

# AGENDA

ORANGE COVE PLANNING COMMISSION MEETING

TUESDAY, MARCH 1, 2016

REGULAR MEETING AT 6:30 P.M.

Orange Cove Council Chambers

633 6<sup>th</sup> Street,

Orange Cove, California 93646

Coy Weldon, Chairman

Rev. Rick Applegarth, Planning Commissioner - Vicky Alvarado, Planning Commissioner

Rick E. Alonso, Planning Commissioner – Charles Lopez, Planning Commissioner

## A. Call to Order/Welcome

1. Roll Call
2. Flag Salute

## B. Confirmation of Agenda

(Materials regarding an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 633 6<sup>th</sup> Street, Orange Cove, CA 93646 during normal business hours.)

## C. Consent Calendar

1. Planning Commission Minutes of September 15, 2015

## D. Administration

### City Engineer

1. **SUBJECT:** Consideration and Discussion regarding the Conditional Use Permit 2015-03 Deals on Wheels Used Car Sales

**Recommendation:** Staff recommends that the Orange Cove Planning Commission to conduct a public hearing to receive testimony and adopt the attached Resolution approving the Conditional Use Permit 2015-03 allowing for the sales of used cars on property located at 345 Park Blvd, at the Southeast corner of Park Blvd. and Fourth Street, in the C-3 District

2. **SUBJECT:** Consideration and Discussion regarding the Conditional Use Permit 2016-01 Saldana Auto Sales and Body Shop

**Recommendation:** Staff recommends that the Planning Commission conduct a public hearing to receive testimony and adopt the attached Resolution approving Conditional Use Permit 2016-01, allowing for the sales of used cars and auto body repairs on property located at 777 Park Blvd. at the Southwest corner of Park Blvd. and Center Street, in the C-3 District.

## **E. Adjournment**

**Public Comment:** Members of the public shall have an opportunity to address the City Council concerning this matter.

**ADA Notice:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 626-4488 ext. 214. Notification 48 hours prior to the meeting will enable the City to make arrangements to ensure accessibility to this meeting.

**Documents:** Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at front counter at City Hall and at the Orange Cove Library located at 815 Park Blvd., Orange Cove, CA during normal business hours. In addition, most documents are posted on City's website at [cityoforange Cove.com](http://cityoforange Cove.com).

### **NOTICE**

**If you challenge the nature of the proposed action 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 public entity conducting the hearing at, or prior to, the public hearing. (Government Code Section 65009.)**

### **STATEMENT ON RULES OF DECORUM AND ENFORCEMENT**

The Brown Act provides that members of the public have a right to attend public meetings, to provide public comment on action items and under the public forum section of the agenda, and to criticize the policies, procedures, or services of the city or of the acts or omissions of the city council. The Brown Act also provides that the Planning Commission has the right to exclude all persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion.

During a meeting of the Orange Cove Planning Commission, there is a need for civility and expedition in the carrying out of public business in order to ensure that the public has a full opportunity to be heard and that the Commissioners has an opportunity to conduct business in an orderly manner. The following is provided to place everyone on notice of the rules of decorum and enforcement.

### **GENERAL RULES OF DECORUM**

While any meeting of the Planning Commission is in session, the following rules of decorum shall be observed:

1. All remarks shall be addressed to the Planning Commission as a whole and not to any single member, unless in response to a question from a member of the City Council.

2. A person who addresses the Planning Commission under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct (i) which is likely to provoke others to violent or riotous behavior, (ii) which disturbs the peace of the meeting by loud and unreasonable noise, (iii) which is irrelevant or repetitive, or (iv) which disrupts, disturbs, or otherwise impedes the orderly conduct of any Planning Commission meeting.
3. A person, other than members of the Planning Commission and the person who has the floor, shall not be permitted to enter into the discussion unless requested by the Chairman to speak.
4. Members of the Planning Commission may not interrupt a person who has the floor and is making public comments. Members of the Planning Commission shall wait until a person completes his or her public comments before asking questions or commenting. The Chairman shall then ask the Planning Commissioners if they have comments or questions.
5. No person in the audience at a Planning Commission meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Planning meeting.

#### **ENFORCEMENT OF DECORUM RULES**

While the Planning Commission is in session, all persons must preserve order and decorum. A person who addresses the Planning Commission under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any Planning meeting.

The Chairman or other presiding officer shall request that a person who is breaching the rules of decorum cease such conduct. If after receiving such a warning, the person persists in breaching the rules of decorum, the Chairman or other presiding officer may order the person to leave the City Council meeting. If such person does not leave, the Chairman or presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove the person from the Council Chambers. In the event there is no one from law enforcement present, the Chairman or presiding officer may direct the City Manager to contact law enforcement.

In accordance with the Point of Order Rule 4.6, the majority of the Planning Commission may overrule the Chairman if the majority of the Planning Commission believes the Chairman or other presiding officer is not applying the rules of decorum appropriately.

# MINUTES

ORANGE COVE PLANNING COMMISSION MEETING

TUESDAY, SEPTEMBER 15, 2015

REGULAR MEETING AT 6:30 P.M.

Orange Cove Council Chambers

633 6<sup>th</sup> Street,

Orange Cove, California 93646

Coy Weldon, Chairman

Rev. Rick Applegarth, Planning Commissioner - Vicky Alvarado, Planning Commissioner

Rick E. Alonso, Planning Commissioner – Charles Lopez, Planning Commissioner

## A. Call to Order/Welcome

**PRESENT:** Coy Weldon, Chairman; Rev. Rick Applegarth, Planning Commissioner - Vicky Alvarado, Planning Commissioner; Rick E. Alonso, Planning Commissioner – Charles Lopez, Planning Commissioner

Flag Salute led by Chairman Coy Weldon

## B. Confirmation of Agenda

(Materials regarding an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 633 6<sup>th</sup> Street, Orange Cove, CA 93646 during normal business hours.)

No changes

## C. Consent Calendar

1. Planning Commission Minutes of March 24, 2015
2. Planning Commission Minutes of September 1, 2015

Upon the motion by Chairman Coy Weldon and seconded by Member Rick Applegarth, the Consent Calendar was approved as presented.

## D. Administration

### City Clerk

1. **SUBJECT:** Administer the Oath of Office to the newly appointed Planning Commissioners to serve until October 9, 2017 (Vicky Alvarado, Rick Alonso and Charles Lopez)

**Recommendation:** Informational Item Only

The Administration of the Oath of Office was presented to the newly appointed Planning Commissioners to serve until October 9, 2017 Vicky Alvarado, Rick Alonson and Charles Lopez

**City Engineer**

2. **SUBJECT: PUBLIC HEARING --** General Plan Amendment 2015-01 and Rezone amendment 2015-01: Update and Revision of the General Plan Land Use Map and Zoning Map and Zoning Map Recommendations and Proposed Zoning Ordinance and General Plan Revisions

**Recommendation:** Staff recommends that the Orange Cove Planning Commission approve the Resolution recommending that the City Council Approve the General Plan Amendment 2015-01 and Rezone Amendment 2015-01

**Upon the motion by Member Vicky Alvarado and seconded by Member Rick Alonso, the Orange Cove Planning Commission approve the Resolution recommending that the City Council Approve the General Plan Amendment 2015-01 and Rezone Amendment 2015-01**

3. **SUBJECT:** Consideration and Discussion regarding the United Health Centers Conditional Use Permit 2015-02

**Recommendation:** Staff recommends that the Planning Commission take the following action:

1. Find that the free-standing sign is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15305.
2. Adopt the attached Resolution approving Conditional Use Permit 2015-02

**Upon the motion by Member Applegarth and seconded by Member Alonso, the Planning Find that the free-standing sign is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15305; and Adopted the attached Resolution approving Conditional Use Permit 2015-02**

**E. Adjournment**

Chairman Coy Weldon adjourned the Planning Meeting 7:15 p.m



# CITY OF ORANGE COVE

## REPORT TO THE PLANNING COMMISSION

**To:** Orange Cove Planning Commission  
**From:** Gary D. Horn, City Engineer  
**Subject:** Conditional Use Permit 2015-03  
Deals on Wheels Used Car Sales

**Attachments:** Vicinity Map

**RECOMMENDATION:**

We recommend that the Planning Commission conduct a public hearing to receive testimony and then adopt the attached Resolution approving Conditional Use Permit 2015-03, allowing for the sales of used cars on property located at 345 Park Blvd. at the southeast corner of Park Blvd. and Fourth Street, in the C-3 District.

**EXECUTIVE SUMMARY:**

Mr. Jessie Hernandez, owner of Deals on Wheels, has applied for a Conditional Use Permit to allow for the sales of used cars at 345 Park Blvd. The existing building on the site has previously been used for a thrift store.P

**BACKGROUND:**

Sales of new and used automobiles are allowed in the C-3 zone district subject to a Conditional Use Permit. In order to approve Conditional Use Permit No. 2015-01, the Planning Commission must make the following findings:

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located;

Comment: The location at the southeast corner of Park Blvd. and Fourth Street is an appropriate location for this type of commercial use.

Prepared by: GH Approved by: \_\_\_\_\_

REVIEW: City Manager: \_\_\_\_\_ Finance: \_\_\_\_\_ City Attorney: \_\_\_\_\_

**TYPE OF ITEM:**

**Commission ACTION:**  APPROVED  DENIED  NO ACTION

- \_\_\_\_\_ Consent
- \_\_\_\_\_ Info Item
- \_\_\_\_\_ Action Item
- \_\_\_\_\_ Department Report
- \_\_\_\_\_ Redevelopment Agency

- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Matter Initiated by a Council Member
- \_\_\_\_\_ Other
- \_\_\_\_\_ Continued to: \_\_\_\_\_

2. That the proposed location, structures, and uses, and the conditions under which they would be operated and maintained, will not be detrimental to the public health, safety or welfare, or materially injurious to or inharmonious with properties or improvements in the vicinity. Such considerations should include, but are not limited to, avoidance or traffic congestion, safety of pedestrian and vehicular circulation, and esthetic values within the district; and

Comment: The proposed use will not be detrimental to the public health, safety or welfare. The site has adequate access to both Park Blvd. and Fourth Street.

3. That the proposed use will comply with all of the applicable provisions of this title, including but not limited to yards, coverage, height of structures, walls and fences, landscaping, off-street parking and loading facilities, lighting, and signs.

Staff believes that the Planning Commission can make the above findings.

The project is categorically exempt from the requirements of CEAQ as a Class 32, In-fill Development exemption.

Property owners within 300 feet of the site have been mailed notices regarding the proposal and invited to attend the meeting and offer testimony.

**REASON FOR RECOMMENDATION:**

The sales of used cars on this parcel will have minimum impact on the surrounding area.

**FISCAL IMPACT:** None

**ALTERNATIVES:** The Planning Commission may reject the application.

**ACTIONS FOLLOWING APPROVAL:**

The action by the Planning Commission is final unless appealed to the City Council by an interested party.

**CONFLICT OF INTEREST:** None

RESOLUTION NO. PC 2016- 01

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF ORANGE COVE APPROVING CONDITIONAL USE  
PERMIT NO. 2015-03 FOR THE OPERATION OF AN USED  
CAR SALES FACILITY ON PROPERTY LOCATED AT 345  
PARK BLVD. AND NOTICE OF EXEMPTION REGARDING  
SAME

WHEREAS, an application was initiated by Deals on Wheels, Inc., requesting a Conditional Use Permit ("CUP") to allow for the sale of used cars on property located at 345 Park Blvd., APN 378-082-01 ("Property"), located in the C-3 (Central Business and Shopping District); and

WHEREAS, car sales (new and used) requires approval of a CUP in accordance with Chapter 17.32 – C-3 Central Business and Shopping District of the Orange Cove Zoning Ordinance; and

WHEREAS, the subject application was reviewed for compliance with the Orange Cove Zoning Ordinance; and

WHEREAS, Staff conducted an environmental assessment of the project and based on that review and assessment, concluded that the project will not have a significant effect on the environment and is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Section 15332 (Class 32 In-Fill Development Projects) of the CEQA Guidelines, (Title 14, Chapter 3 of the California Code of Regulations), because the property is small, located in a developed area and is currently being used for similar uses.

WHEREAS, notice of the Planning Commission's March 1, 2016 public hearing on CUP No. 2015-03 was mailed to property owners within 300 feet of the Property on February 19, 2016, in compliance with Government Code Section 65091 and the City's Code; and

WHEREAS, the Planning Commission conducted a public hearing in the Council Chambers of the Orange Cove City Hall, Orange Cove, California, on March 1, 2016, to consider CUP No. 2015-03; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Orange as follows:

A. The above recitals are true and correct and are adopted as the findings of the Planning Commission.

B. All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with State law and the Municipal Code of the City of Orange Cove.

C. The project is consistent with the Orange Cove General Plan.

D. Upon independent review and consideration of all pertinent written information contained in the Staff Report and the Notice of Exemption for CUP No 2015-03, the Planning Commission hereby finds and determines that the proposed CUP No. 2015-03 is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Section 15332 (Class 32, In-fill Development Projects) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). Specifically, the Planning Commission finds that the project is exempt because of the following:

1. The proposal is consistent with the applicable general plan designation of Central Commercial and the zoning designation of C-3 Central Business and Shopping; and
2. The Property is within the City Limits of the City of Orange Cove; and
3. The Property is less than five acres and substantially surrounded by urban uses; and
4. The Property has no value as a habitat for endangered, rare or threatened species; and
5. The Property can be adequately served by all required utilities and public services; and
6. The approval of the Conditional Use Permit will not result in any significant effects relating to traffic, noise, air and water quality.

Based on these findings, the Planning Commission adopts the Notice of Exemption.

E. Based up on substantial evidence presented to the Planning Commission during the March 1, 2016, public hearing, including public testimony and written and oral staff reports, the Planning Commission further finds as follows:

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the Property is located due to the commercial nature of the business occupying the Property; and
2. That the proposed location, structures, and uses, and the conditions under which they would be operated and maintained, will not be detrimental to the public health, safety or welfare, or materially injurious to or in-harmonious with properties or improvements in the vicinity. No new structures are proposed; and
3. That the proposed use will comply with all of the applicable provisions of this title, including but not limited to yards, coverage, height of structures, walls and fences, landscaping, off-street parking and loading facilities, lighting, and signs.

F. Based up on the foregoing findings, the Planning Commission hereby approves CUP No. 2015-03, subject to the following conditions:

**CONDITIONS OF APPROVAL:**

1. The Applicant and/or successor in interest shall comply with all Federal, State, County and local laws and ordinances.
2. As part of this application, Applicant agrees to defend, indemnify, release and hold harmless from any and all claims, actions, proceedings or liability of any nature whatsoever arising out of, or in connection with, the City's review or approval of the

proposed project, or the acts or omissions of the applicant, its agents, employees or contractors. This obligation shall also extend to any effort to attack, set aside, void, or annul any action or decisions of the City in connection with this application, including any contention the project approval is defective because a City ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. This indemnification shall include damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, the City, and/or the parties initiating or bringing the proceeding. If a defense right is exercised, the City Attorney shall have the absolute right to approve any and all counsel employed to defend the City. The modification of the proposed project by the Applicant or the imposition of conditions by the City shall not alter the effectiveness of this indemnity obligation.

3. This project shall conform to the Site Plan prepared by Designed Drafting, titled Proposed Used Car Lot for Deals on Wheels, dated December, 2015.
4. All construction and improvements shall be in strict conformance with City of Orange Cove Codes, Ordinances and policies, including Title 24 of the California Building Code, the Uniform Fire Code and the 2010 California Code of Regulations (Building Standards Code).
5. Obtain the required building, plumbing, electric, sign and encroachment permits from the City's Building Inspector for all work on the site and existing structure.
6. Prior to the commencement of any work on this project, the general contractor and all sub-contractors shall obtain a business license from the City of Orange Cove Finance Department.
7. The owner/contractor shall keep the exterior premises free from trash and debris. Graffiti shall be removed or covered within 48 hours of its discovery by the owner/operator, manager, or any employee.
8. The site, including parking lot, and buildings shall be fully accessible to the disabled in accordance with Federal, State, and local laws.
9. All handicap parking shall be constructed, signed and painted in accordance with ADA and City Standards.
10. All storm water runoff generated from the asphalt pavement or concrete parking area behind the building shall be directed toward the streets and alley and no runoff shall be directed toward adjacent property.
11. Any free standing or occupancy signs shall be approved by the Planning Department by means of a separate application, sign review process and permit.
12. All outdoor security lighting shall be hooded and arranged in such a manner as to not create glare onto adjacent streets or properties.
13. Grading/construction work, including start-up of equipment/machinery, shall occur between 7:00 a.m. and 7:00 p.m., Monday through Friday. Prior written authorization must be obtained from the City Engineer before performing any work on weekends and/or holidays.
14. The General Contractor shall continually maintain the existing pavements free of dirt, dust and/or mud.
15. Construct a drainage swale along the Fourth Street property frontage to allow storm water runoff to drain from north to south.
16. During construction, the General Contractor shall provide and maintain filter materials (filter fabric, straw wattle, etc.) at all storm drain inlets within and adjacent to the project.
17. Apply and maintain dust inhibitor on all on-site aggregate base surfaces.

18. Construct an 8'x14' trash enclosure at location shown on Site Plan and open into Fourth Street, in conformance with City Standards and Pena's Disposal, Inc., Cutler, CA, requirements.
19. Install 14 feet wide asphalt paving or concrete transition from the existing edge of pavement in Fourth Street to the trash enclosure.
20. Install a Knox Box Rapid Entry System on the site at a location approved by and in conformance with Orange Cove Fire District standards and requirements.
21. A copy of these conditions must be kept at the business and be shown to any requesting law enforcement officer or City official. A failure to comply with all conditions of approval shall be grounds for the imposition of penalties, and/or suspension of the permit, and/or modification of the permit, or revocation of the permit.

G. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

H. That the Secretary of the Planning Commission shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Orange Cove held on the 1st day of March 2016, by the following vote to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

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June Bracamontes, Commission Secretary

Conditional Use Permit No. 2015-03

Proposed Used Car Sales

at 345 Park Blvd.

EST

PARK BLVD

FIFTH ST

FOURTH ST

THIRD ST

G ST

RAILROAD AVE

Document Path: F:\2015\15-460\GIS\15-460\_Property\_Owners.mxd



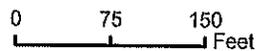
Project Site



300 ft from Project Site



Parcels within 300 ft





# CITY OF ORANGE COVE

## REPORT TO THE PLANNING COMMISSION

**To:** Orange Cove Planning Commission  
**From:** Gary D. Horn, City Engineer  
**Subject:** Conditional Use Permit 2016-01  
Saldana Auto Sales and Body Shop

**Attachments:** Vicinity Map

**RECOMMENDATION:**

We recommend that the Planning Commission conduct a public hearing to receive testimony and then adopt the attached Resolution approving Conditional Use Permit 2016-01, allowing for the sales of used cars and auto body repairs on property located at 777 Park Blvd. at the southwest corner of Park Blvd. and Center Street, in the C-3 District.

**EXECUTIVE SUMMARY:**

Mr. Abdon Saldana, owner of Saldana Auto Sales, has applied for a Conditional Use Permit to allow for the sales of used cars and auto body repairs at 777 Park Blvd. The existing building on the site is currently vacant.

**BACKGROUND:**

Sales of new and used automobiles and auto body repairs are allowed in the C-3 zone district subject to a Conditional Use Permit. In order to approve Conditional Use Permit No. 2015-01, the Planning Commission must make the following findings:

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located;

Comment: The location at the southwest corner of Park Blvd. and Center Street is an appropriate location for this type of commercial use.

Prepared by: GH Approved by: \_\_\_\_\_

REVIEW: City Manager: \_\_\_\_\_ Finance: \_\_\_\_\_ City Attorney: \_\_\_\_\_

**TYPE OF ITEM:**

**Commission ACTION:**  APPROVED  DENIED  NO ACTION

- \_\_\_\_\_ Consent
- \_\_\_\_\_ Info Item
- \_\_\_\_\_ Action Item
- \_\_\_\_\_ Department Report
- \_\_\_\_\_ Redevelopment Agency

- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Matter Initiated by a Council Member
- \_\_\_\_\_ Other
- \_\_\_\_\_ Continued to: \_\_\_\_\_

2. That the proposed location, structures, and uses, and the conditions under which they would be operated and maintained, will not be detrimental to the public health, safety or welfare, or materially injurious to or inharmonious with properties or improvements in the vicinity. Such considerations should include, but are not limited to, avoidance or traffic congestion, safety of pedestrian and vehicular circulation, and esthetic values within the district; and

Comment: The proposed use will not be detrimental to the public health, safety or welfare. The site has adequate access to both Park Blvd. and Center Street.

3. That the proposed use will comply with all of the applicable provisions of this title, including but not limited to yards, coverage, height of structures, walls and fences, landscaping, off-street parking and loading facilities, lighting, and signs.

Staff believes that the Planning Commission can make the above findings.

The project is categorically exempt from the requirements of CEQA as a Class 32, In-fill Development exemption.

Property owners within 300 feet of the site have been mailed notices regarding the proposal and invited to attend the meeting and offer testimony.

**REASON FOR RECOMMENDATION:**

The sales of used cars and auto body repairs on this parcel will have minimum impact on the surrounding area.

**FISCAL IMPACT:** None

**ALTERNATIVES:** The Planning Commission may reject the application.

**ACTIONS FOLLOWING APPROVAL:**

The action by the Planning Commission is final unless appealed to the City Council by an interested party.

**CONFLICT OF INTEREST:** None

RESOLUTION NO. PC 2016- 02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE COVE APPROVING CONDITIONAL USE PERMIT NO. 2016-01 FOR THE OPERATION OF AN USED CAR SALES FACILITY ON PROPERTY LOCATED AT 777 PARK BLVD. AND NOTICE OF EXEMPTION REGARDING SAME

WHEREAS, an application was initiated by Saldana Auto Sales, requesting a Conditional Use Permit ("CUP") to allow for the sale of used cars on property located at 777 Park Blvd, APN 378-230-18 ("Property"), located in the C-3 (Central Business and Shopping District); and

WHEREAS, car sales (new and used) requires approval of a CUP in accordance with Chapter 17.32 – C-3 Central Business and Shopping District of the Orange Cove Zoning Ordinance; and

WHEREAS, the subject application was reviewed for compliance with the Orange Cove Zoning Ordinance; and

WHEREAS, Staff conducted an environmental assessment of the project and based on that review and assessment, concluded that the project will not have a significant effect on the environment and is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Section 15332 (Class 32 In-Fill Development Projects) of the CEQA Guidelines, (Title 14, Chapter 3 of the California Code of Regulations), because the property is small, located in a developed area and is currently being used for similar uses.

WHEREAS, notice of the Planning Commission's March 1, 2016 public hearing on CUP No. 2016-01 was mailed to property owners within 300 feet of the Property on February 19, 2016, in compliance with Government Code Section 65091 and the City's Code; and

WHEREAS, the Planning Commission conducted a public hearing in the Council Chambers of the Orange Cove City Hall, Orange Cove, California, on March 1, 2016, to consider CUP No. 2016-01; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Orange as follows:

A. The above recitals are true and correct and are adopted as the findings of the Planning Commission.

B. All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with State law and the Municipal Code of the City of Orange Cove.

C. The project is consistent with the Orange Cove General Plan.

D. Upon independent review and consideration of all pertinent written information contained in the Staff Report and the Notice of Exemption for CUP No. 2016-01, the Planning Commission hereby finds and determines that the proposed CUP No. 2016-01 is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Section 15332 (Class 32, In-fill Development Projects) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). Specifically, the Planning Commission finds that the project is exempt because of the following:

1. The proposal is consistent with the applicable general plan designation of Central Commercial and the zoning designation of C-3 Central Business and Shopping; and
2. The Property is within the City Limits of the City of Orange Cove; and
3. The Property is less than five acres and substantially surrounded by urban uses; and
4. The Property has no value as a habitat for endangered, rare or threatened species; and
5. The Property can be adequately served by all required utilities and public services; and
6. The approval of the Conditional Use Permit will not result in any significant effects relating to traffic, noise, air and water quality.

Based on these findings, the Planning Commission adopts the Notice of Exemption.

E. Based up on substantial evidence presented to the Planning Commission during the March 1, 2016, public hearing, including public testimony and written and oral staff reports, the Planning Commission further finds as follows:

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the Property is located due to the commercial nature of the business occupying the Property; and
2. That the proposed location, structures, and uses, and the conditions under which they would be operated and maintained, will not be detrimental to the public health, safety or welfare, or materially injurious to or in-harmonious with properties or improvements in the vicinity. No new structures are proposed; and
3. That the proposed use will comply with all of the applicable provisions of this title, including but not limited to yards, coverage, height of structures, walls and fences, landscaping, off-street parking and loading facilities, lighting, and signs.

F. Based up on the foregoing findings, the Planning Commission hereby approves CUP No. 2016-01, subject to the following conditions:

**CONDITIONS OF APPROVAL:**

1. The Applicant and/or successor in interest shall comply with all Federal, State, County and local laws and ordinances.
2. As part of this application, Applicant agrees to defend, indemnify, release and hold harmless from any and all claims, actions, proceedings or liability of any nature whatsoever arising out of, or in connection with, the City's review or approval of the proposed project, or the acts or omissions of the applicant, its agents, employees or

contractors. This obligation shall also extend to any effort to attack, set aside, void, or annul any action or decisions of the City in connection with this application, including any contention the project approval is defective because a City ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. This indemnification shall include damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, the City, and/or the parties initiating or bringing the proceeding. If a defense right is exercised, the City Attorney shall have the absolute right to approve any and all counsel employed to defend the City. The modification of the proposed project by the Applicant or the imposition of conditions by the City shall not alter the effectiveness of this indemnity obligation.

3. This project shall conform to the Site Plan prepared by Francis Villafria, titled Proposed Car Display Area, dated 02-02-16.
4. All construction and improvements shall be in strict conformance with City of Orange Cove Codes, Ordinances and policies, including Title 24 of the California Building Code, the Uniform Fire Code and the 2010 California Code of Regulations (Building Standards Code).
5. Obtain the required building, plumbing, electric, sign and encroachment permits from the City's Building Inspector for all work on the site and existing structure.
6. Prior to the commencement of any work on this project, the general contractor and all sub-contractors shall obtain a business license from the City of Orange Cove Finance Department.
7. The owner/contractor shall keep the exterior premises free from trash and debris. Graffiti shall be removed or covered within 48 hours of its discovery by the owner/operator, manager, or any employee.
8. The site, including parking lot, and buildings shall be fully accessible to the disabled in accordance with Federal, State, and local laws.
9. All handicap parking shall be constructed, signed and painted in accordance with ADA and City Standards.
10. All storm water runoff generated from the asphalt pavement or concrete parking area behind the building shall be directed toward the street/alley and no runoff shall be directed toward adjacent property.
11. Any free standing or occupancy signs shall be approved by the Planning Department by means of a separate application, sign review process and permit.
12. All outdoor security lighting shall be hooded and arranged in such a manner as to not create glare onto adjacent streets or properties.
13. Grading/construction work, including start-up of equipment/machinery, shall occur between 7:00 a.m. and 7:00 p.m., Monday through Friday. Prior written authorization must be obtained from the City Engineer before performing any work on weekends and/or holidays.
14. The General Contractor shall continually maintain the existing pavements free of dirt, dust and/or mud.
15. During construction, the General Contractor shall provide and maintain filter materials (filter fabric, straw wattle, etc.) at all storm drain inlets within and adjacent to the project.
16. Trash/recycle collections (container size and number, location on site and frequency of pick-ups) shall be arranged with Pena's Disposal, Inc., Exeter CA and approved by the City Engineer.

17. Install a Knox Box Rapid Entry System on the site at a location approved by and in conformance with Orange Cove Fire District standards and requirements.
18. A copy of these conditions must be kept at the business and be shown to any requesting law enforcement officer or City official. A failure to comply with all conditions of approval shall be grounds for the imposition of penalties, and/or suspension of the permit, and/or modification of the permit, or revocation of the permit.

G. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

H. That the Secretary of the Planning Commission shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Orange Cove held on the 1st day of March 2016, by the following vote to wit:

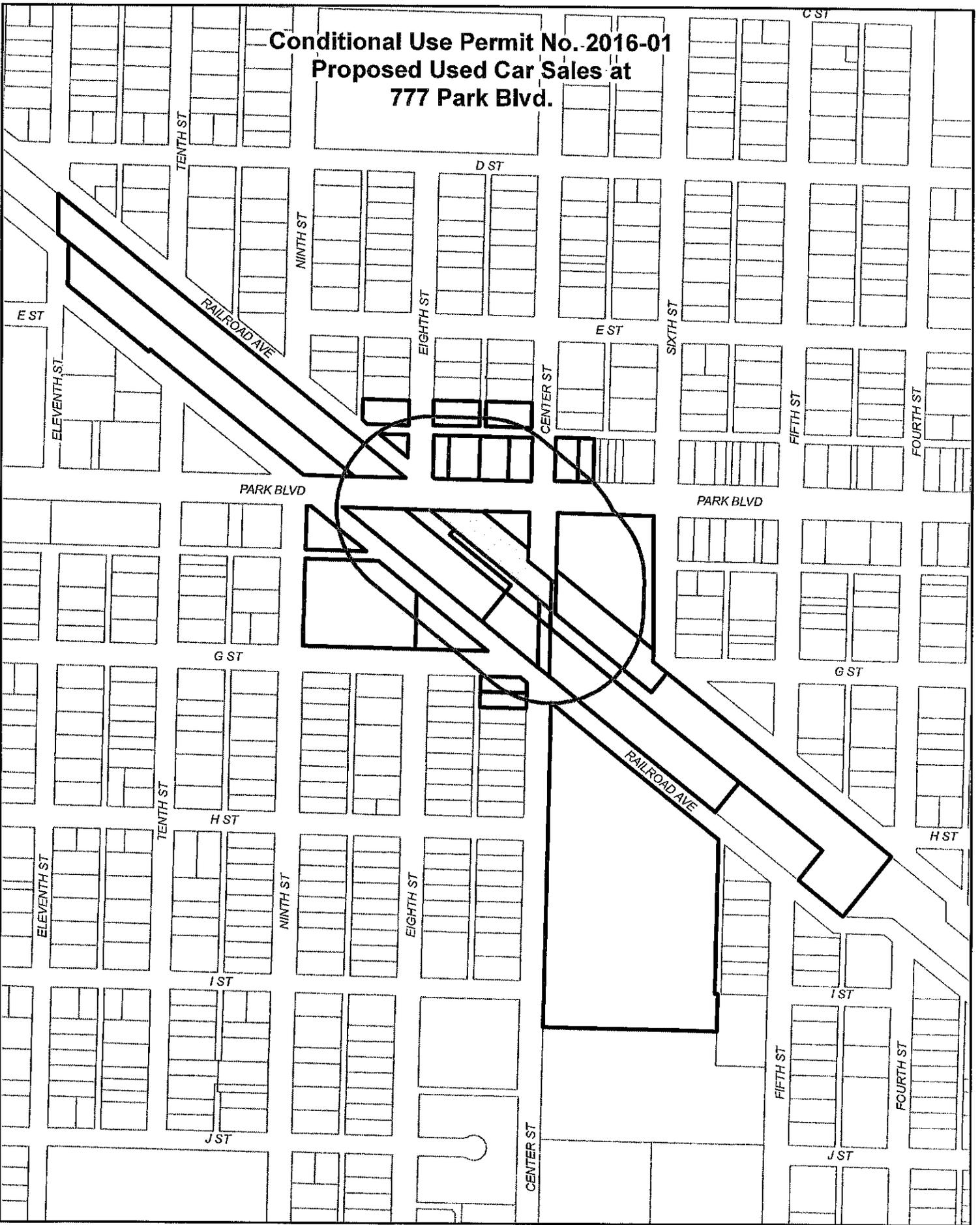
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

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June Bracamontes, Commission Secretary

Conditional Use Permit No. 2016-01  
Proposed Used Car Sales at  
777 Park Blvd.



Document Path: F:\2016\16-121\GIS\16-121\_Property\_Owners.mxd



-  Project Site
-  300 ft from Project Site
-  Parcels within 300 ft

