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**CITY OF PATTERSON PLANNING COMMISSION AGENDA**  
**REGULAR MEETING**  
**THURSDAY, APRIL 27, 2023, AT 7:00 P.M.**  
**City Council Chambers**  
**1 Plaza, Patterson, California**

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To minimize the spread of the COVID-19 virus, this hybrid meeting will be held in accordance with certain requirements of the Ralph M. Brown Act and the Federal Americans with Disabilities Act. If you would like to attend the Planning Commission meeting in person, it is strongly recommended to wear a face covering and maintain appropriate social distancing.

**MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING IN PERSON OR VIA TELECONFERENCE BY CALLING 1-669-900-6833, MEETING ID: 701 906 1477 PASSWORD: 20995363 AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT. JOIN FROM A PC, MAC, IPAD, IPHONE, OR ANDROID DEVICE BY USING THIS URL:**

<https://us06web.zoom.us/j/7019061477?pwd=VElrMTlYdmNZTk53ZitzZUdSZUQxZz09>

Regular Planning Commission meetings are scheduled on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 7:00 p.m. January-October and on the 3<sup>rd</sup> Thursday only in November and December. The agenda/packet is usually posted by 5:00 p.m. the Thursday before a scheduled Thursday Planning Commission meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (209) 895-8020. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II].

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If you wish to be notified of future Planning Commission meetings, please visit our website [www.ci.patterson.ca.us](http://www.ci.patterson.ca.us) go to Popular Links "Planning Commission Agendas" and Subscribe to "RSS"

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

## STATEMENT OF CONFLICT BY COMMISSIONERS

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

**CORRESPONDENCE** None

**CONSENT AGENDA** None

## **AGENDA ITEMS**

1. **Public Hearing:** **Conditional Use Permit #23-03, Flare Smoke Shop, 207 E. Las Palmas Avenue, Patterson, APN 047-034-038**  
A public hearing to consider Conditional Use Permit (CUP) approval of a proposed tobacco shop at 207 E. Las Palmas Ave. The applicant proposes to operate the tobacco shop out of an existing 2,700-square-foot building. No exterior modifications are proposed, as improvements are all interior. The proposed business hours for the use would be Monday-Sunday from 9:00 a.m. to 9:00 p.m. with three (3) employees. The project was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to be Categorically Exempt per Section 15301, (Existing Facilities).
- **ITEMS FROM STAFF**
  - **ITEMS FROM COMMISSION**
  - **ADJOURNMENT**

**CITY OF PATTERSON  
Planning Commission Staff Report  
Flare Smoke Shop  
Conditional Use Permit #23-03  
April 27, 2023 Meeting**

**PROJECT SUMMARY**

A public hearing to consider the potential approval of a tobacco shop at 207 E. Las Palmas Avenue on property zoned Heavy Industrial District.

**APPLICANT AND SITE INFORMATION**

<b>Applicant:</b>	<b>Mohamed Mohsen</b>
<b>Owners:</b>	<b>Anna &amp; Harry Gill</b>
<b>Environmental Review:</b>	<b>Categorically Exempt</b>
<b>Location:</b>	<b>207 E. Las Palmas Avenue</b>
<b>Assessor Parcel Number:</b>	<b>047-034-038</b>
<b>Building Size:</b>	<b>2,760 sf</b>
<b>Parcel Size:</b>	<b>Approximately 0.73 acres</b>
<b>General Plan Designation:</b>	<b>HI, Heavy Industrial</b>
<b>Zoning Designation:</b>	<b>HI, Heavy Industrial</b>
<b>Present Land Use:</b>	<b>Heavy Industrial Uses – Vacant</b>
<b>Surrounding Land Uses:</b>	<b>Heavy Industrial Uses/Residential</b>
<b>Recommendation:</b>	<b>Conditional Approval</b>

**BACKGROUND AND SITE DESCRIPTION**

The applicant, Mohamed Mohsen is requesting the issuance of a Conditional Use Permit to allow the establishment of a tobacco shop at 207 E. Las Palmas Avenue in the Heavy Industrial (HI) Zone. This type of land use requires a conditional use permit to operate within the HI Zone pursuant to Patterson Municipal Code Chapter 18.46.

The site is located at 207 E. Las Palmas Avenue and encompasses 31,835 square feet or .731 acres. The site is developed with one 2,760-square-foot building and has remained vacant for quite some time. The paved site is accessible via a driveway off of E. Las Palmas Avenue. To the east of the site runs an irrigation canal followed by single family dwellings, to the south, vacant land to the north, and to the west residential units.

*Project Location:*



The subject property fronts the north side of E. Las Palmas Avenue where the Las Palmas Food Court is currently operating. The west side of the property accommodates six (6) mobile food vendors operating along with their related shade structures and parking for their customers. The proposed business would operate from the existing 2,760-square-foot building.

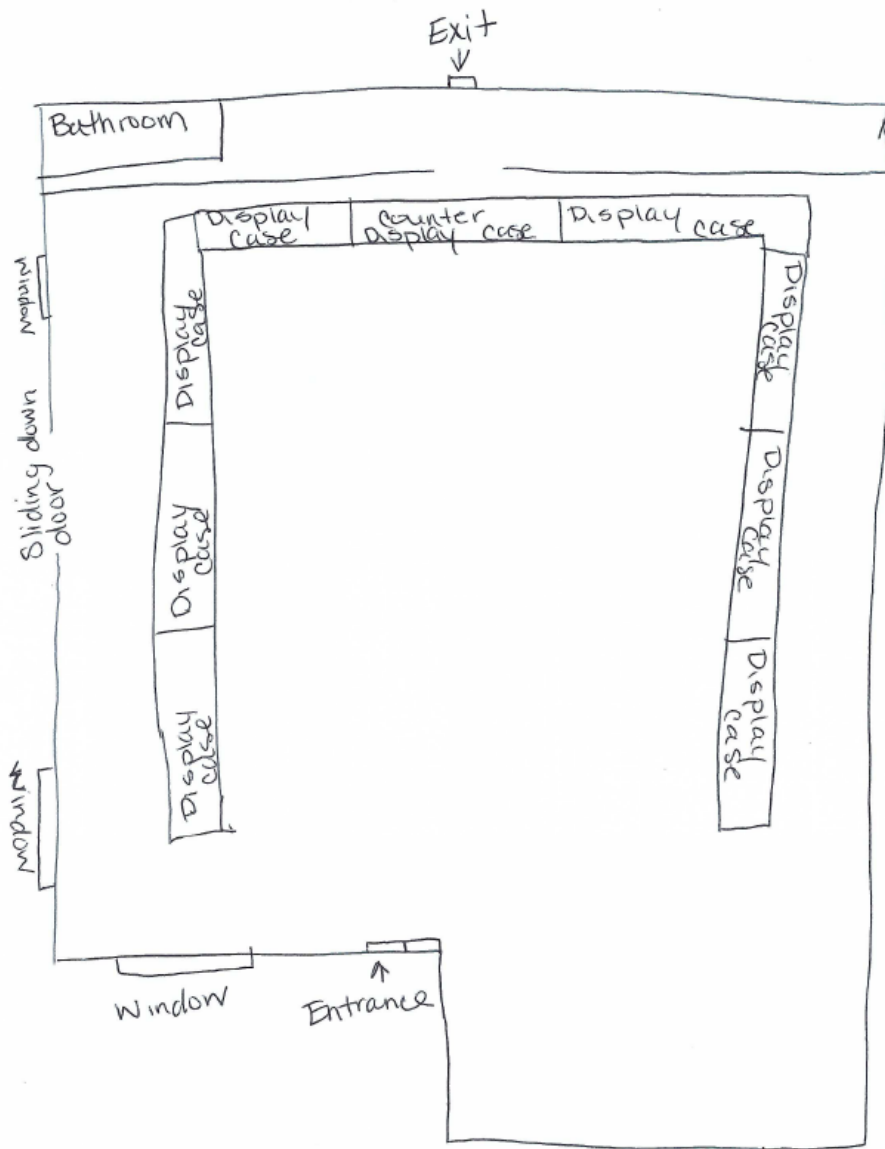
## **PROJECT DESCRIPTION**

The Patterson Municipal Code requires a Conditional Use Permit (CUP) in specific zones for certain uses, to facilitate a public hearing and special considerations, due to their potential impact to surrounding properties, businesses, or residents. Tobacco shops and similar establishments require a CUP in the Heavy Industrial District to ensure that business operations will not impact immediately surrounding areas.

The applicant proposes to operate the tobacco shop from 9:00 a.m. – 9:00 p.m. Monday through Sunday with three (3) employees. In addition to tobacco, the applicant is also proposing to offer a variety of items. The additional items include:

- Clothing
- Cigarettes
- Tobacco
- Tobacco accessories
- Tobacco cleaning supplies
- Sunglasses
- Hats

*Proposed Floor Plan:*



Exterior modifications to the building are not proposed. The applicant is required to provide six (6) off-street parking stalls which are sufficient to meet the intent of PMC Chapter 18.76.030.

To ensure adherence to the PMC Chapter 18.82-Signs, Condition #7 is included requiring the applicant to submit a Sign Permit for any proposed signs.

To minimize the impact signage may have on surrounding uses, Condition #8 prohibits the use of feather/banner signs.

## **ENVIRONMENTAL REVIEW**

The proposed conditional use permit was reviewed pursuant to the California Environmental Quality Act (CEQA), staff determined the project to be Categorically Exempt per Section 15301, (Existing Facilities). The public hearing was duly noticed, and a Notice of Public Hearing was also sent to all property owners within 300-feet of the subject property.

## **FINDINGS**

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

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

## **ALTERNATIVE ACTIONS**

1. Determine that the findings for the Conditional Use Permit can be made and motion to approve CUP #23-03 subject to the conditions recommended in the staff report.
2. Determine that the findings for the Conditional Use Permit can be made, and motion to approve CUP #23-03 subject to the conditions recommended in the staff report with changes/revisions as may be submitted by the Commission.
3. Determine that the findings for the Conditional Use Permit cannot be made and deny CUP #23-03.

## **RECOMMENDATION**

Staff's recommendation is that the Commission open the public hearing and allow input from all proponents and opponents of the proposed project. Because the use would be compatible with

surrounding uses of the area, staff recommends the Commission motion to approve Conditional Use Permit #23-03 subject to the findings and following conditions of approval:

1. The project shall be developed in accordance with the approved site plan provided and incorporated herein by reference.
2. The applicant shall clean the property in its entirety and remove inoperable vehicle(s), and all other waste materials on site.
3. That a trash enclosure shall be provided for all uses located at 207 E. Las Palmas Avenue. All litter generated by all site occupants shall be picked up within a 100-foot radius of the site prior to closure.
4. A business license shall be obtained from the Finance Department prior to commencing business operations and must show proof of a valid Cigarette and Tobacco Products Retailer's License issued by the California Department of Tax and Fee Administration.
5. That the applicant shall follow all law pertaining to tobacco sales as outlined by the California Department of Public Health.
6. No outdoor amplified sound or loudspeakers shall be permitted. The operation shall at all times comply with the noise limits established in Chapter 6.44 of the Patterson Municipal Code.
7. That all proposed building signage shall require a separate Sign Permit and Building Permit.
8. Wind feathers, banners or other temporary signage shall not be used as permanent signage or as principal signage. All signage shall comply with Chapter 18.82 of the Patterson Municipal Code.
9. The project site shall be maintained in good, clean, orderly manner, free of any debris or junk materials.
10. The project shall comply with all applicable Federal, State and Local codes, ordinances and resolutions.
11. That a key box (Knox Box) be installed and secured in accordance with manufactures specifications and mounted to the right of the main entrance door with the top of box no higher than six (6) feet above finished grade or in an approved location
12. That approved fire extinguishers be installed within the building and shall be at least a 2A10BC.
13. That all improvements within the City's right of way shall be designed and built according to the City standards and specifications for review with an Encroachment Permit Application.

14. That this use permit is not transferable and shall expire and shall be to no effect if the licensee forfeits, is required to surrender or for any reason abandons the business license.
15. That the project shall comply with all applicable State and Municipal Codes, and meet the requirements of the Public Works Director, City Engineer, Building Official, Community Development Director, and Fire Chief. Plans submitted for construction shall be overprinted or have attached all conditions of approval.
16. That the applicant shall indemnify, defend, and hold harmless the City of Patterson, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Patterson, its agents, officers and employees to attack, set aside, void, or annul, any approval by the City of Patterson and its advisory agency, appeal board, or legislative body concerning the project, which action is brought within the time period provided for by the Government Code of the State of California. The City of Patterson shall promptly notify the applicant of any claim, action or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify or hold the City harmless.

Respectfully submitted,



Teresa Rodríguez  
Associate Planner

Attachments  
Proposed Business Statement  
Site Plan  
Public Notice



Proposed business statement

02/27/2023

Subject: 207 E Las Palmas Ave Patterson, CA 95363

Attn: City of Patterson Planning Commission

I am excited to continue my business journey in the city of Patterson. I also have businesses throughout the Central Valley of the same entity. Our goal is to occupy the premises at 207 E Las Palmas Ave and turn our attention towards building out the interior of the space in hopes that our investment will enhance the customer experience and make this the best smoke shop in Patterson.

In my experience operating other smoke shops throughout the Central Valley, we have always focused on clean, honest, and safe sales to those members of the community with proper identification. We pride ourselves on being good business partners amongst each other, and look forward to developing those relationships in/around Patterson as a whole.

It is our hope that the City of Patterson will look favorably upon our use.

Proposed Hours of Operation: 9 a.m- 9 p.m.

Proposed # of Employees: 3

RECEIVED  
CDD/PLANNING DIVISION

MAR 23 2023

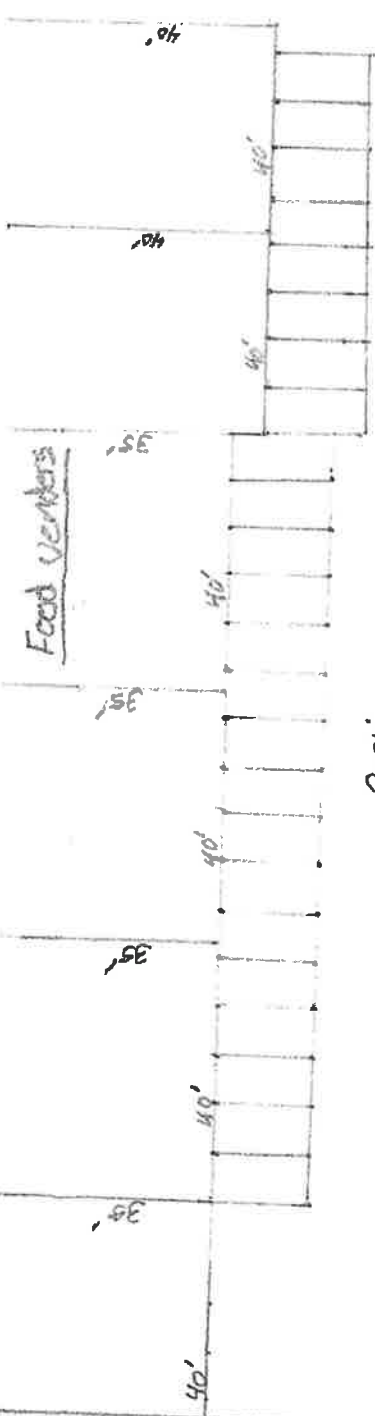
BY:                     

RECEIVED  
CDD/PLANNING DIVISION

FEB 27 2023

BY:

PROPERTY A.N.C 447 60th North

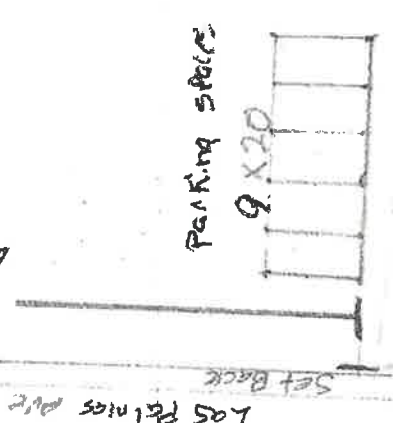


Set Back

22' Gate

West

Property line 12' wide



RECEIVED  
CDD/PLANNING DIVISION  
MAR 23 2023

BY: *[Signature]*

RECEIVED  
CDD/PLANNING DIVISION  
FEB 27 2023

*[Signature]*

2498



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

**NOTICE IS HEREBY GIVEN** that the City of Patterson (“City”) Planning Commission will hold a Regular Meeting on **Thursday, April 27, 2023, at 7:00 p.m.**, in person AND via video conferencing and Zoom teleconference, to consider the following:

**Public Hearing:            Conditional Use Permit #23-03, Flare Smoke Shop, 207 E. Las Palmas Avenue, Patterson, APN 047-034-038**

A public hearing to consider a Conditional Use Permit (CUP) approval of a proposed tobacco shop at 207 E. Las Palmas Ave. The applicant proposes to operate the tobacco shop out of an existing 2,700 square foot building. No exterior modifications are proposed, proposed improvements are all interior. The proposed business hours for the use would be Monday-Sunday from 9:00 a.m. to 9:00 p.m. with three (3) employees. The project was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to be Categorically Exempt per Section 15301, (Existing Facilities).

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At the above noted time and place, testimony from interested persons will be heard by the Planning Commission and duly considered prior to making a recommendation. Any material submitted to the Planning Commission for consideration (photographs, petitions, letters, etc.) will be retained by the City and cannot be returned. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the Public Hearing.

Denise Melo, Administrative Assistant II, Community Development Department



