



PLANNING COMMISSION

*Robert S. Wallis, Chair
Francisco Mendoza-Gonzalez, Vice-Chair
Ranjeet Jhutti, Commissioner
Steve Bassi, Commissioner
Adanan Bath, Commissioner
Jason Roth, Alternate Commissioner (1)
Wapinder Kang, Alternate Commissioner (2)*

**LIVINGSTON PLANNING COMMISSION
REGULAR MEETING AGENDA
TUESDAY, AUGUST 13, 2019 7:00 P.M.
CITY COUNCIL CHAMBERS, 1416 "C" STREET, LIVINGSTON**

Members of the public are advised that all pagers, cellular telephones and any other communication devices be put on vibrate mode or turned off during the Planning Commission meeting.

Call to Order: 7:00 PM

Roll Call – Chairperson/Commissioners

Pledge of Allegiance

Item No. 1 - Consent Agenda

All matters listed under the Consent Agenda are considered routine by the Planning Commission and will be adopted by one action of the Commission unless any member of the Commission wishes to remove an item for separate consideration.

- a. Action Meeting Minutes from the April 9, 2019, Regular Planning Commission Meeting.
- b. Action Meeting Minutes from the July 9, 2019, Regular Planning Commission Meeting.

Item No. 2 – Public Comment

- a. Members of the Audience – At this time, any person may comment on any item that is **NOT** on the Agenda. **PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.** While the Planning Commission encourages participation from the audience, no more than five (5) minutes are allowed per discussion item. Topics not considered urgency matters may be referred to City Staff and/or placed on the next agenda for consideration and/or action by the Planning Commission.

Item No. 3 – Public Hearing

- a. Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring/Reporting Program; Conditional Use Permit 2018-01; and Site Plan and Design Review 2018-03 for the ARCO am/pm Project. Applicant, Raja Chandi Group, is proposing to build a new Arco am/pm facility consisting of: 3,800 sq. ft. convenience store with car wash and vacuum stations; 2,500 sq. ft. quick serve restaurant (QSR); truck fueling with fuel dispensers; vehicle fueling with fuel dispensers; and a standalone 2,800 sq. ft. restaurant. The site is located on the southwest corner of Campbell Blvd. and Hammatt Avenue, Livingston, CA, APN#: 023-060-001. The property is zoned C-3, Highway Service Commercial, and has a General Plan designation of HC, Highway Commercial.

Item No. 4 – Reports

- a. Planning Commission
- b. City Staff

Item No. 5 – Adjournment to the regular meeting on September 10, 2019.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 394-8041, Ext. 112. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Members of the public who have questions regarding any agenda item may comment on that item before and during consideration of that item when called upon by the Planning Commission Chair.

All actions of the Livingston Planning Commission can be appealed to the Livingston City Council by filing an appeal, in writing and paying the appropriate fees, with the City Clerk.



MINUTES

LIVINGSTON PLANNING COMMISSION REGULAR MEETING

APRIL 9, 2019

A regular meeting of the Livingston Planning Commission was held in the City Council Chambers on April 9, 2019. The meeting was called to order at 7:01 p.m. by Vice-Chair Robert Wallis.

ROLL CALL

Commissioners Present: Vice-Chair Robert (Bob) Wallis, Commissioner Steve Bassi, Commissioner Adanan Bath, and Alternate Commissioner Jason Roth

Commissioners Absent: Chair Ranjeet Jhutti (unexcused) and Commissioner Francisco Mendoza-Gonzalez (unexcused)

Staff Present: City Planner Randy Hatch and Sr. Administrative Analyst Filomena Arredondo

Others Present: Council Liaison Gagandeep Kang, Katherine Schell-Rodriguez, Dwight Larks, Representatives of Sisters of the Valley (Sister Kate, Sister Alice, Sister Sierra, and others), David Blevins, Pedro Valencia, Mike Torres, Rodney Hilaman, Art Gomez, Jose Moran, Maria Torrez-Perez, Alma Devita, Marla Hernandez, Ralph Calderon, Luis Flores, Alex McCabe, Gerardo Gomez, Sabin Escobedo, Julissa Camacho, and others in the audience.

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

CONSENT AGENDA

Action Meeting Minutes From the Regular Meeting of March 12, 2019

Motion by Commissioner Bath, seconded by Commissioner Bassi, to approve the minutes of the Regular Meeting of March 12, 2019. Motion carried 4-0-2 by the following roll call vote:

AYES: Vice-Chair Wallis, Commissioners Bassi, Commissioner Bath, and Alternate Commissioner Roth

NOES: None

ABSENT: Chair Jhutti and Commissioner Mendoza-Gonzalez

PUBLIC COMMENT

Vice-Chair Wallis opened and closed the public comment period at 7:05 p.m. as there was no public comment received.

ELECTION OF OFFICERS

Election of New Chair and Vice-Chair for 2019

The Commission agreed by a consensus vote of 4-0 to postpone the election of new Chair and Vice-Chair to their next regular meeting to allow all Commissioners to be present.

Zoning Ordinance Text Amendment (ZOTA) 2018-01, Requesting Modification to the Provisions of Existing Cannabis Ordinance No. 632

Applicant, Dwight Larks (SOTV Main Street) is applying for several modifications to the existing Cannabis Ordinance. These modifications would allow him to conduct five (5) different cannabis activities within a building located at 444 Main Street, APN#: 024-114-008, in the Livingston Downtown Commercial (DTC), zoning district, specifically:

1. Request to allow all permitted cannabis activities within the Downtown Commercial Zone, DTC (i.e. indoor cannabis cultivation, cannabis manufacturing, cannabis distribution, cannabis testing, and cannabis microbusiness).
2. Request to allow cannabis retail sales in the Downtown Commercial (DTC) zone.
3. Request to eliminate the 600 foot distance requirement between a cannabis activity and a school, daycare, childcare, or youth center.
4. Request to eliminate the 400 foot distance requirement between a cannabis activity and a residential use, park, library, or land zoned for residential use.
5. Request to eliminate the 200 foot distance requirement between a cannabis testing activity and a residential use, park, library, or land zoned for residential use.

City Planner Hatch presented the staff report. In summary, he said this is a request to amend and/or modify all current cannabis provisions of current City Code. Presently none of these activities are allowed in the Downtown Commercial (DTC) zone and all of these activities, except retail sales, are conditionally allowed in the Limited Industrial (M-1) and General Industrial (M-2) zones.

He talked about the distance requirements in the current code between a cannabis activity and sensitive land uses. He also mentioned the applicant has property in the heart of the downtown area and would like to use his building for cannabis activities which current code does not allow in the downtown. The applicant is working with a group called "Sisters of the Valley". He has provided a detailed description of what they are proposing to do.

City Planner Hatch explained cannabis regulations are exempt from CEQA because all cannabis activities that are permitted by the City still require a permit. All of those uses would be subject to full environmental review if and when they come forward.

City staff referred this application to various City Departments and outside agencies for comments. Staff received six (6) comment letters, five (5) of those letters were in opposition of the project and two (2) of the opposition letters contained signed petitions. The opposition letters came from the administration of the Livingston Union School District, the Merced Union School District, the Selma Herndon Elementary School, Yamato Colony School staff and PTA, and the City's Recreation Superintendent.

City Planner Hatch explained the Planning Commission does not take final action on Zoning Text Amendments. It only makes a recommendation to the City Council for or against the project and City Council takes final action. City staff did not make a formal recommendation pro or con. Instead, staff prepared a list of possible Findings to approve the request and a list of possible reasons to deny the request. The decision is the hands of the Planning Commission.

Vice-Chair Wallis opened the Public Hearing at 7:20 p.m.

Sister Kate (Sisters of the Valley) said they chose to apply in Livingston because they consider it a very progressive town. What got their attention is that Livingston has many different spiritual beliefs and so much harmony and that it is a sanctuary City. This is the kind of town they are looking for to put their business operations on Main Street. She thinks if the Chief of Police and the City Planner had posed the question differently to the educators, they would have gotten a different response. They didn't ask, "Would you like a solution to your meth addicted children's problems in your town?" "Would you like a solution to the fact that your churches are losing children on the counts of spirituality?" "Would you like a solution to the students failing to learn how to balance a checkbook or how to sell something on EBay and helping their families capitalize on their assets?" They said to them, "Do you want dope smoking on your streets?" That's insane! The Sisters don't want dope smoking on the streets. The Sisters don't sell smokable products. They sell topical salves and tinctures. They ship it around the world. They wouldn't still be in business if they were getting kids stoned. She added they are in the business for curing cancer and tumors. They are spiritual women. They teach young girls how to sew and how to balance their checkbooks and they teach young boys how to farm. She feels educators and City residents were fooled into saying they don't want the Sisters' medicine here; they are good with their meth addictions, their poverty, and their substandard education.

Sister Kate added they want a storefront on Main Street because they want the image of the people who buy their postcards and their spiritual books watching through a glass window where the salves and tinctures that don't get anybody high are being made in a fully robotic environment. They want children to learn about robotics and people to learn about holistic salves and tinctures of plant based medicine and agriculture while doing it in a spiritual environment like their forefathers. She added the head of education had 200 people sign something that has absolute nothing to do with what they are doing.

Sister Alice (Sisters of the Valley) said she doesn't want any child getting high. That is not what they do. The Sisters of the Valley don't deal with THC. They make salves, tinctures and infused oils from CBD. You can drink and eat as much CBD as you want and you can never get high. She added cannabis is here. California voted for it. The Stanislaus County Sheriff has over 1,500 illegal grows and the County can't handle it and that is because there is no regulation. When there is proper regulation, children do not get their hands on cannabis products. The Sisters want a storefront where they have cannabis and they can explain to people, especially young kids that it is medicine; that it is not going to get you high. We cannot just keep it out from the open. If you have a well-regulated cannabis market, you can make a lot of money in taxes.

Sister Alice stated that Colorado is doing very well. Their schools and their cities are doing very well. They have a well-regulated cannabis market. In their small business, the Sisters pay over \$140,000 in taxes every year. She is pretty sure the small towns and cities around here can use the money. Cannabis is growing. If you don't regulate it, you are keeping it in the black market. When it's in the back alleys and in the black market that is where kids get it. If you shine a light to it and keep it right on Main Street, everyone gets to talk about it. It just becomes something from everyday matter. It's nothing special, nothing to be excited about. Cannabis is a plant that heals people. When you can see your child go from 100 seizures a day to zero, as a mother you will do anything to get this plant out to other people.

The Sisters don't want to get anybody high. If you keep it out in the streets in the black market, people are going to die. They are not scary, horrible people that want to come and take over your children and ruin their lives. They just want to get them off of meth and heroine and opiates. How many kids that are addicted to opiates are on the streets right now? Way too many. This medicine can help.

Sister Sierra (Sisters of the Valley) said they have many people that would like to get off of pain pills and medications. They have many doctors that are opting for CBD to help their patients with pain management, inflammation and other things. They have no intention of bringing any harm to this community. All they want to do is bring their business that is sanctified, holy, with sisters with good intention and they just want to be medicine makers here. They want to help our community. The City sign says, "The Last Stop". This is a sanctuary City. For many people this is their last stop. They've been running all their lives. Wouldn't those people like to have a nice job with benefits? Wouldn't those people like to wake up in the morning being able to do something positive for their community? They are a positive force. They bring no ill will.

Applicant Dwight Larks said he grew up in Livingston and went to Livingston schools. He is involved with strategic relations with the Sisters of the Valley. They ship all over the world every single day, every day of the week. They donate 5% of all their sales and they fund their activism effort through their sales of CBD products. Livingston has a vast array of different types of people. Growing up in Livingston he saw his friends made fun of, so he can relate when people attack the Sisters. He likes working with the Sisters because they are a force of proactive change. They are teaching people about cannabis. He saw some of the letters that were submitted to the City. One way he took these letters is that educators are advocating for ignorance – they don't want students to see the plant, smell the plant, or learn about the plant and that is very dangerous. From his point of view for an educator to advocate for ignorance doesn't make sense. Another way he took these letters is that educators are simply concerned citizens and as part of their job, they have to express their concerns, so he accepts that.

In terms of cannabis, the Sisters only make CBD products, non THC products. They are on the verge of introducing products they make into the California regulated market that have a bit higher THC concentration than hemp products. All hemp products have .3% THC or less. Rite Aid, Walgreens, and CVS have all announced publicly that they will now be carrying hemp products. Rite Aid on Main Street

is already carrying a cannabis drug called Epidiolex which helps children come off of seizures, so these cannabis products are already in the market and they are already on Main Street.

What they are asking from the Planning Commission is consideration of an empty building that is already in downtown Main Street. It's a cinder block building. If somebody would pull a kid in there right now, nobody would know because there is no security system in place. So if you are afraid for the children, you should be worried about empty buildings.

The operation that the Sisters partake in is very clean, there is almost no footprint and that is why they chose this property for their business. They are not creating a massive environmental footprint. On the contrary, the Sisters believe in using products that can be recycled and compostable. The Sisters are interested in working with the City of Livingston because of all the virtues the City has. Here they approve of people of different cultures and different races and that is what brought them here. They have other facilities they can use in others cities that are located in cannabis zones, so this revenue can easily go to other places. The Sisters have a website and they have a lot of media attention, so this is an opportunity for the City of Livingston to capture some of that attention. He doesn't want Livingston to forever be known as a place that stinks like death. He wants Livingston to be a progressive City and to understand that they have to move forward.

One of the things he noticed about Livingston that concerns him is that there are currently no retail sales of cannabis products in Livingston at all, so thousands of dollars in revenue are going to Ceres, Modesto, and Merced. This is already wide around and if Livingston continues to be stuck on old ideas, its residents are going to drive out of town to buy their medication and spend their money on gas and restaurants elsewhere, so they are trying to change that. Two percent of their revenue results in over \$1 Million a year for the City of Livingston. That can be used for fire equipment. They can have paid firemen in the City. How about a bridge that goes over the dangerous train tracks that the kids have to walk across every day to get to and from school? These the potentials they can bring with this company, the Sisters of the Valley. They are going to launch these operations. They have other options, but they want the opportunity to try it out in Livingston because they would like to see the City grow.

As for being concerned about having cannabis on Main Street, he pointed out that schools are surrounded by homes and every home has the legal right to grow six cannabis plants, so to point the finger at a business that would have security cameras every twenty feet and also have live footage to the police department and a security guard is almost ingenuous. People are growing cannabis right across the street from schools and that is the way it is going to be because people have the right to do it as long as they are following the law. He added they want to work with the City. They want to teach the children and the adults about cannabis. There is quite a bit to know. It seems rather new, but people have been buying cannabis for about 20 years, since it became legal for medical use. Aids patients, cancer patients, and other ill patients have been using it.

Mr. Larks stated that they do not plan to do retail sales from their facility on Main Street even though retail sales of cannabis products is already happening on Main Street from Rite Aid. He added he appreciates everyone's concern and he thanked the Planning Commission for their time and consideration. He would like the opportunity to bring their business to this town. It will be unfortunate if that does not happen because there is quite a benefit from their company being involved in this community.

Vice-Chair Wallis said Mr. Larks mentioned that Rite Aid sells Dilaxador, but that is a prescription drug, FDA approved since 2018.

Mr. Larks said Epidiolex is a cannabis derived drug and Rite Aid is selling it. The Livingston cannabis ordinance says no cannabis products in the downtown. It does not say only if approved by the FDA.

Mr. Larks said since the Bureau of Cannabis Control has their schematic set up differently than hemp and it is basically all on the same machinery, what they want to do is run a mirror image of that and say these cannabis products go out to dispensaries across California from Livingston, California, and these hemp products go across the world from Livingston, California. That is what they are here to discuss, not if cannabis is coming to Livingston because it is already here. The question is, "Is an empty building safer than having cameras all the way around the building occupied by people making medicine that they are proud of?"

Katherine Schell Rodriguez, P.O. Box 163, Livingston, referred to the site plan in the Agenda packet that shows the various layouts of the proposed businesses. Nowhere on the site plan does she see anything about growing cannabis. When looking through the Agenda packet, she didn't see anything about edibles like cookies, candies, or cakes. A lot of people have concerns. What she understands so far is that people are visualizing a retail outlet like a smoke shop and a place where you can get the edibles and smokables in various fashions and forms with the active chemical that is meant to give you a buzz feeling. In the detailed product description and the informational materials provided in the Agenda packet, it states that the retail portion of the store would not sell products that contain THC and that the rest of the operation would be shipping to wholesale customers and that the Sisters would make their products that would go in the store from non-psychoactive cannabis and only non-smokable products would be made and sold onsite. Her main point is that if we are going to have a discussion about what we are going to allow in that building, we need to have the discussion on what is actually being proposed and not have a major reaction and assume that, "oh my God, there is going to be a whole bunch of cannabis stuff that kids are going to be eating and getting high on." If we are going to make an honest decision, let's base our honest discussion on the facts that are within this document.

Pedro Valencia, Pastor of Neighborhood Church, Livingston, said he has been in Livingston since 1971 and he has been a pastor of the Neighborhood Church for 27 years. What he knows is that anybody that smoked pot or used it ended up crazy. And every time it gets worse. He went to a rehabilitation center in Mexico. He raised funds to help the people there that used pot. California made passed a law to allow it, but the City of Livingston can pass a law to disallow it in Livingston. Do we want our kids and grandkids to end up using that stuff? He asked why the City Attorney was not present at this meeting, so he could offer advice on this matter. There are a lot of churches here and they are totally against this. Why do we have to allow a business to come to our City that makes a lot of money and push the drugs on our youth? He knows that will happen and if the City doesn't stop it right now. He disapproves changing the City Code to allow a business like that.

Rodney Hilaman said this business still has to abide by State law. They still have to be 600 feet away from schools. That is State law. California voters voted for this. It is our job to abide by it. Livingston is missing out on the money. You can go see other cannabis businesses in the area and you can check with the Bureau of Cannabis Control. This is a business that is very highly regulated.

Sabin Escobedo, Escobedo Income Tax Service, stated the topic of the meeting is changing the zone. He feels we are setting a precedent. If we change the zone for one business, then we have to allow other businesses to do the same. It sounds great to make medicine, but there is a proper place for this medicine to be made. There are locations in Livingston that are suitable for this. This building is right on Main Street. There is only one bridge on Main Street, so all high school kids that walk home to the north side of town have to pass by this building. They want to change the distance requirements and the zoning. Livingston did not vote to have cannabis on Main Street. Livingston is wiser than that. We still have

people that care about being conservative. We owe it to our children and to our grandchildren to have a safe place and to require the 600 feet distance.

Alex McCabe, 1440 Main Street, said the Planning Commission has the flexibility to recommend to the City Council to allow some activity, but not allow retail. They could recommend changing the Zoning Code to allow manufacturing, testing, and things that don't have any impact on our downtown besides bringing jobs and bringing economic boost. He thinks this makes sense for Livingston. At the same time, what happens if we have more cannabis companies that come to our town like Mr. Escobedo just mentioned? That's great! If they take these buildings that have been closed and have had nothing in them for years and create jobs that may be paying \$15/hour or more, that is great! A testing facility? That is a laboratory. Laboratories are technical jobs. Why not encourage science? Why not encourage technical, high end jobs to be located right here in Livingston? Why not encourage more people to be working in our downtown, so it can become more robust?

In regards to the Sisters, they are doing hemp. Hemp is different than cannabis. Hemp does not get you high. Even if they have a retail location, they are always selling products that are meant for the greater good. He thanked the Sisters for making the salves he purchased for his uncle when he was on hospice. His uncle did not want to take morphine right away because he was told that on morphine his mind was going to slip away and that was going to be the end of his cognitive abilities. Mr. McCabe purchased from the Sisters a salve that he applied to his uncle on his arms and legs where he was having swelling and inflammation and it helped him.

Mr. McCabe said he first became acquainted with cannabis products in Livingston when he was working in the fields. One of his honorary tias (aunts) said to him, "Mijo (son), you want hierbabuena?" Hierbabuena was a jar that she had with alcohol in it and also the leaves of the marijuana plant. They would rub it on their arms and joints throughout the day to help them work longer in the fields. That didn't get him high; it was a topical, so when people express concern for their children, they need to think about what their concern really is. Is having more jobs so their children can stay in Livingston a concern? Is having a robust downtown where you have more restaurants and more people a concern? Is turning a dilapidated building into a nice building with a beautiful mural where you can see people working a concern? He doesn't think so. He thinks progress and business and economic generators are great for everyone. He encouraged the Planning Commission to look at this from a different perspective. It is not just a "Yay" or "Nay". Let's make it a "Yes" or a "Yes, but..." Having buildings that are filled with voids are not good for our City.

He added the City of Ceres has collected over \$3 Million already and the City of Riverbank has collected over \$1 Million. Livingston water is more dangerous for people to consume than the salves that the Sisters of the Valley are making. He doesn't want his son to work in the fields like he did. He wants him to have the opportunity to work in a laboratory.

Mike Torres, 1616 Eighth Street, said he thinks the City of Livingston should be safe, clean and beautiful. In the past, Livingston had a bar at every corner of town. He was on the Planning Commission when they started closing down all the bars. We thought we had trouble then and now we are going to allow drugs to come to town? Kids have temptations. They will pay somebody to go get them a 6-pack of beer. This will happen with drugs too. They will be tempted to try it, so to keep out temptation, just don't allow it here. If somebody wants to buy drugs, let them go somewhere else. The City won't go broke if they don't sell it here.

Alma Devita, Yamato Colony School Principal, 1890 Joyce Court, Atwater, said the proposed cannabis business is a short distance from her school, so she is advocating for her students. Adults can make decisions, but her students can't. Her daughters attend Livingston schools too. If you want to have cannabis in Livingston, don't have it on Main Street; have it out in the country, away from the City and away from the kids. If people want it, they will go get it out there. At the end of the day, it's what you want for your community. Don't just do it for the money. They are billionaires. They can choose any other location. If you are in it for the money, shame on you! You have to stand your ground. The City can still make money. We can still have jobs. Ten years from now, you are going to look back and say, "I made a terrible decision." They say patients use it for cancer. Her father died of leukemia, but not once did he try any cannabis products and to this day, she still stands her ground on that. If you use it, that's fine, but don't do it for the money. It's not worth it. Money comes and goes. Livingston is a gem. She came here from Madera and she is in love with Livingston and she wants her daughters to go to Livingston schools and she wants to retire here. Livingston is known for its values, for its diversity, so protect that.

Maria Torres-Perez, Livingston Union Elementary School District, said her family moved to Livingston in the late 80's at a time when Livingston had a bar at every corner. The City was known for the town with all the bars. It had a bad reputation, but not anymore. Perception is so important. We now have wonderful schools with kids that are learning. Livingston is a City that is thriving. Let's continue building on a good reputation, so we can proudly continue to say we are from Livingston where we grow sweet potatoes and, yes, where we have chickens, too. Let's continue to thrive for the sake of our students.

Marla Hernandez lives in the County limits, but she brings her kids to Livingston schools. She believes Cannabis doesn't belong in the downtown. They should find a different location. There are schools and churches here. There are plenty of places in the outskirts of town. It should not be located near the schools.

Luis Flores, 707 Almondwood Drive, said he is a former Planning Commissioner and Chair of the Livingston Planning Commission and a former Livingston Unified School District Board Member. He asked the Planning Commission to make sure they know what they are reading and approving and to make decisions based on facts and not on ignorance and assumptions and myths about this industry and the users of this industry. As a former board member, he was really perplexed with the letter the Superintendent sent to the City and he was surprised that the School Principals of Selma Herndon and Yamato Colony and some parents came to the meeting. He added that once you start politicizing the school district and becoming an activist organization that is supposed to represent parents and students, it's sort of a "slippery slope" and once the Parent Council gets involved, that's a slippery slope legally and it's just a "wishy washy" situation. He wished the Planning Commission luck with their decision.

Jose Moran, 945 Parkview Drive, said there is a difference between marijuana, hemp and cannabis, and that is where a lot of the confusion has been created. He suggested people learn the differences. He is in favor of how some of the products are being used for medical purposes.

The City Council already approved an ordinance allowing everything the applicant is asking for, except not in the Downtown. The applicant is asking to change everything that we've worked on, so we are just going to throw all that away. The ordinance hasn't even been in effect for that long. Let's take the time to work the kinks out. Maybe a year from now, we come back and switch a few things. He is pro-business. He is pro-creating more jobs. He is pro-collecting more taxes, and he agrees that cannabis is a business that we need to get into more, but it has to be in the area it has been approved for, not in the downtown. He remembers when Livingston had a bar in that corner for many years. That is not the image he wants for the downtown. If the whole purpose is to be able to use the building, let's find something else.

He added he wants more businesses in Livingston that will generate more taxes. He wants the City to build another fire station and more homes. He is very proud of the schools we have in Livingston and he is proud of working with the people in this community.

Dwight Larks thanked the Planning Commission for hearing them out. He is pleased that everybody showed up to talk about the issue. It is something that everybody is still learning about. There are almost 100 compounds in this plant. It is a learning curve for everybody, but what we do know is that it is not a deadly plant. He wanted to reiterate some things:

- 1) Cannabis is already all around our schools. Every house around our schools has the legal right to grow six plants, so those children that we are all concerned about are walking by homes which might even have cannabis operations in them. Their location is a concealed location where it is not going to be noticeable in sight or smell. This is a secured facility with life feed cameras every 20 feet that are connected directly to the police department to ensure that children do not have access to it. Cannabis products are for 21 years of age or older. We wouldn't go through all this trouble if we were going to allow that to happen.
- 2) As for asking sick people to go out of town to buy cannabis, he finds that shameful of our society to treat our sick people that way and send them out of town with their aches and pains to go look for their drugs. That is very condescending. It's almost like in the old days when people were infected with something and they were just pushed out of society. He recognizes that they are sort of a leading edge. They are the number one CBD company in the world, so they will not go into the industrial zones. They are not going to shame their customers and their operation by saying they belong in the dark. If they were going to do that, they would be in the black market. They are proud of what they do. They want to show people what they do. They want to keep the ball moving forward. They are not interested in shaming their sick people or shaming the medicine that they create. They are teachers; they are advocates. They should be downtown. All these letters are advocating for ignorance. They are saying they don't want the children to know about it, hear about it, or smell about it. How are kids going to become leaders in our community if this is hidden from them? He likes growing cannabis. It's really incredible. There are many different opinions, but not enough facts. You have to keep the ball rolling. The Bureau of Cannabis Control is already issuing license for restaurants that serve meals with cannabis in them, so people with cancer can come in and enjoy a meal or recreational users can come in and enjoy the plant.

Pedro Valencia said he is the Pastor of the Neighborhood Church, the Director of radio station Buenas Nuevas, a farm labor contractor, and a Livingston farmer. He has a lot of businesses. You can do many things to make money. Why do they want a business that makes people sick? People that use that product get addicted to it. He knows some teenagers that got into marijuana when they got to high school. From being some of the best students, they ended up being kicked out of school, going to continuation school, and going to prison. He added that where he grew up in Mexico, the Sisters did things of God, not marijuana. There are many respectable churches and organizations here. If the City officials allow this to happen, it will be in their conscience.

Alex McCabe said the industrial zone is full. There is no room for new businesses and they should not be displacing existing businesses when there are buildings in the downtown that have been empty for over five years. He reminded the Planning Commission that they can allow partial uses downtown. They can allow laboratories or non-volatile extractions that have no risks. We have to determine as a community if we are pro-business or not. There shouldn't be any logical reason why we can't have a laboratory downtown if we can have three health clinics downtown. As a pro-business community, it doesn't make

sense to not be allowed to manufacture goods that are federally legal in areas where they have nothing. We shouldn't be okay with only having Foster Farms jobs in Livingston. The City just gave away half a million dollars to keep Foster Farms jobs here. We are maintaining our minimum wage jobs in town, but we are not getting more jobs. Let's be pro-business. Let's be pro-science. Let's bring more high paying technical jobs to our downtown, so our businesses downtown can also make money.

He added the Sisters are women of faith. No one of any religion is above the other and should not be here judging or calling out negative comments toward people because of their faith. Part of what makes this city amazing is that we have so many faiths. We should respect all people and all faiths.

Julissa Camacho, 939 Olds Avenue, said she graduated from Livingston High School. She doesn't think the Sisters of the Valley should be in the downtown. People can buy their product and then sell it to children. She would not want her children or her relatives to work in a cannabis dispensary. She doesn't think that would look good in a resume. Kids walk downtown. A cannabis store in the downtown would cause temptation. She knows people that had bad reactions to cannabis products, so not all people that take these products get pain relief.

Katherine Schell-Rodriguez asked what kinds of products would be in the retail store and if they would have edible or smokable products.

Sister Kate replied their products are topical salve and coconut oil drops that the federal government has classified as hemp and no smokable products. She doesn't know why people here are talking about weed and getting stoned when they are a hemp business and they make salve and drops that cure insomnia and a million other things. Why would a pastor get up? Why would they say they are not wanted on Main Street? It's appalling to her that they don't want women that answer calls all day and teach people how to get off their pharmaceutical drugs with something that will not get you high and something you never smoke. The amount of ignorance that she had to listen to makes here really wonder about Livingston schools.

Mike Torres said they are pro-business, but it is this type of business that they are worried about. Cannabis can create even death from overdose. The City of Livingston made this cannabis ordinance for City limits. If they allow this ordinance to be amended to allow this type of business, what is going to happen if someone with money comes in later and wants to open a prostitution house? We have to protect our town. Rite Aid sells drugs, but it's through doctors' orders. Let's think about this. He thinks there should be a full quorum of Commissioners before they vote on this item.

Art Gomez said he is a farmer and lives five miles outside the City, but he does considerable business in Livingston. There is no doubt in his mind that cannabis has some health benefits, but he doesn't think this is about helping anyone. This is about making a profit through people already addicted to drugs. He is totally against it.

David Blevins, P.O. Box 76, Livingston, said this is a business that belongs in the industrial area. Mr. Larks doesn't want to put it in the industrial area because he owns the building on Main Street that they want to put it in. He added that he doesn't appreciate being lectured to by the Sisters calling them ignorant people because they don't follow their lead.

David, a resident of Turlock, said he is a herbalist and he practices botanical medicine. He thinks everyone is making really good points, but he wanted to clear up a couple things. Someone made a good point about the psychosis risk involved with marijuana products. That actually has nothing to do with CBD. That is related to THC. CBD has no psychoactive effects whatsoever. He thinks the problem is

there has not been a lot of effort on any level federal or state, to educate people on cannabis. There are so many different compounds that people don't know about.

Vice-Chair Wallis closed the public hearing at 8:49 p.m.

Commissioners' Comments/Questions:

Commissioner Bath asked where they are getting their product from.

Mr. Larks replied they have other properties where they grow it. This would just be a place where they would infuse oil. The oil would already be made. It would come in barrels. They would take that oil and mix it with the coconut oil to make the final product. There is no raw plant material there. It all comes in as oil. They mix it together for about four hours at about 180 degrees. It's actually no flame. It is all electronic equipment. The building in the inside would have carbon filters and it would all be brought up to code. They would have to spend over \$1 Million to bring that building up to code. The code is very strict. What the Planning Commission would be doing by allowing this is basically making a brand new state of the art building in the downtown.

Commissioner Bassi asked how big the barrels are.

Mr. Larks said they are 55 gallon drums of CBD oil. They want to be able to ship out wholesale to the THC markets in California and they also want to be able to ship out worldwide. The post office is right across the street, so that is very convenient. The Sisters just come in and do their work. Products go out every day. They don't have any retail ambitions for themselves at that facility. That is just a closed, sealed off facility with no public access and it is all for wholesale products.

Vice-Chair Wallis asked if the 55 gallon drums are recyclable or if they are hazardous waste.

Mr. Larks said they are recyclable. These are drums of coconut oil and CBD oil and they are non-flammable.

Vice-Chair Wallis asked if their charcoal filters have been approved by the State for that type of process.

Mr. Larks said, "Yes." He explained how the air in the room is cleaned through a carbon filter once every minute to keep the odor completely absent.

Vice-Chair Wallis asked City Planner Hatch if staff received any comments from the Police Department.

City Planner Hatch said the Police Department did not respond.

Discussion followed regarding Proposition 64 allowing people to grow up to 6 plants in their residence for personal use.

Mr. Larks said he wants to make a point that children are not going to get cannabis from a licensed facility. They are going to get it from their friends. They are not in the retail business. They are focused in their wholesale business. They have over 2,000 inquiries asking for their products, so it doesn't make sense that they would spend over \$1 Million building a facility with cameras everywhere just to do it illegally. People may disagree with the type of business they are involved with, but that is their profession and they know quite a bit about it and they want the opportunity to share their knowledge and work with the community and since he has an empty building in the downtown, he wants to be able to use it.

City Planner Hatch reminded the Planning Commission that the Public Hearing has been closed. Commissioners can ask the applicant question and the applicant can answer the questions, but new testimony cannot be given unless the public hearing is reopened. He then gave the Planning Commission options on how to proceed.

- Since there are only four Commissioners present and the potential of a tie vote exists, the Planning Commission can continue this item until they have an odd number of Commissioners present.
- They have the option to pick and choose what part of this proposal the Planning Commission wants to allow. The applicant has indicated that they are not interested in retail sales, so the Planning Commission can take that off the table.
- They can recommend to the City Council approval of denial of Zoning Ordinance Text Amendment (ZOTA) 2018-01.

Commissioner Bassi said the general population has some difficulty understanding CBD vs THC. If adults have an issue understanding the difference, how are kids going to rationally understand it. He thinks they have consider the options and see what type of impacts that has on our youth.

Vice-Chair Wallis agrees with Commissioner Bassi. When he first read the staff report and then read all the replies from the schools and listened to the comments, it was obvious to him that everybody jumped to the conclusion that they were selling smoking marijuana and it is a complete different thing. He blames it on a lack of education because not everybody understands the difference. He has a house in Mendocino County. Mendocino County is one of the first counties to cannabis. His wife worked with hospice patients that were on aid and she grew marijuana and gave all her product to her patients, so he is quite familiar with it and he knows the difference between them, so he has mixed feelings on that.

Vice-Chair Wallis thinks it is important to have at least five Commissioner present, so he would like to entertained a motion that they continue this item to their next regular meeting. He would like the applicant to do a little bit more outreach.

Alternate Commissioner Roth agrees they need to do a little bit more investigating into it and learn about it.

Motion by Vice-Chair Wallis, seconded by Alternate Commissioner Roth to continue this item to the next regularly scheduled Planning Commission Meeting on May 14, 2019.

Motion failed by the following 2-2-2 vote:

AYES: Vice-Chair Wallis and Alternate Commissioner Roth
NOES: Commissioner Bassi and Commissioner Bath
ABSENT: Chair Jhutti and Commissioner Mendoza-Gonzalez

Mr. Larks state that changing the ordinance really isn't a free for all. A cannabis permit will still be needed. If these businesses would be allowed in the downtown and as part of the cannabis permit, there is essentially a Development Agreement that must be in place. At this time the City doesn't have a limit on the number of businesses to allow.

City Planner Hatch said Mr. Larks is correct. A cannabis permit will still be needed if the Planning Commission would allow these businesses to be in the downtown and as part of the cannabis permit, there is essentially a Development Agreement that is entered into with the City Council. At this time, the City does not have limitations on the number of businesses. The issues simply hasn't arisen as a potential problem. It is taking the City far longer to get through this process than anticipated. Staff is not anticipating having a problem with too many businesses applying, but the Council could always make a request for zoning modification or amendment for rules and procedures.

Commissioner Bassi said he is ready to vote on it. He thinks the industrial area is where it should be. He thinks we must go by the separation requirements set in place by Council in 2017. We really need to let the existing ordinance mature and see where that takes us and then from there they can make a wiser decision for future development. He added he supports a drug free zone.

Motion by Commissioner Bassi, seconded by Commissioner Bath, to approve Resolution 2019-01, recommending to the City Council Denial of Zoning Ordinance Text Amendment (ZOTA) 2018-01, Modifying Provisions of the Existing Cannabis Ordinance based on the following 5 reasons:

1. The City has recently adopted provisions for Cannabis businesses in the City of Livingston after an open and deliberative process with public input and discussion. No Cannabis businesses are operating under these provisions (some are currently in the process). Time needs to be allowed for the current regulations to operate and for the City to develop experience before amendments are considered.
2. The Planning Commission feels that the City's Industrial Zones, as stated in the language of the existing cannabis regulations, is the proper location for cannabis businesses.
3. The elimination of the separation requirements between cannabis activities and various sensitive land uses will potentially negatively impact these sensitive activities. That is why the separation requirements were initially established. The Planning Commission feels these separation requirements need to be maintained.
4. The elimination of the above mentioned separation requirements will:
 - Increase the risk for school students to be exposed to drugs that are illegal to them and will constitute a safety hazard; and
 - Violate State policy to provide Drug-Free Zones around children and youth activities.
5. The increased possibility of cannabis activities occurring in the Downtown would be detrimental to families and children which frequent Downtown.

Motion carried 4-0 by the following roll call vote:

AYES: Vice-Chair Wallis, Commissioners Bassi and Bath, and Alternate Commissioner Roth
NOES: None
ABSENT: Chair Jhutti and Commissioner Mendoza-Gonzalez

City Planner Hatch explained this item with Planning Commission's recommendation for denial will move forward to the City Council for the final decision.

Item No. 5 – Discussion Items

Changing the Planning Commission Meeting Time from 7:00 p.m. to 6:00 p.m.

Vice-Chair Wallis opened the item for public comment at 9:10 p.m.

Katherine Schell-Rodriguez, P.O. Box 163, Livingston, said she thinks the meetings should be kept at 7:00 p.m. People that work and want to attend the meeting need time to get home and get supper on the table before heading to the meeting. It has been 7:00 p.m. for as long as she can remember. It's on the City's website at 7:00 p.m. She doesn't see a reason for the need to change.

City Planner Hatch said the Planning Commission couldn't make the change tonight. They could request that an ordinance be drafted to make the change because it has to go through the process and Council has to approve it.

Jose Moran, 945 Park View Drive, said he was hoping to see all the Commissioners present to hear their input. For him personally, 7:00 p.m. works better.

Pedro Valencia, Pastor of the Neighborhood Church, said in his opinion the time should not be changed because there will be a lot of people that will not be able to attend the meetings if they are held earlier than 7:00 p.m.

Vice-Chair Wallis asked for Staff's input on the time change. He would like to know how that would impact them.

City Planner Hatch said staff tends to lean to keeping it at 7:00 p.m., simply for consistency with City Council meetings. It's a habit for the community to have it at 7:00 p.m. Staff would recommend the Planning Commission follow the Council rather than lead the Council in terms of start times for public meetings. If they choose to meet earlier at a later date, it makes sense for the Planning Commission to follow, but he would recommend not to have the Planning Commission lead in this regard.

Commissioner Bath said due to his religious beliefs, it would be better for him to have the meeting at 6:00 p.m. so it doesn't interfere with his prayers.

Vice-Chair Wallis moved to continue this item to the next regular meeting on May 14, 2019, to allow all Commissioners to give their input. Motion carried by a unanimous vote of 4-0.

Explanation of Excused and Unexcused Absences

Vice-Chair Wallis said he got perturbed today when City staff had to send a message to all Commissioners asking them if they were going to attend the meeting. The Commissioners all know when the meetings are. If a Commissioner is not going to attend the meeting, they need to call and let staff know. The only time you can be excused to one of these meetings is due to illness or family emergency. If it's due to work or anything else, it is not an excused absence. Staff should not have to be worried about whether or not there is going to be a quorum. He asked that everybody pay attention to that. It is common sense to notify City staff ahead of time.

Jose Moran asked if the City code states how many meeting Commissioners are allowed to miss.

City Planner Hatch explained the City's Municipal Code states that Planning Commissioners can have three unexcused absences a year. If it's more than that, it has to be reported to the City Council and the City Council can removed a Planning Commissioner if they have more than three unexcused absences. The Code defines what an excused absence is. Only illness and family emergencies are excused absences, so vacation or work commitments are not considered excused absences. We got into the habit of considering them as excused, but they are really not.

REPORTS

Planning Commission

Vice-Chair Wallis

- Asked if anything resurfaced on the Arco project.

City Planner Hatch said staff is still waiting for word from Arco on what they want to do.

ADJOURNMENT

The regular meeting was adjourned by consensus at 9:28 p.m. to the next Regular Meeting on May 14, 2019.

APPROVED: August 13, 2019

Chair, ROBERT WALLIS

Secretary of the Planning Commission,
RANDY HATCH

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MINUTES

LIVINGSTON PLANNING COMMISSION REGULAR MEETING

JULY 9, 2019

A regular meeting of the Livingston Planning Commission was held in the City Council Chambers on July 9, 2019. The meeting was called to order at 7:00 p.m. by Chair Robert Wallis.

ROLL CALL

Commissioners Present: Chair Robert (Bob) Wallis, Vice-Chair Francisco Mendoza-Gonzalez, Commissioner Ranjeet Jhutti, Commissioner Steve Bassi, Commissioner Adanan Bath, Alternate Commissioner Jason Roth, and Alternate Commissioner Wapinder Kang.

Commissioners Absent: None

Staff Present: City Planner Randy Hatch and Sr. Administrative Analyst Filomena Arredondo

Others Present: Eloy Sapien

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

CONSENT AGENDA

Action Meeting Minutes From the Regular Meeting of May 14, 2019

Motion by Vice-Chair Mendoza-Gonzalez, seconded by Commissioner Bassi, to approve the minutes of the Regular Meeting of May 14, 2019. Motion carried 5-0 by the following roll call vote:

AYES: Chair Wallis, Vice-Chair Mendoza-Gonzalez, and Commissioners Bassi, Bath, and Jhutti
NOES: None
ABSENT: None

PUBLIC COMMENT

Chair Wallis opened and closed the public comment period at 7:02 p.m. as there were no comments from the audience.

PUBLIC HEARINGS

Conditional Use Permit 2019-01 – GS Motors Vehicle Sales

Applicant, Eloy Sapien, is proposing to conduct a motor vehicle sales business operation from an existing 1,800 sq. ft. industrial building located at 433 Industrial Drive, Suite C, Livingston, CA, APN#: 023-130-002. There will be a maximum of 6-8 vehicles on site. No vehicle repairs will be conducted on site. The property is zoned M-1, Limited Industrial, and has a General Plan designation of LI, Limited Industrial, according to the official zoning map of the City of Livingston and the 1999 Livingston General Plan.

City Planner Randy Hatch presented the staff report and resolution with conditions of approval and the site location and zoning, site plan and elevations were displayed on PowerPoint.

This project could be retail sales or wholesale sales. They are both allowed. The vehicles for sale will be displayed indoors. The suite will consist of office space, a unisex bathroom, a display area, and the areas for path of travel. There is a roll up door and there is a man door to the side. Applicant is proposing a very modest sign on the wall, 4'x3'. The proposal for signage is well within the standard. Hours of operation are also located by the man door.

Staff referred project materials to all City departments for comments. The only comment received came from the City Engineer's office stating that applicant must comply with ADA requirements, so staff added that as a condition of approval. Staff also mailed out public hearing notices to all property owners within 300 feet of the site and no comments we received.

Staff recommended approval of the project.

Applicant was present to answer questions.

Applicant Eloy Sapien, 1159 Second Street, said he is going to start off small, 4-5 vehicles only. His business hours would be from 3:00 p.m. - 6:00 p.m. on weekdays and maybe all day Saturday and Sunday and by appointment only. Once he hires a sales person, he will have normal hours of operation.

Commissioner Bath asked if applicant is going to have the roll up door open when the business is open.

Mr. Sapien said, "Yes."

Vice-Chair Mendoza-Gonzalez asked if vehicles will be displayed indoors only or outdoors as well.

Mr. Sapien said only indoors. DMV requires a display area, so the display area will be inside the building. The property owner has granted him the use of only two parking spaces in the parking lot.

Vice-Chair Mendoza-Gonzalez asked what some of the surrounding uses are.

Mr. Sapien said Dole Packaging is to the right; there is an auto body shop to the left; and a cabinet shop in the back.

Vice-Chair Mendoza-Gonzalez thinks he is a pretty good fit with the current uses of the building.

Commissioner Bassi asked if these vehicles are antique or custom vehicles.

Mr. Sapien said right now he just wants to sell affordable and reliable vehicles.

Chair Wallis asked the applicant if he would be buffing, washing, cleaning and detailing the vehicles.

Mr. Sapien said he probably only has room for vacuuming and cleaning the interior of the vehicles, but he would have to do any washing and buffing at the car wash. For vehicle repairs, he may give some business to the auto body shop located nearby.

Commissioner Jhutti thinks this business fits well in the industrial area. The applicant has a pretty concise and very specific plan. He wished the applicant good luck.

Commissioner Bath asked the applicant if he was going to do wholesale sales and advertising cars on the side of the road.

Mr. Sapien said his business is more of retail sales. He is advertising through social media, car magazines, and mainly word of mouth.

Vice-Chair Mendoza-Gonzalez asked the applicant if he was going to be utilizing any type of inflatable signs, banners, or flags.

Mr. Sapien said he doesn't think so. He is planning to mark his parking spaces "GS Motors" and since he has limited parking, he feels that with the advertising he is doing will be plenty.

Commissioner Bassi would like to add a condition that applicant is not allowed to park cars that are for sale along the road.

City Planner Hatch said they can add that condition to make it clear, but that is already not allowed.

Mr. Sapien said that is not allowed by DMV either, so he is not planning to do that.

Chair Wallis opened the public hearing at 7:21 p.m. and closed it immediately thereafter as there were no public comments.

Chair Wallis said he likes the idea of having the vehicle display inside the building.

Following discussion, there was a motion by Chair Wallis, seconded by Commissioner Bassi, to adopt Resolution 2019-05, Approving Conditional Use Permit 2019-01 to Allow Vehicle Sales in the M-1 Zone, at 433 Industrial Drive, Suite C, Livingston, CA, subject to the conditions of approval listed on Exhibit A of the resolution and adding a new condition that cars for sale would not be allowed to park along Industrial Drive. Motion carried 5-0, by the following roll call vote:

AYES: Chair Wallis, Vice-Chair Mendoza-Gonzalez, and Commissioners Bassi, Bath, and Jhutti
NOES: None
ABSENT: None

REPORTS

Planning Commission

Discussion took place to clarify when Planning Commission Alternates can vote.

Chair Wallis asked if the second Alternate can be excused if it is not his month to vote.

City Planner Hatch explained the benefits of having alternates attend the meetings regardless of whether it is their opportunity to vote or not. The intent of the alternate is to step in when a regular member is not present.

Commissioner Jhutti said the problem with not showing up if it is not his month to vote is that Staff cannot predict the attendance of the Commissioners. It can be a last minute emergency.

City Planner Hatch explained that when all Commissioners attend the meetings, both Alternates can still ask questions and make comments; their input is important.

Chair Wallis asked for the status on the Arco project.

City Planner Hatch said the project proponent has authorized the City and the environmental consultant to move forward with the environmental document, so the City has been working with the environmental consultant making the necessary changes to the environmental document. Staff is hoping to bring that forward to the next regular Planning Commission meeting in August.

Chair Wallis asked if any of the Gallo lots that were just created have been sold.

City Planner Hatch said he thinks one has sold.

Commissioner Jhutti asked for the status on the ACE commuter train extension, phase 2 extending to Merced, with Livingston as a stop.

City Planner Hatch said he doesn't have the status on that. The last he heard is the debate is between Livingston and Atwater. He thinks this issue is being handled by the Merced County Association of Governments.

Commissioner Bath said property next to Arco is already advertising land and saying Arco is coming. He asked if they can do that.

City Planner Hatch said that is perfectly part of the land marketing process.

Vice-Chair Mendoza-Gonzalez asked about the laundry facility coming to Livingston.

City Planner Hatch said a grand opening is scheduled to happen in the near future.

Commissioner Bath asked if a crosswalk and a stop sign could be installed on Joseph Street and Virginia Avenue.

City Planner Hatch said the Police and Public Works would have to analyze the need.

Commissioner Bassi asked Alternate Commissioner Kang to report that to the Police Department.

Commissioner Bassi asked if anybody has expressed interest on the property on the northwest corner of Hammatt and Campbell.

City Planner Hatch said not yet, but the property owner is advertising the property.

City Staff

City Planner Randy Hatch

- Gave answer to questions asked by the Planning Commission at previous meetings.
 1. Status of getting ADA compliant doors at the City Council Chambers.
City Manager said this project has been placed in the 2019-2020 FY budget.
 2. Status of getting stop signs installed at the intersections of Lilac and Robin and Vierra and Peach.
That was referred to the Public Works Department and the Police Department and they are analyzing the need.
 3. Videotaping the Planning Commission meetings.
There is no budget for that at this time.
 4. What's happening with the Council Meeting start time?
The Council has decided to keep their meeting at 7:00 p.m.
 5. Should the Livingston Municipal Code have meetings start time eliminated from the Code language itself?
Since there is no action on changing the regular scheduled time, there is no need to change the Code language. If that is something that the Commission feels strongly about, they can make a request to put it on the Agenda to make a request to the City Council.
- Stated the importance of being compliant with the State's housing requirements to qualify for housing grants. It is a big deal going forward on legislative actions. Right now the City has a compliant Housing Element and Staff prepared a Housing Element report for last year and is now working on the report for this year. Assembly Bill 10 incentivizes the development of housing for cities and counties by providing additional moneys that can be available to address housing needs.

- Staff is actively working with a development in the non-profit affordable housing community to find sites and develop housing opportunities.
- One of our biggest obstacles to filling in a variety of infill lots in the City is the poor state of the sanitary sewer collection system in some streets. The sewer mains are not in public streets; they go across lots and they are not publicly maintained sewer lines; they are private sewer lines and so to tap into them will require getting access to private property. Currently new water pipes are being installed in some of these streets, so the water lines are in the public street readily available. The next step is to do that with the sewer lines. The City is applying for a State grant to replace the sewer lines and there is a reasonably good chance the City will get it.
- He and the City Manager have been attending economic development meetings trying to bring additional jobs to the community.

ADJOURNMENT

The regular meeting was adjourned by consensus at 7:52 p.m.

APPROVED: August 13, 2019

Chair, ROBERT WALLIS

Secretary of the Planning Commission,
RANDY HATCH

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Agenda Item #: 3a.
Meeting Date: August 13, 2019
Report Date: August 7, 2019

CITY OF LIVINGSTON PLANNING COMMISSION STAFF REPORT

CITY FILE NUMBER: ARCO AM/PM, Conditional Use Permit 2018-01, and Site Plan/Design Review 2018-03

OWNER/APPLICANT: Raja Chandi Group, Applicant
P O Box 3820
Turlock, CA 95381

Blaine and Kathy Yagi, Owners
5614 Lincoln Blvd
Livingston, CA 95334

PROJECT LOCATION: Adjacent to and southwest of the intersection of Campbell Blvd with Hammatt Ave, adjacent to State Route 99 at the Hammatt Ave interchange, APN #: 023-060-001. The property is currently vacant.

PROPOSED ACTION: Adopt Resolution 2019-___, adopting the Initial Study / Mitigated Negative Declaration and a Mitigation Monitoring / Reporting Program; adopt Resolution 2019-___, approving the Conditional Use Permit for a gasoline service station; and adopt Resolution 2019-___, recommending approval by the City Council of the site plan and design review of the gasoline service station, truck fueling station, convenience store, full-service restaurant, quick-service restaurant, a car wash, and associated driveways, circulation aisles, parking, landscaping, lighting and signage.

PREPARED BY: Randy Hatch, Contract City Planner

LOCATION CHARACTERISTICS:

Property Size: 2.37 Acres
Existing Land Use: Vacant
1999 General Plan Designation: Highway Commercial (HC)
Zoning: Highway Service Commercial (C-3)
Street Access: Campbell Boulevard and Hammatt Avenue

ADJACENT ZONING AND LAND USE:

North: Across Campbell Ave, C-3, undeveloped land used to grow row crops.
South: State Route 99.
East: Hammatt Ave, and Hammatt Ave interchange with SR 99
West: Vacant land, C-3.

PROJECT DESCRIPTION:

The applicant, Raja Chandi Group, is proposing to develop the 2.37 acre property into a Highway Service center with several related uses. The applicant proposes to construct an ARCO fueling station, which would provide a total of 10 pumps for dispensing gasoline and diesel fuel to passenger vehicles and light duty trucks under a 5,776 square foot covered canopy. A 6,300 square foot building in the eastern portion of the site would be divided into a proposed 3,800 square foot convenience store and cashiers area, and a 2,500 square foot quick-service restaurant. A 2,641 square foot freestanding structure behind the convenience store and restaurant would contain an automated car wash, which would have one wash bay. Near the center of the project site, a two-bay diesel fueling station for heavy-duty trucks with a 1,008 square foot canopy would be constructed which would provide three hi-flow diesel dispensers with four nozzles. The proponent also proposes to construct a stand-alone, full-service restaurant approximately 2,800 square feet in size at the western edge of the site.

The convenience store will be open 24 hours, 7 days per week and will sell the typical snacks, drinks and food items. Beer, wine, and tobacco sales are also proposed in accordance with City regulations. There will be a minimum of two employees at all times with up to 5 employees depending on the needs of the business. The particulars of the quick-service and full-service restaurants are not known at this time, but will have additional employees and activity at the site.

A total of 77 parking spaces would be provided to serve the proposed uses. Twenty-Five (25) parking spaces would be at the western portion of the site to provide parking for the full-service restaurant. Another 25 spaces would be at the eastern part of the property to serve the cashier area / convenience store and quick-serve restaurant (including 6 employee spaces). An additional 6 limited use vacuum spaces and 1 air / water filling space are provided along the exit path from the automated car wash covered by a 20 foot by 140 foot canopy. Of the 25 spaces located near the cashier area / convenience store and quick-serve restaurant, 2 are handicap accessible spaces, 2 are electric vehicle charging spaces and 1 is a clean air vehicle space. Two (2) handicap accessible spaces are among the parking spaces serving the stand-alone, full service restaurant on the west side of the center. There are also a total of 20 spaces in the fueling bays. This leads to a grand total of 77 vehicle spaces provided.

Access to the Highway Serve Center would be exclusively from Campbell Ave. No access will be from Hammatt Ave. The main access driveway will be 65 feet wide serving both entering and exiting cars and light duty trucks and exiting heavy-duty trucks near the center of the Campbell Ave. frontage. A second 30 foot wide driveway is located at the western edge of the frontage on Campbell Ave. This driveway provides access for cars and light duty trucks to the full-service restaurant and serves as the main entrance for heavy-duty trucks to access the diesel fueling area. The project would connect to existing water, wastewater, storm drain, electrical, gas and communication utilities from the surrounding streets.

A 10 foot wide landscape area will be provided on the north, west, and south borders of the site. A wider (10 feet to approximately 60 feet) landscaping area will be provided on the east side of the site where it merges with the right of way for Hammatt Ave and the Hammatt Ave overpass. A preliminary landscape plan is provided and shows heavy planting of trees, shrubs, and ground cover in these landscape areas and on landscape islands elsewhere on the site. The area to the west of the full-service restaurant is also landscaped to provide a buffer between the restaurant and the truck drive-thru lane to get to the truck fueling area and canopy.

The buildings proposed to be constructed are low slung composed of a stucco finish with parapet style projections defining the entrances and providing a design and architectural enhancement to the façade. The colors are earth tone (a sandy cream for the convenience store / quick serve restaurant) and a gold toned medium brown for the stand-alone full-service restaurant. In both of these buildings the parapet style projections are of a complementary darker color (gold toned medium brown and rustic walnut). An

orange toned aluminum awning is provided above the main window walls of both buildings. A molding cap in pewter color runs along the tops of all walls and parapet style projections. The fueling canopies are sand colored and the vacuum area canopy and trash enclosures are gold toned medium brown in color.

Various signage is proposed throughout the Center. A 6 ½ foot high monument sign with the ARCO logo and fuel prices is located toward the Campbell Ave / Hammatt Ave corner of the site and a 50 foot high highway sign with ARCO logo and fuel prices is located toward the southeast corner of the site adjacent to the State Route 99 Freeway. Other ARCO identification signs and logos are along the cashiers area and convenience store and on the fueling area canopies. The colors of this ARCO signage are the blue and red consistent with the ARCO facilities. Though not identified now, there are spaces on the parapet style projections for the names of the quick-service restaurant and the full-service restaurant. The colors and style of those signs would conform to the standards of those restaurants.

The Planning Commission is the approving body for the Conditional Use Permit and the recommending body for a Site Plan and Design Review with the City Council being the approving body. Therefore, this proposal must go before both bodies.

ENVIRONMENTAL REVIEW:

The construction of this Highway Service center is a “project” subject to review under the California Environmental Quality Act (CEQA). The applicant retained the services of an environmental consultant to meet CEQA requirements which are administered by the City. ARCO representatives prepared an Initial Study which reviews the “project” per the standards and criteria of CEQA and determines whether the “project” would result in any significant environmental effects, as defined by CEQA. If significant effects are determined to result from the “project”, then the applicant identifies and describes feasible mitigation measures which could be undertaken that would avoid the identified significant effects or reduce them to a level that would be less than significant. This is all identified in the Initial Study (IS) and a proposed Mitigated Negative Declaration (MND). The applicant prepared these documents and they were reviewed in detail by City staff and, after City editing, represent the independent analysis and judgment of the City. These documents were circulated to various City departments, other agencies (including CalTrans) and organizations and made available for public review and comment for 30 days starting December 22, 2018, through January 22, 2019. No State agencies submitted any comments. The City Engineer, Police Chief, and Fire Department submitted comments. The City Engineer commented regarding various corrections and clarifications to the document. These corrections and clarifications are addressed in the IS/MND, as revised. Additional Engineering comments propose Conditions of Approval which are addressed in the Analysis section of this Staff Report and are contained in the proposed Resolution approving the Project. Police comments concern access to the Project from Campbell Ave and are also addressed as Conditions in the proposed Resolution approving the Project. The Fire Department notes that its response times and ability to respond to emergencies at this Project are impacted by this Project and several mitigations regarding staffing, equipment, and funding are proposed. These comments do not address the environmental impacts of the Project, but rather operational impacts and matters of City policy. As such, these comments are addressed in the Analysis section of this Staff Report. All environmentally related comments received can be mitigated through corrections / changes to the Document or the imposition of Conditions of Approval. Accordingly, staff has prepared a Resolution which adopts the Mitigated Negative Declaration and incorporates all the proposed Mitigation Measures into the project. The City has also prepared a Mitigation Monitoring / Reporting Plan which summarizes all potential impact of the project and the associated mitigation measures. The Mitigation Monitoring / Reporting Plan also identifies who is responsible for implementing the mitigation measure and who does the follow up with monitoring / reporting.

ANALYSIS:

The property is vacant and is properly General Planned and Zoned for such a use. The proposed use, as proposed and conditioned, meets the development standards in the City's Zoning and Development Codes. The use meets the height, setback and lot coverage requirements. The parking required for gas stations is 1 per employee (5 at maximum shift) and for a restaurant is 1 space for every 50 square feet of net floor area for dining and waiting. According to the floor plans, there is 1,250 gross sq. sf. of dining / waiting area for the quick-service restaurant and 1,400 gross sq. ft. of dining / waiting area for the full-service restaurant. This calculates to a total of 58 spaces required (this figure is likely high because the square footage of drink stations, waiter stations, garbage – tray return areas, and other food prep and self-service areas are not known and are not deducted to achieve a net dining / waiting area). As noted in the Project description above, the development provides 77 parking and vehicle holding spaces complying with the City's parking requirements for both fueling stations and restaurants.

The preliminary landscape plan submitted shows a variety of trees, shrubs, and ground cover to be used for this Project. Staff review of the plant materials verifies that the proposed plants are drought tolerant and consistent with the types of plants the City has allowed and required in previous projects. Further, the signs proposed comply with City standards. The one proposed freestanding sign is 6 ½ ft. high and 8' 4 ½" wide, the Code allows 30 ft. high and 50 sq. ft. in size. The highway sign proposed is 50 ft. high 6' 8 ½" wide with the Code allowing 60 ft. high and 500 sq. ft. in size.

Exterior lighting is not addressed leading staff to recommend a condition of approval to require lighting to be shielded and focused on the building and parking areas. The City has a Design Guide applicable to all new development. Staff has compared the proposed new building's design and colors, as described above, with the Design Guide. The overall design of the new building appears to be consistent with the Design Guide in terms of being compatible in scale with the surrounding area and providing visual interest.

As noted above in the Environmental Review Section, Fire has identified various needs they feel are caused by the project. The need for an OptiCom system is addressed on a proportionate, fair share basis in the proposed Conditions of Approval. The staffing, equipment, and funding needs of the Fire Department are addressed in the proposed Condition of Approval requiring the Project to develop or annex into the recently formed non-residential Community Facilities District (CFD).

RECOMMENDATION:

Staff is of the opinion that the proposed use is consistent with that envisioned for this area and will be an asset to the City providing additional fueling and dining options. This use is expected to serve a significant number of customers traveling along State Route 99 providing additional jobs, tax revenue and economic development to the City. The development of this prime corner will help to spur development in the immediate vicinity. This Project acts as an economic generator to the City drawing people from outside the City. Staff feels the site layout and buildings, as proposed and as conditioned, complies with all the requirements and standards applicable. The recommended conditions of approval allows staff to administratively review and approve the landscaping, lighting, and signage as these elements of the Project are detailed during the construction phase of the Project. The proposed Conditions of Approval concerning the CFD and roadway improvements represents City Staff's best judgement to address these Project impacts on a fair and proportional basis. As always, City appointed and elected decision makers may arrive at alternate conclusions based on a wide number of factors including promoting economic development, jobs, and the desire for services. Staff recommends the Planning Commission adopt three separate resolutions: Resolution 2019-__, adopting the Mitigated Negative Declaration with its Mitigation Monitoring / Reporting Program; Resolution 2019-__, granting approval of the Conditional Use Permit (CUP 2018-01) for a gasoline service station; and Resolution 2019-__, recommending approval by the

City Council of Site Plan and Design Review 2018-03, based on the Findings and Conditions of Approval contained in the resolution.

ATTACHMENTS:

1. Mitigated Negative Declaration Resolution 2019-____
Exhibit "A", Initial Study /Mitigated Negative Declaration, as amended
Table 1-1, Summary of Environmental Impacts and Mitigation Measures
Exhibit "B", Mitigation Monitoring / Reporting Program
2. Conditional Use Permit Resolution 2019-____
Exhibit "A", Conditions of Approval
3. Site Plan / Design Review Resolution 2019-____
Exhibit "A", Conditions of Approval
4. Project Location and Zoning Map
5. Proposed Site Plan
6. Proposed C- Store and QSR Floor Plan
7. Proposed Restaurant Floor Plan
8. Proposed Exterior Elevations
9. Proposed Canopy Elevations
10. Accessory Structures Plan and Elevation
11. Preliminary Landscape Plan

RESOLUTION 2019-

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LIVINGSTON ADOPTING THE MITIGATED NEGATIVE DECLARATION
AND ADOPTING A MITIGATION MONITORING/REPORTING PROGRAM FOR THE
ARCO AM-PM PROJECT CONDITIONAL USE PERMIT 2018-01 AND
SITE PLAN & DESIGN REVIEW 2018-03**

WHEREAS, pursuant to Livingston Municipal Code (“LMC”) sections 5-6-7 and 5-6-9, Raja Chandi Group, Applicant and Blaine and Kathy Yagi, Owners, have applied for a Conditional Use Permit and a Site Plan and Design Review approval for the ARCO AM-PM Project which consists of: a gasoline service station; truck fueling station; convenience store; full-service restaurant; quick-service restaurant; car wash; and associated driveways, circulation, parking, landscaping, lighting, and signage at and southwest of the corner of the Campbell Blvd/Hammatt Ave intersection adjacent to State Route 99 at the Hammatt Ave interchange, (APN 023-060-001), in the City of Livingston; and

WHEREAS, these developments are deemed a Project within the meaning of the California Environmental Quality Act (CEQA); and

WHEREAS, the City of Livingston has caused to be prepared an Initial Study/Mitigated Negative Declaration (IS/MND) addressing the potential environmental effects of the ARCO AM-PM Project in accordance with the requirements of CEQA, which is attached hereto as Exhibit “A” and is hereby incorporated by reference; and

WHEREAS, a Notice of Intent to adopt a MND was published on August 3, 2019, in the Merced Sun-Star; and

WHEREAS, the IS/MND has been circulated for public and agency review and comment in accordance with the requirements of CEQA from December 22, 2018, through January 22, 2019, and received three comments from City Departments; and

WHEREAS, the City Planning Commission has held public hearings on the proposed project on February 12, 2019, which had been properly noticed by posting, a newspaper ad and a mailing to adjacent properties within 300 feet of the site, which was continued to February 25, 2019, and again continued to March 12, 2019, and was held on August 13, 2019, which has been properly noticed by posting, a newspaper ad and a mailing to adjacent properties within 300 feet of the site; and

WHEREAS, the Planning Commission has reviewed and independently considered the analysis and conclusions of the IS/MND; and

WHEREAS, the Planning Commission has reviewed and considered any and all comments on the IS/MND made at the public hearings; and

WHEREAS, the City has prepared a Mitigation Monitoring/Reporting Program for the ARCO AM-PM Project attached hereto as Exhibit “B” and is hereby incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED that the Livingston Planning Commission hereby adopts Resolution 2019-__, which adopts the IS/MND for the subject new development as contained within Exhibit “A” attached hereto with Table 1-1 (summarizing the impacts and mitigation measures) also attached.

BE IT FURTHER RESOLVED that the Livingston Planning Commission hereby adopts the Mitigation Monitoring/Reporting Program for the project as contained within Planning Commission Resolution 2019- ____, Exhibit "B".

The foregoing resolution was introduced and moved for adoption on August 13, 2019, by _____, and being duly seconded by _____, was passed by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Chair, ROBERT WALLIS

Secretary of the Planning Commission,
RANDY HATCH

EXHIBIT “A”

FINAL
**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

**FOR THE
HAMMATT AVENUE ARCO PROJECT
LIVINGSTON, CA**

August 2019

**FULL DOCUMENT
AVAILABLE ON THE CITY
WEBSITE AT
www.livingstoncity.com**

Prepared for:

City of Livingston
1416 C Street
Livingston, CA 95334
209-394-8041

Prepared by:

BaseCamp Environmental, Inc.
115 S. School Street, Suite 14
Lodi, CA 95240
209-224-8213



TABLE 1-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
3.1 AESTHETICS			
a) Scenic Vistas	NI	None required	
b) Scenic Resources	NI	None required	
c) Visual Character and Quality	LS	None required	
d) Light and Glare	LS	None required	
3.2 AGRICULTURE AND FORESTRY RESOURCES			
a) Agricultural Land Conversion	NI	None required	
b) Agricultural Zoning and Williamson Act	NI	None required	
c, d) Forest Land Conversion and Zoning	NI	None required	
e) Indirect Conversion of Farmland of Forest Land	NI	None required	
3.3 AIR QUALITY			
a) Air Quality Plan Consistency	LS	None required	
b) Violation of Air Quality Standards	LS	None required	
c) Cumulative Emissions	LS	None required	
d) Exposure of Sensitive Receptors to Pollutants	LS	None required	
e) Odors	LS	None required	
3.4 BIOLOGICAL RESOURCES			
a) Special-Status Species	NI	None required	

TABLE 1-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
b) Riparian and Other Sensitive Habitats	NI	None required	
c) Wetlands	NI	None required	
d) Fish and Wildlife Movement	NI	None required	
e) Local Biological Requirements	NI	None required	
f) Conflict with Habitat Conservation Plans	NI	None required	
3.5 CULTURAL RESOURCES			
a, b) Historical and Archaeological Resources	PS	CULT-1: If any subsurface cultural or paleontological resources are encountered during project construction, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist or paleontologist, as appropriate, can examine these materials and make a determination of their significance. If the resource is determined to be significant, recommendations shall be made on further mitigation measures needed to reduce potential effects on the resource to a level that would be less than significant. Such measures could include 1) preservation in place or 2) excavation, recovery and curation by qualified professionals. The City of Livingston Community Development Department shall be notified of any find, and the ODS shall be responsible for retaining qualified professionals, implementing recommended mitigation measures, and documenting mitigation efforts in a written report to the CDD, consistent with the requirements of the CEQA Guidelines.	LS
c) Paleontological Resources and Unique Geological Features	PS	Mitigation Measure CULT-1.	LS

TABLE 1-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
d) Human Burials	PS	CULT-2: Project construction shall comply with the provisions of CEQA Guidelines Section 15064.5(e) regarding the treatment of any human burials encountered, including halting all work in the vicinity of the find and notifying the County Coroner.	LS
3.6 GEOLOGY AND SOILS			
a-1) Fault Rupture Hazards	NI	None required	
a-2, 3) Seismic Hazards	LS	None required	
a-4) Landslides	NI	None required	
b) Soil Erosion	PS	GEO-1: The ODS shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project and file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) prior to commencement of construction activity, in compliance with the Construction General Permit and City of Livingston storm water requirements. The SWPPP shall be available on the construction site at all times. The ODS shall incorporate an Erosion Control Plan consistent with all applicable provisions of the SWPPP within the site improvement and building plans. The ODS shall submit the SWRCB Waste Discharger's Identification Number (WDID) to the City prior to approval of development or grading plans.	LS
c) Geologic Instability	LS	None required	
d) Expansive Soils	LS	None required	
e) Adequacy of Soils for Wastewater Disposal	NI	None required	

TABLE 1-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
3.7 GREENHOUSE GAS EMISSIONS			
a, b) Project GHG Emissions and Consistency with GHG Reduction Plans	LS	None required	
3.8 HAZARDS AND HAZARDOUS MATERIALS			
a, b) Hazardous Material Transport, Use, and Potential Release	LS	None required	
c) Hazardous Materials Releases near Schools	NI	None required	
d) Hazardous Materials Sites	NI	None required	
e, f) Public Airport and Private Airstrip Operations	NI	None required	
g) Emergency Response and Evacuations	LS	None required	
h) Wildland Fire Hazards	LS	None required	
3.9 HYDROLOGY AND WATER QUALITY			
a, f) Surface Waters and Water Quality	PS	HYDRO-1: The ODS shall submit a Storm Water Quality Plan that shall include post-construction Best Management Practices (BMPs) as required by the SWMP. The Storm Water Quality Plan will be reviewed and approved by the City of Livingston Public Works Department prior to approval of project improvement plans. HYDRO-2: The ODS shall if required execute a Maintenance Agreement with the City for stormwater BMPs prior to receiving a Certificate of Occupancy. The ODS must remain the responsible party and provide funding for the	LS

TABLE 1-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
		operation, maintenance and replacement costs of the proposed treatment devices built for the subject property.	
		HYDRO-3: The ODS shall comply with any and all requirements of, and pay all associated fees as required by, the City's Storm Water Pollution Prevention Program as set forth in its NPDES Storm Water Permit.	
b) Groundwater Supplies and Recharge	LS	None required	
c, d, e) Drainage Patterns and Runoff	LS	None required	
g, h) Residences and Other Structures in 100-Year Floodplain	NI	None required	
i) Dam and Levee Failure Hazards	LS	None required	
j) Seiche, Tsunami, and Mudflow Hazards	NI	None required	
3.10 LAND USE AND PLANNING			
a) Division of Established Communities	NI	None required	
b) Conflicts with Plans, Policies and Regulations Mitigating Environmental Effects	LS	None required	
c) Conflict with Habitat Conservation Plans	NI	None required	
3.11 MINERAL RESOURCES			
a, b) Availability of Mineral Resources	NI	None required	
3.12 NOISE			
a) Exposure to Noise Exceeding Local Standards	LS	None required	

TABLE 1-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
b) Groundborne Vibrations	NI	None required	
c) Permanent Increase in Ambient Noise	LS	None required	
d) Temporary or Periodic Increase in Ambient Noise	LS	None required	
e, f) Public Airport and Private Airstrip Noise	NI	None required	
3.13 POPULATION AND HOUSING			
a) Population Growth Inducement	LS	None required	
b, c) Displacement of Housing or People	NI	None required	
3.14 PUBLIC SERVICES			
a) Fire Protection	LS	None required	
b) Police Protection	LS	None required	
c) Schools	LS	None required	
d, e) Parks and Other Public Facilities	LS	None required	
3.15 RECREATION			
a, b) Recreational Facilities	LS	None required	
3.16 TRANSPORTATION/TRAFFIC			
a) Conflict with Transportation Plans, Ordinances and Policies	PS	TRANS-1: The ODS will be required to pay fair share costs of the recommended transportation improvements as described in the approved traffic study for the project. If required, to address short-term traffic concerns, the ODS	LS

TABLE 1-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation Measures
		shall construct necessary improvements as specified in the Conditions of Approval, or as determined by the City Engineer.	
b) Conflict With Congestion Management Program	NI	None required	
c) Air Traffic Patterns	NI	None required	
d) Traffic Hazards	LS	None required	
e) Emergency Access	LS	None required	
f) Conflict with Non-vehicular Transportation Plans	NI	None required	
3.17 UTILITIES AND SERVICE SYSTEMS			
a, b, e) Wastewater Systems	LS	None required	
b, d) Water Systems and Supply	LS	None required	
c) Stormwater Systems	LS	None required	
f, g) Solid Waste Services	LS	None required	
3.18 MANDATORY FINDINGS OF SIGNIFICANCE			
a) Findings on Biological and Cultural Resources	PS	Mitigation Measure CULT-1 and CULT-2.	LS
b) Findings on Individually Limited but Cumulatively Considerable Impacts	LS	None required	
c) Findings on Adverse Effects on Human Beings	LS	None required	

EXHIBIT “B”

**MITIGATION MONITORING/
REPORTING PROGRAM**

FOR THE

**HAMMATT AVENUE ARCO PROJECT
LIVINGSTON, CA**

August 2019

Prepared for:

**City of Livingston
1416 C Street
Livingston, CA 95334
209-394-8041**

Prepared by:

**BaseCamp Environmental, Inc.
115 S School Street, Suite 14
Lodi, CA 95240
209-224-8218**



MITIGATION MONITORING/ REPORTING PROGRAM FOR THE HAMMATT AVENUE ARCO PROJECT

1.0 INTRODUCTION

The City of Livingston is considering approval of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Hammatt Avenue Arco Project (the “project”). This document is the Mitigation Monitoring/Reporting Program (MMRP) for the project, which will be adopted by the City in conjunction with adoption of the IS/MND and consideration of the proposed project. The primary source document for the MMRP is the IS/MND.

1.1 THE PROJECT

The proposed project involves proposed development of an ARCO fueling station, convenience store, truck fueling station, two restaurants and other commercial structures on 2.37 acres at the intersection of Campbell Boulevard and Hammatt Avenue, in the City of Livingston, adjacent to SR 99 freeway.

1.2 CEQA REQUIREMENTS REGARDING MITIGATION MONITORING AND REPORTING

To ensure that mitigation measures included in an IS/MND are implemented, CEQA requires the adoption of a mitigation monitoring or reporting program (CEQA Guidelines Section 15074). The Guidelines require that the lead agency:

" . . . adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects."

These requirements are met by the Mitigation Monitoring/Reporting Program table for the project shown in Section 2.0 of this document. The table lists all of the potentially significant environmental effects of the project that were identified in the IS/MND, identifies all of the mitigation measures that address these effects, and identifies the entities that would be responsible for implementing and monitoring implementation of the mitigation measures.

2.0 MITIGATION MONITORING/REPORTING PLAN

The following table summarizes the significant environmental effects that could result from approval of the project, based on the analysis contained in the IS/MND. The table identifies 1) each significant effect, or in many cases issue areas where no significant effect would occur, 2) how each significant effect would be mitigated, 3) the responsibility for implementation of mitigation measures, and 4) the responsibility for monitoring of mitigation measures. The table follows the same sequence as the impact analysis in the IS/MND.

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY	SOURCE INFORMATION
3.1 AESTHETICS			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.2 AGRICULTURE RESOURCES			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.3 AIR QUALITY			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.4 BIOLOGICAL RESOURCES			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.5 CULTURAL RESOURCES			
Potential Impacts on Historic and Archeological Resources.			
<p>CULT-1: If any subsurface cultural or paleontological resources are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist or paleontologist, as appropriate, can examine these materials, make a determination of their significance and, if significant, recommend further mitigation measures that would reduce potential effects to a less than significant; such measures could include 1) preservation in place or 2) excavation, recovery and curation by qualified professionals. The City of Livingston Community Development Department shall be notified, and the project developer shall be responsible for retaining qualified professionals, implementing recommended mitigation measures and documenting</p>	<p>The ODS will be responsible for notifying the City and retaining a qualified archaeologist or paleontologist to examine resources unearthed by project construction. The qualified professional will be responsible for evaluating and reporting on the resources encountered and recommending further mitigation as required to</p>	<p>The City will be responsible for oversight and periodic inspection of project construction. If cultural resources are unearthed, the City will be responsible for oversight of the qualified professional(s) and review and acceptance of any proposed mitigation measures recommended in the professional report.</p>	IS/MND, Section 3.5

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY	SOURCE INFORMATION
<p>mitigation efforts in a written report to the City Community Development Department, consistent with the requirements of the CEQA Guidelines.</p>	<p>reduce potential impacts to a less than significant level, consistent with the CEQA Guidelines.</p>		
<p>Potential Impacts on Human Burials.</p>			
<p>CULT-2. Project construction shall comply with the provisions of CEQA Guidelines Section 15064.5(e) regarding the treatment of any human burials encountered, including halting all work in the vicinity of the find and notifying the County Coroner.</p>	<p>The ODS will be responsible for halting work as required, for notification of the City and the County Coroner and retaining qualified professionals as required to comply with CEQA Guidelines, including preparation and submittal of a written report to the City.</p>	<p>The City will be responsible for overseeing project construction and notification of the responsible parties if human burials are unearthed. The City will be responsible for review and acceptance of any recommendations as well as for ensuring that recommendations are implemented.</p>	<p>IS/MND, Section 3.5</p>
<h3>3.6 GEOLOGY AND SOILS</h3>			
<p>Potential Impacts on Soil Erosion.</p>			
<p>GEO-1: The ODS shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project and file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) prior to commencement of construction activity, in compliance with the Construction General Permit and City of Livingston storm water requirements. The SWPPP shall be available on the construction site at all times. The ODS shall incorporate an Erosion Control Plan consistent with all applicable provisions of the SWPPP within the site improvement and building plans. The ODS shall submit the SWRCB Waste Discharger's Identification Number (WDID) to the City prior to approval of development or grading plans.</p>	<p>The ODS will be responsible for compliance with the State General Permit for Construction, including preparation of the SWPPP, Filing of the Notice of Intent and submittal of the WDID number to the City.</p>	<p>The City will be responsible for overseeing ODS compliance with the Construction General Permit.</p>	<p>IS/MND, Section 3.6</p>

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY	SOURCE INFORMATION
<p>3.7 GREENHOUSE GAS EMISSIONS</p> <p>The IS/MND does not identify significant effects or mitigation measures in this issue area.</p>			
<p>3.8 HAZARDS AND HAZARDOUS MATERIALS</p> <p>The IS/MND does not identify significant effects or mitigation measures in this issue area.</p>			
<p>3.9 HYDROLOGY AND WATER QUALITY</p> <p>Potential Impacts on Surface Waters and Water Quality</p> <p>HYDRO-1: The ODS shall submit a Storm Water Quality Plan for the project that shall include post-construction Best Management Practices (BMPs) as required by the SWMP. The Storm Water Management Plan will be reviewed and approved by the City of Livingston Public Works Department prior to approval of project improvement plans.</p> <p>HYDRO-2: The ODS shall if required execute a Maintenance Agreement with the City for stormwater BMPs prior to receiving a Certificate of Occupancy. The ODS must remain the responsible party and provide funding for the operation, maintenance and replacement costs of the proposed treatment devices built for the subject property.</p> <p>HYDRO-3: The ODS shall comply with any and all requirements of, and pay all associated fees as required by, the City's Storm Water Pollution Prevention Program as set forth in its NPDES Storm Water Permit.</p>			
<p>3.10 LAND USE</p> <p>The IS/MND does not identify significant effects or mitigation measures in this issue area.</p>			
<p>The City will be responsible for overseeing SWMP compliance, including any required fee payments, and for review and approval of the Storm Water Quality Plan and Maintenance Agreement.</p> <p>The ODS will be responsible for preparation and submittal of the Storm Water Quality Plan and Maintenance Agreement for City review and approval. The ODS will provide required funding and pay storm water-associated fees as required.</p>			
<p>IS/MND, Section 3.9</p>			

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY	SOURCE INFORMATION
3.11 MINERAL RESOURCES			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.12 NOISE			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.13 POPULATION AND HOUSING			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.14 PUBLIC SERVICES			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.15 RECREATION			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.16 TRANSPORTATION			
Conflict with Transportation Plans, Ordinances and Policies.			
TRANS-1: The ODS will be required to pay fair share costs of the recommended transportation improvements as described in the approved traffic study for the project. If required, to address short-term traffic concerns, the ODS shall construct necessary improvements as specified in the Conditions of Approval, or as determined by the City Engineer.	The ODS will be responsible for payment of fair share costs and construction of necessary short-term improvements as required by the City.	The City will be responsible for ensuring that fair share costs are paid and that necessary short-term improvements are designed and constructed if required.	IS/MND, Section 3.16

IMPACT/MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY AND TIMING/SCHEDULE	MONITORING/REPORTING RESPONSIBILITY	SOURCE INFORMATION
3.17 UTILITIES AND SERVICE SYSTEMS			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			
3.18 MANDATORY FINDINGS OF SIGNIFICANCE			
The IS/MND does not identify significant effects or mitigation measures in this issue area.			

RESOLUTION 2019-

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LIVINGSTON
APPROVING CONDITIONAL USE PERMIT 2018-01 FOR AN ARCO AM/PM GASOLINE
SERVICE STATION AT THE CORNER OF CAMPBELL BLVD AND HAMMATT AVE**

WHEREAS, pursuant to Livingston Municipal Code (“LMC”) section 5-6-9 (F), Raja Chandi, Group, Applicant, on behalf of Blaine and Kathy Yagi, Property Owners, has applied for a Conditional Use Permit for a gasoline service station, at the corner of Campbell Blvd and Hammatt Ave, in the City of Livingston; and

WHEREAS, the site is zoned C-3 (Highway Service Commercial), and has a General Plan designation of Highway Commercial according to the official zoning map of the City of Livingston and the 1999 Livingston General Plan; and

WHEREAS, LMC Section 5-6-9 requires a Conditional Use Permit for “certain land uses that generally have a distinct impact on the area in which they are located, and/or are capable of creating special problems for bordering properties unless given special attention”; and the proposed gasoline service station is one of these so identified land uses; and

WHEREAS, a public hearing for the proposed project has been properly noticed by posting, a newspaper ad and a mailing to adjacent properties within 300 feet of the site; and

WHEREAS, Staff has reviewed the project with reference to the 1999 General Plan, the Zoning Ordinance and the adopted Livingston Design Guidelines; and finds that, based on the evidence documented within the associated staff report and proceedings of the public hearing, the proposed use is consistent with the General Plan, as conditioned, complies with the Zoning Ordinance in that the proposed use meets the zoning standards and requirements and is compatible with the surrounding uses, and meets the intent and guidance of the Livingston Design Guidelines; and

WHEREAS, the site for the proposed use is adequate in size and shape to accommodate said use and, as conditioned, all yards, spaces, wall and fences, parking, loading, landscaping, and other features required by the applicable zoning district are met; and

WHEREAS, the site, as conditioned, for the proposed use is served by streets adequate to carry the quantity and kind of traffic generated by the proposed use; and

WHEREAS, public facilities, as conditioned, are currently adequate to serve the proposed use; and

WHEREAS, the Planning Commission has considered the environmental effects of the project and has adopted a Mitigated Negative Declaration and adopted a Mitigated Monitoring/Reporting Program.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission adopts Resolution 2019-___, approving Conditional Use Permit 2018-01, with Conditions of Approval attached as Exhibit A.

The foregoing resolution was introduced and moved for adoption on August 13, 2019, by _____, and being duly seconded by _____, was passed by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Chair, ROBERT WALLIS

Secretary of the Planning Commission,
RANDY HATCH

Exhibit A
Conditions of Approval

1. The Developer shall comply with all federal, state and local laws, policies, standards and requirements applicable to such a use and obtain a building permit and all other permits applicable to such a use and shall pay all fees and exactions applicable to such a use; and
2. The Developer shall comply with all requirements of the associated Site Plan and Design Review (SP/DR 2018-03); and
3. The Developer shall repair any damage to City facilities such as curb, gutter, sidewalk, streets and alleys caused by construction; and
4. The Developer shall indemnify, defend and hold harmless the City and its officials, officers, employees, agents, and consultants from any and all legal or administrative actions or other proceedings challenging this approval or any subsequent approval associated with this project; and
5. The development of the site shall be consistent with approved plans, elevations, and colors. Provisions shall be made to accommodate bicycle parking. Minor variations from approved plans, elevations, and colors may be allowed at the review and approval of City staff; and
6. The developer and/or operator shall submit all exterior signs (including for the two proposed restaurants) for Planning administrative review and approval consistent with the submitted site plan and City's signage regulations prior to obtaining a sign permit from the Building Division; and
7. The developer shall submit landscape plans, consistent with the preliminary landscape plan, for Planning administrative review and approval specifying plant selection, size and irrigation. Such plants shall be drought tolerant; and
8. All exterior lighting fixtures shall be noted on an exterior lighting plan subject to staff review and approval, and such lighting shall be shielded and directed to areas on the subject property itself and shall avoid shinning toward adjacent properties and State Route 99; and
9. The property is located within the Merced Irrigation District Drainage Improvement District No 1 and subject to storm drainage fees if drainage is directed offsite to any MID facility. If applicable, a storm drainage agreement must be executed with MID.
10. The developer and/or operator shall comply with the 22 conditions listed in the Memo dated February 21, 2019, from City Engineer Mario Gouveia to Contract City Planner Randy Hatch. The time period for compliance with conditions 15, 16, and 17 as listed in the memo noted above shall be 7 years after the Certificate of Occupancy is issued for the convenience store/cashiers area.
11. The Developer and/or operator shall submit the plans for the trash enclosures for City staff review and approval after access to the enclosures have been approved by Gilton Solid Waste Management; and

12. The Developer and/or operator shall keep the site free from trash and debris and shall maintain the premises in a clean and orderly manner.

GOUVEIA ENGINEERING

MEMORANDUM

TO: Randy Hatch, Contract City Planner

FROM: Mario B. Gouveia, City Engineer

SUBJECT: Engineering Review Comments for Arco SPDR 2018-03 Application - REVISED

DATE: February 21, 2019

CC: Jose Antonio Ramirez, City Manager

These are the Engineering review comments for the Arco SPDR 2018-03 application.

1. Provide improvement plans for site development, utilities, drainage facilities, landscaping, site lighting, grading, and erosion control.
2. Public improvements shall conform to the latest edition of the City of Livingston Improvement Standards and all applicable State, Federal, and local laws and regulations.
3. Provide a soils report for project site prepared by a California registered geotechnical engineer.
4. Prepare a Storm Water Pollution Prevention Plan (SWPPP) pursuant to the California Water Resources Control Board Order No. 2009-0009-DWQ, NPDES No. CA000002 and the City of Livingston's MS4 Phase II Permit for construction activities. Prepare an Erosion Control Plan for storm water and construction BMPs. Applicant shall provide a WDID number prior to approval of the improvement plans.
5. Provide low impact development (LID) and source control measures for storm water management pursuant to the City of Livingston's Post-Construction Standards Plan.
6. Prepare a Dust Control Plan (DCP) and file the Plan with the San Joaquin Valley Air Pollution Control District for construction activities pursuant to Regulation VIII (Rules 8011-8081).
7. Prepare grading and encroachment permits for the project. Applicant shall pay the permit fee, plan check and inspection fees, and furnish improvement securities pursuant to the City's improvement standards, municipal code, and ordinances.
8. Applicant shall pay all applicable development impact fees for Municipal Facilities, Police, Fire Protection, Streets and Bridges, Water, Domestic Wastewater, Storm Drainage, and Parks.
9. The parcel shall be annexed to the City's Landscape and Lighting Maintenance District, Benefit Assessment District, and Community Facilities District for all required and applicable assessments.
10. Install a new 10-inch water main on Campbell Boulevard for all proposed domestic, irrigation, and fire service connections. The new water line shall be connected to the existing 12-inch main on Hammatt Avenue and shall extend the length of the property line. Connections shall include water meters, backflow preventers, post indicator valves, and fire department connections as applicable.

11. Connect to the existing 12-inch sewer main on Campbell Boulevard for sanitary service, thrash enclosure floor drain, and car wash drain. Developer to submit hydraulic calculations to verify there is adequate capacity on the existing line to handle the additional project wastewater flows. Provide a grease interceptor at all onsite kitchen connections.
12. Connect to existing 18-inch storm drain line on Campbell Boulevard for storm runoff from street frontage improvements and all on-site impermeable areas. Developer to submit hydraulic calculations to verify there is adequate capacity on both the existing line and storm basin to handle the additional project storm runoff. Construct new storm line and/or expand the existing basin as required to accommodate the additional storm water volume from the project site. Provide sand oil separator for all surface runoff from parking lots, fueling areas, and drive isles.
13. Dedicate right of way and public utility easement for the south half of Campbell Boulevard and construct street improvements pursuant to Arterial Standards (110-ft divided 4-Lane). Roadway pavement shall be widened to ultimate street width within the project frontage and transitioned to existing pavement as required. Curb, gutter, and sidewalk and other required street frontage improvements shall extend the length of the property line. Construct all required frontage improvements per City standards or as approved by the City Engineer.
14. Pay fair share of 42.8% for constructing a traffic signal at the intersection of Hammatt Avenue and Campbell Avenue to mitigate the excessive vehicle delays as a result of the project. The traffic signal shall be constructed with turn movements in accordance with the project's Transportation Impact Analysis and the required roadway configuration/traffic signal layout pursuant to Arterial Standards.
15. Pay fair share of 35.2% for constructing a traffic signal at the intersection of Hammatt Avenue and SR 99 Northbound Ramps to mitigate the deteriorated Level of Service as a result of the project.
16. Pay fair share of 28.9% for constructing a traffic signal at the intersection of Hammatt Avenue and SR 99 Southbound Ramps to mitigate the deteriorated Level of Service as a result of the project.
17. Pay fair share of 19.1% for constructing a traffic signal at the intersection of Hammatt Avenue and F Street to mitigate the deteriorated Level of Service as a result of the project.
18. Provide on-site and off-site ADA accessible path for pedestrians and bicyclists.
19. Protect from damage all existing street improvements designated to remain in place.
20. Car wash discharges to the storm drain system are prohibited. Applicant shall apply for a City Industrial Wastewater Permit for any car wash discharges to the sanitary sewer system.
21. Access to trash enclosure to be reviewed and approved by Gilton Solid Waste Management.
22. Applicant shall consult with Caltrans for any project requirements on the property side adjacent to Caltrans right of way.

RESOLUTION 2019-

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LIVINGSTON RECOMMENDING TO THE CITY COUNCIL
APPROVAL OF THE SITE PLAN AND DESIGN REVIEW 2018-03 FOR
THE ARCO AM-PM PROJECT**

WHEREAS, pursuant to Livingston Municipal Code (“LMC”) section 5-6-7, Raja Chandi Group, Applicant, and Blaine and Kathy Yagi, Owners, have applied for a Site Plan and Design Review approval to develop the ARCO AM-PM Project which consist of: A gasoline service station; convenience store; full-service restaurant; quick-service restaurant; car wash; and associated driveways, circulation, parking, landscaping, lighting, and signage at and southwest of the corner of the Campbell Blvd/Hammatt Ave intersection adjacent to State Route 99 at the Hammatt interchange, (APN 023-060-001), in the City of Livingston; and

WHEREAS, the site is zoned C-3 (Highway Service Commercial), and has a General Plan designation of Highway Commercial according to the official zoning map of the City of Livingston and the 1999 Livingston General Plan; and

WHEREAS, LMC Section 5-6-7 requires the approval of a Site Plan and Design Review for new structures within the C-3 district to assure compatibility, harmony in appearance in neighborhoods, reduction of negative impacts of nonaesthetic development, and orderly development of the community; and

WHEREAS, a public hearing for the proposed project has been properly noticed by posting, a newspaper ad and a mailing to adjacent properties within 300 feet of the site; and

WHEREAS, the Planning Commission has considered the environmental effects of the project and has adopted a Mitigated Negative Declaration and adopted a Mitigated Monitoring/Reporting Program; and

WHEREAS, Staff has reviewed the project with reference to the 1999 General Plan, the Zoning Ordinance (specifically Sections 5-6-7 “C” thru “E”) and the adopted Livingston Design Guidelines; and finds that, based on the evidence documented within the associated staff report and proceedings of the public hearing, the proposed use, its site plan and design, is consistent with the General Plan, complies with the Zoning Ordinance in that the site plan and design meets the zoning standard and requirements (including those specifically referenced above), and meets the intent and guidance of the Livingston Design Guidelines; and

WHEREAS, the Planning Commission has reviewed and considered any and all comments on the Site Plan and Design Review made at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Livingston Planning Commission hereby adopts Resolution 2019-___, recommending City Council approval of the Site Plan and Design of the subject new development.

BE IT FURTHER RESOLVED, that the Conditions of Approval within Planning Commission Resolution 2019-___, Exhibit A, are hereby approved.

The foregoing resolution was introduced and moved for adoption on August 13, 2019, by _____, and being duly seconded by _____, was passed by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Chair, ROBERT WALLIS

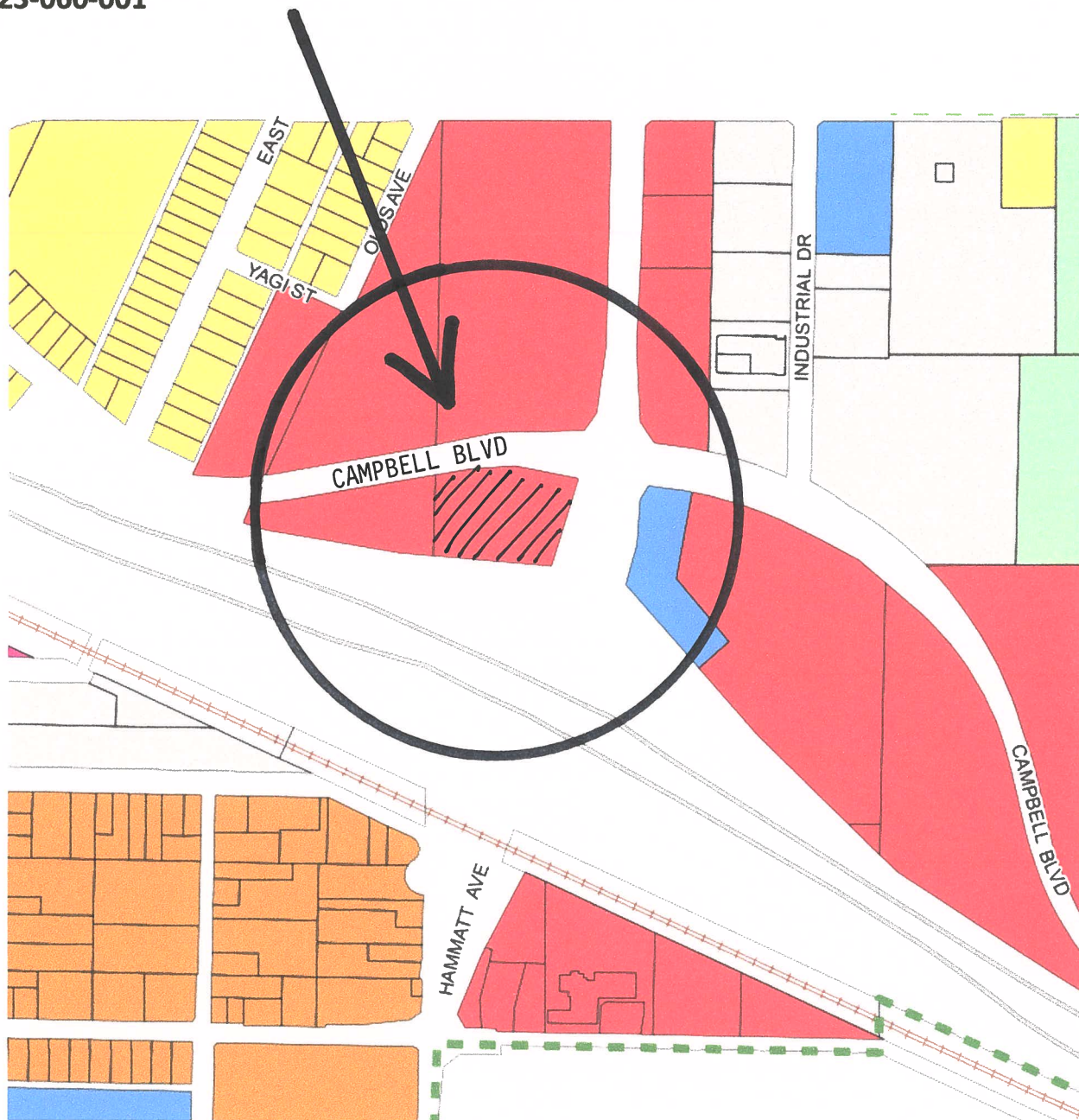
Secretary of the Planning Commission,
RANDY HATCH

Exhibit A
Conditions of Approval

1. The Developer shall comply with all federal, state and local laws, policies, standards and requirements applicable to this use and obtain a building permit and all other permits applicable to this use and shall pay all fees and exactions applicable to such a use; and
2. The Developer shall comply with all the conditions of the associated Use Permit 2018-03 Resolution of Approval; and
3. The Developer shall repair any damage to City facilities such as curb, gutter, sidewalk, streets and alleys caused by construction; and
4. The Developer shall indemnify, defend and hold harmless the City and its officials, officers, employees, agents, and consultants from any and all legal or administrative actions or other proceedings challenging this approval or any subsequent approval associated with this project; and
5. The development of the site shall be consistent with approved plans, elevations, and colors. Provisions shall be made to accommodate bicycle parking. Minor variations from approved plans, elevations, and colors may be allowed at the review and approval of City staff; and
6. The developer and/or operator shall submit all exterior signs (including for the two proposed restaurants) for Planning administrative review and approval consistent with the submitted site plan and City's signage regulations prior to obtaining a sign permit from the Building Division; and
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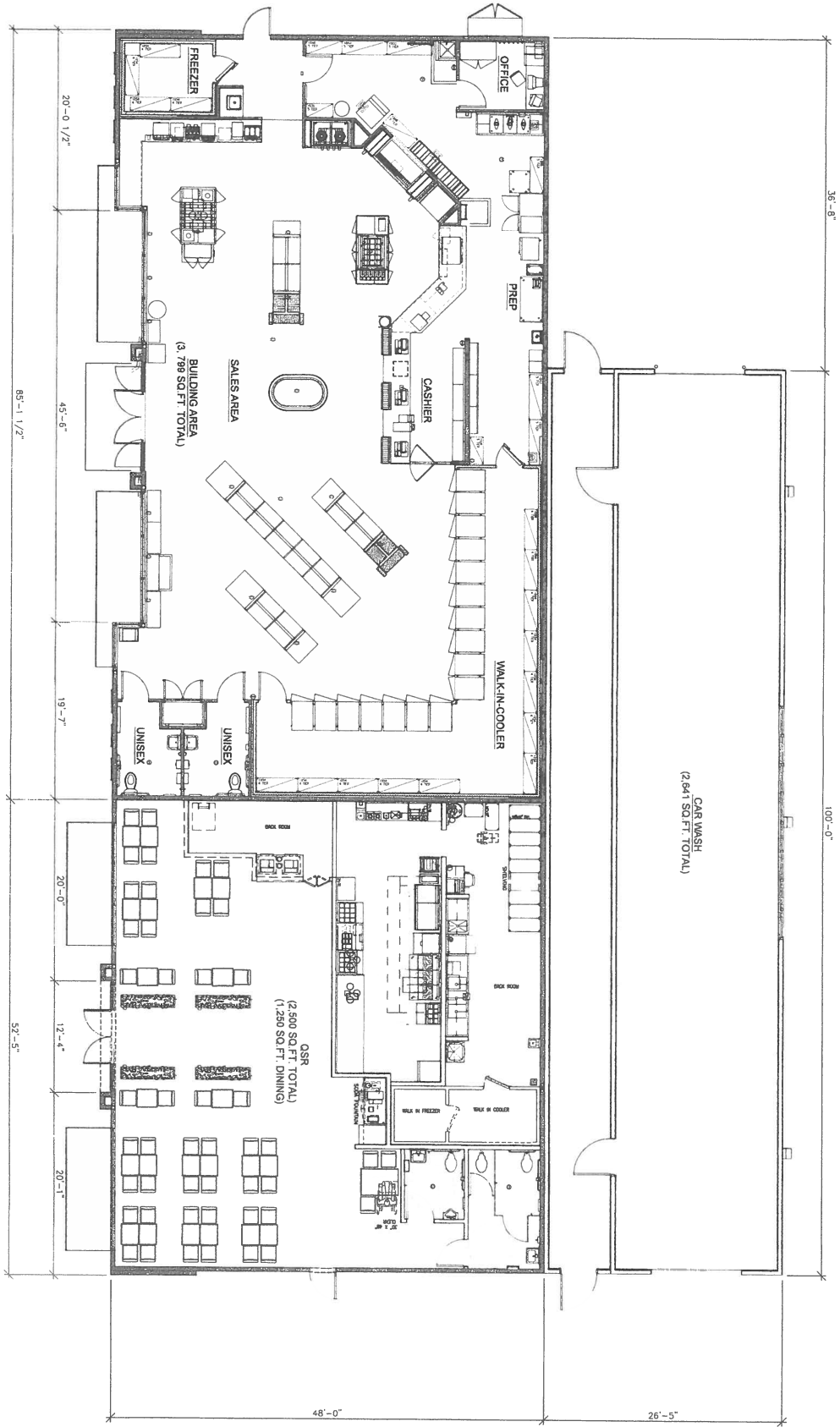
LIVINGSTON ARCO AM-PM PROJECT
ZONING: C-3, HIGHWAY SERVICE COMMERCIAL
APN#: 023-060-001



Legend

- | | | | |
|---------------------|--------------------------------|--------------------------------|-----------------------------------|
| Railroad | R-1 Low Density Residential | C-1 Neighborhood Commercial | M-1 Limited Industrial |
| Highway | R-2 Medium Density Residential | C-2 Community Commercial | General Industrial |
| City Limits | R-3 High Density Residential | C-3 Highway Service Commercial | PF Public/Quasi-Public Facilities |
| Sphere of Influence | DTC Downtown Commercial | O Open Space | |

1 C-STORE / QSR / CAR WASH FLOOR PLAN

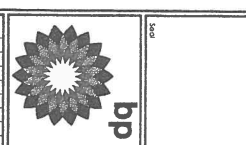


NORTH

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 Sheet Number: 1a

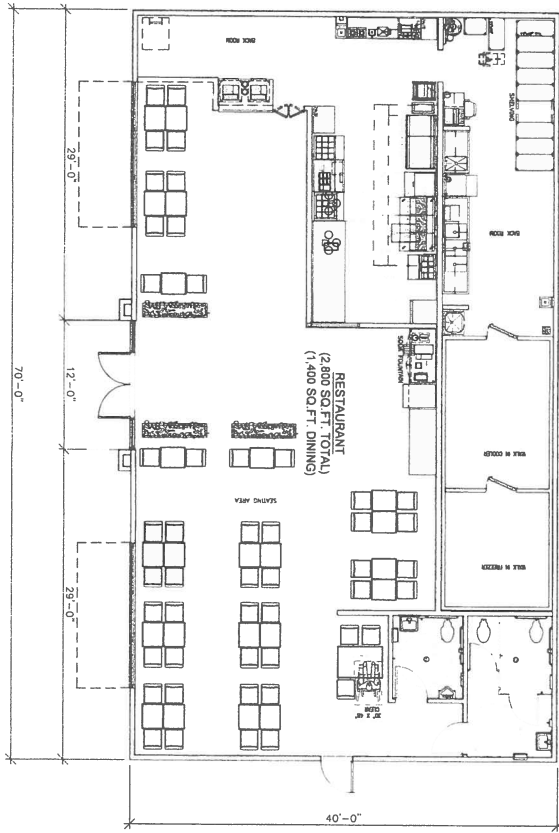
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ARCO BRANDED
 SWC HAMMATT AVE AND CAMPBELL BLVD.
 LIVINGSTON, CA





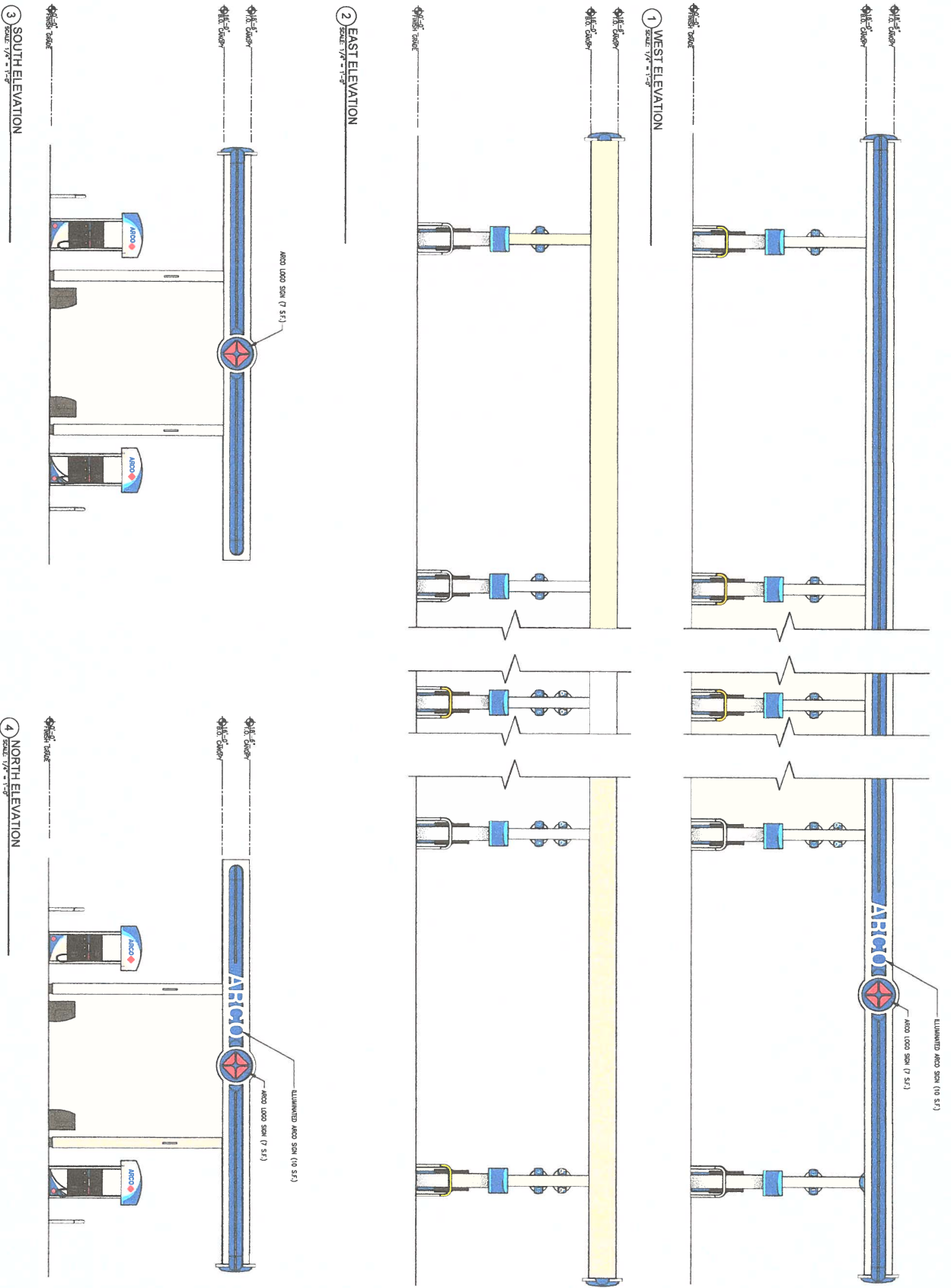
P DESIGN
 Architectural
 Solutions Group
 7433 Imperial Valley Rd., Suite A-102
 Fontana, CA 92335

1 RESTAURANT FLOOR PLAN
SCALE: 3/16" = 1'-0"



NORTH

Project Number TP17001.0	Project Name PROPOSED RESTAURANT FLOOR PLAN	Sheet Number 1b	ARCO BRANDED SWC HAMMATT AVE. AND CAMPBELL BLVD., LIVINGSTON, CA	MARK DATE REVISION		Scale 3/16" = 1'-0"	 PDM DESIGN ARCHITECTURAL SOLUTIONS GROUP 2425 Rockwood Drive, Suite # 102 Irvine, CA 92614
				08/28/18 PLANNING / CUP SUBMITTAL			



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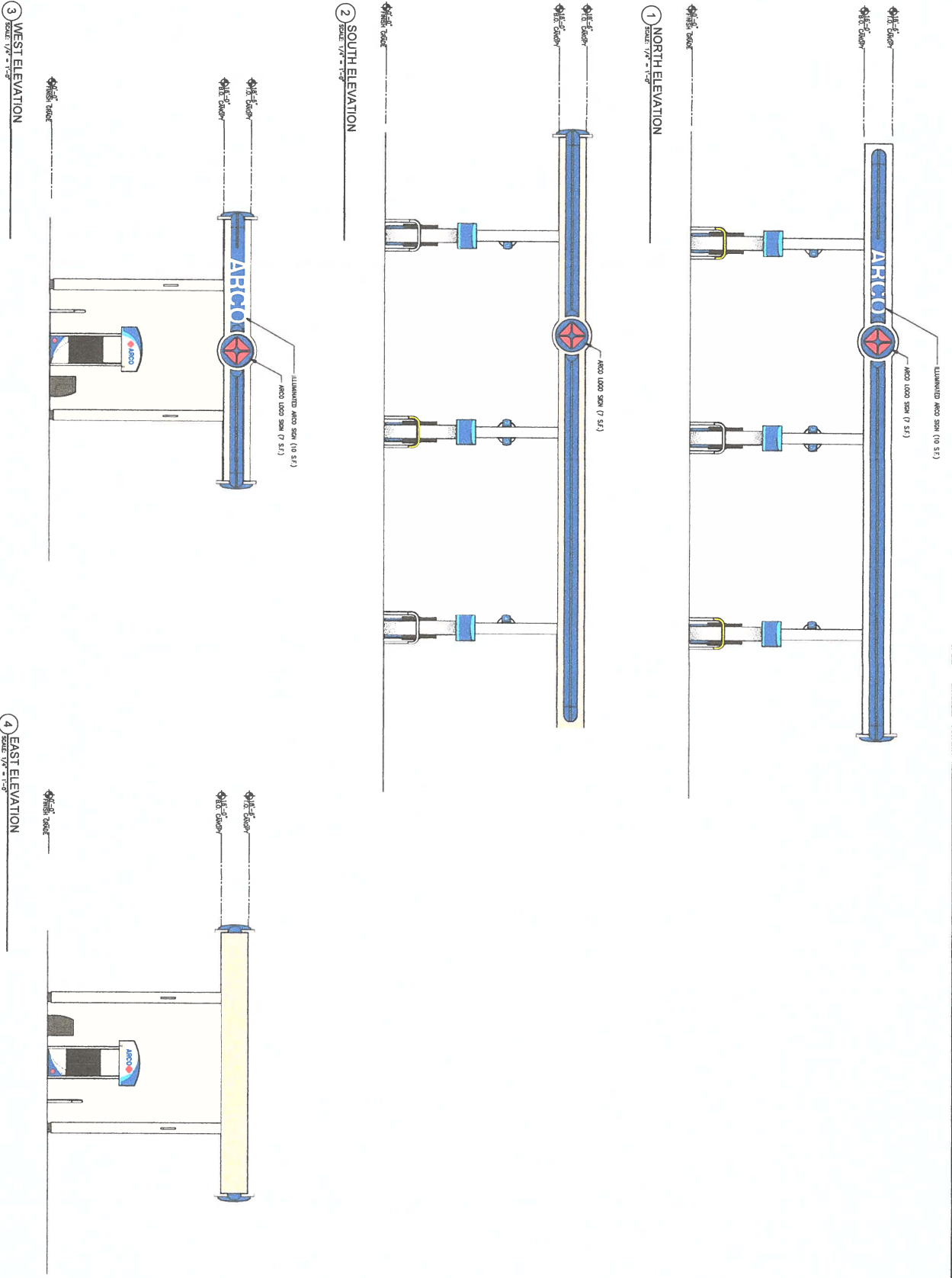
PAN
DESIGN
Architectural
Solutions Group
2455 Warner Way, Ste 400
San Jose, CA 95134



ARCO BRANDED
SWC HAMMATT AVE. AND CAMPBELL BLVD.,
LIVINGSTON, CA

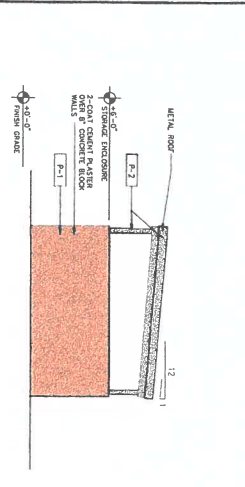
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7117001.0

Sheet Title:
**PROPOSED
CANOPY
ELEVATIONS**

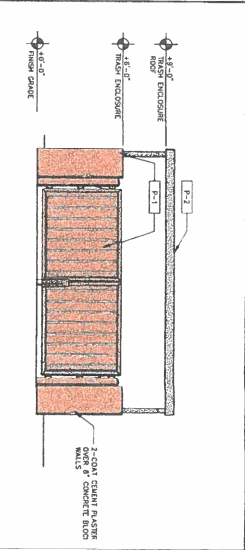
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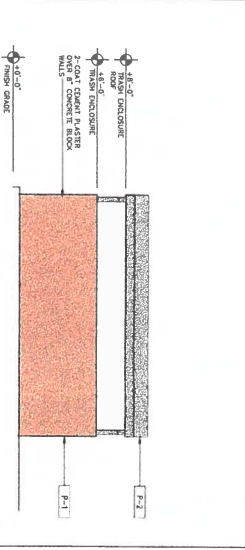
 PDM DESIGN Architectural Solutions Group <small>3155 Imperial Valley Rd. Suite A-102 San Diego, CA 92108</small>	 bp	ARCO BRANDED SWC HAMMATT AVE AND CAMPBELL BLVD. LIVINGSTON, CA	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>MARK</th> <th>DATE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr> <td>△</td> <td>08/28/18</td> <td>PLANNING / CUP SUBMITTAL</td> </tr> <tr> <td>△</td> <td></td> <td></td> </tr> <tr> <td>△</td> <td></td> <td></td> </tr> <tr> <td>△</td> <td></td> <td></td> </tr> <tr> <td>△</td> <td></td> <td></td> </tr> </tbody> </table>	MARK	DATE	REVISION	△	08/28/18	PLANNING / CUP SUBMITTAL	△			△			△			△			Project Number: 1717/001.0 South Elevation: PROPOSED CANOPY ELEVATIONS Sheet Number: 3b
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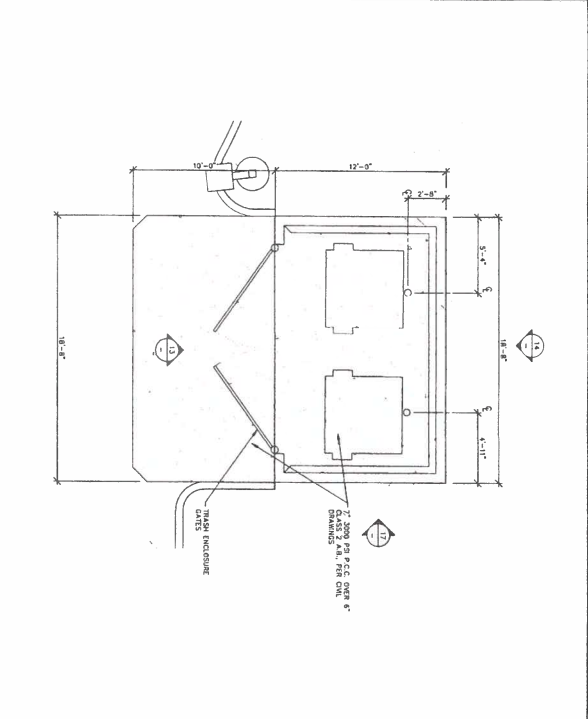
17 SIDE ELEVATION
1/4" = 1'-0"



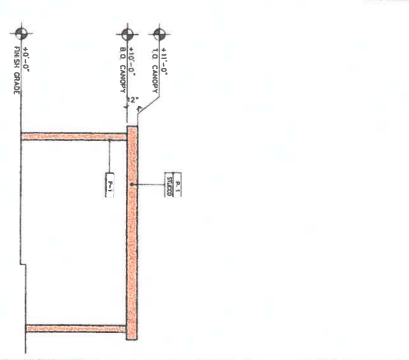
13 FRONT ELEVATION
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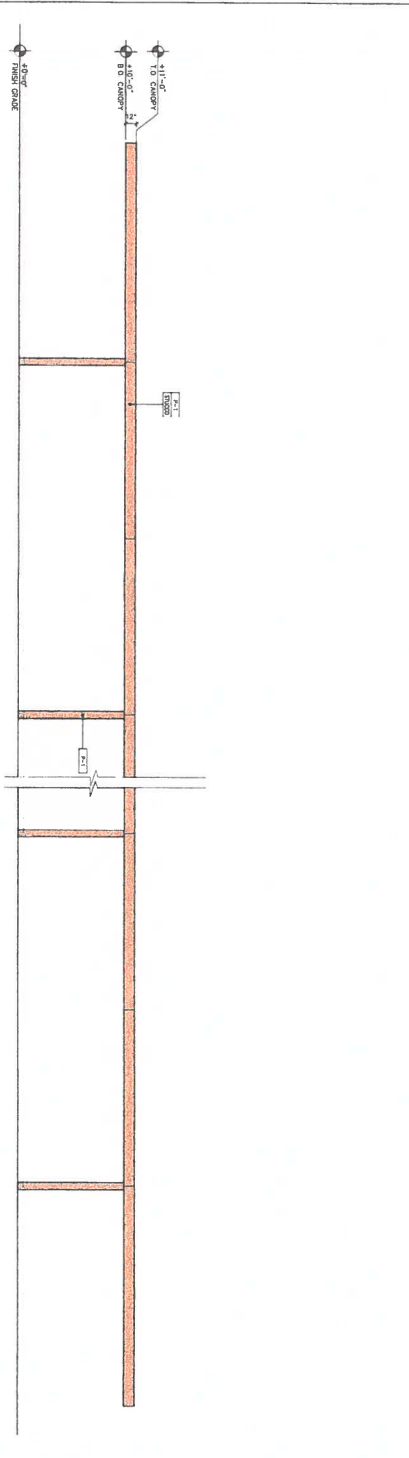
14 REAR ELEVATION
1/4" = 1'-0"



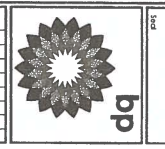
6 TRASH ENCLOSURE PLAN
1/4" = 1'-0"



20 VACUUM CANOPY ELEVATION - SIDE
3/8" = 1'-0"



16 VACUUM CANOPY ELEVATION - FRONT
3/8" = 1'-0"



MARK	DATE	REVISION
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ARCO BRANDED
SWC HAMMATT AVE. AND CAMPBELL BLVD.,
LIVINGSTON, CA

Project Number: TH17001.0
Sheet Number: 4

