

AGENDA
WATERFORD PLANNING COMMISSION - REGULAR MEETING
WATERFORD COMMUNITY CENTER, CITY COUNCIL CHAMBERS
101 "E" STREET, WATERFORD, CA

PLANNING COMMISSION REGULAR MEETING – May 27, 2014- 6:30 PM

CALL TO ORDER:

Chairman Esther

FLAG SALUTE:

Chairman Esther

ROLL CALL:

Chairman:

Esther

Vice Chair:

Powell

Commission Members:

Montgomery, Ayers

ADOPTION OF AGENDA:

Motion waiving reading of all ordinances and resolutions on the agenda except by title, unless reading of an Ordinance or Resolution is requested by the Chairman or Commission Member.

ADOPTION OF CONSENT CALENDAR:

All Matters listed under the Consent Calendar are considered routine by the Commission and will be adopted by one action of the Commission unless any Commission Member desires to discuss any item or items separately. In that event, the Chairman will remove that item from the Consent Calendar and action will be considered separately.

CONFLICT OF INTEREST DECLARATION:

Declaration by Planning Commission members who may have a direct Conflict of Interest on any scheduled agenda item to be considered.

1. CONSENT CALENDAR

- 1a: PLANNING COMMISSION MEETING MINUTES: April 22, 2014
- 1b: PLANNING PROJECT LOG
- 1c: BUILDING PERMITS REPORT: APRIL 2014
- 1d: BUSINESS LICENSE REPORT: APRIL 2014

2. PRESENTATIONS

3. COMMUNICATIONS FROM THE AUDIENCE

At this time, members of the public may comment on any item not appearing on the agenda. Comments should be limited to a maximum of 5 minutes. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Commission consideration. At all times please come up to the podium and use the microphone.

4. PUBLIC HEARING

Members of the public may comment when the item is opened for public hearing.

- 4a. Resolution No. 2014-09: Zoning Ordinance Amendment No. 2014-02 (Outdoor Dining Ordinance) and Notice of CEQA Exemption in Accordance with Section 15305 of the CEQA Guidelines

5. **UNFINISHED BUSINESS**

6. **NEW BUSINESS**

7. **CORRESPONDENCE / INFORMATIONAL ITEMS**

7a. Stanislaus County General Plan Update and Airport Land Use Compatibility Plan Notice of Preparation

8. **STAFF / COMMISSION COMMENTS**

8a:	City Staff Comments	(Information Only – No Action)
8b:	Planning Commission Comments	(Information Only – No Action)

ADJOURNMENT

NOTICE

Copies of the staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the office of the City Clerk. Any writings or documents provided to a majority of the planning Commission regarding any item on this agenda will be made available for public inspection at the front counter at City Hall located at 101 E Street, Waterford, CA during normal business hours. Any person who has any questions concerning any agenda item may call the City Clerk to make inquiry regarding the nature of the item described on the agenda.

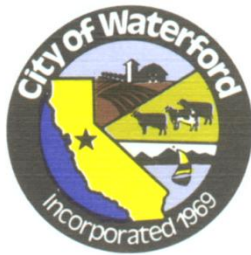
At their request, members of the audience may address the Planning Commission on any item during Commission's consideration of that item. The public also has the opportunity to speak on any matter of public interest within Planning Commission's jurisdiction, including items on the Planning Commission's Agenda, except for those items specially scheduled as public hearings. The public has an opportunity to speak on such items during the public hearing.

It is the policy of the Planning Commission that we will not act on any matter not appearing on the posted agenda. The item may be discussed. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the Planning Commission or to permit the Planning Commission to ask questions for clarification of the issue or problem, provide information to the public, provide direction of the City Staff, or schedule the matter for a future meeting. Please hold all comments to five (5) minutes.

General Information: The Waterford Planning Commission meets on the 4th Tuesday of each month at 6:30PM., unless otherwise noticed.

Commission Agenda's: Copies of Planning Commission Agenda and agenda related writings or documents will be made available for public inspection at the front counter at City Hall located at 101 "E" Street, Waterford, CA. 72 hours prior to the meeting, or at the time of the scheduled meeting.

DATE & TIME OF POSTING	
Commission Meeting Date: <u>May 27, 2014</u>	
Post Date: <u>05/23/14</u>	Time: <u>at or before 5:00PM</u>
Verified by: <u>C.Jauregui</u>	Title: <u>Deputy City Clerk</u>



MINUTES
WATERFORD PLANNING COMMISSION - REGULAR MEETING
WATERFORD COMMUNITY CENTER, CITY COUNCIL CHAMBERS
101 "E" STREET, WATERFORD, CA

PLANNING COMMISSION REGULAR MEETING – April 22, 2014- 6:30 PM

CALL TO ORDER:

Chairman Esther

FLAG SALUTE:

Chairman Esther

ROLL CALL:

Commission Chair - Esther: Present
Commission Member - Montgomery: Present
Commission Member - Powell: Present
Commission Member - Ayers: Present
Commission Member - Cathcart: Present
Alt. Commissioner - Gordon: Present

ADOPTION OF AGENDA:

Motion waiving reading of all ordinances and resolutions on the agenda except by title, unless reading of an Ordinance or Resolution is requested by the Chairman or Commission Member.

Commission Member - Ayers: Motion
Commission Member - Cathcart: 2nd
Commission Chair - Esther: Approve
Commission Member - Montgomery: Approve
Commission Member - Powell: Approve
Commission Member - Ayers: Approve
Commission Member - Cathcart: Approve
Alt. Commissioner - Gordon: N/A

ADOPTION OF CONSENT CALENDAR:

All Matters listed under the Consent Calendar are considered routine by the Commission and will be adopted by one action of the Commission unless any Commission Member desires to discuss any item or items separately. In that event, the Chairman will remove that item from the Consent Calendar and action will be considered separately.

Commission Member - Ayers: Motion
Commission Member - Powell: 2nd
Commission Chair - Esther: Approve
Commission Member - Montgomery: Approve
Commission Member - Powell: Approve
Commission Member - Ayers: Approve
Commission Member - Cathcart: Approve
Alt. Commissioner - Gordon: N/A

CONFLICT OF INTEREST DECLARATION:

Declaration by Planning Commission members who may have a direct Conflict of Interest on any scheduled agenda item to be considered.

1. CONSENT CALENDAR

- 1a: PLANNING COMMISSION MEETING MINUTES: September 24, 2013, February 25, 2014
- 1b: PLANNING PROJECT LOG
- 1c: BUILDING PERMITS REPORT: MARCH 2014
- 1d: BUSINESS LICENSE REPORT: MARCH 2014
- 1e: ADMINISTRATIVE USE PERMIT 2014-01 V-TREE, INC.

2. PRESENTATIONS

3. COMMUNICATIONS FROM THE AUDIENCE

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4. PUBLIC HEARING

Members of the public may comment when the item is opened for public hearing.

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. CORRESPONDENCE / INFORMATIONAL ITEMS

- 7a. Stanislaus County Planning Commissioners' Workshop
- 7b. City Spheres of Influence Report, dated March 26, 2014, prepared by Stanislaus LAFCO

8. STAFF / COMMISSION COMMENTS

- 8a: City Staff Comments (Information Only – No Action)
- 8b: Planning Commission Comments (Information Only – No Action)

ADJOURNMENT

Adjourn: 6:43 PM

Motion by Commissioner Powell, seconded by Commissioner Cathcart to adjourn the Planning Commission meeting at 6:43 PM

Commission Member - Powell: Motion
Commission Member - Cathcart: 2nd
Commission Chair - Esther: Approve
Commission Member - Montgomery: Approve
Commission Member - Powell: Approve
Commission Member - Ayers: Approve
Commission Member - Cathcart: Approve
Alt. Commissioner - Gordon: N/A

Passed and Approved by the Waterford Planning Commission at a regular meeting of the Planning Commission held on the ____ day of _____, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Carla Jauregui, Planning Secretary

Chris Esther, Chairman

Planning Project Report

Project Name	Date submitted	Project Number	Project Type	APN #	Project Location	Applicant Name	Notes
59 CARRIAGE SQUARE ESTATES	12/14/2006	TSM 2006-01	TSM 2006-01	080-033-003		BILL HOUCK / RED CAT PROPERTIES	waiting on final map- Applicant interested in reviving map Mar 2013

PC Meeting Date: 3/27/2007

City Council Meeting Date: 4/19/2007

PC Resolution Number: 2007-02

CC Resolution Number: 2007-40

ID	DATE	DESCRIPTION	PAYOR/PAYEE	AMOUNT
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59

Project Total

84 Winery Villas	1/22/2014	GPA 2014-01 Rezone 2014-01	GPA/Rezone	134-005-006	320 G Street	HSE Investments LLC
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PC Meeting Date:

City Council Meeting Date:

PC Resolution Number:

CC Resolution Number:

ID	DATE	DESCRIPTION	PAYOR/PAYEE	AMOUNT
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84

Project Total

City of Waterford - Building Permits Issued for APRIL 2014

Permit # 3794 **Work Address:** 232 N. REINWAY

Paid: 4/2/2014

Work Performed: ROOF MOUNTED SOLAR

Project Value: \$17,680.00

Total Fees: \$398.00

Owner Info

NEAL GODA
232 N. REINWAY
WATERFOR, CA 95386

Contractor Info

SOLAR CITY
2001 ARCH AIRPORT ROAD #300
STOCKTON, CA

License # 888104

Permit # 3795 **Work Address:** 13218 EL POMAR AVE

Paid: 4/2/2014

Work Performed: PRE ENGINEERED STEEL BARN

Project Value: \$40,000.00

Total Fees: \$795.75

Owner Info

CHRIS HENNE
13218 EL POMAR
WATERFORD, CA 95386

Contractor Info

CALCO, INC
3107 MC DONALD AVE
MODESTO, CA 95358

License # 902242

Permit # 3796 **Work Address:** 412 C STREET

Paid: 4/11/2014

Work Performed: DRY ROT REPAIR AND WINDOW REPLACEMENT

Project Value: \$5,000.00

Total Fees: \$395.00

Owner Info

RAMIRO RUBIO
412 C STREET
WATERFORD, CA 95386

Contractor Info

SELF

License #

Permit # 3798 **Work Address:** 13101 Bentley

Paid: 4/21/2014

Work Performed: Conversion of garage back to garage. Sheetrock, plumbing.
Electrical upgrade re/store

Project Value: \$1,000.00

Total Fees: \$395.00

Owner Info

SCAR Remodeling
6736 Pomorama Dr.
Riverbank, CA 95367

Contractor Info

Roque Saldivar
6736 Pomorama Dr.
Riverbank, CA 95367

License #

City of Waterford - Building Permits Issued for APRIL 2014

Permit # 3799 Work Address: 313 SAWMILL AVE.

Paid: 4/22/2014

Work Performed: STUCCO FRONT OF HOUSE

Project Value: \$3,000.00

Total Fees: \$198.00

Owner Info

SERGIO RAYAS
313 SAWMILL AVE.
WATERFORD, CA 95386

Contractor Info

SELF

License #

Permit # 3803 Work Address: 101 E Street

Paid: 4/25/2014

Work Performed: Install 17.7kW Solar Photovoltaic roof system ontop of City Hall bldg. The structure will be 1 ft above the roof with 5 degrees pitch.

Project Value: \$84,075.00

Total Fees: \$0.00

Owner Info

City of Waterford

Waterford, CA 95386

Contractor Info

Chevron Energy Solutions
345 California Street 18th Fl
San Francisco, CA 94104

License # 813797

Permit # 3805 Work Address: 540 C Street

Paid: 4/25/2014

Work Performed: install 29.5kw solar photovoltaic canopy system next to the community center building. 12' in height with 5 degree pitch.

Project Value: \$140,125.00

Total Fees: \$0.00

Owner Info

City of Waterford
101 E Street
Waterford, CA 95386

Contractor Info

Chevron Energy Solutions
345 California St. 18th Fl.
San Francisco, CA 94101

License # 813797

Totals \$290,880.00

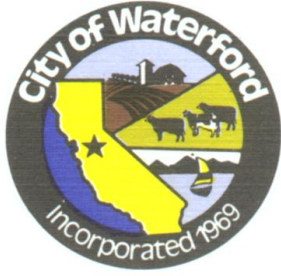
Misc Permits Multiples: Comm Multiples:

New Dwelling Commercial:

Building Permit Fee: \$1,975.00
 Plumbing Price Fee: \$0.00
 Electrical Fee: \$48.00
 Plan Check Fee: \$148.75
 SMIP Fee: \$10.00
 Sewer Fee: \$0.00
 Park Land: \$0.00
 Admin Fee: \$0.00
 County Impact: \$0.00
 City Impact: \$0.00
 CBSC: \$7.00

BUSINESS LICENSE REPORT - April 2014

BUSINESS NAME	TYPE OF BUSINESS	BUSINESS CATEGORY	NO LONGER IN BUSINESS	LOCATION ADDRESS	LOCATION CITY	FEE AMT	PAID DATE
EXCELSIOR CONSTRUCTION INC.	WELDING/CONSTRUCTION	CONSTRUCTION/CONTRACTOR/MANUFACTURING	<input type="checkbox"/>	2601 N. BUSINESS PARK AVE.	FRESNO	\$51.00	4/15/2014
MARYBELLA'S BEAUTY SALON	HAIR CUTS, PERMS, COLORS, WAXING	PROFESSIONAL SERVICE/MAINTENANCE"	<input type="checkbox"/>	220 E STREET	WATERFORD	\$38.50	4/23/2014
NANCY ROMERO INSURANCE AGENCY	INSURANCE SALES	MISC	<input type="checkbox"/>	220 E STREET	WATERFORD	\$38.50	4/15/2014
RESTORATION RESOURCES BY FETTER	GENERAL CONSTRUCTION	CONSTRUCTION/CONTRACTOR/MANUFACTURING	<input type="checkbox"/>	507 GALAXY WAY	MODESTO	\$38.50	4/29/2014
THOMPSON'S MOBILE BOOKEEPING	MOBILE BOOKEEPING	MISC	<input type="checkbox"/>	460 TISDELL DR.	WATERFORD	\$51.00	4/2/2014
UNCLE JER'S COOKIES, INC.	ITINERANT VENDOR- EDUCATION SHOWS/FUNDRAISING	MISC	<input type="checkbox"/>	9591 CASTLEBRIDGE CT.	ELK GROVE	\$39.25	4/29/2014
WELDTEC MFG	WELDING	CONSTRUCTION/CONTRACTOR/MANUFACTURING	<input type="checkbox"/>	13199 HARBOR DR.	WATERFORD	\$51.00	4/2/2014



Planning Commission - Staff Report

Meeting Date: May 27, 2013

From: Mark Niskanen, Planning Manager, mark@jbandersonplanning.com

Prepared By: Carla Jauregui, cjauregui@cityofwaterford.org

Action Title: Zoning Ordinance Amendment 2014-02: Amendment to 17.40.290(F): Outdoor Eating Area Performance Standards

EXECUTIVE SUMMARY:

At their regularly scheduled meeting of April 3, 2014, the City Council directed the City Manager and staff to amend Section 17.40.29(F) of the City's Zoning Ordinance to allow and provide regulations for which alcoholic beverages are served in outdoor eating areas. Based upon this direction, City staff has added language to amend this Section of the Zoning Ordinance. The proposed Zoning Ordinance Amendment has been shared with local businesses through the City's Chamber of Commerce.

In accordance with Section 17.79.020 of the City's Municipal Code, a Public Notice for Zoning Ordinance Amendment No. 2014-01 was published in the Waterford News on May 14, 2014. At the time of writing this Staff Report (May 19, 2014), City staff has not received any comments.

The proposed Zoning Ordinance Amendment will modify Section 17.40.290(F) of the Waterford Municipal Code, adding language that will regulate the standards for which alcoholic beverages are served in outdoor eating areas. Alcohol beverages are not allowed unless the following regulations are met:

- a) *Outdoor eating areas must be duly licensed by the State Department of Alcoholic Beverage Control, and the City of Waterford requirements and restrictions for the service of alcoholic beverages in outdoor eating areas shall not be less than those required by the State Department of Alcoholic Beverage Control.*
- b) *The permittee shall indemnify, defend and hold harmless the City, its officials, officers, agents and employees from any and all claims, causes of action, losses, injuries or damages arising directly or indirectly from the negligent acts, errors or omissions of the permit holder, its officers, agents, employees or anyone rendering services on its behalf.*
- c) *The outdoor eating area must be clearly and physically separated from pedestrian traffic, and exists shall be designated in the encroachment permit. All barriers, railings, or fences placed around the eating area shall be in place during hours of operation to clearly define the area.*
- d) *The service of alcoholic beverages shall be restricted solely to on premise consumption by customers within the outdoor eating area. The business operator shall post a written notice to customers that drinking or carrying an open container of alcohol is prohibited outside the outdoor eating area.*
- e) *Outdoor dining areas shall not be used primarily for alcoholic beverage consumption, and the opportunity to order food from the dining establishment's menu shall be made available at all times when alcohol is served.*
- f) *Police Department approval is required for alcohol sales after midnight in outdoor eating areas.*

These requirements, along with the general regulations in 17.40.290(F) will ensure that outdoor eating areas 1) do not encroach on pedestrian or vehicular travel lanes as to cause a public hazard, 2) the serving of alcoholic beverages are regulated in a way that is understandable, enforceable, and defensible and 3) each proposed outdoor eating area will be required to gain the approval of the Public Works director through an encroachment permit will ensure that each outdoor eating area is safe and enjoyable.

RECOMMENDATION / ANALYSIS:

Staff is recommending that the Planning Commission recommend to the City Council adoption of the Zoning Ordinance Amendment 2014-02 by Resolution 2014-09.

The City Council is scheduled to review and consider Zoning Ordinance Amendment No. 2014-01 at their regularly scheduled meeting of June 5, 2014. In accordance with Section 17.79.020, Public Notice will be posted in the Waterford News on May 21, 2014.

FISCAL IMPACT:

The proposed Zoning Ordinance Amendment will not have any fiscal impact.

BACKGROUND:

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15305 (Class 5 – Minor Alterations to Land Use Limitations). This exemption applies to projects involving minor alterations to land use limitations in areas with an average slope of less than 20%, which do not result in changes in land use or density.

The project is exempt because it involves a minor amendment to the zoning code which would add regulations for outdoor dining and the serving of alcohol. The amendment does not change the zoning designation of any individual property and does not affect existing land use or density. It also does not propose or require any specific development project. Any specific development project undertaken in the future would be required to comply with CEQA at that time, i.e. permanent outdoor dining which would expand the footprint of the established bona fide service establishment. The proposed activity reasonably falls within the Class 5 exemption category and does not trigger any of the exceptions to exemptions listed in CEQA Guidelines Section 15300.2.

ATTACHMENTS: (List all attachments.)

- Public Notice
- Resolution No. 2014-09

Affidavit of Publication

STATE OF CALIFORNIA }
County of Stanislaus }

FRANCES HOFFMAN

Here-un-to being first duly sworn, deposes and says that all time hereinafter mentioned he/she was a citizen of the United States over the age of twenty-one (21) years, and doing business in said county, not interested in the matter of the attached publication, and is competent to testify in said matter, that he/she was at and during all said time the principal clerk to the printer and publisher of the

WATERFORD NEWS

a legal newspaper of general circulation published weekly in Waterford in said County of Stanislaus, State of California: that said

WATERFORD NEWS

is and was at all times herein mentioned, a newspaper of general circulation as that term is defined by Section 6000 of the Government Code, and as provided by said section and so adjudicated by Decree No. 41155 by the Superior Court of Stanislaus County, State of California, is published for the dissemination of local and telegraphic news and intelligence of a general character, have a bonafide subscription list of paying subscribers, and is not devoted to the interest, or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination; or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, in Waterford; in said County and State, at regular intervals for more than one year preceding the first publication of the notice herein mentioned, that said notice was set in type not smaller than nonpareil and was preceded with words printed in blackface type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given

**NOTICE OF PUBLIC HEARING
ZONING ORDINANCE AMENDMENT
NO. 2014-02
Legal # 8758**

May 13, 2014

of which named annexed is a printed copy, was published and printed in said

WATERFORD NEWS

at least 1 time, commencing on the 13th of May 2014 and ending on the 13th of May 2014 the days inclusive, and as often during said time as said newspaper was regularly issued, to wit:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Dated this 13th day of May 2014.



PRINCIPAL CLERK OF THE PRINTER

Legal #8758

**CITY OF WATERFORD
NOTICE OF PUBLIC
HEARING**

Zoning Ordinance Amend-
ment No. 2014-02

**NOTICE IS HEREBY
GIVEN THAT THE WA-
TERFORD PLANNING
COMMISSION** will hold a

public hearing in the Coun-
cil Chambers at 101 E
Street Waterford, Ca.
95386, on MAY 27, 2014,
at 6:30p.m.

PROJECT DESCRIP-

TION: The proposed Zon-
ing Ordinance Amendment
will amend the Waterford
Municipal Code Section
17.40.290(F): Outdoor Eat-
ing Area Performance
Standards to include regu-
lations and restrictions to
the serving of alcoholic
beverages in outdoor eat-
ing areas. Regulations to
outdoor eating areas, per
this Zoning Ordinance
Amendment include the re-
strictions on the serving of
alcoholic beverages, set-
back requirements,
process for which an out-
door eating area is estab-
lished, and process for
which an applicant is de-
nied an encroachment per-
mit to establish the outdoor
eating area. The Water-
ford Planning Commission
will also consider that Zon-
ing Ordinance Amendment
2014-02 is Categorically
Exempt in accordance with
the CEQA Statutes and
Guidelines per Section
15305 of the CEQA Guide-
lines.

ALL INTERESTED PAR-
TIES are invited to attend
said hearing and express
opinions or submit evi-
dence for or against the
Project as outlined above.
FURTHER INFORMA-
TION on the above docu-
ment may be obtained or

RESOLUTION No. 2014-09

RESOLUTION OF THE WATERFORD CITY PLANNING
COMMISSION RECOMMEND THE ADOPTION OF ZONING
ORDINANCE AMENDMENT 2014-02, AMENDING SECTION
17.40.290: OUTDOOR EATING AREA PERFORMANCE
STANDARDS

WHEREAS, City Staff were directed by City Council at a regular meeting held on April 3, 2014 following discussions with business owners to amend the aforementioned Section of the Waterford Municipal Code for the purpose to include regulations regarding the serving of alcohol within outdoor eating areas; and,

WHEREAS, the proposed Zoning Ordinance Amendment will regulate and add restrictions to the serving of alcohol beverages contained within outdoor eating areas; and,

WHEREAS, the proposed Zoning Ordinance Amendment will provide a process for which alcohol beverages may be served in outdoor eating areas, including but not limited to, encroachment permit, State law requirements and denial process; and,

WHEREAS, this action is categorically exempt from CEQA per State CEQA Guidelines Section 15305, Class 5 – Minor Alterations to Land Use Limitations; and,

WHEREAS, the Government Code section 65855 requires that the City Council receive input and a recommendation from the Planning Commission on a Zoning Amendment that imposes any regulation as listed in Section 65850; and,

WHEREAS, notice of the public hearing on the Zoning Ordinance Amendment was published in the *Waterford News*, a newspaper of general circulation, on May 14, 2014; and

WHEREAS, the Planning Commission has reviewed the Zoning Ordinance Amendment and conducted a duly noticed public hearing on May 27, 2014.

NOW THEREFORE, BE IT RESOLVED by the City of Waterford Planning Commission that it recommends that the City Council approve the Zoning Ordinance Amendment by Ordinance 2014-02 as follows:

1. Pursuant to California Government Code Section 65854, the recommendation to City Council shall include the relationship to the applicable general or specific plan:

- a. The proposed action will provide regulations and a process for which outdoor eating areas may serve alcoholic beverages. This may result in more businesses investing in outdoor eating areas as a whole. This compliments the implementation action UD-3f: Encourage a lively streetscape environment with buildings and activities oriented to the street and sidewalk areas at ground level. Floor treatments are encouraged to the pedestrian, including sidewalk cafes. This Ordinance Amendment allows for more opportunities for outdoor eating areas.
 - b. UD-7g promotes set-back areas for commercial buildings where outdoor uses can be conducted. Such uses may include community promotions and special events, outdoor dining, outdoor bazaars, and sales of new goods and handcrafted items. The proposed Ordinance Amendment will provide for more opportunities for outdoor dining and will complement this implementation action of the City's Vision 2025 General Plan.
2. That the Waterford Municipal Code is hereby amended by Ordinance 2014-02, amending Section 17.40.290(F): Outdoor Eating Area Performance Standards of Title 17: Zoning, Chapter 17.40: General Regulations.
3. That based on findings set forth in this Resolution, the evidence in the City Staff Report, and such other evidence received at the public hearings on this matter before the Planning Commission, the Planning Commission recommends the approval of the Zoning Ordinance Amendment as set forth by Ordinance 2014-02.
4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Waterford hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
5. The proposed Ordinance Amendment is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15305 (Class 5 – Minor Alterations to Land Use Limitations).

The foregoing Resolution was passed and adopted by the Planning Commission of the City of Waterford, Stanislaus County, at a meeting held on May 27, 2014, moved for adoption by Commissioner _____ and duly seconded by Commissioner _____; passed by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Chris Esther, Chairman

Carla Jauregui, Secretary

EXHIBIT "A" – Zoning Ordinance Amendment 2014-02

EXHIBIT A

Zoning Ordinance Amendment 2014-02

Exhibit A

Zoning Ordinance Amendment 2014-02

Waterford Municipal Code: 17.40.290

F. Outdoor Eating Area Performance Standards.

1. Accessory eating areas are subject to the general design standards applicable to the building or district within which the activity is conducted, and must include an approved encroachment permit signed by the Public Works Director where the eating area is proposed on a city sidewalk, right-of-way or on public property. These outdoor dining regulations are intended to ensure public safety and welfare, protect public property, and promote the attractive use of public right-of-way, by regulating the location, height, design and use of outdoor dining barriers and fixtures.
2. The outdoor eating area, including furniture, must be arranged or situated so that it does not create a hazard to pedestrians or encroach on a required building exit, vehicle travel lane, driveway, or any public street ~~or unless~~ that is not formally closed by city authority.
3. The outdoor eating area shall provide a minimum of four (4) feet of pedestrian clearance when located on any sidewalk or other public right-of-way, and set back a minimum of six (6) feet from any crosswalk or ramp. A minimum of four (4) feet of clearance must be provided around any tree, newsstand, bike rack, bench, planter, trash receptacle, etc.
4. The outdoor eating area must be maintained in a manner such that it does not create an unsightly appearance, including how the furniture is organized and secured when the business establishment is closed. The outdoor dining area must remain clear of litter, and unattended food scraps, soiled utensils and dishes at all times. The permittee shall maintain the tables and chairs in the permitted outdoor dining area in a clean condition at all times. No debris shall be swept, washed or blown into the sidewalk, gutter or street. Adequate lighting may be required of the operator to ensure safety of customers and pedestrians, and must be maintained in good working order.
5. ~~Any alcoholic beverages are~~ is not allowed to be served or consumed within any outdoor eating area, unless the following regulations are met:-
 - (a) State Licensure. The outdoor dining area operation must be duly licensed by the State Department of Alcoholic Beverage Control, and the City of Waterford requirements and restrictions for the service of alcoholic beverages in outdoor dining areas shall not be less than those required by the State Department of Alcoholic Beverage Control.
 - (b) Indemnification. The permittee shall indemnify, defend and hold harmless the City, its officials, officers, agents and employees from any and all claims, causes of action, losses, injuries or damages arising directly or indirectly from the negligent acts, errors or omissions of the permit holder, its officers, agents, employees or anyone rendering services on its behalf. This indemnity shall include all reasonable costs and attorney's fees incurred in defending any action covered by this section.

(c) Barriers. The outdoor dining area must be clearly and physically separated from pedestrian traffic, and exits shall be designated in the encroachment permit, and clearly marked at the exit locations.

1. Barrier Requirements. Barriers shall maintain a minimum height of forty-two (42) inches and a maximum height of forty-eight (48) inches. Sectional fencing must be constructed of decorative metal (aluminum, steel or iron) and must be of a dark color (either painted or stained) to compliment downtown furnishings. Rope or chain barriers are permitted with a minimum diameter of one inch. Vertical support posts must be constructed of wood or metal. The spacing, if any, between barriers, railings, or fences, must prevent pedestrian traffic through them.

2. Barrier Removal Deposit. A removal deposit shall be submitted at the time of encroachment permit approval where a fixed barrier is proposed and be subject to the determination of the Public Works Director. A removal deposit is not required for portable barriers. If, at the time of cessation of outdoor dining use and/or revocation of the encroachment permit, the barrier is removed by the business owner or other responsible party, any removal deposit will be refunded.

3. Removal of Barriers and Fixtures. Permittees shall have thirty (30) days from the date of business closure to remove all barriers and other outdoor dining fixtures. Permittees shall notify the City for final inspection once all barriers and fixtures are removed. Failure to remove barriers within the thirty (30) day period may result in the City taking action to remove the barriers and fixtures. Expenses incurred shall be billable to the permit holder and/or deducted from the deposit.

(d) Written Notice. The service of alcoholic beverages shall be restricted solely to on-premise consumption by customers within the outdoor dining area. The business operator shall post a written notice to customers that drinking or carrying an open container of alcohol is prohibited outside the outdoor dining area.

(e) Outdoor dining areas shall not be used primarily for alcoholic beverage consumption, and the opportunity to order food from the dining establishment's menu shall be made available at all times when alcohol is served.

(f) Police Department approval is required for alcohol sales after midnight in outdoor dining areas.

6. Denial of Encroachment. Upon denial of an encroachment permit by the Public Works Director, an applicant may, within fifteen (15) calendar days following notification of such denial, file a notice of appeal to the City Manager, who shall then hear all appeals concerning the application for encroachment, and which decision regarding the appeal shall be final.

Mark Niskanen

From: Crystal Rein <REINC@stancounty.com>
Sent: Wednesday, April 30, 2014 10:28 AM
Cc: Doud, Kristin
Subject: NOP of a DPEIR and Notice of Meeting for the Stanislaus County GPU and ALUCP
Attachments: Notice of Preparation_ DRAFT_2014-04-28.pdf; Public Scoping Meeting Notice - 2014-04-22 RXx.pdf



**NOTICE OF PREPARATION OF
A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR)
AND NOTICE OF PUBLIC SCOPING/COMMUNITY MEETING
FOR THE
STANISLAUS COUNTY GENERAL PLAN UPDATE
AND STANISLAUS COUNTY AIRPORT LAND USE COMPATIBILITY PLAN**

The County of Stanislaus (County) will be the Lead Agency under the California Environmental Quality Act (CEQA) for preparation of an Environmental Impact Report (EIR) for the proposed 2014 updates of the General Plan and Airport Land Use Compatibility Plan (ALUCP). The purpose of this Notice of Preparation is to solicit comments from public agencies and interested parties on the proposed scope and content of the Draft EIR for the project. The proposed Project, its location, and potential environmental effects are included in the attached Notice of Preparation.

A summary of the changes being proposed in the General Plan update and the draft ALUCP are available for review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto California or on-line at www.stancounty.com/planning/.

Written comments should be submitted at the earliest possible date, but not later than June 6, 2014. Submittal of electronic copies of comments in MS Word format is appreciated. Please mail or send your comments to:

Kristin Doud, Associate Planner

Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, CA 95354
doudk@stancounty.com

Join us at one of the community meetings below to learn more about the updates to the Stanislaus County General Plan and ALUCP and to provide input into the updated document and to the environmental review process.

Agency Scoping Meeting

Harvest Hall (Room DE)

3800 Cornucopia Way

Modesto, CA

Date and Time: May 19, 2014, 3:00 p.m.

General Public Scoping Meeting

Harvest Hall (Room DE)

3800 Cornucopia Way

Modesto, CA

Date and Time: May 19, 2014 6:00 p.m.

Public Meeting (West County) - Project Overview

Patterson City Hall

1 Plaza Circle

Patterson, CA

Date and Time: Wednesday, May 14, 2014, 6:00 p.m.

Public Meeting (East County) - Project Overview

Gene Bianchi Community Center

110 S. 2nd Avenue

Oakdale, CA

Date and Time: Thursday, May 22, 2014, 6:00 PM



NOTICE OF PREPARATION OF
A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR)
AND NOTICE OF PUBLIC SCOPING MEETING
FOR THE
STANISLAUS COUNTY GENERAL PLAN UPDATE
AND STANISLAUS COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

Date: April 29, 2014

The County of Stanislaus (County) will be the Lead Agency under the California Environmental Quality Act (CEQA) for preparation of an Environmental Impact Report (EIR) for the proposed 2014 updates of the General Plan and Airport Land Use Compatibility Plan (ALUCP) (hereafter referred to as "Project") The purpose of this Notice of Preparation is to solicit comments from public agencies and interested parties on the proposed scope and content of the Draft EIR for the project. The proposed Project, its location, and potential environmental effects are summarized below.

Written comments should be submitted at the earliest possible date, but not later than June 6, 2014. Keep in mind that there will be another opportunity to submit detailed comments when the Draft EIR is released for public review. Submittal of electronic copies of comments in MS Word format is appreciated. Please mail or send your comments to:

Kristin Doud, Associate Planner
Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, CA 95354
doudk@stancounty.com

Scoping Meeting On May 19, 2014, the County will conduct two "scoping meetings" on the EIR to provide additional information and to receive verbal and written input from agencies and the public. The scoping meeting for Responsible and Trustee agencies, and other interested agencies will take place at 3 p.m. The scoping meeting for the general public will follow, at 6 p.m. The scoping meetings will include a brief overview of the Project to provide attendees context for environmental concerns, followed by the opportunity to provide comments on what should be included in the EIR to be prepared for the Project. The scoping meetings will be held at the following locations:

Agencies
Harvest Hall (Room DE)
3800 Cornucopia Way
Modesto, CA

Date and Time: May 19, 2014, 3:00 p.m.

General Public
Harvest Hall (Room DE)
3800 Cornucopia Way
Modesto, CA

Date and Time: May 19, 2014 6:00 p.m.

NOTICE OF PREPARATION OF
A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR)
AND
NOTICE OF PUBLIC SCOPING MEETING
FOR THE
STANISLAUS COUNTY GENERAL PLAN UPDATE
AND STANISLAUS COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

Project Location

The proposed 2014 General Plan Update will apply county-wide, with the exception of the incorporated cities and state or federal lands. The County is illustrated in Figure 1.

The Stanislaus County ALUCP contains the individual Compatibility Plan for three airports in Stanislaus County: The Modesto City-County Airport, the Oakdale Municipal Airport, and the former Crows Landing Air Facility. Geographically, the ALUCP pertains to portions of unincorporated areas within Stanislaus County, together with portions of the cities of Modesto, Oakdale, Ceres, and Patterson. Special districts, school districts, and community college districts within those jurisdictions are also subject to the provisions of the ALUCP. The proposed ALUCP will incorporate the existing Compatibility Plan for the Crows Landing Air Facility, which is being updated under a separate process.

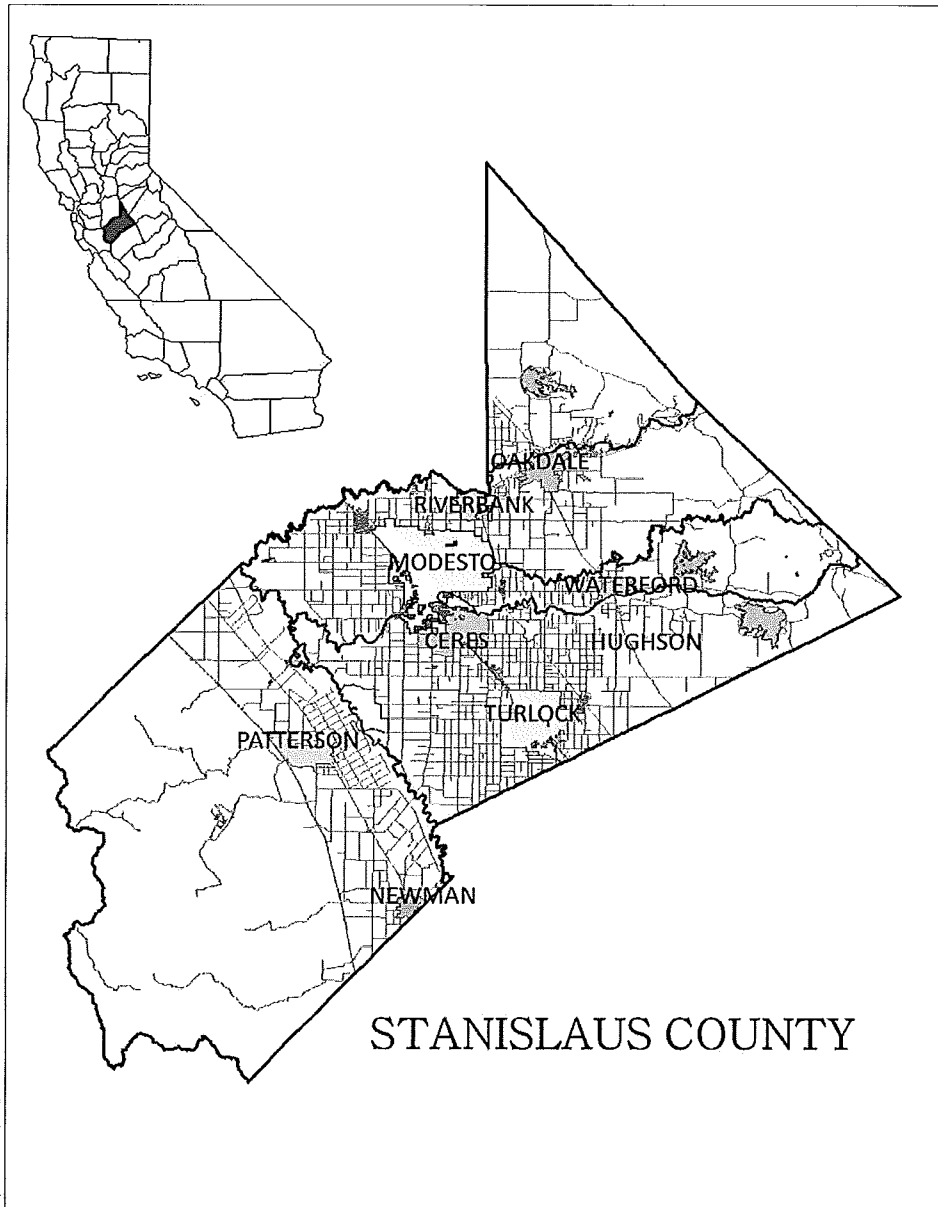


Figure 1
Stanislaus County

2014 General Plan Update

California Government Code Section 65300 requires every city and every county throughout California to develop and adopt a comprehensive, long-term general plan to guide physical development within that jurisdiction. The general plan elements should be comprised of “integrated, internally consistent and compatible” policy objectives. The general plan must include seven mandatory elements including: Land Use, Circulation, Housing, Open Space, Conservation, Safety, and Noise. Each jurisdiction may opt to include additional elements as needed.

Stanislaus County adopted the most recent comprehensive update to its General Plan in 1994. The General Plan combines the required Open Space and Conservation Elements due to their interrelated content. It also includes one optional element, the Agricultural Element.

The proposed update of the General Plan has a 20-year planning horizon (to 2035) and utilizes the population projections adopted by the Stanislaus Council of Governments (StanCOG) for the 2014 Regional Transportation Plan/Sustainable Communities Strategy. The update does not include any changes in Land Use map designations, but rather is a ‘clean up’ of the General Plan to incorporate changes in state law, code, and local standards. The update also includes revisions to General Plan language and some new goals/policies/implementation measures designed to enhance and support existing goals/policies/implementation measures. The 2014 General Plan Update is limited to revisions to the following elements:

- Land Use
- Circulation
- Conservation/Open Space
- Noise
- Safety

The current Housing Element, originally adopted in 1992, had a major update/certification in 2012 and the Agricultural Element, originally adopted in 1992, had a major update in 2007. These elements are being updated through separate processes that are not part of the 2014 General Plan Update.

A number of legislative changes that have occurred since the last update to the general plan are being integrated into the 2014 General Plan Update including:

- 2003 Assembly Bill (AB) 170– Air quality and land use
- 2003 AB 32 - Greenhouse gas reduction
- 2007 Senate Bill (SB) 375 – Sustainable Communities Strategy
- 2007 AB 162/SB/AB 5 – 200-Year floodplain protection
- 2011 AB 359 – Groundwater recharge mapping
- 2011 SB 244 – Disadvantaged communities
- 2011 AB 26 – Dissolution of Redevelopment Agencies

In addition to changes addressing agency names/organizational structures/responsibilities, changes to local codes, standards, and management plans, minor language and formatting revisions, and Airport Land Use Compatibility Plan consistency, below is a summary of the changes that are proposed in the 2014 General Plan Update:

Land Use Element

A number of changes in the Land Use Element centering on unincorporated communities are being proposed, including:

- Updating language to reflect the elimination of California redevelopment agencies; however, the General Plan still recognizes the need for “redevelopment” in the context of upgrading existing community infrastructure through the renovation of existing development and new infill development;
- Strengthening the need for adequate service (e.g. water and sewer) capacity for new development;
- Adding policy language to encourage new development to be designed to allow for the upgrading of services;
- Adding policy language to encourage unincorporated communities to establish “self-help” programs (such as assessment districts); and
- Including an assessment of the infrastructure needs of “disadvantaged communities” (to be incorporated with the General Plan Update draft that will be released with the draft EIR).

In addition, policies have been revised and added to:

- Support efforts to direct economic development and job creation centers towards cities, while also considering approval of centers in unincorporated areas of unique character and proximity to transportation infrastructure and to encourage reuse of the Crows Landing Air Facility as a regional jobs center;
- Require effective levels of public service (water and wastewater) for development;
- Encourage coordination with cities in identifying opportunities to develop uniform development standards within city spheres of influence and along major county-defined gateways to cities;
- Requiring discretionary development projects that are located outside the sphere of influence of cities, but within one mile of a city’s adopted sphere of influence boundary and within a city’s adopted general plan area, to be referred to that city for consideration. However, the County maintains its authority over discretionary actions;
- Encourage County participation in developing a county-wide growth management strategy;

- Promote and protect healthy living environments and to encourage development that:
 - decreases air and water pollution
 - reduces the consumption of natural resources and energy
 - increases the reliability of local water supplies
 - facilitates alternative modes of transportation
 - promotes active living
- Promote the extension of public transportation systems and efforts to improve the siting of local health care options.

In addition, clarifying language has been added to the Salida Community Plan section of the Land Use Element to reflect the Salida Area Planning, Road Improvement, Economic Development, and Farmland Protection Initiative's 2007 date of adoption and term limits, and to clarify the process for making amendments to the Initiative.

Circulation Element

The Circulation Element has been amended to include new "Road Classifications" consistent with the United States Department of Transportation, Federal Highway Administration's (FHWA) naming standard and to incorporate changes to the right-of-way standards to allow Public Works more discretion in constrained rights-of-way. The Standard Specifications for each of the new road classifications will be updated as part of the Environmental Review, as necessary.

Policies have also been added to encourage development with multiple points of ingress and egress to aid in traffic flow and pedestrian accessibility, to encourage alternatives to on-site parking standards, including shared driveways and reciprocal access agreements, and to encourage development that provides a safe, comprehensive, and coordinated transportation system that includes a broad range of transportation modes.

Conservation and Open Space Element

Implementation measures have been revised and added to the Conservation and Open Space Element to encourage the establishment of scenic corridors, riparian habitat/vernal pool mitigation, the development of resort services in recreation areas, landfill waste material diversion, and to meet the requirements of AB 359 (2011) which requires jurisdictions to map groundwater recharge areas.

Revisions have been incorporated to specifically reduce conflicts between habitat areas and Airport Influence Zones for consistency between the General Plan and ALUCP.

Implementation measures have been incorporated to support the development and implementation of water management strategies through monitoring, coordinated data collection, promoting of water resource management tools, and supporting the formation of water management plans.

Noise Element

The Noise Element has been revised to aid in the enforcement of the Noise Ordinance and to ensure consistency between the Noise Element, the Noise Ordinance, and the updated ALUCP.

Safety Element

The Safety Element has been revised to reflect flood protection legislation affecting development of urban areas within the 200-year flood plain. Policy and implementation measures supporting safety hazard overlay zones and air strip easements have also been added.

Background information for each of the General Plan Elements affected by this 2014 General Plan Update is provided in the Stanislaus County General Plan - Support Documentation which will be updated as part of the EIR preparation. The current Support Document is available on-line:

<http://www.stancounty.com/planning/pl/general-plan.shtm>

Airport Land Use Compatibility Plan (ALUCP) Update

The update to the General Plan is taking place in conjunction with an update to the County's ALUCP. The ALUCP protects public health, safety and welfare by: ensuring orderly expansion of airports; and adopting land use measures to minimize public exposure to noise and safety hazards within areas around public airports to the extent that the areas are not already devoted to incompatible uses. The ALUCP provides polices/plans for each public use airport (separate plans). Policies of the ALUCP have been coordinated with General Plan policy. The ALUCP update addresses land uses/changes around each airport and provides a 20-year planning horizon; using the pertinent Airport Layout Plan (ALP), Master Plan, or airport diagram as a foundation.

Level of Detail for the Environmental Analysis in the Draft EIR

The EIR will analyze the reasonably foreseeable direct and indirect physical environmental effects that could result from implementation of the proposed 2014 General Plan and ALUCP Updates. Because no specific development projects are being proposed, the analysis will not be parcel-specific.

Scope of the EIR- Potential Significant Effects

The following list of potentially significant effects is not intended to be comprehensive. The Draft EIR may address additional impacts as a result of the comments received on the Notice of Preparation, the scoping meetings, or new information.

Potentially Significant Impacts to be Addressed in the EIR

At this time, the following issues are anticipated to be addressed in the EIR.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources

- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology/Groundwater Supply
- Land Use/Planning
- Noise
- Population/Housing
- Public Services, Utilities/Service Systems
- Transportation/Traffic

Less Than Significant Impacts That Will Not Be Addressed in the EIR

Based on a preliminary consideration of the 2014 General Plan and ALUCP Updates, the County believes that the proposed Updates will have a less than significant impact or no impact on the CEQA issue areas identified below. This is a preliminary determination only and does not preclude the County from making a different determination upon further analysis.

The primary reasons for these preliminary determinations are as follows:

- Geology/Soils. None of the proposed changes in General Plan policy will result in an increased risk from geologic hazards in that no reduction in safeguards are proposed.
- Mineral Resources. None of the proposed changes in General Plan policy will substantively change mineral resource designations or the regulation of mineral resource recovery.

Alternatives to be addressed in the EIR

In accordance with Section 15126.6 of the State CEQA Guidelines, an EIR must “describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most the basic objectives of the Project, but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives.” The State CEQA Guidelines also require that the EIR evaluate a No Project Alternative.

No alternatives have been selected at the present time. The EIR will evaluate a reasonable range of alternatives, selected by an alternatives screening analysis consistent with the provisions of Section 15126.6. If there are any potential alternatives rejected from further analysis in the EIR, the EIR will explain the reasons for their rejection.

The alternatives analysis may, in addition to the No Project Alternative, consider one or more of the reduced intensity alternatives for further development and analysis in the EIR. The selected alternatives will be analyzed at a qualitative level of detail for comparison against the impacts identified for the proposed Project, consistent with the requirements of CEQA. Because this is a county-wide project, no alternative will be analyzed that is outside the County.

Requests for Additional Information

If you have any questions, please contact Kristin Doud at the Stanislaus County Planning and Community Development Department at the address above, or by telephone at (209) 525-6330.

Copies of this notice will also be available at the public scoping meetings. The full text of the proposed changes are available from the Planning and Community Development Department and available online at: at www.stancounty.com/planning/.



**NOTICE OF PUBLIC MEETING FOR UPDATES OF THE
STANISLAUS COUNTY GENERAL PLAN AND AIRPORT LAND USE COMPATIBILITY PLAN AND NOTICE
OF PUBLIC SCOPING MEETING FOR ENVIRONMENTAL IMPACT REPORT**

Stanislaus County is proposing to update the General Plan and Airport Land Use Compatibility Plan (ALUCP), incorporating a 20-year planning horizon (to 2035). The General Plan update does not include any changes in Land Use Map designations, but rather is a 'clean up' to incorporate changes in legislation, code, and local standards. The update includes revisions to General Plan language and some new goals/policies/implementation measures designed to enhance and support existing goals/policies/implementation measures. The General Plan update is limited to revisions to the Land Use, Circulation, Conservation/Open Space, Noise, and Safety Elements of the Stanislaus County General Plan. The General Plan update is taking place in conjunction with an update to the County's ALUCP. The ALUCP update affects the compatibility plans of the Modesto-County Airport and Oakdale Airport. The Crows Landing Air Facility will be incorporated into the ALUCP through a separate process.

Stanislaus County will hold three community meetings to provide an overview and to solicit comments regarding the proposed changes to the General Plan and ALUCP. The May 19, 2014 public meeting will also serve as a public scoping meeting in accordance with the California Environmental Quality Act (CEQA). The purpose of the scoping meeting is to offer the public the opportunity to provide their input on the scope of the environmental analysis which should be undertaken. The meeting will also present information regarding the EIR process and the General Plan and ALUCP updates.

Join us at one of the community meetings below to learn more about the updates to the Stanislaus County General Plan and ALUCP and to provide input into the updated document and to the environmental review process.

PUBLIC MEETINGS

Wednesday, May 14, 2014
6:00 PM
Patterson City Hall
1 Plaza Circle
Patterson, CA

Thursday, May 22, 2014
6:00 PM
Gene Bianchi Community Center
110 S. 2nd Avenue
Oakdale, CA

PUBLIC MEETING/ CEQA SCOPING MEETING

Monday, May 19, 2014*
6:00 PM
Harvest Hall (Room DE)
3800 Cornucopia Way
Modesto, CA

**A separate meeting for public agencies will be held, as listed in the Notice of Preparation for the EIR (located on-line at www.stancounty.com/planning/).*

A summary of the changes being proposed in the General Plan update and the draft ALUCP are available for review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto California or on-line at www.stancounty.com/planning/.

Any written comments may be submitted to the Department of Planning and Community Development at 1010 10th Street, Suite 3400, Modesto, California, 95354 or email: planning@stancounty.com. For further information, please call (209) 525-6330.