Public advisory: Face masks are recommended. The City Council chamber is open and accessible to the public.

ACCESSIBILITY: In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in the Planning Commission meeting, please contact the Deputy City Clerk Department at 661-758-7250 or via email at yotinajero@cityofwasco.org within 48 hours of the meeting or sooner.

The following is provided to assist with public participation:

AGENDA AVAILABILITY: The Planning Commission Agenda is posted on the bulletin board at the entry of City Hall 746 8th Street, Wasco, and at the entrance of 764 E Street Wasco. The agenda packet, meeting minutes, and archived Planning Commission meetings are available on the City’s website at www.cityofwasco.org.

Agenda Materials: Planning Commission agenda materials are released no later than 72 hours prior to a meeting and are available to the public at the City Clerk’s Office, 746 8th Street, Wasco, CA, in a public binder at each Planning Commission meeting, and on the City’s website at https://www.cityofwasco.org/AgendaCenter.

PUBLIC COMMENTS: All public comments are subject to a 2-minute limit, and a maximum of Thirty (30) minutes will be allowed for any subject. To provide your comments to the Planning Commission members regarding matters, not on the agenda or a specific item on the agenda, you may address your comments IN PERSON. Before making your presentation, you will be asked to state your name for the record. If you would like to submit a written public comment, please email the Deputy City Clerk at yotinajero@cityofwasco.org no later than 4:00 p.m. July 10, 2023. Please clearly indicate which agenda item number your comments pertain to. Every effort will be made to read your comment into the record; If a comment is received after the specific time mentioned above, but before the meeting is adjourned, the comment will still be included as a part of the record of the meeting. Still, it will not be read into the record.

Please be advised that communications directed to the Planning Commission are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law.
Communications will NOT be edited for redactions and will be printed/posted as submitted.

SPANISH INTERPRETATION: If you need an interpretation of your communications to the Planning Commission from Spanish into English, please contact the Deputy City Clerk Department at 661-758-7250 or via email at yotinajero@cityofwasco.org. Subject to availability, notifying at least 48 hours will usually enable the City to make arrangements.

INTERPRETACIÓN EN ESPAÑOL: Si necesita una interpretación de sus comunicaciones a la Comisión de Planificación del español al inglés, comuníquese con el Departamento del Secretario de la Ciudad al 661-758-7250 o por correo electrónico a yotinajero@cityofwasco.org. La notificación de al menos 48 horas generalmente permitirá a la Ciudad hacer arreglos. Sujeto a disponibilidad.

GETTING TO KNOW YOUR AGENDA

Agenda Sections:
CONSENT CALENDAR Items are routine items that are not expected to prompt discussion. All items are considered for approval at the same time with one vote. Planning Commission members, staff, and the public may request items be removed, and members of the public may comment on an item. Items removed from the Consent Calendar are discussed after the vote on the remaining Consent Calendar items.

PUBLIC COMMENT provides the public with an opportunity to address the Planning Commission on any matter not listed on the agenda that is within the jurisdiction of the Planning Commission. In compliance with the Brown Act, the Planning Commission cannot take action on matters not listed on the agenda.

PUBLIC HEARINGS are held on matters specifically required by law. The Chairman will ask for presentations from the staff, the proponent, or the applicant involved (if applicable) in the matter under discussion. Following the Chairman will open the public hearing and ask for public comments. Following the questions from the Planning Commission members. The Chairman closes the hearing, and the Planning Commission may discuss and take action.

DEFERRED ITEMS: these are items that were postponed or delayed for specific reasons and are brought back to the Planning Commission for consideration. These items are expected to cause discussion and/or action by the Planning Commission. Staff may make a presentation, and Planning Commission may ask questions of staff and involved parties before the Chairman invites the public to provide input.

NEW BUSINESS: these are items that are expected to cause discussion and/or action by the Planning Commission but do not legally require a Public Hearing. Staff may make
a presentation, and Planning Commission members may ask questions of staff and the involved parties before the Chairman invites the public to provide input.

**CLOSED SESSION**: may only be attended by members of the Planning Commission, support staff, and/or legal counsel. The most common purpose of a Closed Session is to avoid revealing confidential information that may prejudice the legal or negotiation position of the City or compromise the privacy interests of employees. Closed sessions may be held only as specifically authorized by law.

Planning Commission Actions:
**RESOLUTIONS** are formal expressions of opinion or intention of the Planning Commission and are usually effective immediately.

**ORDINANCES** are laws adopted by the City Council. The Planning Commission makes recommendations to the Wasco City Council on certain Planning and Zoning Related Ordinances.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**: CEQA is intended to inform government decision-makers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage.

**PROCLAMATIONS** and **RECOGNITIONS** are issued by the City to honor significant achievements by community members, highlight an event, promote awareness of community issues, and recognize City employees.

**REGULAR MEETING – 6:00 pm**

1) **CALL TO ORDER**: Chairman Pallares

2) **ROLL CALL**: Chairman Pallares, Vice Chairman Clendenen, Commissioners: Rueda, Skeels, Torres

3) **FLAG SALUTE**: Chairman Pallares

4) **INVOCATION**: 

5) **PRESENTATIONS AND AWARDS**: Wasco Housing Element Update 2ND Public Workshop

6) **PUBLIC COMMENTS**:

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Speakers are limited to two (2) minutes.
BROWN ACT REQUIREMENTS: The Brown Act does not allow action or Discussion on items, not on the agenda (subject to narrow exceptions). This will limit a Commissioner's response to questions and requests made during this comment period.

Should your comments require further consideration by the Planning Commission; the item will be agendized for a report and discussed at a future Planning Commission meeting. Please state your name for the record before making a presentation.

PLANNING COMMISSION BUSINESS:

7) CONSENT CALENDAR:
The Consent Calendar consists of items that, in the staff's opinion, are routine and non-controversial. These items are approved in one motion unless a Commissioner or member of the public requests removal of a particular item.

   a. Approval of Planning Commission Regular Meeting Minutes for June 12, 2023

8) PUBLIC HEARINGS:
   a. Conduct a public hearing and adopt a Resolution for Conditional Use Permit 23-01, a proposal for a drive-through addition at 727 6th Street and find that this project is exempt under the California Environmental Quality Act of 1970 (CEQA) and State CEQA Guidelines Section 15301 Existing Facilities Class 1 (Murillo).

   b. A Resolution of the Planning Commission of the City of Wasco approving Conditional Use Permit 23-02, A Conditional Use Permit to allow a Type 20 ABC off-sale beer/wine license at 2850 Highway 46. Pursuant to the California Environmental Quality Act of 1970 (CEQA) and State CEQA Guidelines, the City of Wasco Planning Department has determined that this project is exempt pursuant to CEQA Section 15301 (Murillo).

9) DEFERRED BUSINESS: NONE

10) NEW BUSINESS: NONE

11) REPORTS FROM THE DIRECTOR:

12) REPORTS FROM COMMISSIONERS:

13) ADJOURNMENT:
This is to certify that this agenda was posted at Wasco City Hall on July 7, 2023, on/or before 6:00 p.m. The agenda is also available on the City website at www.cityofwasco.org
All agenda item supporting documentation is available for public review in the city website [www.cityofwasco.org](http://www.cityofwasco.org) and the office of the Community Development Department, 764 E Street, Wasco, CA 93280 during regular business hours, 8: am – 4:30 pm Monday through Thursday and 8:30 am—4:30 pm Friday (closed alternate Friday's), following the posting of the agenda. Any supporting documentation related to an agenda item for an open session of any regular meeting that is distributed after the agenda is posted and prior to the meeting will also be available for review at the same location and available at the meeting. Please remember to turn off all cell phones, pagers, or electronic devices during Planning Commission meetings.

The City of Wasco does not discriminate on the basis of disability in the access to, provision of, or employment in its programs and activities pursuant to 29 United States Code Section 12132 and California Civil Code Section 54. Information regarding the rights provided under the Americans with Disabilities Act (ADA) may be obtained from the City Clerk's Office.

If you need special assistance to participate in this meeting, please contact the Deputy City Clerk's Office at (661) 758-7250 to make reasonable arrangements to ensure accessibility to this meeting. Telephone (661) 758-7250 Requests for assistance should be made at least two (2) days in advance whenever possible.
REGULAR MEETING – 6:00 pm

1) CALL TO ORDER:
Chairman Pallares called the meeting at 6:00 pm.

2) ROLL CALL:
Present: Chairman Pallares, Vice Chairman Clendenen, Commissioners: Skeels, Torres

Absent: Commissioner Rueda

Staff Present: Deputy City Clerk Tinajero, Administrative Assistant Castro, Assistant City Planner Murillo, Community Development Director Cobb

3) FLAG SALUTE: Led by Chairman Pallares

4) INVOCATION: Observed a moment of silence led by Chairman Pallares

5) PRESENTATIONS AND AWARDS: NONE

6) PUBLIC COMMENTS:
Deputy City Clerk Tinajero stated there were no email comments received for this item or any items on this agenda.

PLANNING COMMISSION BUSINESS:

7) CONSENT CALENDAR:
The Consent Calendar consists of items that, in the staff’s opinion, are routine and non-controversial. These items are approved in one motion unless a Commissioner or member of the public requests removal of a particular item.

   a. Approval of Planning Commission Regular Meeting Minutes for May 8, 2023

   Motion was made by Commissioner Torres, seconded by Commissioner Skeels to approve the consent calendar by the following roll call vote:
8) PUBLIC HEARINGS:
   a. Report and continuation of public hearing for Conditional Use Permit 23-01, a proposal for a drive-through addition at 727 6th Street and find that this project is exempt under the California Environmental Quality Act of 1970 (CEQA) and State CEQA Guidelines Section 15301 Existing Facilities Class 1 (Murillo).

Oral presentation by Assistant Planner Murillo.

Chairman Pallares opened the public hearing at 6:06 pm.

Public Comments: NONE

Motion was made by Commissioner Torres, Seconded by Chairman Pallares, to continue the public hearing into the next Planning Commission meeting on July 10, 2023 by the following roll call vote:

   AYES:    PALLARES, CLENDENEN, SKEELS, TORRES
   NOES:    NONE
   ABSTAIN: NONE
   ABSENT:  RUEDA

9) DEFERRED BUSINESS: NONE

10) NEW BUSINESS: NONE

11) REPORTS FROM THE DIRECTOR:

   Community Development Director Cobb updated the commissioners on the following:
   
   •   Grand opening for Grocery Outlet on June 15, 2023
   •   Bike Rodeo Event on July 14, 2023 at the Barker Park starting at 9:00 am
   •   2nd and final workshop on Housing Element Update on July 10, 2023 Planning Commission Meeting

12) REPORTS FROM COMMISSIONERS:

   Chairman: No reports

   Vice-Chairman: No reports
Commissioner Skeels: No reports

Commissioner Torres: No reports

13) ADJOURNMENT:
Chairman Pallares adjourned the meeting at 6:10 pm.

Yolanda Tinajero, Deputy City Clerk

John P. Pallares, Chairman
PLANNING COMMISSION STAFF REPORT
July 10, 2023

TO: Chair and Planning Commissioners
FROM: Evelyn Murillo – Assistant Planner
        Keri Cobb – Community Development Director
DATE: July 10, 2023
PROJECT NAME: Conditional Use Permit 23-01 – Proposal of Drive-Through Addition
PROJECT DESCRIPTION: A Conditional Use Permit to allow an existing fast food restaurant to add a drive-through
APPLICATION(S): Conditional Use Permit 23-01
ENVIRONMENTAL REVIEW: Find that this project is exempt under the California Environmental Quality Act of 1970 (CEQA) and State CEQA Guidelines Section 15301 Existing Facilities Class 1
APPLICANT: Zakaria Ali
OWNER: Zakaria Mohamed Ali Alkatamy and Ala Abodo Mohammed Al Gumaei
APN: 030-061-12 & 030-061-13
ADDRESS/LOCATION: 727 6th Street Wasco, CA 93280
GENERAL PLAN DESIGNATION: Central Business District
ZONE DISTRICT: C-D (Central Business District)
STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the following resolution (Attachment 6):

1. A resolution of the Planning Commission of the City of Wasco approving Conditional Use Permit 23-01 and the accompanying categorical exemption.

PROJECT DESCRIPTION

City staff received a Conditional Use Permit application on May 9, 2023 where the applicant is proposing to add a drive-through to his existing fast food restaurant at 727 6th Street, APN 030-061-12 and 030-061-13. The lot in question is zoned C-D Central Business District. The applicant submitted a project description shown in Attachment 1, indicating traffic for the existing business will be kept on 6th street and off of Highway 43.

PROJECT SITE

The proposed project site is located at 727 6th Street, APN 030-061-12 and 030-061-13, location map shown in Attachment 2. The building is currently a fast food restaurant. Surrounding land uses include express lube shop, restaurant, bakery, offices, and manufacturing warehouse.

ANALYSIS

General Plan Conformance
The project site and surrounding parcels have been designated as Central Business District on the City of Wasco’s General Plan Land Use Map.

Zoning Code Conformance
The project site is currently zoned C-D (Central District) on the City of Wasco’s Zoning Map. The proposed drive through addition requires a Conditional Use Permit in this zone.

Parking Analysis
The lot of the project has space to accommodate parking for customers. The supplicant submitted a site plan, shown in Attachment 3, showing a total of nine (9) parking spaces.
ENVIRONMENTAL REVIEW

Find that this project is exempt under the California Environmental Quality Act of 1970 (CEQA) and State CEQA Guidelines Section 15301 Existing Facilities Class 1

COMMENTS RECEIVED

The project was routed out for review to affected agencies and departments on May 25, 2023 and the comment deadline was June 8, 2023. As a result of this routing, the City of Wasco received comments from the following agencies:

California Department of Transportation – Attachment 4
Kern County Environmental Health – Attachment 5

The comment(s) received have been incorporated, as appropriate, into the Tentative Conditions of Approval for Conditional Use Permit 23-01 (Exhibit A of Attachment 6).

FINDINGS

The City of Wasco Zoning Ordinance allows a Conditional Use Permit provided certain findings can be made. An analysis of the required findings is as follows:

<table>
<thead>
<tr>
<th>FINDINGS PER WASCO MUNICIPAL CODE SECTION 17.52.020</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The proposed use is conditionally permitted within, and would not impair the integrity and character of the subject land use district and complies with all of the applicable provisions of the City of Wasco Zoning Ordinance.</td>
</tr>
</tbody>
</table>

Finding 1 Analysis:

The proposed use is conditionally permitted within the C-D zone. Subject to conditions of approval, the project could comply with the applicable provisions of the City of Wasco Zoning Ordinance.

The stated purpose of the C-D is “The C-D zone provides for a mixed-use activity area in the downtown area, including retail, office, service, public, institutional, and limited residential uses. This zone implements the general plan land use central business district designation.” It is intended to provide for a wide range of uses and to promote feasibility in the reuse of downtown buildings.
2. **The proposed use is consistent with the goals and policies in the City of Wasco General Plan.**

   **Finding 2 Analysis:**
   The City of Wasco General Plan Land Use Element Land Use Policy 10 states: “Work to retain and expand existing businesses within the City that are compatible with the community character and provide needed services and jobs for residents”

   Pursuant to the necessary findings for a conditional use permit and conditions of approval, the project could be determined to be consistent with the Central Business District land use designation and related policies in the City’s General Plan.

3. **The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA), this chapter, and other applicable codes and ordinances.**

   **Finding 3 Analysis:**
   Find that this project is exempt under the California Environmental Quality Act of 1970 (CEQA) and State CEQA Guidelines Section 15301 Existing Facilities Class 1

4. **There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored.**

   **Finding 4 Analysis:**
   The project has been determined to be exempt from the provisions of CEQA pursuant to Government Code Section 15301 Existing Facilities Class 1. The project makes no expansion changes to the existing building, but includes minor improvements inside the building itself which would have no impact on the environment.

5. **The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the city.**

   **Finding 5 Analysis:**
   The project proposes to add a drive through to an existing 1,072 sq. ft restaurant building. The land uses surrounding the project site include a dance school, express lube shop, restaurant, bakery, offices, and manufacturing warehouse. There will not be a significant increase in noise, traffic or other impacts during business hours for the surrounding uses.

6. **The subject site is physically suitable for the type and density/intensity of the use being proposed.**

   **Finding 6 Analysis:**
   The project site consists of approximately 15,000 sq. ft. lot which is adequately sized to accommodate the proposed drive through addition.

7. **There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.**

   **Finding 7 Analysis:**
   Adequate access, public utilities and services are available to the project site.
8. The proposed use meets the minimum requirements of this chapter applicable to the use and complies with all other applicable laws, ordinances, and regulations of the City of Wasco and the State of California.

| Finding 8 Analysis: | Provided the Planning Commission makes the required findings, the proposed use subject to conditions of approval could potentially meet the requirements of this chapter and all other applicable laws, ordinances, and regulations of the City of Wasco and the State of California. |

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Wasco General Plan, its compliance with all applicable sections of the Wasco Municipal Code including all required findings, its compatibility with surrounding existing or proposed uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above.

ATTACHMENTS

1. Applicant’s Project Description
2. Location Map
3. Site Plan
4. Correspondence from California Department of Transportation
5. Correspondence from Kern County Environmental Health
6. City of Wasco Planning Commission Resolution
7. Proof of Published Public Hearing Notice
May 7, 2023

Sno White Drive In
727 6th st.
Wasco, CA 93280

City of Wasco
Community Development Department
764 E Street Wasco, CA 93280

Dear Committee Members,

Drive Thrus are important part of modern communities. They provide speedy services and are more convenient to the public.

The drive thru is designed to enter from 6th street into the parking lot. This shouldn't cause any traffic or impede any pedestrians. The structure of the building will not be changed except for opening a pick up window on the east side of the building.

I'm graciously asking the committee members and the development department to issue me a conditional use permit to adopt a drive thru to my business.

Adopting a drive thru to my business will increase my revenues which will help me pay bills and property taxes. The current monthly income of the business can barely manage to pay all bills and property taxes.

The drive-thru will increase in capacity, allowing the restaurant to serve more people than could fit in the dining room at any given time. Sometimes, it gets crowded inside and customers have to step outside to wait for their orders.

The drive thru system was also very crucial during the pandemic, whereas indoor seating is limited or prohibited. During the COVID-19 pandemic many businesses without drive thru's had to shut down, but those with drive-thrus continue to serve the public at full capacity. Drive-thru ordering systems are pandemic-friendly and face to face contact is kept to a minimum.

Most importantly, Wasco residents would be grateful to the city of Wasco for letting me install a drive-thru window to my business. It will be more convenient for all customers, especially for elderly and disabled individuals, and those who are most susceptible to illnesses of fatigues. They can order, pay, and receive their food without leaving their cars. Furthermore, allowing my business to adopt a drive-thru will create more jobs for Wasco residents and bring in more revenues for the city.

Zakaria Ali Date 05/09/23
**EXISTING SITE PLAN**

**SCALE:** 1" = 20'-0" 1" = 1'-0"

**SITE PLAN KEYNOTES:**

1. **EXISTING 1,672 SF RESTAURANT**
2. **EXISTING PARKING STRIPS**
3. **EXISTING SIGN**
4. **EXISTING 'NO PARKING' STALL: VAN ACCESSIBLE FOR W.C. LOADING/UNLOADING**
5. **EXISTING CURB AND GUTTER**
6. **EXISTING DIRECTIONAL TRAFFIC SYMBOLS**
7. **EXISTING SAFETY BARRIERS**
8. **EXISTING CONCRETE CURB**
9. **EXISTING ACCESSIBLE PARKING STALL 'SLOPE 2% MAX' 'PROVIDE ACC PARKING SIGN'**
10. **EXISTING PATH OF TRAVEL**
11. **EXISTING 12'-0'' DRIVE-THRU LANE**
12. **EXISTING AC PAVING**
13. **EXISTING LANDSCAPE AREA (DIRT)**
14. **EXISTING PARKING STRIPS**
15. **EXISTING ACCESSIBLE ACCESS CURB RAMP**
16. **EXISTING TRUNCATED DOMES**
17. **EXISTING DIRT LOT**
18. **EXISTING DRIVEWAY**
19. **EXISTING DIRECTIONAL TRAFFIC SYMBOLS**
20. **EXISTING SIDEWALK**
21. **EXISTING SAFETY BARRIERS**
22. **EXISTING GAS METER**
23. **EXISTING DIRECTIONAL TRAFFIC SYMBOLS**
24. **EXISTING ACCESSIBLE ACCESS CURB RAMP**
25. **EXISTING TRUNCATED DOMES**
26. **EXISTING DIRT LOT**

**DRAWING INDEX**

T-01 EXISTING SITE PLAN AND PROPOSED DRIVE-THRU LANE

**PARKING SUMMARY**

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<tr>
<th>Description</th>
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**NOTE:** PARKING BETWEEN DRIVEWAYS WILL NOT BE ALLOWED, CURB TO BE PAINTED RED.

**PROJECT DIRECTORY**

SNOW WHITE RESTAURANT 
727 6TH ST, WASCO, CA 93280

**PROJECT OWNER:**
ZACK ALI
727 6TH ST, WASCO, CA 93280

**ENGINEER OF RECORD:**
ABDELRAHMAN SHURBAJI
REGISTERED PROFESSIONAL ENGINEER
STATE OF CALIFORNIA
LICENSE # C 59233

**SUSTAINABLE INFRASTRUCTURE AND STRUCTURAL PROJECTS (SISP), INC.**
12008 TULANE PARK PL,
BAKERSFIELD, CA 93311
TELEPHONE: (559) 770-8701
FACSIMILE: (559) 257-2859
WEBSITE: www.sisp.com

**EXP. 6/30/23**

**LICENSE NO. 59233**

**SITE PLAN KEYNOTES:**

1. **EXISTING 1,672 SF RESTAURANT**
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T-01 EXISTING SITE PLAN AND PROPOSED DRIVE-THRU LANE

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**PROJECT DIRECTORY**

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727 6TH ST, WASCO, CA 93280

**PROJECT OWNER:**
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**EXP. 6/30/23**

**LICENSE NO. 59233**

**NOTE:** PARKING BETWEEN DRIVEWAYS WILL NOT BE ALLOWED, CURB TO BE PAINTED RED.
June 8, 2023

SENT VIA EMAIL

Evelyn Murillo, Assistant Planner
City of Wasco - Community Development Department
764 E Street,
Wasco, CA 93280

Dear Ms. Murillo

Caltrans has completed a review of Conditional Use Permit 23-01 proposing a drive through addition to an existing fast-food restaurant (Project). The Project site is located at 727 6th Street on the southeast corner of State Route (SR) 43 (F Street) and 6th Street in the city of Wasco, Kern County.

Caltrans provides the following comments consistent with the State’s smart mobility goals that support a vibrant economy and sustainable communities:

1. According to the Caltrans Transportation Concept Report (TCR), segment 10 of SR 43 in the vicinity of the proposed Project is currently a 2-lane conventional highway and ultimately planned to be a 4-lane facility within a total of 230 feet of right-of-way (115 feet from the centerline). Caltrans right-of-way maps shows this segment of SR 43 existing at 80 feet with approximately 40 feet from the centerline on the east side of SR 43. The site plan shows 1 existing access connection (driveway) to SR 43 and 1 driveway to 6th Street. The proposed drive-thru driveway is located on 6th street east of the existing driveway.

2. Caltrans anticipates the Project will have minimal impact on the State Highway System. Caltrans request that any future changes to the existing development be submitted to Caltrans for review.

If you have any other questions, please call Marcus Evans, Associate Transportation Planner at (559) 513-1825.

Sincerely,

Lorena Mendibles

Ms. Lorena Mendibles, Branch Chief, Transportation Planning – South
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT AND ENTITLEMENT APPLICATION REVIEW OF

Conditional Use Permit 23-01
Proposal of a Drive-through Addition

Return Completed Form / Comments to: Evelyn Murillo, Assistant Planner
Community Development Department
764 E Street, Wasco, CA 93280
Ph: (661) 758-7200 Email: evmurillo@cityofwasco.org

City Staff
- Building Division
- Public Works/Engineering
- City Attorney
- Code Enforcement
- City Manager

- KC Environmental Health
- KC Planning
- Assessor’s Office
- KC Roads Department
- Chief Executive Officer
- Kern County Airports

Local Utilities
- Semitropic Water Stor. Dist.,
- The Gas Company
- Shafter-Wasco Irrigation Dist.
- AT&T
- Sprint Nextel
- PG&E
- Spectrum

School Districts
- Semitropic School District
- Wasco Union High School
- Wasco Elementary School

State and Federal Agencies
- Caltrans District 6
- Department of Fish & Wildlife
- CA Air Resources Board
- Department of Conservation
- State Clearinghouse
- Native American Heritage Comm.

County Agencies
- Sherriff’s Department
- Kern County Fire Department

- Cal EPA
- US Fish & Wildlife
- EPA
- Other
- LAFCO
- Kern COG
- BNSF Railroad
- Central CA Archaeological Center
- Regional Water Quality Control Board
- San Joaquin Valley APCD
- Wasco Recreation and Parks District
- Wasco Housing Authority
- Wasco Post Office
- Other: Chamber of Commerce
- Other: Department of Alcoholic Beverage Control

PROJECT DESCRIPTION AND LOCATION:
Existing fast food restaurant is proposing adding a drive-through

APN: 030-061-12 & 030-061-13 ADDRESS: 727 6th Street

GENERAL PLAN DESIGNATION: Central Business District ZONING: C-D (Central Business District)

DATE ROUTED: May 25, 2023 COMMENT DEADLINE: June 8, 2023

If no response is received by the comment deadline, it will be assumed you have no comments to submit.

WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS (Attach additional sheets if necessary):

RECOMMENDED CONDITIONS OF APPROVAL (Attach additional sheets if necessary):

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (If yes, list specific information):

Food Service area at drive thru must be submitted for plan review

REVIEWED BY: [Signature] Name and Title Telephone Number Date

Attachments: Proposed Site Plan
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WASCO APPROVING CONDITIONAL USE PERMIT 23-01 AND THE ACCOMPANYING CATEGORICAL EXEMPTION

WHEREAS, Zakaria Ali filed an application requesting approval of Conditional Use Permit 23-01, proposing to allow an existing fast food restaurant to add a drive-through; and,

WHEREAS, the parcel of said real property affected is APN 030-061-12 and 030-061-13; and,

WHEREAS, said application has been made in the form and manner prescribed by the City of Wasco Municipal Code and is on file with the Community Development Department and reference is hereby made thereto for further particulars; and,

WHEREAS, the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Government Code Section 15301 – Existing Facilities Class 1; and,

WHEREAS, the Planning Commission, through its clerk, did set, Monday, July 10, 2023 at the hour of 6:00 p.m. in the Council Chambers located at 746 8th Street, Wasco California as the time and place of a public hearing on Conditional Use Permit 23-01; and,

WHEREAS, notice of the public hearing was given in the manner provided in Title 17 of the Wasco Municipal Code; and,

WHEREAS, said public hearing was duly and timely conducted, during which the proposal was explained by a representative of the Planning Department and all persons desiring to were duly heard; and,

WHEREAS, the Commission has considered the report of the Planning Department and all the testimony presented during said public hearing, after which the public hearing was concluded.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Wasco that it hereby finds and determines as follows:

1. That all the foregoing recitals are true and correct.
2. The proposed use is conditionally permitted within, and would not impair the integrity and character of the subject land use district and complies with all of the applicable provisions of this zoning ordinance;

3. The proposed use is consistent with the goals and policies in the general plan;

4. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA), this chapter, and other applicable codes and ordinances;

5. There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;

6. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the city;

7. The subject site is physically suitable for the type and density/intensity of the use being proposed;

8. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and

9. The proposed use meets the minimum requirements of this chapter applicable to the use and complies with all other applicable laws, ordinances, and regulations of the city of Wasco and the state of California.

10. Conditional Use Permit 23-01 is hereby approved, subject to the Conditions of Approval as attached in Exhibit A.
I HEREBY CERTIFY that the foregoing Resolution No. was passed and adopted by the Planning Commission of the City of Wasco at a regular meeting thereof held on July 10, 2023 by the following vote:

<table>
<thead>
<tr>
<th>COMMISSION MEMBERS: PALLARES, CLENDENEN, RUEDA, SKEELS, TORRES</th>
</tr>
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<tbody>
<tr>
<td>AYES: ______________________________________________________</td>
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<tr>
<td>NOES: ______________________________________________________</td>
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<tr>
<td>ABSTAIN: _________________________________________________</td>
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<tr>
<td>ABSENT: __________________________________________________</td>
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________________________
CHAIR
of the Planning Commission of the City of Wasco

Attest:

_____________________
YOLANDA TINAJERO
DEPUTY CITY CLERK
EXHIBIT A

CITY OF WASCO
COMMUNITY DEVELOPMENT DEPARTMENT

CONDITIONAL USE PERMIT 23-01
CONDITIONS OF APPROVAL
July 10, 2023

PART A - PROJECT INFORMATION

1. Assessor’s Parcel No: 030-061-12 & 030-061-13

2. Job Address: 727 6th Street Wasco, CA 93280

3. Zoning: C-D (Central Business District)

4. Existing Land Use: Restaurant – Fast Food

5. Planned Land Use: Restaurant – Fast Food with Drive-Through

6. Project Description: A Conditional Use Permit to allow an existing fast food restaurant to add a drive-through

PART B – CONDITIONS OF APPROVAL

The conditions of approval are based on adopted City plans and policies, those determined through site plan 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.

Conditions of approval may be appealed within ten (10) calendar days from the date of approval. However, conditions based on the City of Wasco Municipal Code are mandatory and may be modified only by variance, provided the findings pursuant to Wasco Municipal Code Section 17.72 can be made. Should an appeal of a mandatory condition of approval be received, an application for a variance and the associated fee must be submitted for consideration.
GENERAL CONDITIONS AND REQUIREMENTS

1. Approval of this 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 permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Community Development Department shall not assume responsibility for any deletions or omissions resulting from the permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions.

2. The conditions of approval are based on City records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted by the applicant. Requirements which may not have been addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are discovered.

3. No uses of land, buildings, or structures other than those specifically approved pursuant to this permit shall be permitted.

DEVELOPMENT STANDARDS

CALIFORNIA DEPARTMENT OF TRANSPORTATION

4. Applicant shall submit any future changes to the existing development to Caltrans for review.

KERN COUNTY ENVIRONMENTAL HEALTH

5. Applicant shall submit plans for any drive through changes to food service area to KC Environmental Health for review.

CITY OF WASCO BUILDING DEPARTMENT

6. The applicant shall obtain a City of Wasco Building Permit prior to start of any necessary construction work.

7. Prior to the issuance of building permits, plans shall be submitted to and approved by the Kern County Fire Department.

CITY OF WASCO PUBLIC WORKS

8. Parking shall not be allowed between both driveways for visibility concerns. Curb to be painted red.

9. Any unpermitted curb and approach already done work shall be inspected and approved per city standards.

10. If needed, applicant shall submit improvement plans to the City of Wasco Public Works Department for all proposed public improvements including but not limited to road improvements, drive approaches, sidewalks, trash enclosures, and street lighting. Please contact the City of Wasco Public Works Department for details on City Standards and requirements.
11. A Parcel Merger to combine the lots (APN’s 030-061-12 and 030-061-13) into one lot, will be required to be recorded prior to issuance of a Certificate of Occupancy.

12. Prior to finalizing the Building Permit, applicant shall submit WELO compliant landscape plans for review and approval.

13. All future signs, including new menu board(s) and ordering signs, shall require sign permits. No sign approval is included in this approval. A separate sign permit application will be required prior to installation of any signage. All proposed signage shall meet the requirements of the City of Wasco Municipal Code.

14. Conditional Use permit 23-02 is non-transferable and shall be reviewed by the Planning Commission one (1) year from the date of issuance of a Certificate of Occupancy. If at any time within the first-year operational issues occur, the conditions of approval may be reviewed and revised by the Planning Commission to address the operational issues.
PROOF OF PUBLICATION
(2015.5.C.C.P.)
(GENERAL FORM)

STATE OF CALIFORNIA

County of Kern

I, the undersigned, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a part of or interested in the above entitled matter. I am the chief clerk/publisher of the Wasco Tribune, a newspaper of general circulation, published weekly, in the City of Wasco, County of Kern, and which newspaper has been adjudged a newspaper of general circulation and published by the Superior court order number 183950, of the county of Kern; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and in any supplement thereof on the following dates, to-wit:

June 1, 2023
I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Diane Given, GM
(Signature)

Executed on June 1, 2023
at Shafter, California

The Wasco Tribune
PO Box 789
Shafter, CA 93263
Phone (661)292-5100

PUBLIC NOTICE
LEGAL NOTICE
NOTICE OF PUBLIC HEARING
PLANNING COMMISSION
MEETING DATE OF
JUNE 12, 2023

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Wasco Planning Commission on June 12, 2023, at 6:00 P.M., or as soon as possible thereafter in the Council Chambers located at 746 8th Street, Wasco, California to consider the following:

Conditional Use Permit 23-01 – Proposal of a Drive-Through Addition Project: Existing fast-food restaurant is proposing adding a drive-through Location: 727 8th Street Wasco, CA 93280
APN: 030-001-12 & 030-091-13
Applicant: Zakraia Ali
Environmental Review: Find that this project is exempt under the California Environmental Quality Act of 1970 (CEQA) and State CEQA Guidelines Section 15301 Existing Facilities Class 1

The project and supporting documents may be reviewed during normal business hours at the Planning Department located at 764 E Street, Wasco, CA 93280. Any person wishing to testify on the above project may appear before the Planning Commission at their meeting on June 12, 2023, or may submit written comments on or before June 12, 2023.

If you challenge this proposal, or any aspect of it 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 City of Wasco Planning Department, 764 E Street, Wasco, CA 93280, at, or prior to the public hearing.

If you need special assistance to participate in the meetings described in this notice, please contact the City Clerk’s Office at (661) 758-7250 to make reasonable arrangements to ensure accessibility to these meetings. Telephone (661) 758-7256 or via California Relay Service (Hearing Impaired Only). Requests for assistance should be made at least two (2) days in advance whenever possible.

If you have any questions, you may contact the Community Development Department at (661) 758-7250.

/\ Monica Flores, Deputy City Clerk
Date 5/26/2023
Publish Wasco Tribune June 1, 2023
TO: Chair and Planning Commissioners
FROM: Evelyn Murillo - Assistant Planner
Keri Cobb – Community Development Director
DATE: July 10, 2023
PROJECT NAME: Conditional Use Permit 23-02 – Walmart Fuel Station and Convenience Store ABC Licensing

PROJECT DESCRIPTION: Applicant, Chris Harty, on behalf of Walmart Business Trust, is proposing to provide off-sales of pre-packaged beer and wine for off-site consumption, in an approved 1,440 sq. ft. convenience store with a Type 20 ABC Off-Sale Beer/Wine License.

APPLICATION(S): Conditional Use Permit 23-02

ENVIRONMENTAL DOCUMENT: Pursuant to the California Environmental Quality Act of 1970 (CEQA) and State CEQA Guidelines, the City of Wasco Planning Department has determined that this project is exempt pursuant to CEQA Section 15301

APPLICANT: Chris Harty, on behalf of Walmart Business Trust

OWNER: Walmart Business Trust

APN: 487-400-09

ADDRESS/LOCATION: 2850 Highway 46 Wasco, CA 93280

GENERAL PLAN DESIGNATION: Community Retail Commercial

ZONE DISTRICT: C-R (Community Retail Commercial)
STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit 23-02 and adopt the following resolution (Attachment 3):

1. A resolution of the Planning Commission of the City of Wasco approving Conditional Use Permit 23-02 and the accompanying categorical exemption.

PROJECT DESCRIPTION

The applicant is proposing to provide off-sales of pre-packaged beer and wine for off-site consumption, in an approved convenience store with a Type 20 ABC Off-Sale Beer/Wine License (Beer and Wine Convenience/Liquor Store). An Alcoholic Beverage Control (ABC) State License is required to sell beverages with alcohol. The store location is part of census tract 43.01 of Kern County, census tract 43.01 is over-concentrated and the Department of Alcoholic beverages Control is requiring a finding of Public Convenience or Necessity from the local jurisdiction before they can issue Walmart Fuel and Convenience Store a license. Applicants’ project description is attached (Attachment 2).

PROJECT SITE

The proposed project site is located at 2850 Highway 46 Wasco, CA 93280 (APN 487-400-09) (Attachment 1). Surrounding land uses include Walmart to the north of the project site, the construction of the new Strata bank and Panda Express on the Northeast side of the lot, and a vacant lot zoned C-R Community Retail Commercial on the Northwest side of the lot. The subject property is approximately 1.46 acres, with the convenience store building at 1,440 square feet, the store hours of operations will be 6:00am-11:00pm, 7 days a week.

ANALYSIS

General Plan Conformance
The project site and surrounding parcels to the north, northeast, and the northwest have been designated as Community Retail Commercial on the City of Wasco’s General Plan Land Use Map.

Zoning Code Conformance
The project site is currently zoned C-R (Community Retail Commercial) on the City of Wasco’s Zoning Map. The proposed convenience store with a Type-20 ABC Off-Sale Beer/Wine License requires a Conditional Use Permit in this zone.
Parking Analysis
The parking for this facility will be on-site, 10 parking lots will be dedicated for Walmart convenience store customers.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act of 1970 (CEQA) and State CEQA Guidelines, the City of Wasco Planning Department has determined that this project is exempt pursuant to CEQA Section 15301 Class 1 exempting licensing of existing uses with negligible expansion of the use.

FINDINGS

The City of Wasco Zoning Ordinance allows a Conditional Use Permit provided certain findings can be made. An analysis of the required findings is as follows:

<table>
<thead>
<tr>
<th>FINDINGS PER WASCO MUNICIPAL CODE SECTION 17.40.040</th>
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<tbody>
<tr>
<td>1. The proposed use is conditionally permitted within, and would not impair the integrity and character of the subject land use district and complies with all of the applicable provisions of the City of Wasco Zoning Ordinance.</td>
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</tbody>
</table>
**Finding 1 Analysis:**
The proposed sale of alcoholic beverages is conditionally permitted within the C-R zone. Based on Table 2-6 Permitted Land Uses, Commercial, and Industrial Zones states “Supermarkets and retail stores with ABC licenses and with fifteen thousand square feet or more of floor area will require a conditional use permit if located within an over-saturated census tract as defined by the State Department of Alcoholic Beverage Control.” Subject to conditions of approval, the project complies with the applicable provisions of the City of Wasco Zoning Ordinance. The sale of alcoholic beverages would clearly appear to be incidental to the primary use of the fueling and convenience store.

Based on the project being a fueling station and convenience store, the sale of alcoholic beverages packaged for consumption off the premises is being offered as a convenience to the customers fueling and who wish to avoid going into the Walmart. It can be determined that the proposed use will not impair the integrity and character of the subject land use district and appears to be consistent with all provisions of the City of Wasco Zoning Code.

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**Finding 2 Analysis:**
The City of Wasco General Plan Land Use Goals, Policies, and Implementation Actions LU Policy 9 states: “Attract new businesses to the City that are compatible with the community character and improve the balance among commercial, office, and industrial businesses so that the needs of Wasco residents are provided for without compromising the community character”

Pursuant to the necessary findings for a conditional use permit, the project could be determined to be consistent with the Commercial/Industrial Land Use Policies of the Land Use Goals, Policies, and Implementation and related policies in the City’s General Plan.

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**Finding 3 Analysis:**
The project has been determined to be exempt from the provisions of CEQA pursuant to Government Code Section 15301 Class 1 exempting licensing of existing uses with negligible expansion of the use.

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**Finding 4 Analysis:**
The project has been determined to be exempt from the provisions of CEQA pursuant to Government Code Section 15301 Class 1 exempting licensing of existing uses with negligible expansion of the use. The proposed sale of alcoholic beverages makes no expansion changes to the existing building, which would have no impact on the environment.
5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the city.

| Finding 5 Analysis: | The project proposes to utilize 165 square feet of the 1,440 sq. ft. convenience store to sell alcoholic beverages. The land uses surrounding the project site include a restaurant, merchandise and grocery store. The proposed site abuts vacant land to the west which is zoned for Community Retail Commercial. With approximately 11% of its floor area dedicated to alcoholic beverages, there would not appear to be operational impacts from the proposal. Parking and access that meets the City’s standards is provided on-site and the proposed use will not require any additional parking. Based on the relatively small area of the store dedicated to alcoholic beverage sales, it can be determined that the location, size design and operational characteristics are compatible with the existing and future uses within the general area of the project and will not create any significant impacts that may be objectional to other permitted uses in the vicinity. |

6. The subject site is physically suitable for the type and density/intensity of the use being proposed.

| Finding 6 Analysis: | The proposed alcoholic beverage sales consist of 165 square feet within a 1,440 sq. ft. grocery store which is adequately sized to accommodate the alcoholic beverages sales activity. The building size is adequate to accommodate the proposed use, and the on-site parking and circulation are designed to accommodate the proposed use. |

7. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

| Finding 7 Analysis: | The fueling station and convenience store will have public access from the southwest corner of the lot, on the west side of the lot, and from the northeast corner of the lot adjoining commercial uses via a shared common circulation. Adequate public utilities and services are available to the project site. |

8. The proposed use meets the minimum requirements of this chapter applicable to the use and complies with all other applicable laws, ordinances, and regulations of the City of Wasco and the State of California.

| Finding 8 Analysis: | Provided the Planning Commission makes the required findings, the proposed use subject to conditions of approval could potentially meet the requirements of this chapter and all other applicable laws, ordinances, and regulations of the City of Wasco and the State of California. |

CONCLUSION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the Wasco General Plan, its compliance with all applicable sections of
the Wasco Municipal Code including all required findings, its compatibility with surrounding existing or proposed uses, and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above.

**ATTACHMENTS**

1. Location Map
2. Applicant’s Project Description
3. City of Wasco Planning Commission Resolution
4. Proof of Published Public Hearing Notice
Wasco, CA Walmart Store # 5859
Application for Conditional Use Permit to Allow for the Off-Sale of Alcoholic Beverages
(Convenience Store)

Project Description

This Conditional Use Permit ("CUP") application is to allow for the sale of beer and wine by a proposed, approximately 1,440 square-foot convenience store located at the northwest corner of SR-46 and Central Avenue (Assessor’s Parcel No. 487-400-09-00-2). The sale of beer and wine is being offered as a convenience to the customers who do not want to go into the Walmart store to purchase beer and wine.

The convenience store will operate in conjunction with a proposed Walmart 8-pump fueling station, which will be located on a separate parcel south of the existing Walmart store located at 401 N. Central Avenue. The proposed fueling station and convenience store uses are permitted as of right within the C-R Zone; however, a CUP is required to allow for off-sale alcoholic beverage sales pursuant to Municipal Code Section 17.40.040 (C).1.a.

Walmart anticipates that the fuel station/convenience store will have hours similar to that of the adjacent Walmart store (6:00 a.m. to 11:00 p.m.) The sale of beer and wine from the convenience store will comply with all applicable ABC regulations for the concurrent sale of fuel and alcoholic beverages (Bus. & Prof. Code § 23790.5(d)).

Walmart has applied for a Type 20 license to allow the sale of beer and wine at the convenience store. According to the California Department of Alcoholic Beverage Control ("ABC"), the store is located in a census tract that is over-concentrated (Census Tract 43.05: 1 license allowed; 7 existing licenses). Due to the over-concentration of liquor licenses in the census tract, Section 23958.4 of the California Business and Professions Code requires the City Council approve a Finding of Public Convenience or Necessity ("PCN") prior to issuance of the Type 20 License. The justification for the PCN is provided under separate cover.

Walmart will implement the same internal policies and procedures at its fuel station/convenience store that it maintains at its retail stores. These policies and procedures ensure that the sale of beer and wine for off-site consumption at this location will not be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the city. Walmart’s policies and procedures include the following:

- **Responsible Alcohol Sales Training Program.** Walmart trains all cashiers and managers to sell alcohol in compliance with California law using a computer-based training program that every cashier must complete annually. The training program focuses on educating employees on the laws, regarding the sale of alcoholic beverages and to recognize and prevent any sales of alcohol that may be detrimental to the public welfare (i.e., the sale of alcohol to minor and intoxicated persons).

- **State-of-the-Art Cash Registers.** Walmart’s cash registers employ state of the art technology designed to help cashiers confirm a customer’s age as part of every alcohol
sales transaction. In addition, the cash registers are programmed by the home office to automatically prohibit the sale of alcoholic beverages between the hours of 2:00 a.m. and 6:00 a.m., or any more restrictive hours applicable to each location. If an associate attempts to sell alcohol during a prohibited time, the register will stop the transaction, which cannot be overridden. The cash registers also lock automatically for every sale of alcohol, requiring a cashier to enter the date of birth of the purchaser.

- **Security Cameras.** Walmart will position security cameras over the alcohol display area and cashier registers and will monitor the footage from the internal security post. Tapes of the camera footage will be stored on site and will be made available to Law Enforcement upon request. The cameras will allow Walmart to confirm whether cashiers input the required driver’s license information when prompted to do so by the cash register. The cameras record cashiers who “override” the cash register instead of checking a driver’s license and entering the date of birth of the purchase, and provide Walmart a tape to use when disciplining a cashier. All employees are advised upon hiring of Walmart’s corporate policy, which provides for the termination of any cashier who sells alcohol to a minor.

The sale of alcohol will be in strict compliance with California law and all other applicable standards requested by the ABC, the City Planning Department, the Police Department, and the City Council. As mentioned above, the State has specific rules that regulate the concurrent sale of motor fuel and alcoholic beverages (B&P Code § 23790.5(d)). These include the following:

- No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.

- No advertisement of alcoholic beverages shall be displayed at motor fuel islands.

- No sale of alcoholic beverages shall be made from a drive-in window.

- No display or sale of beer or wine shall be made from an ice tub.

- No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.

- Employees on duty between the hours of 10 p.m. and 2 a.m. who sell beer or wine shall be at least 21 years of age to sell beer and wine.

- Walmart typically sells cups, glasses, or other similar containers. However, the plastic cups are sold in packages, and the glasses and plastic cups will be sold in a different area within the store.
Walmart is proposing to construct an automotive fuel station and convenience store adjacent to its existing store located at 401 N. Central Avenue in Wasco, CA. The sale of beer and wine from the convenience store would comply with all applicable ABC regulations for the concurrent sale of fuel and alcoholic beverages (Bus. & Prof. Code § 23790.5(d)). Walmart is fully aware of the unique responsibilities of operating a store with alcoholic beverage sales.

Walmart has applied with the Department of Alcoholic Beverage Control ("ABC") for a Type 20 license to allow the sale of beer and wine at the convenience store. The sale of beer and wine is being offered as a convenience to the customers who do not want to go into the Walmart store or to another gas station/convenience store that also sells beer and wine. Modernly, customers have come to expect the sale of beer and wine at convenience stores. Walmart anticipates the fuel station/convenience store will have hours similar to that of the adjacent Walmart store, which is open from 6:00 a.m. to 11:00 p.m.

According to the ABC, based on the current population the proposed convenience store is located in a census tract that is over-concentrated (Census Tract 43.05: 1 license allowed; 7 existing licenses). Due to the over-concentration of liquor licenses in the census tract, Section 23958.4 of the California Business and Professions Code requires the City Council approve a Finding of Public Convenience or Necessity prior to issuance of the Type 20 License.

The following information supports a determination that a Type 20 license at the Walmart fuel station convenience store serves the public convenience.

1. **Walmart has policies and procedures to ensure the safe sale of alcoholic beverages.**

Walmart will implement the same internal policies and procedures at its fuel station/convenience store that it maintains at its retail stores. These policies and procedures ensure that the sale of beer and wine for off-site consumption at this location will not cause or contribute to crime in the area or otherwise constitute a menace to the public health, safety, or general welfare. Walmart’s policies and procedures include the following:

**Responsible Alcohol Sales Training Program.** Walmart trains all cashiers and managers to sell alcohol in compliance with California law using a computer-based training program that every cashier must complete annually. The training program focuses on educating employees on the laws, regarding the sale of alcoholic beverages and to recognize and prevent any sales of alcohol that may be detrimental to the public welfare (i.e., the sale of alcohol to minor and intoxicated persons).

**State-of-the-Art Cash Registers.** Walmart’s cash registers employ state of the art technology designed to help cashiers confirm a customer’s age as part of every alcohol sales transaction. In addition, the cash registers are programmed by the home office to automatically prohibit the sale of alcoholic beverages between the hours of 2:00 a.m. and 6:00 a.m., or any more restrictive hours applicable to each location. If an associate attempts to sell alcohol during a prohibited time, the register will stop the transaction, which cannot be overridden. The cash registers also lock
automatically for every sale of alcohol, requiring a cashier to enter the date of birth of the purchaser.

Security Cameras. Walmart will position security cameras over the alcohol display area and cashier registers and will monitor the footage from the internal security post. Tapes of the camera footage will be stored on site and will be made available to Law Enforcement upon request. The cameras will allow Walmart to confirm whether cashiers input the required driver's license information when prompted to do so by the cash register. The cameras record cashiers who "override" the cash register instead of checking a driver's license and entering the date of birth of the purchase, and provide Walmart a tape to use when disciplining a cashier. All employees are advised upon hiring of Walmart's corporate policy, which provides for the termination of any cashier who sells alcohol to a minor.

Signage. Walmart will post all signage (i.e., no loitering) required by the ABC and the City of Wasco at the convenience store and within the parking lot.

2. The sale of beer and wine at the Walmart fuel station will be a public convenience and will not have a detrimental effect on the immediate neighborhood.

Approving a finding of Public Convenience or Necessity will not be detrimental to public health, safety, or general welfare. The sale of beer and wine for off-site consumption is appropriate for a fuel station convenience store with the size and variety of foods and non-alcoholic beverages to be found, and is a service typically expected by the public at such fuel station convenience stores.

Walmart's proposed alcohol sales conform to good zoning practices and development standards. The convenience store will be located on a major thoroughfare and is easily accessible to the residents and visitors of Wasco.

Although a Walmart retail store is located nearby, the target customers for the retail store and the fuel station are different. By including the sale of beer and wine at the fuel station convenience store, Walmart intends to provide a "one-stop" experience to customers who wish to purchase a small number of items while they pump gas. "One-stop" shopping results in increased efficiency for customers, and is consistent with the operational plan of most other fuel stations. Furthermore, by providing one-stop shopping, the fuel station convenience store will provide a convenience to the community that may result in fewer vehicle trips and less traffic congestion. Customers would be inconvenienced if they were forced to purchase gas and snacks at the fuel station convenience store, and beer and wine at the Walmart retail store or at another similar location that may not have the training and control that Walmart employs.

Additionally, beer and wine will not comprise a significant amount of shelf space within the convenience store, and will only amount to a small percentage of annual sales of the store. The sale of beer and wine will only be ancillary to the sale of gas and other snacks and items typically contained in a fuel station store, but nevertheless, are still necessary and an expected convenience for the consumer.

The convenience store will close no later than 11:00 p.m., seven days per week. Because alcoholic beverages would be sold for off-site consumption and loitering will be strictly prohibited, the
convenience store and associated alcohol sales are unlikely to be a nuisance to other tenants or patrons within the shopping center or any residents.

3. **Concurrent sale of fuel and alcoholic beverages**

The sale of alcohol will be in strict compliance with California law and all other applicable standards requested by the ABC, the City Planning Department, the Police Department, and the City Council.

As mentioned above, the State has specific rules that regulate the concurrent sale of motor fuel and alcoholic beverages (B&P Code § 23790.5(d)). These include the following:

- No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.

- No advertisement of alcoholic beverages shall be displayed at motor fuel islands.

- No sale of alcoholic beverages shall be made from a drive-in window.

- No display or sale of beer or wine shall be made from an ice tub.

- No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.

- Employees on duty between the hours of 10 p.m. and 2 a.m. who sell beer or wine shall be at least 21 years of age to sell beer and wine.

- Walmart typically sells cups, glasses, or other similar containers. However, the plastic cups are sold in packages, and the glasses and plastic cups will be sold in a different area within the store.

Walmart appreciates your consideration of this request for a PCN finding.
PART A - PROJECT INFORMATION

1. Assessor’s Parcel No:  487-400-09

2. Job Address:  2850 Highway 46 Wasco, CA 93280

3. Zoning:  C-R (Community Retail Commercial)

4. Existing Land Use:  Vacant Lot with an approved 1,440 Sq. Ft. Convenience Store Building with 8 – Pump Fueling Station

5. Planned Land Use:  Walmart Fueling with Type 20 ABC Off-Sale Beer/Wine License

6. Project Description:  A Conditional Use Permit to allow Walmart Fuel to provide off-sale of pre-packaged beer and wine for off-site consumption, in an approved 1,440 sq. ft. convenience store with a Type 20ABC Off-Sale Beer/Wine License.

PART B – CONDITIONS OF APPROVAL

The conditions of approval are based on adopted City plans and policies, those determined through site plan 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.

Conditions of approval may be appealed within ten (10) calendar days from the date of approval. However, conditions based on the City of Wasco Municipal Code are mandatory and may be modified only by variance, provided the findings pursuant to Wasco Municipal Code Section 17.72 can be made. Should an appeal of a mandatory condition of approval be received, an application for a variance and the associated fee must be submitted for consideration.
GENERAL CONDITIONS AND REQUIREMENTS

1. Approval of this 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 permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Community Development Department shall not assume responsibility for any deletions or omissions resulting from the permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions.

2. The conditions of approval are based on City records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted by the applicant. Requirements which may not have been addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are discovered.

3. No uses of land, buildings, or structures other than those specifically approved pursuant to this permit shall be permitted.

DEVELOPMENT STANDARDS

CITY OF WASCO PLANNING DEPARTMENT

4. The applicant shall meet all of the requirements of the Department of Alcoholic Beverage Control and local law enforcement.

5. That a Determination of Public Convenience or Necessity be made by the designated authority for the City of Wasco if required by the Department of Alcoholic Beverage Control.

6. Conditional Use permit 23-02 is non-transferable and shall be reviewed by the Planning Commission one (1) year from the date of issuance of a Certificate of Occupancy. If at any time within the first-year operational issues occur, the conditions of approval may be reviewed and revised by the Planning Commission to address the operational issues.
CITY OF WASCO PLANNING COMMISSION
RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WASCO
APPROVING CONDITIONAL USE PERMIT 23-02, A CONDITIONAL USE PERMIT TO ALLOW A
TYPE 20 ABC OFF-SALE BEER/WINE LICENSE AT 2850 HIGHWAY 46

WHEREAS, Chris Harty, on behalf of Walmart Business Trust, filed an application
requesting approval of Conditional Use Permit 23-02, proposing to provide off-sales of pre-
packaged beer and wine for off-site consumption, in an approved 1,440 sq. ft. grocery store
with a Type 20 ABC Off-Sale Beer/Wine License; and,

WHEREAS, the parcel of said real property affected is APN 487-400-09; and,

WHEREAS, said application has been made in the form and manner prescribed by the
City of Wasco Municipal Code and is on file with the Community Development Department and
reference is hereby made thereto for further particulars; and,

WHEREAS, the project is exempt from the provisions of the California Environmental
Quality Act (CEQA) pursuant to Government Code Section 15301 Class 1 exempting licensing of
existing uses with negligible expansion of the use; and,

WHEREAS, the Planning Commission, through its clerk, did set, Monday, July 10, 2023 at
the hour of 6:00 p.m. in the Council Chambers located at 746 8th Street, Wasco California as the
time and place of a public hearing on Conditional Use Permit 23-02; and,

WHEREAS, notice of the public hearing was given in the manner provided in Title 17 of
the Wasco Municipal Code; and,

WHEREAS, said public hearing was duly and timely conducted, during which the
proposal was explained by a representative of the Planning Department and all persons desiring
to were duly heard; and,

WHEREAS, the Commission has considered the report of the Planning Department and
all the testimony presented during said public hearing, after which the public hearing was
concluded.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Wasco that it
hereby finds and determines as follows:
1. That all the foregoing recitals are true and correct.

2. The proposed use is conditionally permitted within, and would not impair the integrity and character of the subject land use district and complies with all of the applicable provisions of this zoning ordinance;

3. The proposed use is consistent with the goals and policies in the general plan;

4. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA), this chapter, and other applicable codes and ordinances;

5. There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored;

6. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the city;

7. The subject site is physically suitable for the type and density/intensity of the use being proposed;

8. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and

9. The proposed use meets the minimum requirements of this chapter applicable to the use and complies with all other applicable laws, ordinances, and regulations of the city of Wasco and the state of California.

10. Conditional Use Permit 23-02 is hereby approved, subject to the Conditions of Approval as attached in Exhibit A.
I HEREBY CERTIFY that the foregoing Resolution No. was passed and adopted by the Planning Commission of the City of Wasco at a regular meeting thereof held on July 10, 2023 by the following vote:

COMMISSION MEMBERS: PALLARES, CLENDENEN, RUEDA, SKEELS, TORRES
AYES: ________________________________________________________
NOES: ________________________________________________________
ABSTAIN: ______________________________________________________
ABSENT: __________________________________________________________________

__________________________________________
CHAIR
of the Planning Commission of the City of Wasco

Attest:

________________________
YOLANDA TINAJERO
DEPUTY CITY CLERK
STATE OF CALIFORNIA 
County of Kern

I, the undersigned, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a part of or interested in the above entitled matter. I am the chief clerk/publisher of the Wasco Tribune, a newspaper of general circulation, published weekly, in the City of Wasco, County of Kern, and which newspaper has been adjudged a newspaper of general circulation and published by the Superior court order number 183950, of the county of Kern; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and in any supplement thereof on the following dates, to-wit:

June 29, 2023
I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Diane Givens, JMW
(Signature)

Executed on June 29, 2023
at Shafter, California

The Wasco Tribune
PO Box 789
Shafter, CA 93263

Phone (661) 292-5100

PUBLIC NOTICE
LEGAL NOTICE
NOTICE OF PUBLIC HEARING
Notice is hereby given that the Planning Commission of the City of Wasco will hold a public hearing on the project listed below in this notice.
The public hearing will be held on July 10, 2023, at 6:00 P.M. or as soon as possible thereafter in the Council Chambers located at 746 9th Street, Wasco, California.
Conditional Use Permit 23-02
Project: Walmart Fuel Station and Convenience Store ABC Type 20
Licensing is a proposal to provide off-sites of pre-packaged beer and wine for on-site consumption, in an approved convenience store.
Location: 2850 Highway 46 Wasco, CA 93280
APN: 487-400-09
Applicant: Walmart Business Trust, Chris Harty
CEQA Determination: Find that this project is exempt under the California Environmental Quality Act of 1970 (CEQA) and State CEQA Guidelines Section 15301 Existing Facilities Class 1
The project and supporting documents may be reviewed during normal business hours at the Planning Department located at 764 E Street, Wasco, CA 93280. Any person wishing to testify on the above project may appear before the Planning Commission at their meeting on July 10, 2023, or may submit written comments on or before July 10, 2023.
For the hearing, or any aspect of it 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 City of Wasco Planning Department, 764 E Street, Wasco, CA 93280, at, or prior to the public hearing.
If you need special assistance to participate in the meetings described in this notice, please contact the City Clerk's Office at (661) 758-7215 to make reasonable arrangements to ensure accessibility to these meetings. Telephone (661) 758-7215 or via California Relay Service (Hearing Impaired Only). Requests for assistance should be made at least two (2) days in advance whenever possible.

/s/ Monica Flores, Deputy City Clerk
Date: 6/27/2023
Publish Wasco Tribune June 29, 2023

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