non-conforming setback.

Rear yard- The minimum required rear yard setback is 10 feet. A rear yard setback of 225 feet is proposed. Therefore, the project complies with the rear yard setback.

Parking-The development code requires a minimum of 1 parking space for every 250 square feet of customer sales area. Therefore, the existing 1,200 square foot convenience store would be required 5 parking spaces; the proposed 490 square foot take-out kitchen would be required an additional 3 parking spaces. The existing site does not contain any parking spaces and no new parking spaces are proposed. Therefore, the proposed addition is not in compliance with the minimum zoning standards and it would further intensify an existing non-conforming use.

Landscape requirements- The development code requires, among other things, a minimum of 10% of the site be landscaped, a landscape buffer between commercial and residential uses, and perimeter landscaping adjacent to the right-of-way. The existing convenience store does not meet the minimum landscape requirements as less than 10% of the site is currently landscaped, there is no landscape buffer that separates the commercial and residential uses, and there is no perimeter landscaping. The site plan does not indicate that any new landscape areas are being proposed. Therefore, the proposed addition is not in compliance with the minimum zoning standards and it would further intensify an existing non-conforming use.

General Plan Consistency- The subject property has a General Plan land use designation of Low Density Residential which allows traditional single-family homes with one to six dwelling units per acre. The existing convenience store and the proposed take-out kitchen are inconsistent with the General Plan land use designation. Therefore, the proposed addition is not in compliance with the General Plan and it would further intensify an existing non-conforming use by creating additional sales area that is non-conforming with the General Plan.

Staff has been working with the applicant to resolve the ongoing building violations and is sensitive to the fact that the proposed improvements have already been constructed. However, the Municipal Code is clear with respect to non-conforming land uses; there shall be no increase or enlargement of a non-conforming use, and there shall be no intensification of the land use. As a result, staff is recommending that the Planning Commission deny the applicant's request to allow a 490-square addition that is proposed as a take-out kitchen; but to subsequently find that the proposed addition may be allowed as storage only. If the Planning Commission determines that the proposed addition may be allowed as storage, it shall be subject to the following conditions: 1) At the street side yard setback, the proposed addition, including the open patio, may not encroach any closer to the property line than that of the existing building; and 2) All service windows and outside countertops shall be removed. That the area shall be used for storage only in relationship to the existing store. With respect to the constructed open patio, staff recommends approval subject to the same conditions.

In coming to this recommendation staff applied the same presumed rationale as was previously used in 2015. The approval of additional floor area as storage space, as opposed to a take-out kitchen, would not in of itself create an intensification of land use. For instance, additional storage space would not result in

an increase of the commercial sales area, and it would not require any more parking spaces than what would otherwise already be required. Therefore, the additional storage area would not generate an increase in customer demand. Lastly, with the recommended conditions of approval the additional floor area would not create any new nonconforming setbacks.

III. PUBLIC NOTIFICATION AND CONSULTATION:

The City properly noticed the April 19, 2018 hearing before the Planning Commission for the proposed CUP 2018-240LA pursuant to Government Code sections 65090 and 65091 by publication in the newspaper, Attachment 7. In addition, the City Clerk provided notice of the proposed conditional use permit by mailing the public notice to all property owners within the 300-foot radius.

IV. ENVIRONMENTAL CONSIDERATIONS

Staff is recommending adoption of a Ministerial Determination – which means no possible effect on the environment resulting from this project. The project is determined to be Exempt per Section 15061(b) (3) General Rule is proposed for project. A Notice of Exemption has been prepared and is on file at the Community Development Department. The existing non-conforming store is approximately 1,225 square feet and the proposed addition is approximately 625+/- square feet. The area is in a developed neighborhood and has no possibility of causing a significant, adverse impact to the environment.

V. AGENCIES COMMENTS:

On March 19, 2018, the application was distributed to City of Arvin departments for review and comment.

Comments noted by the various departments related to the handicap parking location and layout, compliance with building codes, submittal of a Site Development Permit identifying issues such as signs, parking layout, landscaping, and side yard setbacks.

EXHIBITS AND ATTACHMENTS

CONDITIONALLY APPROVE:

Approve Resolution of the City of Arvin Planning Commission Approving Conditional Use Permit (CUP) and Site Development Plan (SDP) 2018-240LA – Ismaili Market- Expansion of a Nonconforming Use- Regarding Storage and Patio Use and denying of expansion for a takeout kitchen, located within the R-1- Single Family Dwelling Zone at 240 Langford in Arvin, and Adopt the Notice of Exemption Per CEQA Guidelines Section 15061(B)(3);

Attachment 1 – Site Plan,

Attachment 1a – Elevations,

Attachment 2 -Floor Plan of Proposed Addition 2015,

Attachment 3 – Aerial Photo of Site;

Attachment 4 – Photo of Existing House and Detached Garage

Attachment 4a – Photo of Existing House and Neighborhood Grocery Store

Attachment 5 – Photo of Street Side Yard 2018 – Patio Area Recommended to be Removed

Attachment 6 – Photo of Street Side Yard 2012

Attachment 7 – Photo of Street Side Yard Patio Area – Patio Area and Windows Recommended to be Removed

Attachment 8 – Photo of Street Side and Rear Yard with Patio Area Recommended to be Removed

Attachment 9 – Photo of Street Side and Rear Yard with Patio Area Recommended to be Removed

Attachment 10 – Street Side Yard

Attachment 11 - Public Hearing Notice

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN APPROVING CONDITIONAL USE PERMIT (CUP) AND SITE DEVELOPMENT PLAN (SDP) 2018-240LA – ISMAILI MARKET- EXPANSION OF A NON-CONFORMING USE- REGARDING STORAGE AND PATIO USE, AND DENIAL OF EXPANSION FOR A TAKE OUT KITCHEN, LOCATED WITHIN THE R-1-SINGLE FAMILY DWELLING ZONE AT 240 LANGFORD IN ARVIN, AND ADOPT THE NOTICE OF EXEMPTION PER CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, the Planning Commission opened the public hearing on April 19, 2018, and has received testimony and other evidence at the meeting; and

WHEREAS, public notice for the public hearing was published in the (Newspaper on April 8, 2018 and notices were mailed to individual property owners within 300-feet of the project site on April 8, 2018; and

WHEREAS, the environmental document, Notice of Exemption is on file at the City of Arvin Community Development Department; and

WHEREAS, the Planning Commission of the City of Arvin hereby finds and adopts the following findings:

1. Notice has been given in the time and in the manner required by State Law and City Code; and
2. A Notice of Exemption, General Exemption per the California Environmental Quality Act, is on file at the City of Arvin Community Development Department and finds that the project as proposed will not result in any environmental impacts; and
3. The existing neighborhood grocery store on the property is considered a legal non-conforming use and is subject to the rules and regulations of Section 17.52.010 of the Municipal Code which address non-conforming land uses. Specifically, a non-conforming use may be maintained and continued; provided there is no physical change other than maintenance and repair.
4. The Planning Commission in accordance with Section 17.08.020 (J) additional uses may be permitted by the Planning Commission according to the provisions of Chapter 17.56, conditional use permits.
5. The addition of 490 square foot room for storage to an existing 1200 square foot neighborhood grocery store is concluded to be a nonintrusive use and the approval of a Conditional Use Permit to permit said addition has met the provisions of Chapter 17.56 conditional use permits.
6. Chapter 17.05 Uses Permitted Subject to Administrative Approval and Chapter 17.60 Site Development Permits require approval of new construction to insure compliance with City Standards. The proposed additions, additional storage area and open patio area, meet the requirements Section 17.60.040 A and B in that the additions shall meet city laws and ordinances; comply with City Policies, compliance with planning and engineering standards.
7. The proposed use or building will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working the neighborhood.
8. The proposed 490-square foot storage addition storage space and modified open patio area would

not provide an intensification of land use as well as the open patio area. For instance, additional storage space would not result in an increase of the commercial sales area, and it would not generate additional parking spaces.

9. The additional storage area would not generate additional customer demand.
10. The approval of additional floor area as storage space, as opposed to a take-out kitchen, would not in of itself create an intensification of land use. For instance, additional storage space would not result in an increase of the commercial sales area, and it would not require any more parking spaces than what would otherwise already be required.
11. The additional storage area would not generate an increase in customer demand.
12. The addition when compliant with the conditions of approval the additional floor area for storage only would not create any new nonconforming setbacks.
13. The Planning Commission finds that although the property is not being used consistent with the R-1 zoning, the proposed use, as conditioned, is deemed essential or desirable to the public convenience or welfare, and is in harmony with the various elements or objectives of the comprehensive general plan.

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

1. The recitals set forth above are true and correct and incorporated herein by this reference.
2. The Planning Commission finds that notice has been given in the time and in the manner required by State Law and City Code.
3. The Planning Commission finds that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that it is not a project that has the potential for causing a significant environmental effect. The existing non-conforming store is approximately 1,225 square feet and the proposed addition is approximately 492- square feet. The area is in a developed neighborhood and has no possibility of causing a significant, adverse impact to the environment.
4. The Planning Commission finds that applicant's request to allow a 490-square foot addition that is proposed as a take-out kitchen is denied as it is an impermissible expansion of a non-conforming use, is incompatible with the surrounding uses, and is prohibited by Arvin Municipal Code section 17.52.010(a) and (b).
5. The Planning Commission finds that with the conditions imposed herein, the use proposed by Conditional Use Permit (CUP) and Site Development Plan (SDP) 2018-240LA, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood. As such, the Planning Commission approves Conditional Use Permit (CUP) and Site Development Plan (SDP) 2018-240LA subject to the following conditions:
 - a. At the street side yard setback, the proposed 490 square foot addition, including the open patio, may not encroach any closer to the property line than 10'-0" as is required by the city code;
 - b. All walk-up service windows and outside countertops shall be removed prior to approval of Conditional Use Permit and Site Development Plan (SDP) 2018-240LA taking effect.

The property shall not be used for take out dining or a take out kitchen.

- c. That the area shall be used for storage only in relationship to the existing store.
- d. All property owner(s) and business owners(s) shall submit affidavits of acceptance of the conditions of approval for this project prior to approval of Conditional Use Permit and Site Development Plan (SDP) 2018-240LA taking effect.
- e. Approval of the Site Development Plan shall be contingent upon approval of the Conditional Use Permit taking effect.
- f. Any business conducted on the premises shall maintain a business license and comply with the Arvin Municipal Code at all times.

6. This Resolution shall take effect immediately.

I hereby certify that the foregoing is a full, true and correct copy of the resolution duly and regularly adopted and passed by the Planning Commission of the City of Arvin at a special meeting held on the 19th day of April 2018 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CECILIA VELA, Secretary

ARVIN PLANNING COMMISSION

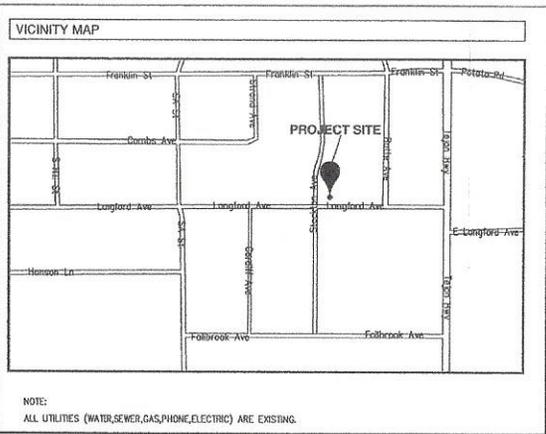
By: _____
OLIVIA TRUJILLO, Chairperson

APPROVED AS TO FORM:

By: _____
SHANNON L. CHAFFIN, City Attorney
Aleshire & Wynder, LLP

I, _____, Secretary of the Planning Commission of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of Arvin on the date and by the vote indicated herein.

PROJECT DATA	
ADDRESS:	240 LANGFORD AVENUE, ARVIN CA 93203
APN:	192-130-26
ZONING:	R-1
CONSTRUCTION TYPE:	VB
PARCEL SIZE:	44866.0 S.F. (1.030 ACERS)
OCCUPANCY GROUP:	M
FIRE SPRINKLERS:	NOT REQUIRED.
LEGAL DESCRIPTION:	S 26 T 31 R 29
USE TYPE:	RETAIL SALES
BUILDING COVERING AREA:	
NEW TAKE-OUT KITCHEN	662 S.F.
NEW PORCH	800 S.F.
NEW ADA RESTROOM	72 S.F.
EXISTING MARKET	1,200 S.F.
EXISTING RESIDENCE	1,346 S.F.
TOTAL AREA:	4,060 S.F.



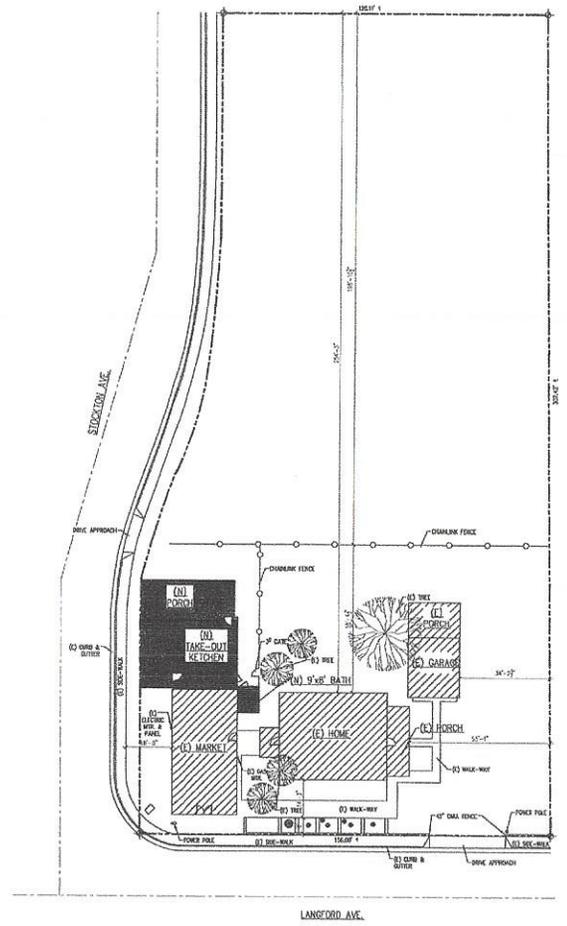
SCOPE OF WORK	
CONDITIONAL USE PERMIT FOR ADDITIONAL TAKE-OUT KITCHEN AND BATHROOM TO AN EXISTING BUILDING.	
PROJECT DESCRIPTION:	
ADDING NEW 661.5 S.F. TAKE-OUT KITCHEN, 72 S.F. ADA RESTROOM AND 800 S.F. PORCH TO AN EXISTING 1,200 S.F. MARKET.	



PROJECT DIRECTORY	
ISMAILI MARKET 240 LANGFORD AVENUE ARVIN, CA 93203	
PREPARED BY: WEGDON ALAWI 371 ORANGE AVE ARVIN, CA 93203 CELL : 559.770.8701	

APPLICABLE CODES	
CALIFORNIA BUILDING CODE	2016 EDITION (CBC)
CALIFORNIA PLUMBING CODE	2016 EDITION (CPC)
CALIFORNIA MECHANICAL CODE	2016 EDITION (CMC)
CALIFORNIA ELECTRICAL CODE	2016 EDITION (CEC)
CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS	2016 EDITION (BECES)

DRAWING INDEX	
T-0	SITE PLAN
A-1	ELEVATION



ISMAILI MARKET
240 LANGFORD AVENUE
ARVIN, CA 93203

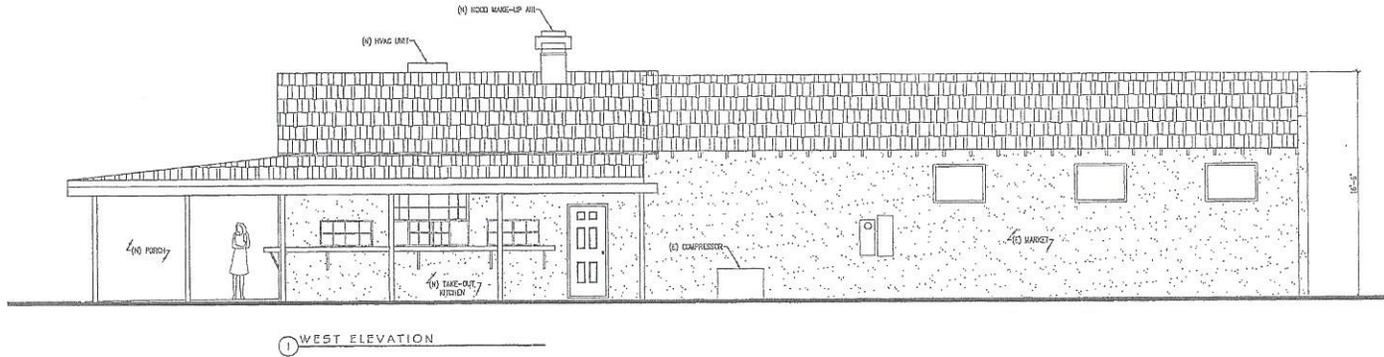
OWNER NAME : MAHER SALEH
240 LANGFORD AVENUE
ARVIN, CA 93203
APN : 192-130-26

SCALE: 1" = 20'-0"

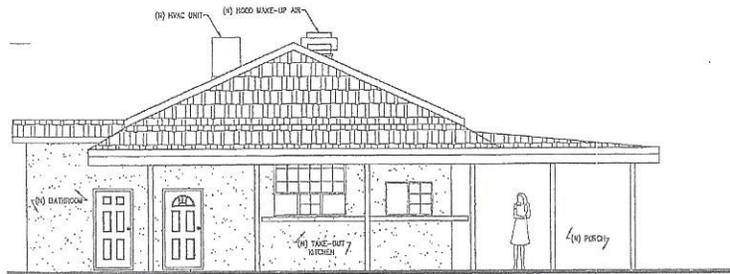
PREPARED BY: Wegdon Alawi DATE: 11-27-17
FILE NAME: _____

SITE PLAN

T-0



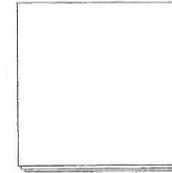
1 WEST ELEVATION



3 NORTH ELEVATION



2 SOUTH ELEVATION



ISMAILI MARKET
 240 LANGFORD AVENUE
 ARVIN, CA 93203

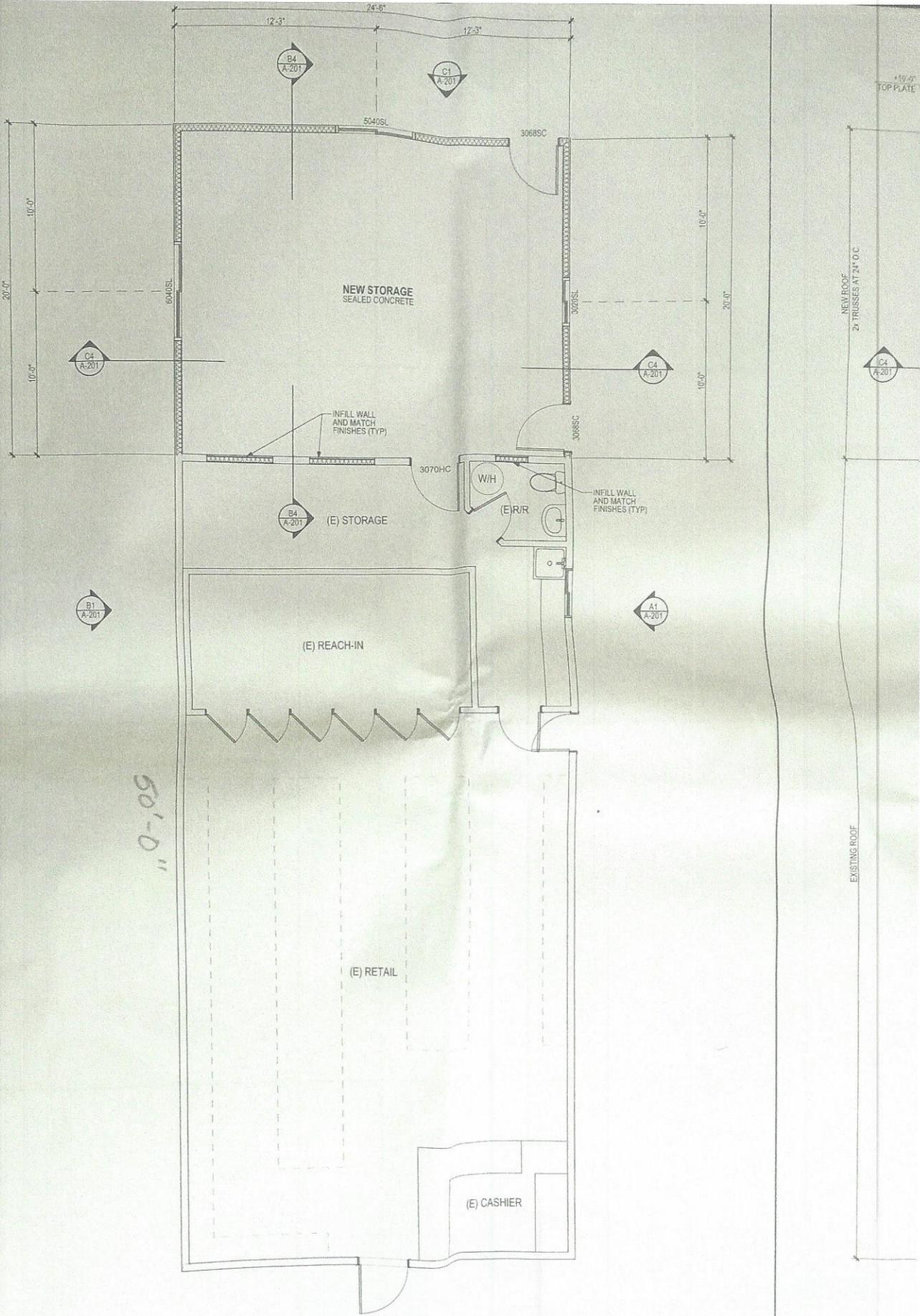
OWNER NAME : MAHER SALEH
 240 LANGFORD AVENUE
 ARVIN, CA 93203
 APN : 192-130-26

SCALE: 1" = 4'-0"

DESIGNED BY: Woodson Alward
 DATE: 11-27-17
 PROJECT: ELEVATIONS
 A-1

ATTACH 13 ELEVATIONS

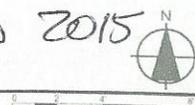
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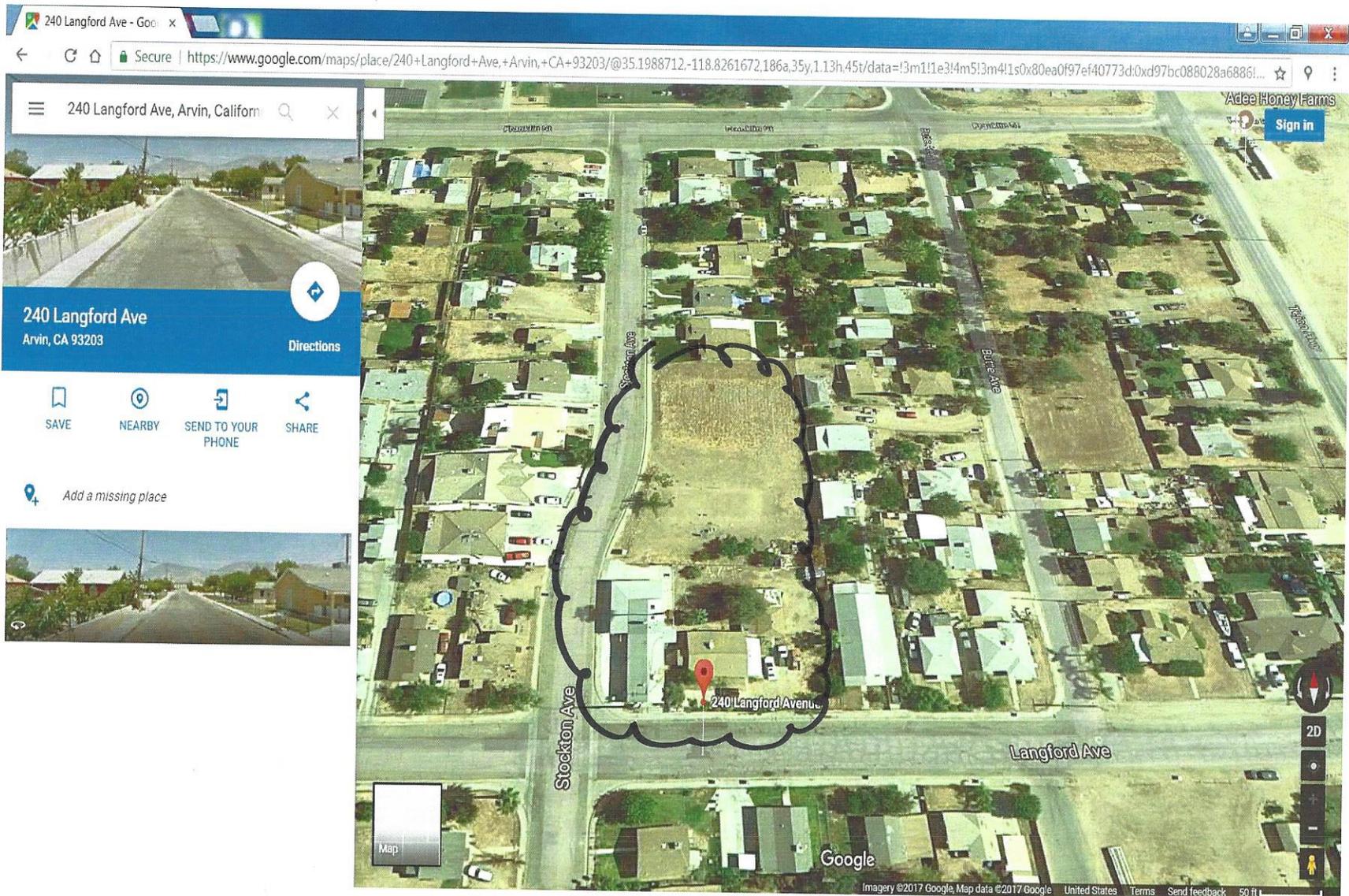


ATT #2 FLOOR PLAN 2015

(A1) FLOOR PLAN
SCALE 1/4" = 1'-0"

(A3) ROOF F
SCALE 1/4" = 1'-0"





1-# 2



ATTACH 4

238 Langford Ave
Arvin, California

Google, Inc.

Street View - Jun 2012



Att # 4a

To BE REMOVED



Welcome To
ISMAILI MARKET
COLD BEER & CERVEZA FRIG

We accept
D STAMPS
&
973

240

Glacier

BUD
LIGHT

ATT #5
FRONT & SIDE YARD
2018



Att#6

② WINDOWS TO
BE REMOVED

① PATIO STREET SIDE
TO BE REMOVED

ATT #7
STREET SIDE
YARD 2018



PATIO TO
BE REMOVED

ATT #8
STREET SIDE YARD
& REAR YARD
2018

① PATIO STREET SIDE TO BE
REMOVED

② WINDOWS TO BE
REMOVED ATT #9



Welcome To

ISMAILI
COLD BEER

MARKET
CERVEZA BIEN FRIA

Michelob ULTRA
ICE COLD

Glacier
Glacier

ATT # 10
STREET SIDE
YARD

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PLAN (SDP) 2018-240LA –
EXPANSION OF A NON-CONFORMING USE – ISMAILI MARKET LOCATED AT 240
LANGFORD AVENUE, ARVIN

NOTICE IS GIVEN that the Planning Commission of the City of Arvin will conduct a public hearing on the following date, time, and place set forth below:

Meeting Date: April 19, 2018

Time: 6:00 PM

Place: City Hall Council Chambers, 200 Campus Drive, Arvin, CA 93203

Subject:

1. Determination there is no possibility that this project may have a significant effect under CEQA Guidelines Section 15061(b)(3).
2. Conditional Use Permit (CUP) 2018-240LA, 240 Langford Avenue, Arvin– to expand an existing legal non-conforming commercial use located within the R-1-Single Family Dwelling Zone.

The Planning Commission of the City of Arvin, California, will conduct a Public Hearing at which time you may be present and be heard concerning CUP 2018-240LA – Ismaili Market- A request to expand an existing legal non-conforming commercial use located within the R-1-Single Family Dwelling Zone.

Description of the Project: The proposed project is a request to expand an existing legal non-conforming commercial use located within the R-1-Single Family Dwelling Zone. The Existing Non-Conforming grocery store has approximately 24'-6" X 50'-0" or 1,225 square feet and the proposed addition is 24'-6" X 20'-0" 490 square feet. The proposed patio cover is approximately 10'-0" X 24'6", 245 Square feet.



The project received an initial review under the requirements of the California Environmental Quality Act. Staff determined that the project is exempt from CEQA pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which

has the potential for causing a significant effect on the environment. The existing non-conforming store is approximately 1,225 square feet and the proposed addition is approximately 625 square feet. The area is in a developed neighborhood and has no possibility of causing a significant, adverse impact to the environment.

Additional information may be obtained through the Arvin Community Development Department, or telephone Jake Raper at (661) 854-2822, or jraper@arvin.org. Additional review may be reviewed at the City's Web Site – www.arvin.org

The CUP 2018-240LA is exempt from CEQA. If you challenge the approval or denial of this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at or prior to, the public hearing.

Upon conclusion of the hearing, the Planning Commission may approve, conditionally approve or disapprove the adoption there is no possibility that this project may have a significant effect under CEQA Guidelines Section 15061(b)(3) and the proposed Conditional Use Permit (CUP 2018-240LA) to expand an existing legal non-conforming commercial use located within the R-1-Single Family Dwelling Zone located at 240 Langford Avenue – Ismaili Market.

/s/ _____
Cecilia Vela, Secretary to the Planning Commission
of the City of Arvin

/s/ _____
Jake Raper, City Planner

Published April 08, 2018, Bakersfield Californian