



**SPECIAL MEETING
ARVIN PLANNING COMMISSION
THURSDAY JANUARY 06, 2022 6:00p.m.
CITY HALL COUNCIL CHAMBERS
200 CAMPUS DRIVE, ARVIN**

CALL TO ORDER Chair Joshlyn Horton

PLEDGE OF ALLEGIANCE

ROLL CALL:	Joshlyn Horton	Chairperson
	Abdu Nagi Algabyali	Planning Commissioner
	Elio Benavides	Planning Commissioner
	Sergio Hernandez	Planning Commissioner
	Anaiza Prado	Planning Commissioner
	Elvira Martinez Moreno	Planning Commissioner (Alternate)

PUBLIC COMMENTS:

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

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

AGENDA STAFF REPORTS AND HANDOUTS:

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

CONDUCT IN THE CITY COUNCIL CHAMBERS:

Rules of Decorum for the Public

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

Removal from the Council Chambers

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

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

AMERICANS with DISABILITIES ACT:

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

1. Approval of Agenda As To Form.

Motion _____ Second _____ Vote _____

Roll Call: PC Algabyali _____ PC Benavides _____ PC Hernandez _____ PC Prado _____

Chair Horton _____ (Alt. PC Moreno _____)

2. PUBLIC COMMENTS

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

3. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Special Meeting of July 07, 2021.

Staff recommends approval of the Minutes of the Special Meeting of July 07, 2021.

Motion _____ Second _____ Vote _____

Roll Call: PC Algabyali _____ PC Benavides _____ PC Hernandez _____ PC Prado _____

Chair Horton _____ (Alt. PC Moreno _____)

4. PUBLIC HEARING ITEM(S)

A. A Public Hearing to Consider and Adopt A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit No. 2021-201BMB Subject to the Conditions of Approval Contained Herein and Adopt the Notice of Exemption for the Proposed Project.

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

Motion _____ Second _____ Vote _____

Roll Call: PC Algabyali _____ PC Benavides _____ PC Hernandez _____ PC Prado _____

Chair Horton _____ (Alt. PC Moreno _____)

5. ELECTION OF VICE CHAIRPERSON

6. REPORTS FROM STAFF

7. PLANNING COMMISSIONER COMMENTS

8. ADJOURNMENT

I hereby certify, under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall Bulletin Board, not less than 24 hours prior to the meeting. Dated: January 05, 2022.



Cecilia Vela, Secretary

**SPECIAL MEETING MINUTES
ARVIN PLANNING COMMISSION**

JULY 07, 2021

CALL TO ORDER @ 6:00PM

PLEDGE OF ALLEGIANCE

ROLL CALL: All present; One seat vacant and Alternate PC Martinez Moreno participated; PC Albagyali arrived late during Agenda Item 2.

1. Approval of Agenda As To Form.

Motion to approve the Agenda.

Motion PC Benavides Second Alt. PC Moreno Vote 4-0

2. PUBLIC COMMENTS

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

NONE

3. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Special Meeting of May 24, 2021.

Staff recommends approval of the Minutes of the Special Meeting of May 24, 2021.

Motion to approve Minutes of the Special Meeting of May 24, 2021.

Motion Alt. PC Moreno Second PC Hernandez Vote 5-0

4. PUBLIC HEARING ITEM(S)

A. A Public Hearing to Consider and Adopt:

1. A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit No. CUP2021-818DerbyStreet for Commercial Cannabis Operations Located at 818 S. Derby Street in Arvin, California (APN: 193-160-04, 193- 160-03, & 193-150-15)

Resolution No. APC 2021-04

2. A Resolution of the Planning Commission of the City of Arvin Recommending the City Council of the City of Arvin Approve A Development Agreement with Payne's Distribution, LLC for Development at 818 S. Derby Street, Arvin.

Resolution No. APC 2021-05

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

Hearing opened.
No public testimony.
Hearing closed.

Motion to approve the Resolution for Item 4.A.1.

Motion PC Benavides Second Alt. PC Moreno Vote 5-0

Resolution No. APC 2021-04

Motion to approve the Resolution for Item 4.A.2.

Motion VC Horton Second Alt. PC Moreno Vote 5-0

Resolution No. APC 2021-05

- B. A Public Hearing to Consider and Adopt A Resolution of the Planning Commission of the City of Arvin Recommending the City Council of the City of Arvin Approve A Development Agreement with Full Spectrum Biotech for Development at 744 S. Derby Street, Arvin.**

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

Hearing opened.
No public testimony.
Hearing closed.

Motion to approve the Resolution.

Motion PC Benavides Second Alt. PC Moreno Vote 5-0

Resolution No. APC 2021-06

5. ELECTION OF CHAIRPERSON

Vice Chairperson Joshlyn Horton nominated Joshlyn Horton (self).
PC Sergio Hernandez nominated Joshlyn Horton.
No other nominations received. Vote 5-0

New Chairperson is Joshlyn Horton.

6. REPORTS FROM STAFF

7. PLANNING COMMISSIONER COMMENTS

NONE

8. ADJOURNED @ 6:51PM

Respectfully submitted,

Cecilia Vela, Secretary

DRAFT



**CITY OF ARVIN
Staff Report**

Meeting Date: January 6, 2022

TO: Planning Commission

FROM: Carlos Rojas, Contract Planner

SUBJECT: **Conditional Use Permit (CUP)2021-201BMB (APN #191-222-08)**, 201 Bear Mountain Boulevard for the off-sale of alcoholic beverages, Type 20 Licenses which authorizes the sale of beer and wine for consumption off the premises where sold., and Notice of Exemption per Section 15061(b)(3) General Rule per CEQA for the project.

RECOMMENDATION:

Motion to Approve Resolution of the City of Arvin Planning Commission i) Approving off-sale beer and wine as an accessory in association with the existing La India Bonita Market located at 201 Bear Mountain Boulevard, APN 191-222-08.

GENERAL PLAN AND ZONING CONFORMITY:

General Plan Land Use Designation: General Commercial

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

Ordinance Compliance: Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales was adopted on November 17th, 2015 with an implementation date of January 1, 2016. Definitions for Off-sale and On-sale alcoholic beverage establishments were adopted (Sections 5.28 Subsection G and H). Additionally, “Section 5.28.020 Premises requiring conditional use permit” requires all Off-sale and On-sale alcoholic beverage establishments shall only be permitted upon the granting of a conditional use permit by the planning commission pursuant to Chapter 17.56 - CONDITIONAL USE PERMITS and Chapter 17.54 - VARIANCES, MODIFICATIONS AND ZONE CHANGES. Some exception to the conditional use permit were also adopted by Section 5.28.020 (B). Ordinance No. 425 established Operational Standards for Off-sale and On-sale alcoholic beverage sales establishment, Sections 5.28.31 and 5.28.32. Ordinance 425 is on file with the City Clerk’s Office.

PROJECT LOCATION:

The project site is located east of Stockton Avenue on the south side of Bear Mountain Boulevard, at 201 Bear Mountain Blvd., APN 191-222-08.

DISCUSSION:

The proposed project is to sell liquor in an established business located at 201 Bear Mountain Boulevard, Arvin, for the off-sale of alcoholic beverages, Type 20 Licenses, which the sale of beer and wine for consumption off the premises where sold. The license was transfer from an existing business located at 240 Langford Avenue. This type of license is common for grocery stores, convenience stores, liquor stores, drug stores, club warehouse stores and any other store where alcohol is sold for consumption elsewhere. The project received an initial review under the requirements of the California Environmental Quality Act. Staff determined that the project is exempt from CEQA pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), and that this project is exempt from the requirements of the California Environmental Quality Act (CEQA), in that it can be seen with certainty that there is no possibility that the establishment of a store within the C-2 Zone District will have a significant and adverse impact on the environment. The use is within an existing developed building, it will not modify the physical aspect of the existing building, it merely allows the off-sale of alcoholic beverages to occur within an existing building, and the activity is regulated by Chapter 5.28 Alcoholic Beverage Sales of the Arvin Municipal Code. As such, it is not a project which has the potential for causing a significant effect on the environment.

The applicant is seeking a Type 20 Off-Sale Beer and Wine License from ABC is census track number 63.04. That census tract has an allotted number of permitted licenses of 3 licenses. Currently, the tract has 3 licenses, with one being transferred from 240 Langford Avenue to the proposed location at 201 Bear Mountain Boulevard; therefore, the proposed project would not surpass the allotted number of permitted licenses.

ENVIRONMENTAL CONSIDERATIONS:

The City performed a preliminary environmental assessment pursuant to the requirements of the California Environmental Quality Act (California Public Resources Code section 21000, et seq.) and the Guidelines thereunder (14 California Code of Regulations section 15000, et seq.) (collectively, “CEQA”), and determined that the project is Exempt per Section 15061(b) (3) Common Sense Exemption.

PUBLIC NOTIFICATION:

The City properly noticed the January 6, 2022 special public hearing before the Planning Commission for the proposed CUP 2021-201BMB, off-sale of beer and wine for the existing La Bonita Market pursuant to Government Code sections 65090 and 65091 by publication in the newspaper on December 21, 2021. A copy of the notice is attached to this staff report. In addition, the City Clerk provided notice by mailing the public notice to all property owners with the 300-foot radius.

ATTACHMENTS:

1. Resolution – Planning Commission approving CUP2021-201BMB for Off-sale Beer and Wine as an accessory use to the existing La India Bonita Market.
 - Exhibit A- Conditions of Approval for CUP
2. Copy of Published Public Hearing Notice

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN APPROVING CONDITIONAL USE PERMIT NO. 2021-201BMB SUBJECT TO THE CONDITIONS OF APPROVAL CONTAINED HEREIN AND ADOPT THE NOTICE OF EXEMPTION FOR THE PROPOSED PROJECT

A Resolution of the Planning Commission of the City of Arvin Approving Off-sale of beer and wine as an accessory use for the existing La Bonita Market located at 201 Bear Mountain Boulevard, APN 191-222-08, Arvin, CA 93203, and adopt Notice of Exemption, subject to conditions of approval as specified herein:

WHEREAS, the Planning Commission opened the public hearing on January 6, 2022, and has received testimony and other evidence at the meeting; and

WHEREAS, public notice for the public hearing was published in the (Newspaper on December 21, 2021 and notices were mailed to individual property owners within 300-feet of the project site on December 20, 2021; and

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

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

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. A Notice of Exemption, General Exemption per the California Environmental Quality Act, is on file at the City of Arvin Community Development Department and finds that the project as proposed will not result in any environmental impacts; and
3. The sale of off-sale of Beer and Wine is in compliance with the City of Arvin's General Plan GC, General Commercial Land Use Designation and Zoning Classification of General Commercial is a permitted use under said designation and upon granting a Conditional Use Permit as is required by Chapter 5.28 Alcoholic Beverage Sales.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Arvin finds that:

1. A Notice of Exemption is on file at the City of Arvin Community Development Department and is adopted as the appropriate environmental determination; and
2. That the Off-sale of beer and wine as an accessory in association with the existing La India Bonita Market located at 201 Bear Mountain Boulevard is hereby conditionally approved as follows:

- a. That this conditional use permit is approved subject to the applicant(s) and property owner(s) meeting the performance conditions incorporated into the conditions of approval.
 - b. That the property owner(s) and business owners(s) shall submit affidavits of acceptance of the conditions of approval for this project
 - c. That the business shall maintain a valid State Department of Alcohol and Beverage Control (ABC) alcoholic beverage license. The business shall be in compliance with all conditions of said license at all times.
 - d. That the business shall maintain City of Arvin business licenses at all times;
- and
- e. That the business shall remain in compliance with the Arvin Municipal Code, Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales at all time, Exhibit A.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Arvin at a special meeting thereof held on the 06th day of January 2022 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

CECILIA VELA, Secretary

ARVIN PLANNING COMMISSION

By: _____
JOSHLYN HORTON, Chairperson

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

**EXHIBIT A
CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT (CUP) 2021-201BMB FOR THE OFF-SALE OF
ALCOHOLIC BEVERAGE, TYPE 20 LICENSES WHICH AUTHORIZES THE
SALE OF BEER AND WINE FOR CONSUMPTION OFF THE PROMISES**

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART A - PROJECT INFORMATION

Applicant:	La India Bonita Market- Eduardo Cortez
Project Address:	201 Bear Mountain Boulevard Arvin CA, 93203
Project Location:	The project site is located east of Stockton Avenue on the south side of Bear Mountain Boulevard, at 201 Bear Mountain Blvd.t (See APN Below)
Assessor Parcel No. and Size:	191-222-08
Zoning:	C-2, General Commercial
General Plan Land Use Designation	General Commercial

Project Description: The proposed project is to sell liquor in an established business located at 201 Bear Mountain Boulevard, Arvin, for the off-sale of alcoholic beverages, Type 20 Licenses, which the sale of beer and wine for consumption off the premises where sold. The license was transfer from an existing business located at 240 Langford Avenue. This type of license is common for grocery stores, convenience stores, liquor stores, drug stores, club warehouse stores and any other store where alcohol is sold for consumption elsewhere. The project received an initial review under the requirements of the California Environmental Quality Act. Staff determined that the project is exempt from CEQA pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), and that this project is exempt from the requirements of the California Environmental Quality Act (CEQA), in that it can be seen with certainty that there is no possibility that the establishment of a store within the C-2 Zone District will have a significant and adverse impact on the environment. The use is within an existing developed building, it will not modify the physical aspect of the existing building, it merely allows the off-sale of alcoholic beverages to occur within an existing building, and the activity is regulated by Chapter 5.28 Alcoholic Beverage Sales of the Arvin Municipal Code.

PART B — GENERAL CONDITIONS AND REQUIREMENTS

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through conditional use permit review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless timely appealed. The granting, either with or without conditions, or the denial of the conditional use permit by the Planning Commission shall be final unless within fifteen (15) days after the decision by the Planning Commission, or ten (10) days after the mailing of the required notices, whichever date is later, the applicant, or any other person aggrieved, appeals therefrom in writing to the City Council by presenting such appeal to the City Clerk. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk as required by Arvin Municipal Code section 17.54.130. The appeal should state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

Approval of this conditional use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit, the zoning ordinance, and all City standards and specifications. This use permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this use permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and

requirements imposed may result in revocation of the use permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the use permit, and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this use permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this use permit.

PART C – SPECIFIC CONDITIONS AND OPERATIONAL STANDARDS

The following conditions operational standards must be addressed within timelines set forth in this list or elsewhere in this Agreement. Failure to comply with these conditions in such time may result in the revocation of any Conditional Use Permits, Building Permits, or other discretionary entitlements, approvals, and or permits issued for the property in question.

1. The project shall not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. The project shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
3. The project shall not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
4. The project shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
5. That its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
6. The project shall comply with the following alcohol sale limitations:
 - a. No wine shall be displayed, sold or given away in containers of less than seven hundred fifty (750) milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six (6) percent alcohol by volume.
 - b. No wine shall be displayed, sold or given away with an alcoholic content greater than fifteen (15) percent by volume unless in corked bottles and aged at least two (2) years.
 - c. No distilled spirits shall be displayed, sold or given away in containers of less than three hundred seventy-five (375) milliliters, except pre-mixed cocktails.

- d. The display, sale or distribution of fifty (50) milliliters "airline bottles" and three hundred seventy-five (375) milliliters "hip flask" containers is prohibited.
- e. No beer, ale or malt liquor shall be offered for sale in a container with a volume greater than thirty-two (32) ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two (2) or more gallons, which are clearly designed to dispense multiple servings.
- f. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
- g. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel or similar container.
- h. All display of alcoholic beverages shall be no closer than five (5) feet from the store entrance.

7. The project shall with the following public nuisance prevention measures:

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

- urination, solicitation, drug-dealing, drug use, loud noise and litter.
- i. Drug Paraphernalia: An off-sale alcohol establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with California Health and Safety Code section 11000.
 - j. Prohibited Vegetation: Exterior vegetation shall not be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.
 - k. Window Obstructions: To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than fifteen (15) percent of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.
 - l. Training: Each off-sale operator and their employees shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Arvin police department and annually to the Arvin City Clerk as a pre-condition to the City issuing the operator a new business license.
 - m. Posting of Documents: A copy of these operational standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one (1) prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.
8. The applicant shall commence use under the conditional use permit within one year of the final approval of the permit by the City.
 9. This CUP shall run with the land and may only be used at the project location. The CUP may not be transferred to a different location.
 10. The applicant shall sign the Applicant's Acknowledgement, below, and return it to the Community Development Department within 30 days of the decisions of approval of the use permit becoming final.

All discretionary condition of approval will ultimately be deemed mandatory unless timely appealed in writing to the City Clerk.

APPLICANT'S ACKNOWLEDGMENT

I have read, understand, and accept the conditions of approval set forth herein above in this resolution of approval for Conditional Use Permit 2021-CUP201BMB.

Date

Eduardo Cortez Alvarado, Applicant

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT 2021-201BMB – OFF-SALE OF ALCOHOLIC BEVERAGES – “LA INDIA BONITA MARKET” LOCATED AT 201 BEAR MOUNTAIN BOULEVARD, ARVIN

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

Meeting Date: January 6, 2022

Time: 6:00 PM

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

Subject:

1. Determination there is no possibility that this project may have a significant effect under CEQA Guidelines Section 15061(b)(3).
2. **Conditional Use Permit (CUP)2021-201BMB (APN #191-222-08)**, 201 Bear Mountain Boulevard for the off-sale of alcoholic beverages, Type 20 Licenses which authorizes the sale of beer and wine for consumption off the premises where sold.

The Planning Commission of the City of Arvin, California, will conduct a Public Hearing at which time you may be present and be heard concerning **CUP 2021-201BMB – La India Bonita Market** for the off-sale of alcoholic beverages, Type 20 Licenses, which authorizes the sale of beer and wine the premises where sold.

Description of the Project: The proposed project is to sell liquor in an established business located at 201 Bear Mountain Boulevard, Arvin, for the off-sale of alcoholic beverages, Type 20 Licenses, which the sale of beer and wine for consumption off the premises



where sold. The license was transfer from an existing business located at 240 Langford Avenue. This type of license is common for grocery stores, convenience stores, liquor stores, drug stores, club warehouse stores and any other store where alcohol is sold for consumption elsewhere. The project received an initial review under the requirements of the California Environmental Quality Act. Staff determined that the project is exempt from CEQA pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), and that this project is exempt from the requirements of the

California Environmental Quality Act (CEQA), in that it can be seen with certainty that there is no possibility that the establishment of a store within the C-2 Zone District will have a significant and adverse impact on the environment. The use is within an existing developed building, it will not modify the physical aspect of the existing building, it merely allows the off-sale of alcoholic beverages to occur within an existing building, and the activity is regulated by Chapter 5.28 Alcoholic Beverage Sales of the Arvin Municipal Code. As such, it is not a project which has the potential for causing a significant effect on the environment. The agenda and project documents may be found on the City’s website once the agenda is posted. www.arvin.org.

The **CUP 2021-201BMB** is exempt from CEQA pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3). If you challenge the approval or denial of this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at or prior to, the public hearing.

Upon conclusion of the hearing, the Planning Commission may approve, conditionally approve or disapprove the adoption of the Notice of Exemption and the proposed Conditional Use Permit for the Off-Sale of liquor beverage sales at 201 Bear Mountain Boulevard – La India Bonita Market.

Cecilia Vela, City Clerk

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