



City of Los Banos

At the Crossroads of California

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AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

WEDNESDAY, JANUARY 8, 2020

If you require special assistance to attend or participate in this meeting, please call the Planning Secretary @ (209) 827-7000 ext. 2431 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria del Departamento de Planificación al (209) 827-7000 ext. 2431 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the meeting and in the Community & Economic Development Department's office located at City Hall, 520 J Street, Los Banos, California during normal business hours.

In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

Cualquier escritura o los documentos proporcionaron a una mayoría del Comisión de Planificación con respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina del Departamento de Comunidad y Desarrollo Economico del City Hall, 520 J Street, Los Banos, California durante horas de oficina normales.

Además, tales escrituras y los documentos pueden ser anunciados en el website de la Ciudad en www.losbanos.org.

1. CALL TO ORDER **7:00 PM**
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL: (Planning Commission Members)
Cates __, Higby __, Toscano __, Uhley __

4. APPROVAL OF AGENDA

Recommendation: Approve the agenda as submitted.

5. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF DECEMBER 11, 2019

Recommendation: Approve the minutes as submitted.

6. PUBLIC FORUM: Members of the public may address the Commission on any item of public interest that is within the jurisdiction of the Commission, including agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation.

7. PUBLIC HEARINGS: If You Challenge the Proposed Action as Described herein in Court, You May Be Limited to Raising Only Those Issues You or Someone Else Raised at the Public Hearing Described herein, or in Written Correspondence, Delivered to the City at, or Prior to, the Public Hearing.

A. Public Hearing – To Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and Mobile Food Vendor Permit #2019-08 to Allow the Operation of a Mobile Food Vending Vehicle on Private Property for Kenneth Lambert DBA Biggins Texas BBQ Located within the Highway-Commercial Zoning District at 1155 East Pacheco Boulevard, More Specifically Identified as Assessor’s Parcel Number: 026-280-007.

1) Planning Commission Resolution No. 2020-02 – Approving the Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2019-08 for the Operation of a Mobile Food Vending Unit to Vend on Private Commercial Property Located at 1155 East Pacheco Boulevard, Assessor’s Parcel Number: 026-280-007.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.

B. Public Hearing – To Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and Mobile Food Vendor Permit #2019-09 to Allow the Operation of a Mobile Food Vending Vehicle on Private Property for Jaidel Perez DBA El Grullense Jal #6 Located within the Highway-Commercial Zoning District at 923 West Pacheco Boulevard, More Specifically Identified as Assessor’s Parcel Number: 431-020-002.

1) Planning Commission Resolution No. 2020-03 – Approving the Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2019-09 for the Operation of a Mobile

Food Vending Unit to Vend on Private Commercial Property Located at 923 West Pacheco Boulevard, Assessor's Parcel Number: 431-020-002.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.

- C. Public Hearing – To Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15301, Existing Facilities, and Cottage Food Operation Permit #2019-01 for Jenny Brannon at 169 Chardonnay Street, More Specifically Identified as Assessor's Parcel Number: 082-581-013.

- 1) Planning Commission Resolution No. 2020-01 – Approving Cottage Food Operation Permit #2019-01 for 169 Chardonnay Street, More Specifically Identified as Assessor's Parcel Number: 082-581-013.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.

- 8. DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF AN UNMANNED TELECOMMUNICATIONS FACILITY CONSISTING OF A 70' TALL MONOPOLE WITH ANTENNA EQUIPMENT LOCATED WITHIN THE GENERAL INDUSTRIAL ZONING DISTRICT AT 220 WILLMOTT AVENUE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 081-110-055.

Recommendation: Receive staff analysis and provide initial feedback to the applicant.

- 9. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT

- 10. COMMISSIONER REPORTS

- A. Cates
 - B. Higby
 - C. Toscano
 - D. Uhley

- 11. ADJOURNMENT.

APPEAL RIGHTS AND FILING PROCEDURES

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filing written notice with the Planning Commission Secretary not later than five (5) business days (excluding holidays) after the day on which the act or determination was made. An appeal must state the act or determination which is

being appealed, the identity of the applicant and his/her interest in the matter, and set forth in concise statement(s) the reasons which render the Commission's decision unjustified or inappropriate. (Los Banos Municipal Code Section 9-3.2326)

Concerning an action taken by the Planning Commission related to Chapter 2 Articles 1 through 17 of the Los Banos Municipal Code "Subdivisions", if a subdivider or other affected property owner is dissatisfied with any action of the Commission with respect to a tentative map or the nature and extent of improvements recommended or required he/she may within fifteen (15) days after such action appeal to the Planning Commission Secretary for a public hearing on the matter. An appeal must state the action being appealed, identify the agenda item by agency number or project title, and set forth in concise statement(s) the reasons for the appeal. (Los Banos Municipal Code Sections 9-2.807)

Appeals must be in writing and include the appellant's name and address and original signature. A filing fee of \$150.00 must accompany the notice of appeal.

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 72 hours prior to the meeting.


Sandra Benetti, Planning Technician

Dated this 27th day of December 2019

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
DECEMBER 11, 2019**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

CALL TO ORDER: Chairperson Cates called the Planning Commission Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Chairperson Cates.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Thomas Higby III, and Katherine Uhley; Susan Toscano absent.

STAFF MEMBERS PRESENT: City Attorney William A. Vaughn, Community & Economic Development Director Stacy Elms, Associate Planner Rudy Luquin, and Planning Technician Sandra Benetti.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Uhley, seconded by Cates to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF OCTOBER 9, 2019. Motion by Higby, seconded by Uhley to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE SPECIAL PLANNING COMMISSION MEETING OF NOVEMBER 25, 2019. Motion by Uhley, seconded by Higby to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE SPECIAL PLANNING COMMISSION MEETING OF DECEMBER 2, 2019. Motion by Higby, seconded by Uhley to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE PLANNING COMMISSION MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE

LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.

Chairperson Cates opened the public forum. No one came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15332 (INFILL DEVELOPMENT PROJECTS) FOR SITE PLAN REVIEW #2019-05 AND CONDITIONAL USE PERMIT #2019-05 FOR THE DEVELOPMENT OF A SELF-STORAGE FACILITY WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT CONSISTING OF EIGHT (8) STORAGE BUILDINGS WITH A TWO-STORY MANAGER BUILDING TOTALING 125,900 SQUARE FEET TO BE DEVELOPED ON A VACANT 5.01 ACRE PARCEL LOCATED EAST OF ORTIGALITA ROAD, SOUTH OF PACHECO BOULEVARD, AND NORTH OF BIRCH STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 431-141-013.

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and distributed a revision to Planning Commission Resolution No. 2019-25 to the Commissioners at the dais, the Planning Commission Secretary for the record, and included a copy for the public’s review in the rear of the Council Chambers.

Commissioner Higby inquired if the applicant will have to return to the Planning Commission if they do not build the 8th building.

Associate Planner Luquin responded that they would not need to return to the Planning Commission because it is a phased project.

Chairperson Cates opened the public hearing. ED BOERSMA, Cubix Construction Company and representative of the applicant, stated that he was available for any questions, asked Associate Planner Luquin to play the video presentation, and stated that this project would be fully solar powered.

Commissioner Uhley thanked the applicant for bringing the video presentation to help visualize the project.

No one else came forward to speak and the public hearing was closed.

Motion by Uhley, seconded by Higby to adopt Planning Commission Resolution No. 2019-25 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332, In-Fill Development Projects, and Approving Site Plan Review #2019-05 for the Development of a Self-Storage Facility Totaling 125,900 Square Feet to be Developed on a Vacant 5.01 Acre Parcel Located East of Ortigalita Road, South of Pacheco Boulevard, and North of Birch Street, More Specifically Identified as Assessor’s Parcel Number: 431-141-013. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

Motion by Higby, seconded by Cates to adopt Planning Commission Resolution No. 2019-26 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332, In-Fill Development Projects, and Approving Conditional Use Permit #2019-05 for the Use of a Self-Storage Facility Totaling 125,900 Square Feet to be Developed on a Vacant 5.01 Acre Parcel Located East of Ortigalita Road, South of Pacheco Boulevard, and North of Birch Street, More Specifically Identified as Assessor's Parcel Number: 431-141-013. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2019-01 FOR MISSION VILLAGE SOUTH PHASE 5A CONSISTING OF THE SUBDIVISION OF APPROXIMATELY 8.85 ACRES INTO 10 SINGLE-FAMILY RESIDENTIAL LOTS RANGING FROM 3,755 SQUARE FEET TO 4,697 SQUARE FEET AND A 7.81 ACRE REMAINDER PARCEL LOCATED EAST OF MERCY SPRINGS ROAD, SOUTH OF MISSION DRIVE AND NORTH OF WILLMOTT AVENUE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-280-012. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and distributed a revision to Planning Commission Resolution No. 2019-27 to the Commissioners at the dais, the Planning Commission Secretary for the record, and included a copy for the public's review in the rear of the Council Chambers.

Commissioner Higby inquired if there will be a Final Development Plan when the lots are sold to a developer.

Associate Planner Luquin responded that he is not sure if the lots will be sold to another developer, but there will be a Final Development Plan.

Chairperson Cates inquired about the meaning of a planned-development overlay.

Associate Planner Luquin stated that it allows for the applicant to be alleviated from standard lot size or setbacks.

Community & Economic Development Director Elms stated that this planned-development overlay was approved with the area plan back in 2001, it gives flexibility in the zoning requirements, stated that the code was written differently back then, and now the project would need to be creative or innovative.

Chairperson Cates opened the public hearing. RICK MUMMERT, Benchmark Engineering, stated he was present on behalf of the applicant, noticed that lots A & B on southside of Willmott Ave. needs some housekeeping, interest from adjacent property owner in doing a lot merger with one of those lots, introduced Tiffany Marshall with Stonefield Home, Inc, density is a challenge with this development, stated that they will submit application for Final Development Plan very soon, currently unknown if the applicant will sell or develop, will submit tentative map and Final Development Plan for remainder portion with gated community soon, will add multi-family to reach density requirements, tonight we are just bringing forward the 10 lots outside of the gated

community that front Mission Drive, and stated that they have submitted revised Conditions of Approval.

Community & Economic Development Director Elms stated that those Conditions of Approval are highlighted in yellow and approved by the City Engineer.

No one else came forward to speak and the public hearing was closed.

Motion by Higby, seconded by Uhley to adopt Planning Commission Resolution No. 2019-27 – Approving Vesting Tentative Tract Map #2019-01 for Mission Village South Phase 5A for the Subdivision of Approximately 8.85 Acres into 10 Single-Family Residential Lots Ranging from 3,755 Square Feet to 4,697 Square Feet and a 7.81 Acre Remainder Parcel Located East of Mercey Springs Road, South of Mission Drive, and North of Willmott Avenue, More Specifically Identified as Assessor's Parcel Number: 428-280-012. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF 74 LOW-DENSITY RESIDENTIAL (R-1) LOTS WITHIN THE SHAUNESSY VILLAGE SUBDIVISION LOCATED EAST OF MERCEY SPRINGS ROAD AND NORTH OF SCRIPPS DRIVE FOR D. R. HORTON CA3. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Rhonda Hill, D. R. Horton CA3, stated that she was present to answer questions and spoke of other projects they are currently working on in Los Banos.

There was discussion among Commissioners, staff, and the applicant regarding architecture.

Chairperson Cates inquired about roofing materials in the existing neighborhood.

Ms. Hill responded that tile was the required material.

Community & Economic Development Director Elms stated that the existing neighborhoods were approved as Planned-Developments so they were required to be locked in with characteristics and materials to be use and this one is a traditional R-1 and R-2 zoning so they have to meet the design standards.

Chairperson Cates spoke of the need to look at parking concerns.

Community & Economic Development Director Elms stated that these are wider lots, the last Design Review for Shaunessy Village for Stonefield Home, Inc. had the more narrow lots, and these lots will have plenty of space for parking.

Feedback given to applicant only, no action taken.

DESIGN REVIEW STUDY SESSION – MODIFICATION OF THE EXTERIOR COLOR OF AN EXISTING COMMERCIAL BUILDING TOTALLING APPROXIMATELY 2,100 SQUARE FEET LOCATED IN THE MIXED-USE (M-X) ZONING DISTRICT AT 201 I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER:

025-271-001. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, stated that this will come back as a public hearing at a later date, noted that staff received a letter of support from a neighboring business, and read the comment letter into the record.

Commissioner Uhley inquired where Mr. Luna’s business is located.

Commissioner Luquin responded that he is located across the street.

Belquis Filho, applicant, was present.

George Rodriguez, translator for Mrs. Filho, was present.

There was discussion among Commissioners, staff, and the applicant regarding the color of the building.

Commissioner Higby inquired why this color was chosen.

Mr. Rodriguez translated for Ms. Filho stated that they will be selling fruits and vegetables, how her husband likes the color orange, and they had spoken to staff who let them know that this color was okay.

Community & Economic Development Director Elms stated that staff was never given a paint swatch, how there is an approved color palette up to Fourth Street, how this isn’t in the downtown corridor and isn’t restricted to that particular palette but still has to be within the design standards, needs to be compatible with surrounding neighborhood, needs to be natural tone color and harmonious to surrounding neighborhood, to prevent saturation of color, most businesses will check with staff showing a swatch of color and staff will give an opinion, and staff can’t approve this based on standards.

Commissioner Uhley inquired if there is a hardship in repainting the building.

Mr. Rodriguez responded that the problem isn’t the expense, and the problem is that they want this color.

Chairperson Cates stated that this isn’t compatible based on standards and surrounding buildings, the challenge we are faced with is that if we say this is okay what will stop other property owners from painting colors that are not meeting standards, there is a need to tone down the color scheme, and stated that they can tone it down and still promote it as a produce store.

Community & Economic Development Director Elms suggested using this color as maybe more of an accent with added belly banding.

Mr. Rodriguez stated that he can probably design something and help out Mrs. Filho.

Chairperson Cates stated that the Commission can't set a precedent, they need to follow the standards, and staff is trying to help the applicant figure out a solution.

Community & Economic Development Director Elms stated that this is a great opportunity to break up the massing on the eastern elevation to do belly banding along the bottom and we can leave it to the applicant to bring it back to the Planning Commission.

Chairperson Cates stated that there is a need to have a modified design to review so we can move forward.

Feedback given to applicant only, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms reported that we will be cancelling the next Planning Commission meeting on Christmas and will resume normal schedule in January, we had a formal resignation from Planning Commissioner Dees prior to the last Planning Commission meeting, how the City Clerk is notifying City Council of the vacancy and we are advertising the vacancy in District 2 which will expire December 31, 2020.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked staff for their hard work, thanked Sgt. Ceja for his presence tonight, and wished everyone a Merry Christmas and Happy New Year.

HIGBY: Thanked staff for their hard work and wished everyone a Merry Christmas and Happy New Year.

TOSCANO: Absent.

UHLEY: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 8:03 p.m.

APPROVED:

John Cates, Chairperson

ATTEST:

Sandra Benetti, Planning Technician



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES AND PLANNING COMMISSIONERS

FROM: RUDY LUQUIN, ASSOCIATE PLANNER 

FOR: JANUARY 8, 2020

**SUBJECT: MOBILE FOOD VENDOR PERMIT #2019-08 – BIGGINS TEXAS
BBQ- KENNETH LAMBERT**

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2020-02 approving the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15311, Accessory Structures and approving Mobile Food Vendor Permit #2019-08 for the operation of a mobile food vending unit to vend on private property located at 1155 East Pacheco Blvd, Assessor's Parcel Number: 026-280-007.

PROJECT BACKGROUND/DESCRIPTION:

The City of Los Banos Community & Economic Development Department received a request for a mobile food vendor permit by the applicant, Ken Lambert, d.b.a. Biggins Texas BBQ. The requested Mobile Food Vendor permit is for the operation of a mobile food vending unit to vend on private property located at 1155 East Pacheco Boulevard (Century 21). The proposed mobile food vending unit will operate two (2) days a week, Friday and Saturday from 11:00 A.M. to 6:00 P.M. The applicant will be rotating with his previously approved Mobile Food Vending Site at Los Banos Memorial Hospital. The operations is anticipated to be two weekends at the existing site and two weekends operating out of the new site. The rotation schedule will work in an alternating manner every week. The proposed mobile food vending operation will consist of one (1) employee at this time. The mobile vending unit will be on site during proposed business hours and off site when not operating.

The proposed site, 1155 East Pacheco Boulevard, was previously approved for Mobile Food Vendor Permit #2019-07 for the Tri-Tipery. The Tri-Tipery has yet to obtain a City Business License and is not able to operate at the present time. However, when the Tri-Tipery is able to operate, both mobile food vendors will have to adhere to rotating

schedule in which both mobile food vending units will not be operating simultaneously to be consistent with the Los Banos Municipal Code Section 9-3.3606 (a) (9) which states, that only one (1) mobile food vending units shall be allowed for each on thousand (1,000) square feet of paved level area not to exceed three (3) mobile food vending units operating on the same parcel at the same time unless in connection with a special event permit.

LOCATION AND ACCESS:

The proposed mobile vending location is at 1155 East Pacheco Boulevard; APN: 026-280-007. The mobile food vending unit will be located in a parking stall within the parking lot of the Century 21 M&M Associates. The project site can be accessed from South Eleventh Street. The specific location of the proposed mobile unit is detailed in the white food decal below.



VENDOR PERMIT ANALYSIS

Code Requirements

According to the Los Banos Municipal Code, the Planning Commission is the decision making authority for any initial application of a permit to operate a mobile vending unit, once the initial permit is approved, subsequent permits are approved by the Community and Economic Development Director. Furthermore, mobile vendors located on private property are subject to the following conditions Section 9-3.3606(b):

1. Be incidental to a primary use with a valid Business License; a mobile vending unit shall not be the primary use of a parcel. Mobile vending units shall not be permitted as an accessory use to a standalone parking lot.

The primary use of the property is a commercial, through form of a Real Estate Office, which has a valid Business License. The mobile food vending unit will be an accessory use to the main and primary commercial use of the property.

2. Be located in a Commercial or Industrial zoning district. Mobile vendors shall not be located on private property in a residential zoning district.

The subject property site is located at 1155 East Pacheco Boulevard which is within the Highway Commercial Zoning District (H-C), which is private property that is used for commercial purposes.

3. Not be located on a vacant parcel.

The mobile food vending unit will be located on the developed property located at 1155 East Pacheco Boulevard, which operates as a Real Estate Office, Century 21 M&M Associates.

4. Be located on pavement/concrete per City standards.

The mobile food vending unit will be stationed on a parking lot that is consistent with City Standards and Specifications.

5. Not utilize, or be located on, parking spaces required for the primary use. At least two onsite parking spaces, in addition to those required for the primary use shall be provided for the mobile vending unit operation.

The project site contains more than sufficient parking as the proposed mobile food vendor location is within the parking lot for the Real Estate office.

6. Not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition.

The operation and location of the proposed mobile food vending unit will not interfere or obstruct any of the access, driveways, aisles, traffic circulation, or fire lanes and hydrants within the property. The proposed mobile food vending unit

will operate in safe manner as determined by the Community and Economic Development Department.

7. Comply with the requirements of the Merced County Environmental Health Department.

The applicant presently has a Merced County Department of Environmental Health Permit to operate the proposed mobile food vehicle. The applicant will comply with all the rules, regulations and requirements presented by the Merced County Environmental Health Department.

8. Not interfere with pedestrian movement or create a hazard for pedestrians.

The proposed mobile food vending unit will not disrupt pedestrian movement nor will it create a hazard for pedestrians as the proposed site location for the mobile vending unit is on private property within a parking stall and will not obstruct any pedestrian walkways.

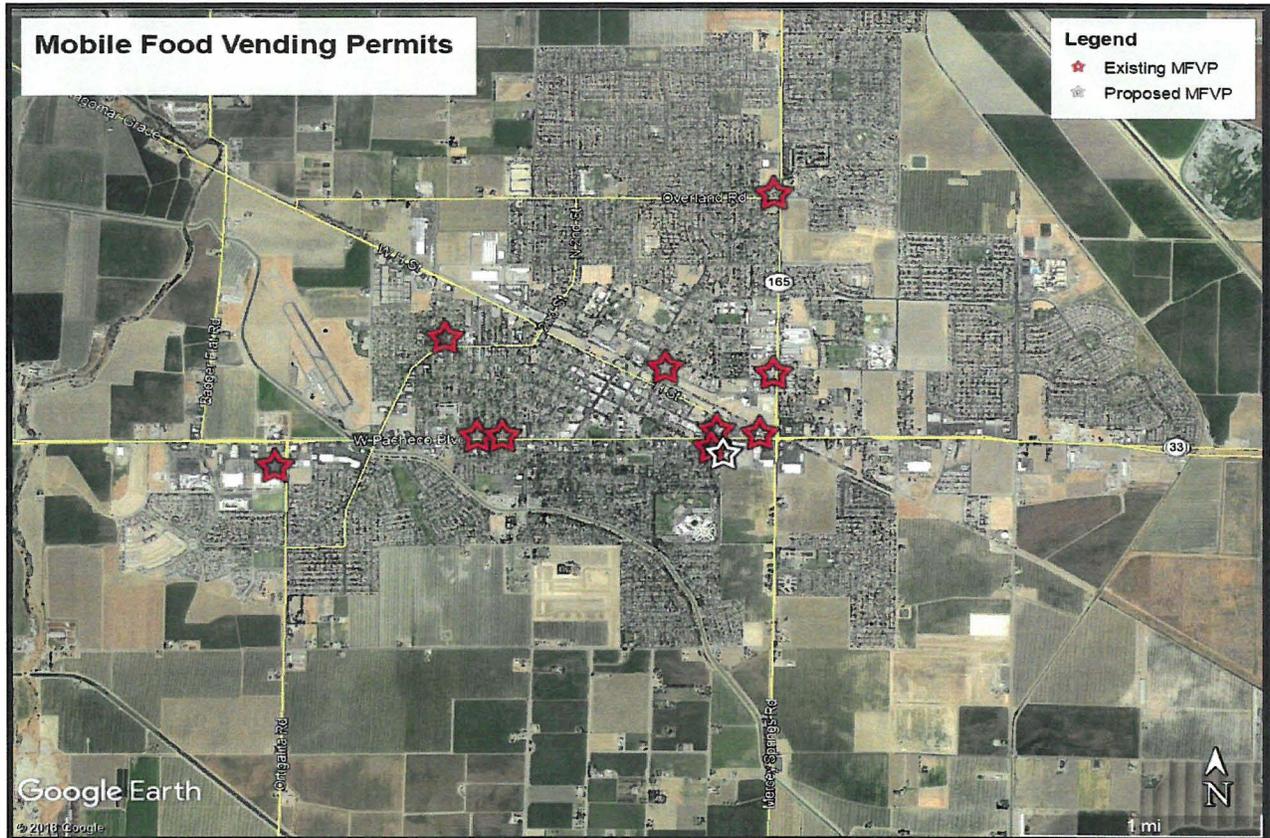
Staff has determined that the proposed vendor permit is consistent with Los Banos Municipal Code Title 9 Chapter 3 Article 36. Conditions of approval have been incorporated into the project to make certain that the applicant conforms to the required level of cleanliness, quality, safety and security required by the Los Banos Municipal Code.

Existing Vendor Permits

Currently there are ten (10) active mobile vendor permits in the City. The following is a list of Vendor Permits approved by the Planning Commission for operation on private property:

Business Name	Business Owner	Location	Vendor Type
Junior's Tacos	Antemio & Gabriela Cortes	740 G St	Taco Truck
El Grullense, Jal	Leobardo Oliva	531 Mercey Springs Rd.	Taco Truck
Tacos & Mariscos Las Brasas	Natividad Parra	403 N. Mercey Springs Rd.	Taco Truck
Tacos El Jefe	Christian Mendoza	1155 I St.	Taco Truck
Taco Face	Rosa Orozco	310 W. Pacheco Blvd.	Taco Truck
A-1 Water Quality	Roger Pires	1248 E. Pacheco Blvd.	Water Truck
Tacos La Bonita	Eliseo Jarrillo	140 W. Pacheco Blvd.	Taco Truck
El Gurellense, Jal #6	Jaidel Perez	1301 W. Pacheco Blvd.	Taco Truck
Biggins Texas BBQ	Kenneth Lambert	520 W. I St.	BBQ Truck
The Tri-Tipery	Jana Nairn	1155 E. Pacheco Blvd	BBQ Truck

The existing mobile vendor locations are marked in red and the proposed mobile unit is marked in white on the following map:



PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise on Friday, December 27, 2019. As of the date of this staff report no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos Municipal Code – LBMC Title 9 Chapter 3 Article 36

RECOMMENDATIONS:

That the Planning Commission adopt Resolution No. 2020-02 approving the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15311, Accessory Structures and approving Mobile Food Vendor Permit #2019-08 for the operation of a mobile food vending unit to vend on private property located at 1155 East Pacheco Boulevard, Assessor's Parcel Number: 026-280-007.

ATTACHMENTS:

1. Resolution #2020-02
Exhibit A CEQA Findings
Exhibit B Project Findings

- Exhibit C Conditions of Approval
2. Truck Photos
 3. Site Plan
 4. Merced County Environmental Health Permit
 5. Public Hearing Notice – December 27, 2019

RESOLUTION NO. 2020-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING THE PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15311, ACCESSORY STRUCTURES AND APPROVING MOBILE FOOD VENDOR PERMIT #2019-08 FOR THE OPERATION OF A MOBILE FOOD VENDING UNIT TO VEND ON PRIVATE COMMERCIAL PROPERTY LOCATED AT 1155 EAST PACHECO BOULEVARD, ASSESSOR'S PARCEL NUMBER: 026-280-007.

WHEREAS, the applicant, Ken Lambert, d.b.a: Biggins Texas BBQ, has filed an application with the City of Los Banos for a Mobile Food Vendor Permit to allow the operation of a mobile food vending unit on private commercial property located at 1155 East Pacheco Boulevard; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Mobile Food Vendor Permit #2019-08 for Biggins Texas BBQ was determined to be Categorically Exempt from the provisions of CEQA per Article 19, Section 15311 as the project meets all the criteria for an Accessory Structures and it can be seen with certainty that the proposed project would not have a significant effect on the environment; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on Friday, December 27, 2019, in accordance with the Los Banos Municipal Code and California Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission held a public hearing on January 8, 2020, at which time interested persons had an opportunity to provide testimony; and

WHEREAS, the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard, and reviewed said Vendor Permit request and staff report, and considered the applicant's request in accordance with the Vendor Permit criteria established in the Los Banos Municipal Code Title 9 Chapter 3 Article 36; and

BASED ON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING the Planning Commission of the City of Los Banos hereby makes the findings set forth in Exhibit A attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that based upon the foregoing the Planning Commission of the City of Los Banos does hereby approve Mobile Food Vendor Permit #2019-08 to permit the use of a mobile food vending unit to operate on private commercial property, located at 1155 East Pacheco Boulevard, APN: 026-280-007, within the City of Los Banos, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 8th day of January 2020 by Planning Commissioner _____ who moved its adoption, which motion was duly seconded by Planning Commissioner _____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

John Cates, Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR MOBILE FOOD VENDOR PERMIT #2019-08 – BIGGINS TEXAS BBQ (KEN LAMBERT)

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds the proposed mobile vendor permit appropriate for the Highway Commercial Zoning District (H-C) as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, Mobile Food Vendor Permit #2019-08 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15311.
2. Mobile Food Vendor Permit #2019-08 was adequately noticed and circulated for public review and comment on December 27, 2019 for consideration at a public meeting on Wednesday, January 8, 2020 and no comments were received.
3. No further environmental documentation is required as the Mobile Food Vendor Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL FOR MOBILE FOOD VENDOR PERMIT #2019-08 – BIGGINS TEXAS BBQ (KEN LAMBERT)

FINDINGS FOR APPROVAL:

The City of Los Banos Planning Commission hereby finds as follows:

1. The applicant has provided all of the information to the Community and Economic Development Department as required by the Mobile Food Vendor Ordinance.
2. The proposed operation is consistent with the criteria and requirements of the Mobile Food Vendor Ordinance as follows:
 - a) Be incidental to a primary use with a valid Business License; a mobile vending unit shall not be the primary use of a parcel. Mobile food vending units shall not be permitted as an accessory use to a standalone parking lot.

The primary use of the property is a real estate office for Century 21 M&M Associates, which has a valid Business License. The mobile food vending unit will be an accessory use to the main and primary use of the property.

- b) Be located in a Commercial or Industrial zoning district. Mobile vendors shall not be located on private property in a residential zoning district.

The subject property site is located at 1155 East Pacheco Boulevard, which is within the Highway Commercial Zoning District (H-C), which is private property that is used for commercial uses.

- c) Not be located on a vacant parcel.

The mobile food vending unit will be located on an improved parcel with an existing parking lot and commercial structure.

- d) Be located on pavement/concrete per City standards.

The mobile food vending unit will be stationed on a parking lot that is consistent with City Standards and Specifications.

- e) Not utilize, or be located on, parking spaces required for the primary use. At least two onsite parking spaces, in addition to those required for the primary use shall be provided for the mobile vending unit operation.

The project site contains more than sufficient parking as the proposed mobile food vendor location is within the parking lot of the Century 21 M&M Associates business location.

- f) Not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition.

The operation and location of the proposed mobile food vending unit will not interfere or obstruct any of the access, driveways, aisles, traffic circulation, or fire lanes and hydrants within the property. The proposed mobile food vending unit will operate in safe manner as determined by the Community and Economic Development Department.

- g) Comply with the requirements of the Merced County Environmental Health Department.

The applicant presently has a Merced County Department of Environmental Health Permit to operate the proposed mobile food vehicle. The applicant will comply with all the rules, regulations and requirements presented by the Merced County Environmental Health Department.

- h) Not interfere with pedestrian movement or create a hazard for pedestrians.

The proposed mobile food vending unit will not disrupt pedestrian movement nor will it create a hazard for pedestrians as the proposed site location for the mobile vending unit is on private property within a parking stall and will not obstruct any pedestrian walkways.

EXHIBIT C

CONDITIONS OF APPROVAL FOR MOBILE VENDOR PERMIT #2019-08 – BIGGINS TEXAS BBQ (KEN LAMBERT)

Community and Economic Development:

1. The operation of the Mobile Vending Unit shall at all times comply with the requirements of the Los Banos Municipal Code, the Conditions of Approval for Mobile Food Vendor Permit #2019-08 including but not limited to the application on file with the Community and Economic Development Department. Should there be a conflict, the Municipal Code and the Conditions of Approval shall control.
2. The Mobile Food Vendor Permit is to allow for a mobile food vending unit to operate on private commercial property, in the location depicted in the application, located at 1155 East Pacheco Boulevard; the permit shall expire one (1) year from date of issuance.

The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business including the Merced County Environmental Health Department.

3. The mobile food vendor shall have a valid City of Los Banos Business License and renew such license each year.
4. The mobile food vending unit shall be moved off-site when not in operation.
5. One (1) mobile food unit shall be allowed for each one thousand (1,000) square feet of paved level area not to exceed three (3) mobile food vending units operating on the same parcel at the same time unless in connection with a special event permit.
6. A background check through the Los Banos Police Department must be obtained for the mobile food vendor and each person operating or vending out of the mobile unit prior to issuance of a Business License.
7. The applicant shall comply with the applicable requirements of the Los Banos Municipal Code including but not limited to the following:
 - a. The operation shall not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition.

- b. The mobile food vendor shall display, in plain view and at all times, current permits and licenses.
- c. While vending, drive wheels of the mobile food vending unit shall be chocked in such a manner as to prevent movement.
- d. The permitted hours of operation are from 11:00 a.m. to 8:00 p.m.
- e. The mobile food vending unit shall be entirely self-sufficient in regard to gas, water and telecommunications.
- f. The mobile food vendor shall not discharge items onto the sidewalk, gutter, storm drainage inlets or streets.
- g. The mobile food vending unit shall be maintained in a safe and clean manner at all times.
- h. No tables, chairs, fences, shade structures or other site furniture, (permanent or otherwise) or any free standing signs shall be permitted in conjunction with the mobile food vendor.
- i. Any site improvements required for mobile vendor operations shall require application for the appropriate permits to ensure building and public safety and consistency.
- j. Exterior storage of refuse, equipment or materials associated with the mobile food vendor is prohibited.
- k. The mobile food vendor operating the mobile food vending unit as defined by the Health and Safety Code shall operate out of a commissary pursuant to Health and Safety Code Section 114295.
- l. The mobile food vending unit shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such a unit, and the vendor of the mobile unit shall pick up all refuse generated by such operation on the lot before such unit is moved at the close of business each day. The mobile vendor shall not dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated or otherwise provided by and under the control of such vendor.
- m. The mobile food vendor shall install signage in a visible location on the mobile vending unit indicating that loitering is not permitted.

- n. The mobile food vendor shall enforce the no loitering rule.
 - o. The mobile food vending unit shall be located on an improved surface at all times.
8. The mobile food vending unit shall obtain Fire Department approval and shall be subject to inspection by the Los Banos Fire Department prior to issuance or renewal of a business license involving use of the mobile vending unit if the unit contains any combustibles (i.e. propane, natural gas).
 9. The mobile food vending unit shall comply with California Fire Code, California Code of Regulations, and California Mechanical Code. Should any utility hook-ups or connections to on-site utilities be used or required, the mobile food vendor shall be required to apply for appropriate permits or receive approval by the appropriate City department to ensure building and public safety and consistency with applicable building and zoning regulations.
 10. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
 11. The mobile food vending unit shall not be inconsistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved vendor permit, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject unit.
 12. The operation of Mobile Food Vendor Permit #2019-07 shall be located at 1155 Pacheco Boulevard south of the real estate office not obstructing parking, pedestrian walkways or vehicular traffic. Relocation of the mobile unit on site shall only occur with prior approval by the Community and Economic Development Director or designee or Planning Commission.
 13. At least two (2) onsite parking spaces, in addition to those required for the primary use shall be provided for the mobile vending unit operation.





4SP9809





Biggins Tx BBQ

K Lambert
Log Blends CA 93035

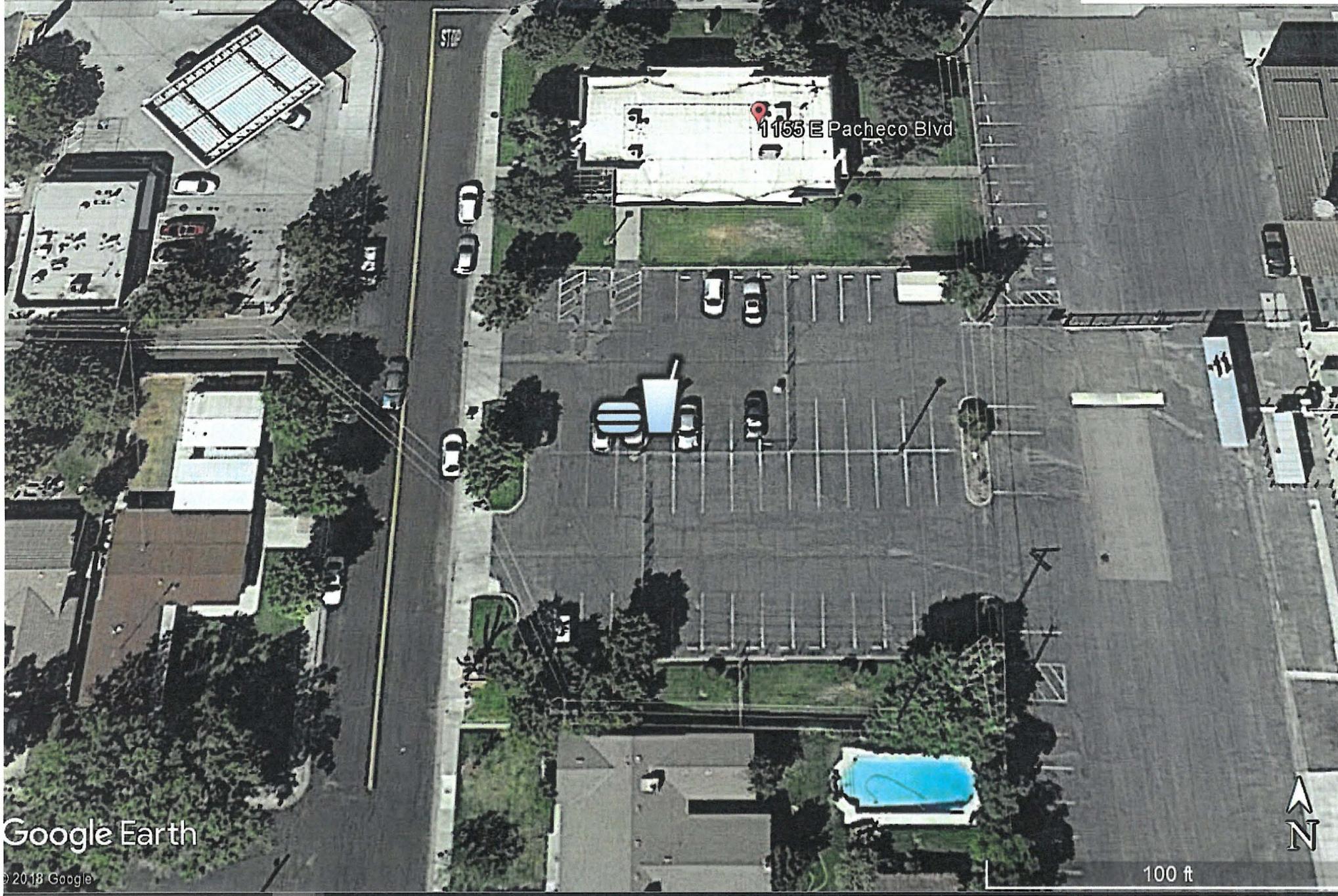
LSP9809

Mobile Food Vendor Permit

Kenneth Lambert dba Biggins Texas BBQ

Legend

-  1155 E Pacheco Blvd
-  MFVP #2019-08



Google Earth

© 2018 Google



100 ft

H90500
Merced County Public Health
Division of Environmental Health
260 E. 15th Street
Merced, CA 95341-6216

Biggins Texas BBQ (4SP9809)
1520 Cardinal Street
Los Banos, CA 93635

Attached to the bottom of this letter is your Health Permit to Operate. ***The permit is valid only upon receipt of all required invoiced fees and penalties (if any), AND compliance with state, federal and local regulations.***

Facilities operating without a valid permit will be subject to **administrative penalties equal to three times the full annual permit fee and/or potential late payment penalties.** Facilities operating without a valid permit may be subject to closure. After 90 days, any unpaid invoice balances will be sent to Revenue and Reimbursement (collections).

This permit and the permit fees are ONLY valid for the business and owner named below and are **not transferable** to any other person, business, or facility.

If you have any questions regarding this matter, please call our office at (209) 381-1100.

Run 7/9/2019 10:51:53AM

FOLD FORM HERE AND DISPLAY PROMINENTLY WITHIN CUSTOMER VIEW ON THE PREMISES

5303.rpt (updated 7/9/2019)



**MERCED COUNTY DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH**

260 E. 15th Street, Merced, CA 95341
(209) 381-1100 Fax (209) 384-1593

<http://www.co.merced.ca.us/eh>

Equal Opportunity Employer

Health Permit to Operate

Valid from 7/9/2019 to 12/31/2019

REGULATED FACILITY :

**Biggins Texas BBQ (4SP9809)
1031 Iowa Ave.
Los Banos, CA 93635**

Facility ID: FA0009095
Account ID: AR0018948
Issued: 7/9/2019

OWNER NAME :

Kenneth Lambert

Program Element Number and Description

0143 MOBILE FOOD FAC (MOBILE FOOD PREP UNIT)

Permit ID # Units

PT0015212 PR0019369

Permit is not valid until all permit fees are paid in full. Permits to operate and Annual Fee Payments are NOT TRANSFERABLE. This permit is valid ONLY for this owner: Kenneth Lambert. New owners must apply and pay for a new Permit(s) PRIOR to beginning operation or penalties will be assessed.

MOBILE FOOD PREP UNITS MUST COMPLY WITH LOCAL PLANNING REGULATIONS.

THIS FORM MUST BE CONSPICUOUSLY DISPLAYED ON THE PREMISES

Vicki Jones, MPA, REHS
Environmental Health Director



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: December 27, 2019

Regarding: Notice of Public Hearing

Proposal: Mobile Food Vendor Permit #2019-08 – Kenneth Lambert (dba Biggins Texas BBQ)

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Mobile Food Vendor Permit #2019-08 to allow the operation of a mobile food vending vehicle on private property for Kenneth Lambert dba Biggins Texas BBQ. The subject property is located within the Highway Commercial Zoning District at 1155 East Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 026-280-007.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, January 8, 2020 at 7:00 p.m. in the Council Chambers of Los Banos City Hall, located at 520 "J" Street, Los Banos, California. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner, at City Hall or at (209) 827-2432.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project 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.

Additional information may be obtained from the Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Rudy Luquin
Associate Planner



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES AND PLANNING COMMISSIONERS

FROM: RUDY LUQUIN, ASSOCIATE PLANNER 

FOR: JANUARY 8, 2020

SUBJECT: MOBILE FOOD VENDOR PERMIT #2019-09 – EL GRULLENSE JAL #6- JAIDEL PEREZ

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2020-03 approving the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15311, Accessory Structures and approving Mobile Food Vendor Permit #2019-09 for the operation of a mobile food vending unit to vend on private commercial property located at 923 West Pacheco Boulevard, Assessor's Parcel Number: 431-020-002.

PROJECT BACKGROUND/DESCRIPTION:

On December 5, 2019, the City of Los Banos Community & Economic Development Department received a request for a mobile food vendor permit from the applicant Jaidel Perez d.b.a. El Grullense Jal #6. The requested Mobile Food Vendor Permit is for the operation of a mobile food vending unit to vend on private commercial property located at 923 West Pacheco Boulevard, (Aqua Bowl). The applicant had a previously approved Mobile Food Vending Site at 1301 West Pacheco Boulevard (Fitness Republic). The applicant is proposing to relocate their existing mobile food vending unit to the new location of 923 West Pacheco Boulevard.

The proposed mobile food vending unit will operate seven (7) days a week, Monday through Sunday from 8:00 A.M. to 9:00 P.M. The proposed mobile food vending operation will consist of one (1) employee at this time. The mobile vending unit will be on site during proposed business hours and off site when not operating.

LOCATION AND ACCESS:

The proposed mobile vending location is at 923 West Pacheco Boulevard; APN: 431-020-002. The mobile food vending unit will be located in a parking stall within the parking lot approximately two hundred feet (200') to the north of the existing commercial structure. The Aqua Bowl is highlighted in red in the aerial below. The project site can be accessed from Pacheco Boulevard and West I Street. The specific location of the proposed mobile unit is detailed in the image below.



VENDOR PERMIT ANALYSIS

Code Requirements

According to the Los Banos Municipal Code, the Planning Commission is the decision making authority for any initial application of a permit to operate a mobile vending unit, once the initial permit is approved, subsequent permits are approved by the Community and Economic Development Director. Furthermore, mobile vendors located on private property are subject to the following conditions Section 9-3.3606(b):

1. Be incidental to a primary use with a valid Business License; a mobile vending unit shall not be the primary use of a parcel. Mobile vending units shall not be permitted as an accessory use to a standalone parking lot.

The primary use of the property is a bowling alley (Aqua Bowl), which has a valid Business License. The mobile food vending unit will be an accessory use to the main and primary commercial/ retail use of the property.

2. Be located in a Commercial or Industrial zoning district. Mobile vendors shall not be located on private property in a residential zoning district.

The subject property site is located at 923 West Pacheco Boulevard which is within the Highway Commercial (H-C) Zoning District, which is private property that is used for commercial purposes.

3. Not be located on a vacant parcel.

The mobile food vending unit will be located in the parking stall approximately two hundred feet (200') north of the existing commercial structure.

4. Be located on pavement/concrete per City standards.

The mobile food vending unit will be stationed on a parking lot that is consistent with City Standards and Specifications.

5. Not utilize, or be located on, parking spaces required for the primary use. At least two onsite parking spaces, in addition to those required for the primary use shall be provided for the mobile vending unit operation.

The project site contains more than sufficient parking as the proposed mobile food vendor location is within a shopping center that has a reciprocal parking agreement amongst the tenants and neighboring parcels.

6. Not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition.

The operation and location of the proposed mobile food vending unit will not interfere or obstruct any of the access, driveways, aisles, traffic circulation, or fire lanes and hydrants within the property. The proposed mobile food vending unit will operate in safe manner as determined by the Community and Economic Development Department.

7. Comply with the requirements of the Merced County Environmental Health Department.

The applicant presently has a Merced County Department of Environmental Health Permit to operate the proposed mobile food vehicle. The applicant will comply with all the rules, regulations and requirements presented by the Merced County Environmental Health Department.

8. Not interfere with pedestrian movement or create a hazard for pedestrians.

The proposed mobile food vending unit will not disrupt pedestrian movement nor will it create a hazard for pedestrians as the proposed site location for the mobile vending unit is on private property within a parking stall and will not obstruct any pedestrian walkways.

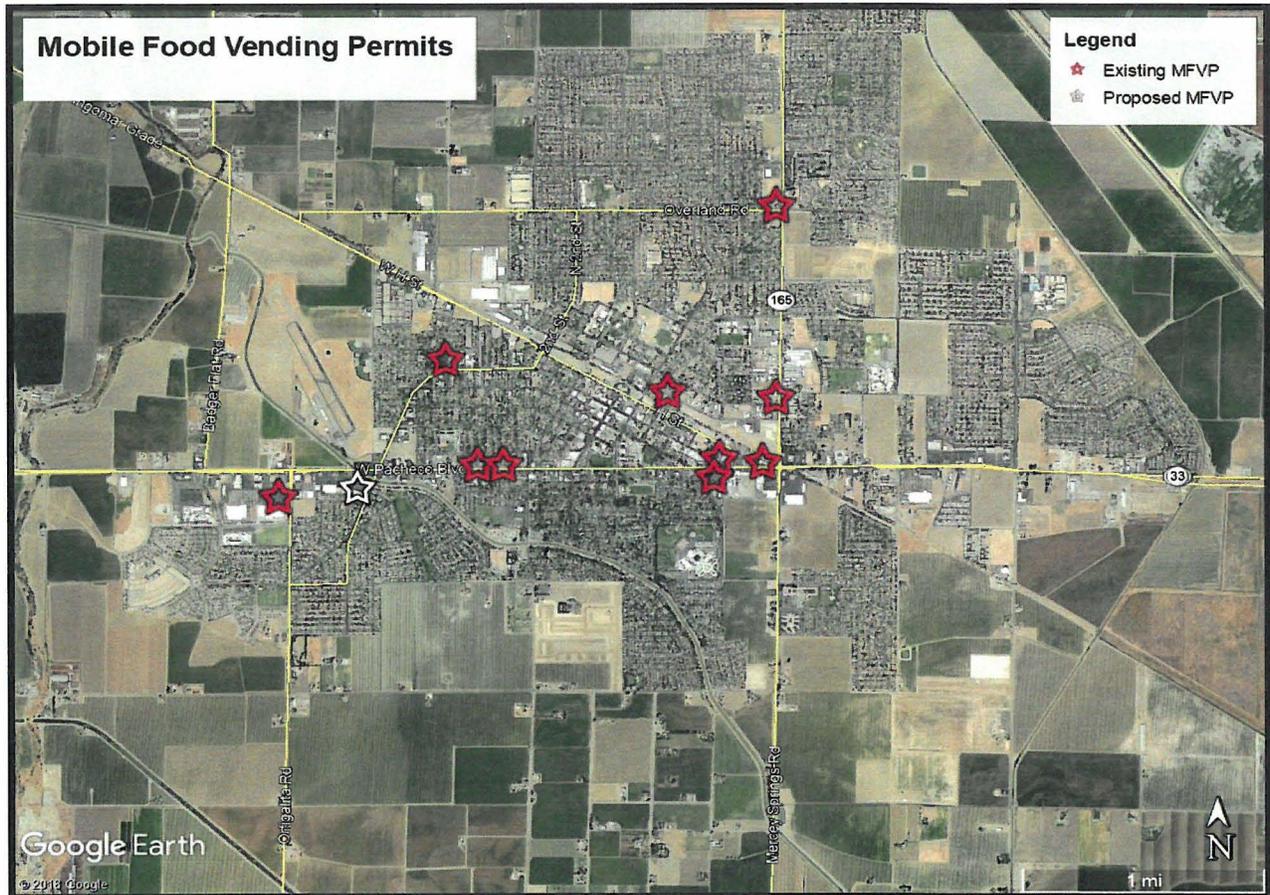
Staff has determined that the proposed vendor permit is consistent with Los Banos Municipal Code Title 9 Chapter 3 Article 36. Conditions of approval have been incorporated into the project to make certain that the applicant conforms to the required level of cleanliness, quality, safety and security required by the Los Banos Municipal Code.

Existing Vendor Permits

Currently there are ten (10) active mobile vendor permits in the City. The following is a list of Vendor Permits approved by the Planning Commission for operation on private property:

Business Name	Business Owner	Location	Vendor Type
Junior's Tacos	Antemio & Gabriela Cortes	740 G St	Taco Truck
El Grullense, Jal	Leobardo Oliva	531 Mercey Springs Rd.	Taco Truck
Tacos & Mariscos Las Brasas	Natividad Parra	403 N. Mercey Springs Rd.	Taco Truck
Tacos El Jefe	Christian Mendoza	1155 I St.	Taco Truck
Taco Face	Rosa Orozco	310 W. Pacheco Blvd.	Taco Truck
A-1 Water Quality	Roger Pires	1248 E. Pacheco Blvd.	Water Truck
Tacos La Bonita	Eliseo Jarrillo	140 W. Pacheco Blvd.	Taco Truck
El Gurellense, Jal #6	Jaidel Perez	1301 W. Pacheco Blvd.	Taco Truck
Biggins Texas BBQ	Kenneth Lambert	520 W. I St.	BBQ Truck
The Tri-Tipery	Jana Nairn	1155 E. Pacheco Blvd	BBQ Truck

The existing mobile vendor locations are marked in red and the proposed mobile unit is marked in white on the following map:



PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise on Friday, December 27, 2019. As of the date of this staff report no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos Municipal Code – LBMC Title 9 Chapter 3 Article 36

RECOMMENDATIONS:

That the Planning Commission adopt Resolution No. 2020-03 approving the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15311, Accessory Structures and approving Mobile Food Vendor Permit #2019-09 for the operation of a mobile food vending unit to vend on private commercial property located at 923 West Pacheco Boulevard, Assessor's Parcel Number: 431-020-002.

ATTACHMENTS:

1. Resolution #2020-03
Exhibit A CEQA Findings

- Exhibit B Project Findings
- Exhibit C Conditions of Approval
- 2. Truck Photos
- 3. Site Plan
- 4. Merced County Environmental Health Permit
- 5. Public Hearing Notice – December 27, 2019

RESOLUTION NO. 2020-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING THE PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15311, ACCESSORY STRUCTURES AND APPROVING MOBILE FOOD VENDOR PERMIT #2019-09 FOR THE OPERATION OF A MOBILE FOOD VENDING UNIT TO VEND ON PRIVATE COMMERCIAL PROPERTY LOCATED AT 923 WEST PACHECO BOULEVARD, ASSESSOR'S PARCEL NUMBER: 431-020-002.

WHEREAS, the applicant, Jaidel Perez, d.b.a: El Grullense Jal #6, has filed an application with the City of Los Banos for a Mobile Food Vendor Permit to allow the operation of a mobile food vending unit on private commercial property located within the City of Los Banos; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Mobile Food Vendor Permit #2019-09 for El Grullense Jal #6 was determined to be Categorically Exempt from the provisions of CEQA per Article 19, Section 15332 as the project meets all the criteria for an in-fill project and it can be seen with certainty that the proposed project would not have a significant effect on the environment; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on December 27, 2019, in accordance with the Los Banos Municipal Code and California Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission held a public hearing on January 8, 2020, at which time interested persons had an opportunity to provide testimony; and

WHEREAS, the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard, and reviewed said Vendor Permit request and staff report, and considered the applicant's request in accordance with the Vendor Permit criteria established in the Los Banos Municipal Code Title 9 Chapter 3 Article 36; and

BASED ON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING the Planning Commission of the City of Los Banos hereby makes the findings set forth in Exhibit A attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that based upon the foregoing the Planning Commission of the City of Los Banos does hereby approve Mobile Food Vendor Permit #2019-09 to permit the use of a mobile food vending unit to operate on private commercial property, located at 923 West Pacheco Boulevard, APN: 431-020-002, within the City of Los Banos, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 8th day of January 2020 by Planning Commissioner _____ who moved its adoption, which motion was duly seconded by Planning Commissioner _____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

John Cates, Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR MOBILE FOOD VENDOR PERMIT #2019-09 – EL GRULLENSE JAL #6 (JAIDEL PEREZ)

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds the proposed mobile vendor permit appropriate for the Highway Commercial Zoning District (H-C) as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, Mobile Food Vendor Permit #2019-09 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15311.
2. Mobile Food Vendor Permit #2019-09 was adequately noticed and circulated for public review and comment on December 27, 2019 for consideration at a public meeting on January 8, 2020 and no comments were received.
3. No further environmental documentation is required as the Mobile Food Vendor Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL FOR MOBILE FOOD VENDOR PERMIT #2019-02 – EL GRULLENSE JAL #6 (JAIDEL PEREZ)

FINDINGS FOR APPROVAL:

The City of Los Banos Planning Commission hereby finds as follows:

1. The applicant has provided all of the information to the Community and Economic Development Department as required by the Mobile Food Vendor Ordinance.
2. The proposed operation is consistent with the criteria and requirements of the Mobile Food Vendor Ordinance as follows:

- a) Be incidental to a primary use with a valid Business License; a mobile vending unit shall not be the primary use of a parcel. Mobile food vending units shall not be permitted as an accessory use to a standalone parking lot.

The primary use of the property is a bowling alley (Aqua Bowl), which has a valid Business License. The mobile food vending unit will be an accessory use to the main and primary commercial/ retail use of the property.

- b) Be located in a Commercial or Industrial zoning district. Mobile vendors shall not be located on private property in a residential zoning district.

The subject property site is located at 923 West Pacheco Boulevard, which is within the Highway Commercial (H-C) Zoning District, which is private property that is used for commercial purposes.

- c) Not be located on a vacant parcel.

The mobile food vending unit will be located in the parking stall approximately two hundred feet (200') north of the existing commercial structure.

- d) Be located on pavement/concrete per City standards.

The mobile food vending unit will be stationed on a parking lot that is consistent with City Standards and Specifications.

- e) Not utilize, or be located on, parking spaces required for the primary use. At least two onsite parking spaces, in addition to those required for the primary use, shall be provided for the mobile vending unit operation.

The project site contains more than sufficient parking as the proposed mobile food vendor location is within a shopping center that has a reciprocal parking agreement amongst the tenants and neighboring parcels.

- f) Not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition.

The operation and location of the proposed mobile food vending unit will not interfere or obstruct any of the access, driveways, aisles, traffic circulation, or fire lanes and hydrants within the property. The proposed mobile food vending unit will operate in safe manner as determined by the Community and Economic Development Department.

- g) Comply with the requirements of the Merced County Environmental Health Department.

The applicant presently has a Merced County Department of Environmental Health Permit to operate the proposed mobile food vehicle. The applicant will comply with all the rules, regulations and requirements presented by the Merced County Environmental Health Department.

- h) Not interfere with pedestrian movement or create a hazard for pedestrians.

The proposed mobile food vending unit will not disrupt pedestrian movement nor will it create a hazard for pedestrians as the proposed site location for the mobile vending unit is on private property within a parking stall and will not obstruct any pedestrian walkways.

EXHIBIT C

CONDITIONS OF APPROVAL FOR MOBILE VENDOR PERMIT #2019-09 – EL GRULLENSE JAL #6 (JAIDEL PEREZ)

Community Development:

1. The operation of the Mobile Vending Unit shall at all times comply with the requirements of the Los Banos Municipal Code, the Conditions of Approval for Mobile Food Vendor Permit #2019-09 including but not limited to the application on file with the Community and Economic Development Department. Should there be a conflict, the Municipal Code and the Conditions of Approval shall control.
2. The Mobile Food Vendor Permit is to allow for a mobile food vending unit to operate on private commercial property, in the location depicted in the application, located at 923 West Pacheco Boulevard; the permit shall expire one (1) year from date of issuance.

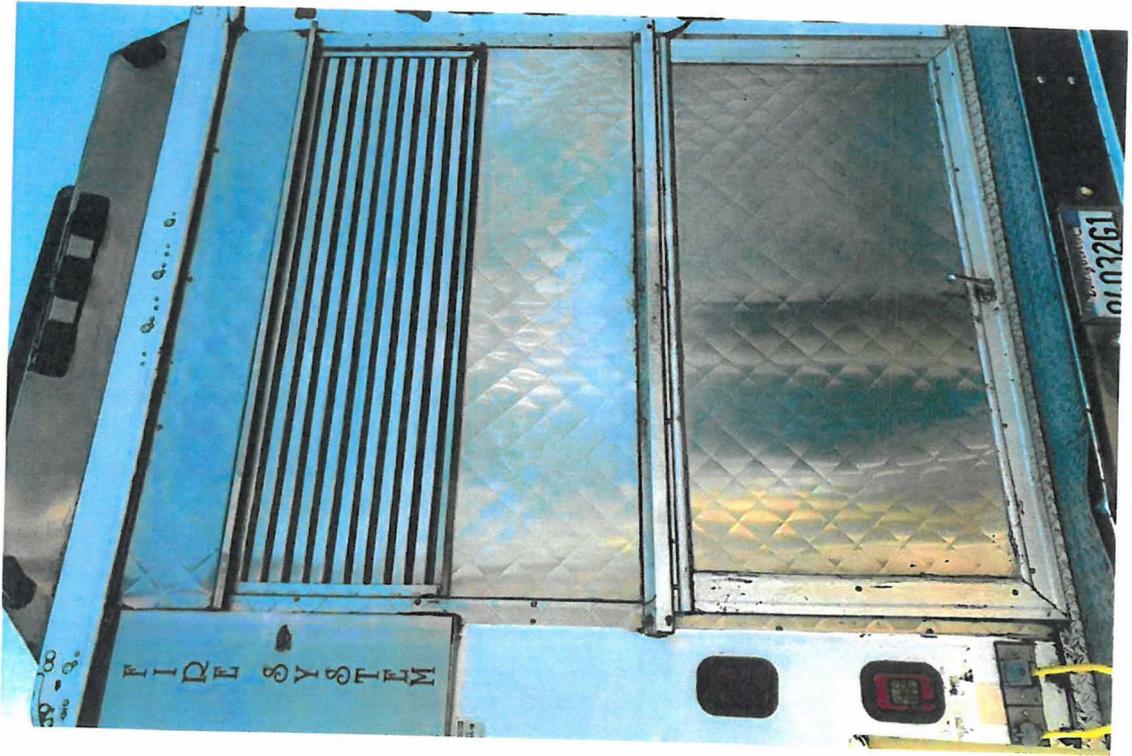
The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business including the Merced County Environmental Health Department.

3. The mobile food vendor shall have a valid City of Los Banos Business License and renew such license each year.
4. The mobile food vending unit shall be moved off-site when not in operation.
5. A background check through the Los Banos Police Department must be obtained for the mobile food vendor and each person operating or vending out of the mobile unit prior to issuance of a Business License.
6. The applicant shall comply with the applicable requirements of the Los Banos Municipal Code including but not limited to the following:
 - a. The operation shall not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition.
 - b. The mobile food vendor shall display, in plain view and at all times, current permits and licenses.

- c. While vending, drive wheels of the mobile food vending unit shall be chocked in such a manner as to prevent movement.
- d. The permitted hours of operation are from 9:00 a.m. to 10:00 p.m.
- e. The mobile food vending unit shall be entirely self-sufficient in regard to gas, water and telecommunications.
- f. The mobile food vendor shall not discharge items onto the sidewalk, gutter, storm drainage inlets or streets.
- g. The mobile food vending unit shall be maintained in a safe and clean manner at all times.
- h. No tables, chairs, fences, shade structures or other site furniture, (permanent or otherwise) or any free standing signs shall be permitted in conjunction with the mobile food vendor.
- i. Any site improvements required for mobile vendor operations shall require application for the appropriate permits to ensure building and public safety and consistency.
- j. Exterior storage of refuse, equipment or materials associated with the mobile food vendor is prohibited.
- k. The mobile food vendor operating the mobile food vending unit as defined by the Health and Safety Code shall operate out of a commissary pursuant to Health and Safety Code Section 114295.
- l. The mobile food vending unit shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such a unit, and the vendor of the mobile unit shall pick up all refuse generated by such operation on the lot before such unit is moved at the close of business each day. The mobile vendor shall not dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated or otherwise provided by and under the control of such vendor.
- m. The mobile food vendor shall install signage in a visible location on the mobile vending unit indicating that loitering is not permitted.
- n. The mobile food vendor shall enforce the no loitering rule.
- o. The mobile food vending unit shall be located on an improved surface at all times.

7. The mobile food vending unit shall obtain Fire Department approval and shall be subject to inspection by the Los Banos Fire Department prior to issuance or renewal of a business license involving use of the mobile vending unit if the unit contains any combustibles (i.e. propane, natural gas).
8. The mobile food vending unit shall comply with California Fire Code, California Code of Regulations, and California Mechanical Code. Should any utility hook-ups or connections to on-site utilities be used or required, the mobile food vendor shall be required to apply for appropriate permits or receive approval by the appropriate City department to ensure building and public safety and consistency with applicable building and zoning regulations.
9. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
10. The mobile food vending unit shall not be inconsistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved vendor permit, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject unit.
11. The operation of Mobile Food Vendor Permit 2019-09 shall be located at 92320 West Pacheco Boulevard approximately 200' north of the existing commercial structure not obstructing parking, pedestrian walkways or vehicular traffic. Relocation of the mobile unit on site shall only occur with prior approval by the Community and Economic Development Director or designee or Planning Commission.
12. At least two (2) onsite parking spaces, in addition to those required for the primary use shall be provided for the mobile vending unit operation.





MFVP #2019-09

El Grullense Jal #6

Legend

 923 W Pacheco Blvd

 Aqua Bowl

 MFVP #2019-09



H90500
Merced County Public Health
Division of Environmental Health
260 E. 15th Street
Merced, CA 95341-6216

Attached to the bottom of this letter is your Health Permit to Operate. ***The permit is valid only upon receipt of all required invoiced fees and penalties (if any), AND compliance with state, federal and local regulations.***

El Grullense Jal #6 (94652R2)
1024 E. Pacheco
Los Banos, CA 93635

Facilities operating without a valid permit will be subject to **administrative penalties equal to three times the full annual permit fee** and/or potential late payment penalties. Facilities operating without a valid permit may be subject to closure. After 90 days, any unpaid invoice balances will be sent to Revenue and Reimbursement (collections).

This permit and the permit fees are **ONLY** valid for the business and owner named below and are **not transferable** to any other person, business, or facility.

If you have any questions regarding this matter, please call our office at (209) 381-1100.

Run 4/25/2019 10:27:13AM

FOLD FORM HERE AND DISPLAY PROMINENTLY WITHIN CUSTOMER VIEW ON THE PREMISES

5303.rpt (updated 4/25/2019)



**MERCED COUNTY DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH**

260 E. 15th Street, Merced, CA 95341
(209) 381-1100 Fax (209) 384-1593

<http://www.co.merced.ca.us/eh>

Equal Opportunity Employer

Health Permit to Operate

Valid from 4/25/2019 to 12/31/2019

REGULATED FACILITY :

**El Grullense Jal #6 (94652R2)
1301 W. Pacheco Blvd
Los Banos, CA 93635**

Facility ID: FA0009031
Account ID: AR0018797
Issued: 4/25/2019

OWNER NAME :

Jaidel Perez Oliva

Program Element Number and Description

0143 MOBILE FOOD FAC (MOBILE FOOD PREP UNIT)

Permit ID # Units

PT0015072 PR0019268

Permit is not valid until all permit fees are paid in full. Permits to operate and Annual Fee Payments are NOT TRANSFERABLE. This permit is valid ONLY for this owner: Jaidel Perez Oliva. New owners must apply and pay for a new Permit(s) PRIOR to beginning operation or penalties will be assessed.

MOBILE FOOD PREP UNITS MUST COMPLY WITH LOCAL PLANNING REGULATIONS.

THIS FORM MUST BE CONSPICUOUSLY DISPLAYED ON THE PREMISES

Vicki Jones, MPA, REHS
Environmental Health Director



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: December 27, 2019

Regarding: Notice of Public Hearing

Proposal: Mobile Food Vendor Permit #2019-09 – Jaidel Perez (dba El Grullense Jal #6)

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Mobile Food Vendor Permit #2019-09 to allow the operation of a mobile food vending vehicle on private property for Jaidel Perez dba El Grullense Jal #6. The subject property is located within the Highway Commercial Zoning District at 923 West Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 431-020-002.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, January 8, 2020 at 7:00 p.m. in the Council Chambers of Los Banos City Hall, located at 520 "J" Street, Los Banos, California. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner, at City Hall or at (209) 827-2432.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project 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.

Additional information may be obtained from the Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Rudy Luquin
Associate Planner



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES AND COMMISSIONERS

FROM: RUDY LUQUIN, ASSOCIATE PLANNER *RL*

DATE: JANUARY 8, 2020

SUBJECT: COTTAGE FOOD OPERATION PERMIT (CFO #2019-01) FOR JENNY BRANNON LOCATED AT 169 CHARDONNAY STREET: 082-581-013

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2020-01 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15301 and approval of Cottage Food Operation Permit #2019-01 for 169 Chardonnay Street, APN 082-581-013.

PROJECT BACKGROUND/DESCRIPTION:

The proposed request is for the allowance of a Cottage Food Operation within a Residential District. Cottage Food Operations are regulated by the State of California Department of Public Health and the County of Merced Department of Environmental Health. A Cottage Food Operation is an enterprise at a private home where the cottage food operator resides. The Cottage Food law allows for low-risk food products to be made or repacked at a private residence for sale to consumers. Such Cottage Foods consist of: baked goods without cream, custard or meat fillings, such as breads, biscuits, churros, cookies, pastries and tortillas; candy, such as brittle and toffee, chocolate covered non perishable foods such as nuts, and dried fruit; dried pasta, dry baking mixes; fruit pies, fruit empanadas and fruit tamales; granola, cereals and trail mixes; herb blends and dried mole paste; honey and sweet sorghum syrup; jams, jellies, preserves and fruit butter; nut mixes and nut butters; popcorn; vinegar and mustard; roasted coffee and dried tea; waffle cones and pretzels. Method of sales of the "low risk" food products is either by "direct" or "indirect sales". Members of the household in which the Cottage Food Operation is conducting business may participate in the Operation and in addition, a full time employee may be employed by the operation. All employee participants of the Cottage Food Operation must take food processing course approved by the State of California Department of Public Health and

LAND USE:

Property	Land Use	Zone	General Plan
Project site	Low Density Residential	R-1	LDR
North	Low Density Residential	R-1	LDR
South	Low Density Residential	R-1	LDR
East	Low Density Residential	R-1	LDR
West	Low Density Residential	R-1	LDR

R-1 = Low Density Residential

LDR= Low Density Residential

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is found to be categorically exempt from the provisions of CEQA – Article 19, Section 15301. The applicant’s request for the Cottage Food Operation involves the permitting and licensing of an existing private structure and involves no expansion at 169 Chardonnay Street, APN: 082-581-013.

USE PERMIT ANALYSIS

Code Requirements

Pursuant to the Los Banos Municipal Code, Title 9, Chapter 3, Article 39, a Cottage Food Operation Permit is required for any Such Cottage Food Operation doing business and operating in the City. The Planning Commission is the decision making body for the initial Cottage Food Operation Permits. The Community Development Director or designee shall be the decision making authority for any renewal application of a permit to operate. A Cottage Food Operation Permit may be granted if the proposed use is conforming to the following criteria:

Cottage Food Operation Permit Criteria:

- a) Each cottage food operation shall conform to all State and County laws, regulations and requirements.

Conditions of approval have been incorporated into the project to ensure that the applicant complies with the criteria of the State and County laws, regulations, and requirements.

- b) Foods allowed for the cottage food operation must be in accordance with those listed as “approved” foods by the California Department of Public Health (CDPH).

The Applicant is proposing to produce a low risk food products (baked goods) from the approved food list for Cottage Food Operations in accordance with the California Department of Public Health.

- c) The operator of a cottage food operation shall reside within the residential unit used for such activity as their primary residence.

The Applicant resides at 169 Chardonnay Street as her primary residence.

- d) No more than twenty-five (25%) percent of the private dwelling may be utilized for the cottage food operation.

The residential dwelling unit is 1,322 square feet. The Cottage Food Operator will be utilizing only the kitchen area, 200 square feet, that is 15% of the total square footage for the home, which is well below the 25% threshold at 330.5 square feet.

- e) Only the home kitchen, meaning that which is primarily intended for use by the residents of a home may be utilized for preparation of cottage food operations.

The applicant has stated that only the home kitchen will be used for the preparation of food products.

- f) No physical conversions or alterations to the residential nature and character of the residential unit where a cottage food operation is being conducted shall be allowed in conjunction with the cottage food operation.

No physical alterations to the residence are being proposed at this time.

- g) No portion of any building other than the primary residence may be utilized for any aspect of the cottage food operation.

No other building will be used for the operations of the Cottage Food business.

- h) No cottage food operation shall be located within three hundred (300') feet of another such operation.

If approved, this would be the second Cottage Food Operation within the City of Los Banos.

- i) All cottage food operations shall conform to the requirements and restrictions of the Los Banos Municipal Code Noise Control.

Conditions of approval have been incorporated into the project to ensure any adverse effects will be mitigated to comply with the Noise Ordinance.

- j) Only those individuals residing within the residential unit, as their primary residence, shall participate in a cottage food operation, except for a full-time equivalent employee.

The only participant of the business will be residing in the home. The applicant is not anticipating having an employee at this time.

- k) Customers of any cottage food operation shall be prohibited from consuming any products purchased from the cottage food operation on the property where such product was produced.

Conditions of approval have been incorporated into the project to ensure no food will be consumed by customers on-site.

- l) Where a cottage food operation is conducted from a residential unit within a multi-family residential complex, the operator of the cottage food operation shall police, clean and maintain the property with regard to discarded items that may result from the cottage food operation.

The operation will not be conducted from a residential unit within a single-family residential subdivision.

- m) Violations of criteria and conditions of a cottage food operation shall result in the revocation of the business license and permit issued by the City of Los Banos.

Conditions of approval have been incorporated into the project to ensure the applicant understands all criteria and conditions shall be met at all times.

- n) No signage or advertising on the site is allowed.

Conditions of approval have been incorporated into the project to ensure that the applicant complies with the criteria of the Los Banos Municipal Code.

- o) Gross sales cannot exceed those limits as established by the State of California.

The State of California will regulate the gross sales of the proposed Cottage Food Operation.

- p) All persons who prepare or package cottage food products shall complete a food processor course instructed by the California Department of Public Health within the next three (3) months.

Merced County Health Department will ensure the applicant completes the required food processor course within the next three (3) months. Copies of each certificate issued are to be submitted to the Community and Economic Development Department within three (3) months of permit issuance.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on December 27, 2019. As of the date of this staff report, no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos Municipal Code – Title 9, Chapter 3, Article 39

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2020 -01 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15301 and approval of Cottage Food Operation Permit #2019-01 to allow a Cottage Food Operation at 169 Chardonnay Street, APN 082-581-013.

ATTACHMENTS:

1. Resolution 2020-01
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Site Plan/Floor Plan
3. Site Photos
4. Public Hearing Notice – December 27, 2019

RESOLUTION NO. 2020-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING COTTAGE FOOD OPERATION PERMIT #2019-01 FOR 169 CHARDONNAY STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 082-581-013

WHEREAS, the applicant has requested that the City of Los Banos consider a Cottage Food Operation Permit for 169 Chardonnay Street, more specifically identified as Assessor's Parcel Number: 082-581-013; and

WHEREAS, Cottage Food Operation Permit #2019-01 has been determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301, Existing Facilities; and

WHEREAS, staff has prepared a written report, and recommends approval of this Cottage Food Operation Permit application subject to conditions; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on Friday, December 27, 2019 and notices were mailed to property owners within 300 feet of the site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Cottage Food Operation Permit request and staff report, has studied the compatibility of the applicant's request in accordance with the criteria established in Section 9-3.3905 of the Los Banos Municipal Code; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Cottage Food Operation Permit #2019-01 located at 169 Chardonnay Street, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 8th day of January 2020, by Planning Commissioner _____, who moved its adoption, which motion was duly seconded

by Planning Commissioner _____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

John Cates, Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR COTTAGE FOOD OPERATION PERMIT #2019-01 – 169 CHARDONNAY STREET

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, the project was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 for existing facilities, as the primary use of the dwelling unit will not be intensified or altered and no impacts on environmental resources would be expected to occur.
2. Cottage Food Operation #2019-01 was adequately noticed on Friday, December 27, 2019 for consideration at a public meeting on Wednesday, January 8, 2020.
3. No further environmental documentation is required as the Cottage Food Operation was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL OF COTTAGE FOOD OPERATION PERMIT #2019-01 – 169 CHARDONNAY STREET

FINDINGS FOR APPROVAL:

The City of Los Banos Planning Commission hereby finds as follows:

1. The project is consistent with the City of Los Banos General Plan “Low Density Residential” designation in that the project meets the use and density standards specified within and the primary use of the dwelling unit will not be altered.
2. The proposal is consistent with the Los Banos Municipal Code in that it meets the criteria and required findings as specified in Section 9-3.3905 of the Code.
3. The proposed use will not be a nuisance or detrimental to the public health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the use of a Cottage Food Operation will not alter the existing primary use of the residential dwelling or neighborhood.
4. The proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City as the proposed use will be conducted within the premises in accordance with all State, County, and local regulations and requirements.

EXHIBIT C

CONDITIONS OF APPROVAL FOR COTTAGE FOOD OPERATION PERMIT #2019-01 – 169 CHARDONNAY STREET

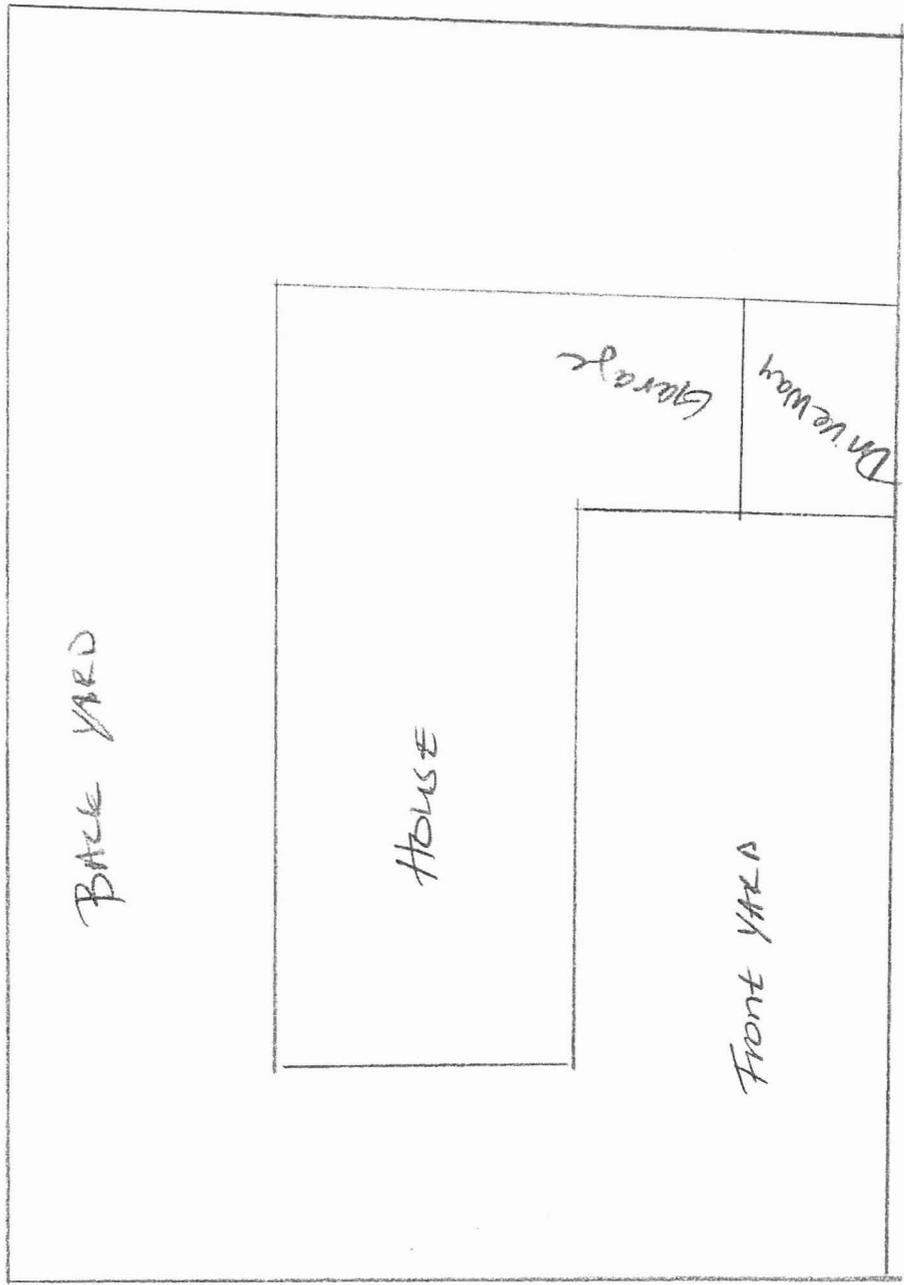
Planning:

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all.
2. The Cottage Food Operation Permit is for the use of a private home to produce baked goods and products that do not require refrigeration located at 169 Chardonnay Street; more specifically identified as Assessor's Parcel Number: 082-581-013.
3. Subject to and in addition to these Conditions of Approval, Cottage Food Operation Permit #2019-01 shall substantially conform to the approved Cottage Food Operation Permit including but not limited to the application on file with the Community and Economic Development Department, staff report and exhibits.
4. No signage or advertising is allowed on the premises.
5. The Cottage Food Operator shall obtain a City of Los Banos Business License before commencing operation.
6. The Cottage Food Operator shall comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations.
7. The Cottage Food Operator shall obtain registration from Merced County Environmental Health.
8. The Cottage Food Operator shall complete the California Department of Public Health approved food processing course within three (3) months from Planning Commission approval.
9. The Cottage Food Operator shall submit a copy of the Merced County Environmental Health permit to the Community and Economic Development Department within three (3) months from Planning Commission approval.
10. The Cottage Food Operator shall conform to all State and County laws, regulations, and requirements.

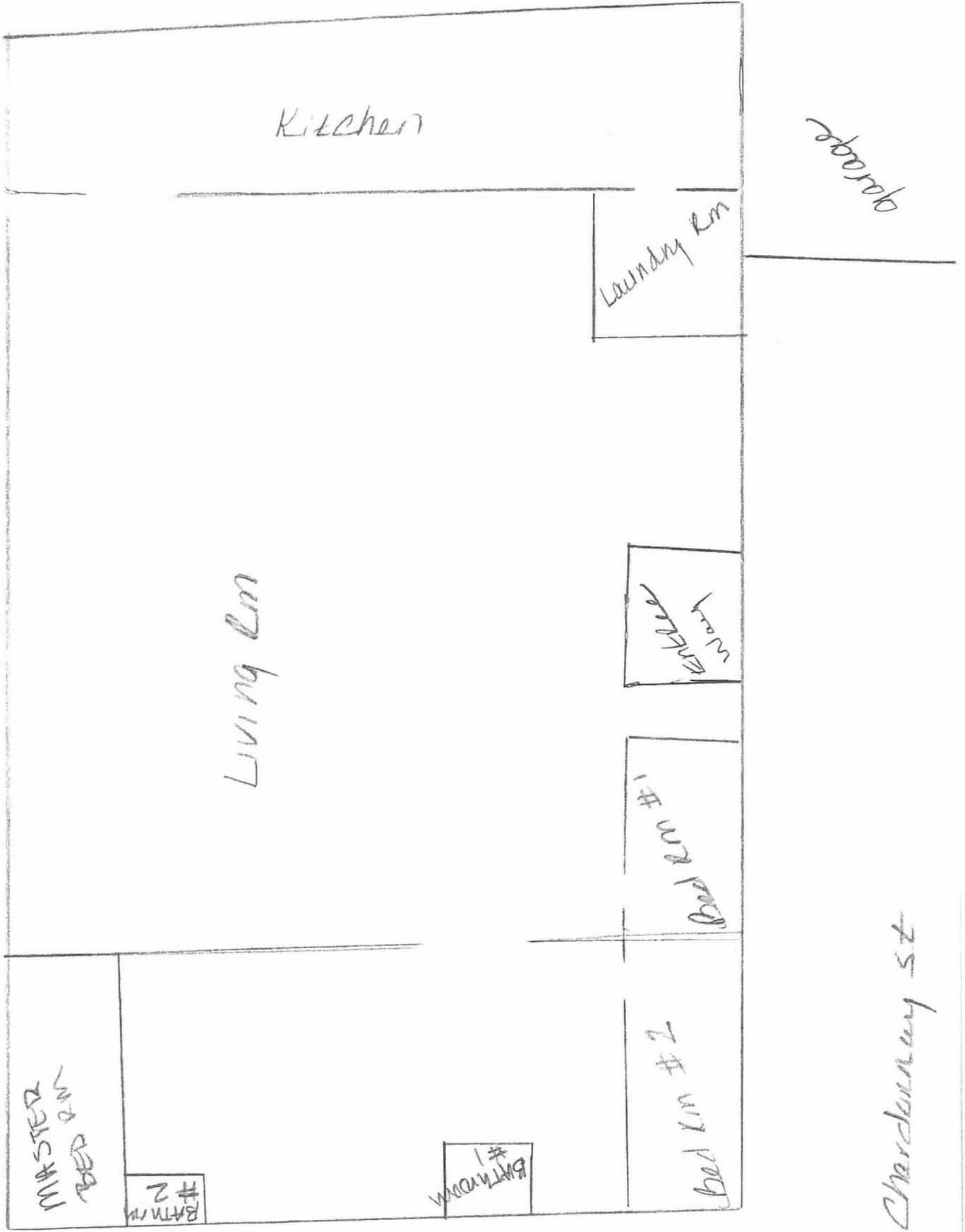
11. The foods produced by the Cottage Food Operation shall be in accordance with those listed as “approved” foods by the California Department of Public Health (CDPH).
12. The operator of the Cottage Food Operation shall reside within the residential unit used for such activity as their primary residence.
13. No more than 25% of the private dwelling may be utilized for the Cottage Food Operation.
14. Only the home kitchen, meaning that which is primarily intended for use by the residents of a home may be utilized for preparation of the Cottage Food Operation.
15. No physical conversion or alteration to the residential nature and character of the residential unit where the Cottage Food Operation is being conducted shall be allowed in conjunction with the Cottage Food Operation.
16. No portion of any building other than the primary residence may be utilized for any aspect of the Cottage Food Operation.
17. All Cottage Food Operation shall conform to the requirements and restrictions of the Los Banos Municipal Code Noise Ordinance.
18. Only those individuals residing within the residential unit, as their primary residence, shall participate in the Cottage Food Operation, except for one full-time equivalent employee as permitted by State law.
19. Gross sales cannot exceed those limits as established by the State of California.
20. The applicant shall comply with all applicable City ordinances specified in the Municipal Code and other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
21. The Planning Commission reserves the right to review and/or revoke this Cottage Food Operation should the City receive complaints or should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse effects to the neighborhood.
22. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this Use Permit, or the environmental determination rendered in connection with the Cottage Food Operation approval, or arising out of the operation of

the use or uses allowed under the Cottage Food Operation, save and except that caused solely by the City's active negligence.

23. The premises of the subject site shall not be inconsistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved Cottage Food Operation, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice.
24. The Cottage Food Operation permit shall be required to be renewed annually. The permit is to be on the premises at all times and is nontransferable. The permit shall expire 12 months commencing from the date of Planning Commission approval and may be renewed on an annual basis.
25. If the use is discontinued for a period of six (6) months, this Cottage Food Operation permit shall lapse and become void.



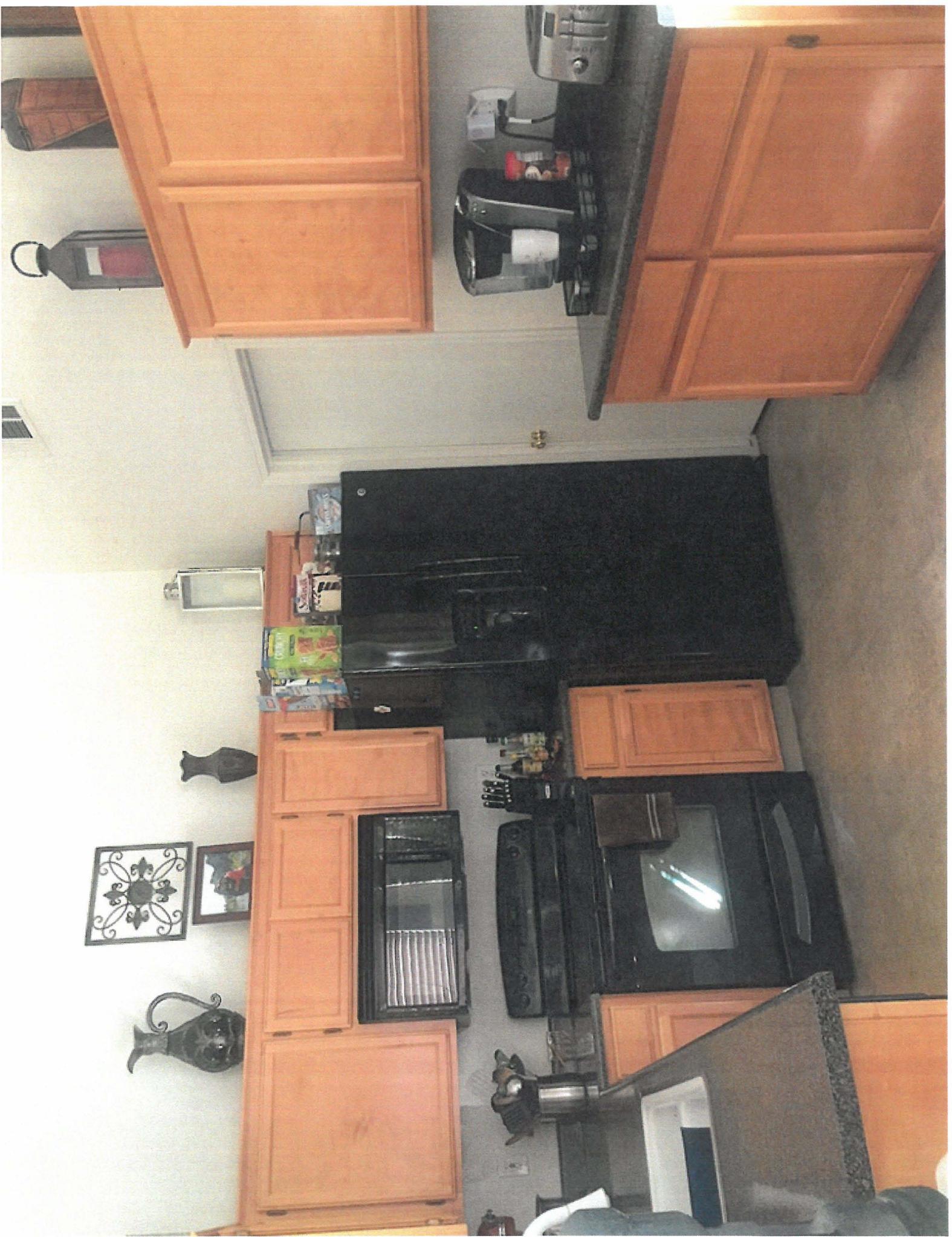
169 Chardonway St



169 Chardonnay St











City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: December 27, 2019

Regarding: Notice of Public Hearing

Proposal: Cottage Food Operation #2019-01 – 169 Chardonnay Street

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15301, Existing Facilities, and Cottage Food Operation #2019-01 for Jenny Brannon at 169 Chardonnay Street, more specifically identified as Assessor's Parcel Number: 082-581-013.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, January 8, 2020 at 7:00 p.m. in the Council Chambers of Los Banos City Hall, located at 520 "J" Street, Los Banos, California. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner, at City Hall or at (209) 827-2432.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project 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.

Additional information may be obtained from the Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Rudy Luquin
Associate Planner



DESIGN REVIEW STUDY SESSION

TO: Chairman Cates and Planning Commissioners

FROM: Rudy Luquin, Associate Planner 

DATE: January 8, 2020

SUBJECT: Project Study Session Review – 220 Willmott Avenue APN: 081-110-055

Project Description

The City of Los Banos Community and Economic Development Department is in receipt of an application requesting a Site Plan Review entitlement. The applicant, Verizon Wireless, is proposing to develop an unmanned, telecommunications facility consisting of a 70' tall monopole with antenna equipment on the top of the pole and other telecommunication equipment on the remainder of the 600 square foot leased private property located at 220 Willmott Avenue, APN: 081-110-055. The proposed project site has an existing self storage facility. The project site is immediately surrounded by industrial uses to the east and west and residential uses approximately 500' to the east. The proposed unmanned telecommunications facility use is a permitted use by right within the General Industrial Zoning District; however, pursuant to Los Banos Municipal Code Section 9-3.1508, elevations and site plans for all uses in the General Industrial Zoning District shall be submitted to the Planning Commission for its approval.

As previously mentioned, the proposed development will be located on a 20'x30' portion of private property that is being leased to Verizon Wireless. The actual project site is located at the northwest corner of the private property, directly adjacent to vacant/agricultural land which is just outside of the Los Banos City Limits. The project will consist of telecommunications equipment such as two (2) HVAC units, a generator, transformers, teleco cabinets, and a 70' tall monopole with antenna equipment located at the top of the pole. Some paving and utility work will be performed as part of this project. There is also 8' tall slatted perimeter fencing to be installed as part of the project. No lighting or landscape was submitted for the project.



Planning Commission Project Study Session Review

The Community and Economic Development Department has referred the proposed project for a Design Review Study Session with the Planning Commission, in regards to the design of the proposed project in accordance with Los Banos Municipal Code, Section 9-3.2318(a), Planning Commission project study session review. Nonetheless, the proposed project will require final site plan approval by the Planning Commission through a public hearing at a later date.

The objective of the study session is to provide the applicant with analytical commentary from the Planning Commission in the forefront of the design process, prior to the applicant(s) becoming overly invested in a design that is inconsistent with the City of Los Banos Design Guidelines, in conformity with Los Banos Municipal Code Section 9-3.2318(a), Planning Commission project study sessions review. The design review study session is virtually a discussion between the Planning Commission and the applicant concerning the aesthetics of the proposed project, and does not constitute a final decision by the Planning Commission concerning the proposed development project.

In accordance with Los Banos Municipal Code Section 9-3.2318(b), Planning Commission project study session review, the Planning Commission's purview of the design review study session is to review, consider, and provide commentary on the following design aspects of the proposed project in light of the City's General Plan and applicable policies:

- Architecture
- Landscaping
- Lighting

Architecture

According to Los Banos Municipal Code Section 9-3.2318(c), Planning Commission project study session review, the Planning Commission shall evaluate and provide commentary on the following architectural elements:

- Architectural style and consistency
- Height
- Bulk
- Area
- Color of buildings
- Types of construction materials
- Physical and architectural relationships with existing and proposed structures
- Materials and variations of boundary walls
- Fences
- Exterior elevations of all sides of the buildings or structures
- Methods used to screen mechanical equipment from public view

The Los Banos Community Design Standards does not contain specific design guidelines for telecommunication poles, nonetheless staff is suggesting that the monopole and antenna equipment be screened or disguised. Other telecommunication poles have been developed within the City limits, which are camouflaged to be trees. The applicant has provided elevations of the proposed telecommunication pole disguised as a tree.

The applicant is proposing eight (8') foot tall perimeter fencing securing the 600 square foot leased land from private property.

Landscaping

In consistency with Los Banos Municipal Code, Section 9-3.2318(c), Planning Commission project study review,, the Planning Commission shall evaluate and provide commentary on the following landscaping and site treatment elements:

- Types of planting and vegetation;
- Rock groupings; and
- Topography and location of landscaping areas.

The applicant is not proposing landscaping as the project area has an existing paved surface and will be located behind an 8' tall perimeter fence

Lighting

In reference to Los Banos Municipal Code, Section 9-3.2318(c), Planning Commission project study review,, the Planning Commission shall evaluate and provide commentary on the following lighting elements:

- Aesthetics of exterior lighting

There is no exterior lighting proposed for the project as there will be none needed for the unmanned telecommunications facility.

Project Review Board

The proposed project will be reviewed by the Project Review Board (PRB) in regards to the following elements:

- Building layout;
- Location;
- Orientation of all new and existing structures and the relationship to one another and surrounding properties
- Methods of landscape irrigation;
- Location and design of facilities for physically disabled persons;
- Location of fencing and other screening;
- Location and screening of refuse facilities;
- Traffic circulation on-site and off-site;
- Pedestrian and bicycle circulation and safety;
- Arrangement of off-street parking and loading facilities;
- Location and intensity of all onsite lighting; and
- Provision of municipal and public services.

The PRB will be providing a formal recommendation to the Planning Commission concerning the scope of their review during the Site Plan Review process.

Recommendation

Staff is recommending that the Planning Commission evaluate the proposed projects architectural considerations, landscaping, site improvements and exterior lighting elements as described above and provide initial commentary to the applicant regarding the proposed design. No formal action will be taken at this juncture.

Attachments:

Plan Set
Site Photos



NANTES & OVERLAND

220 WILLMOTT RD.,
LOS BANOS, CA 93635

LOCATION CODE: 390781
PROJECT TYPE: NEW SITE BUILD



SITE INFORMATION

PROPERTY OWNER:
ADDRESS: WILLMOTT SS LLC
PO BOX 1198
SLOUGHHOUSE, CA 95863
CONTACT: JOHN PATTERSON
PH: (916) 919-1027
EMAIL: jpatterson_74@yahoo.com

APPLICANT:
ADDRESS: VERIZON WIRELESS
2785 MITCHELL DRIVE, BLDG. 9
WALNUT CREEK, CA 94598

LATITUDE (NAD 83): 37° 04' 17.11" N
LONGITUDE (NAD 83): 120° 51' 26.39" W
GROUND ELEVATION: 111.69' AMSL
ASSESSOR'S PARCEL NO.: 081-110-055
ZONING JURISDICTION: CITY OF LOS BANOS
ZONING CLASSIFICATION: I-INDUSTRIAL
OCCUPANCY GROUP: U
TYPE OF CONSTRUCTION: II-B
PROPOSED USE: UNMANNED TELECOMMUNICATIONS FACILITY
LEASE SPACE: 600 SQ.FT.

ZONING DRAWING

IF USING 11"x17" PLOT, DRAWINGS WILL BE HALF SCALE

VICINITY MAP



DRIVING DIRECTIONS

DIRECTIONS FROM VERIZON OFFICE:

1. HEAD SOUTHWEST ON MITCHELL DR
2. TURN LEFT ONTO W WISSET LN
3. TURN RIGHT ONTO TONICANO VALLEY RD
4. USE THE LEFT 2 LANES TO TURN LEFT ONTO THE INTERSTATE 680 S RAMP TO SAN JOSE
5. MERGE ONTO I-680 S
6. USE THE RIGHT 2 LANES TO TAKE THE INTERSTATE 580 EXIT TOWARD INTERSTATE 5 S
7. TAKE EXIT 407 FOR CA-33 TOWARD SANTA INELLA/OLIVARY
8. TURN LEFT ONTO W HENRY MILLER AVE
9. CONTINUE ONTO INDIANWY GRADE
10. CONTINUE ONTO W H ST
11. TURN LEFT ONTO JOHNSON RD
12. TURN RIGHT ONTO W WILLMOTT AVE
13. TURN LEFT ONTO COMMERCE WAY
14. 220 WILLMOTT RD IS ON THE LEFT

PROJECT DESCRIPTION

THE PROJECT CONSISTS OF THE CONSTRUCTION OF A PROPOSED EQUIPMENT ENCLOSURE FOR THE LOCATION OF THE PROPOSED VERIZON WIRELESS TELECOMMUNICATIONS EQUIPMENT.

- INSTALL (1) PROPOSED VERIZON WIRELESS EQUIPMENT SHELTER
- INSTALL (1) PROPOSED VERIZON WIRELESS 8'-0" HIGH CHAIN-LINK FENCE
- INSTALL (1) PROPOSED VERIZON WIRELESS 70'-0" HIGH MONOPOLE
- INSTALL (9) PROPOSED VERIZON WIRELESS 6'-0" HIGH PANEL ANTENNAS
- INSTALL (9) PROPOSED VERIZON WIRELESS RISERS
- INSTALL (2) PROPOSED VERIZON WIRELESS HYBRID TRUNKS (6x12)
- INSTALL (4) PROPOSED VERIZON WIRELESS DC SURGES
- INSTALL (1) PROPOSED VERIZON WIRELESS PAD-MOUNTED STEP UP TRANSFORMER
- INSTALL (1) PROPOSED VERIZON WIRELESS PAD-MOUNTED STEP DOWN TRANSFORMER
- INSTALL (1) PROPOSED VERIZON WIRELESS TELCO CABINET MOUNTED ON SHELTER
- INSTALL (1) PROPOSED VERIZON WIRELESS I/O PANEL INSIDE SHELTER
- INSTALL (1) PROPOSED VERIZON WIRELESS PAD-MOUNTED METER PEDESTAL
- INSTALL (1) PROPOSED VERIZON WIRELESS GPS ANTENNA
- INSTALL (1) PROPOSED VERIZON WIRELESS PAD-MOUNTED 30KW GENERATOR

ACCESSIBILITY NOTE

THE TELECOMMUNICATIONS EQUIPMENT SPACE SHOWN ON THESE PLANS IS NOT CUSTOMARILY OCCUPIED. WORK TO BE PERFORMED IN THIS FACILITY CANNOT REASONABLY BE PERFORMED BY PERSONS WITH A SEVERE IMPAIRMENT: MOBILITY, SIGHT, AND/OR HEARING. THEREFORE, PER 2016 CALIFORNIA BUILDING CODE SECTION 1105B.14, AND/OR 11B-203.5 OF 2016 CALIFORNIA BUILDING CODE, EXCEPTION 1, THIS FACILITY SHALL BE EXEMPTED FROM ALL TITLE 24 ACCESS REQUIREMENTS.

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE 2016 CALIFORNIA BUILDING CODE. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL STORAGE IS NEW.

APPLICABLE CODES

- ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES.
- CALIFORNIA ADMINISTRATIVE CODE (INCL TITLE 24 & 25)
 - 2016 CALIFORNIA BUILDING CODE
 - CITY/COUNTY ORDINANCES
 - BUILDING OFFICIALS & CODE ADMINISTRATORS (BOCA)
 - 2016 CALIFORNIA MECHANICAL CODE
 - ANSI/ISA-222-G LIFE SAFETY CODE NFPA-101
 - 2016 CALIFORNIA PLUMBING CODE
 - 2016 CALIFORNIA ELECTRICAL CODE
 - 2016 LOCAL BUILDING CODE

DO NOT SCALE DRAWINGS

SUBCONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



DRAWING INDEX

SHEET NO:	SHEET TITLE
T-1	TITLE SHEET
LS-1	TOPOGRAPHIC SURVEY
LS-2	TOPOGRAPHIC SURVEY
A-1	SITE PLAN AND ENLARGED SITE PLAN
A-2	EQUIPMENT AND ANTENNA LAYOUTS
A-3	ARCHITECTURAL ELEVATIONS
A-4	ARCHITECTURAL ELEVATIONS

APPROVALS

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS & AUTHORIZE THE SUBCONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT & MAY IMPOSE CHANGES OR MODIFICATIONS.

VERIZON WIRELESS RF ENGINEER: _____
 VERIZON WIRELESS EQUIPMENT ENGINEER: _____
 SITE ACQUISITION MANAGER: _____
 PROJECT MANAGER: _____
 ZONING VENDOR: _____
 LEASING VENDOR: _____
 CONSTRUCTION MANAGER: _____
 A/E MANAGER: _____
 PROPERTY OWNER: _____

PROJECT TEAM

APPLICANT:
VERIZON WIRELESS
2785 MITCHELL DRIVE, BLDG. 9
WALNUT CREEK, CA 94598
CONTACT: STEVEN CHRISTENSEN
PHONE: (530) 368-0730
EMAIL: steven.christensen@verizonwireless.com

ARCHITECT/ENGINEERING:
CELLSITE CONCEPTS
10850 SCRIPPS RANCH BLVD., SUITE 224
SAN DIEGO, CA 92131
CONTACT: REGGIE GABRIEL
PHONE: (619) 200-7190
EMAIL: reggie.gabriel@celtsite.net

RF ENGINEER:
VERIZON WIRELESS
2785 MITCHELL DRIVE, BLDG. 9
WALNUT CREEK, CA 94598
CONTACT: WALT KOWLES
PHONE: (509) 974-7012
EMAIL: walt.kowles@verizonwireless.com

SEQUOIA DEPARTMENT SERVICES, INC.
22471 ASPAN, SUITE #290
LAKE FOREST, CA 92630
CONTACT: BEN MADONISTODE
PHONE: (949) 259-5344
EMAIL: ben.madonistode@sequoia-ds.com

CONSTRUCTION:
SEQUOIA DEPARTMENT SERVICES, INC.
22471 ASPAN, SUITE #290
LAKE FOREST, CA 92630
CONTACT: DAVID ROGERS
PHONE: (949) 278-7747
EMAIL: bob.balfmaier@sequoia-ds.com

ISSUED DATE:

AUGUST 20, 2019

ISSUED FOR:

100% ZD SET

LICENSURE:

PROJECT INFORMATION:

NANTES & OVERLAND

LOCATION CODE: 390781
220 WILLMOTT RD.,
LOS BANOS, CA 93635

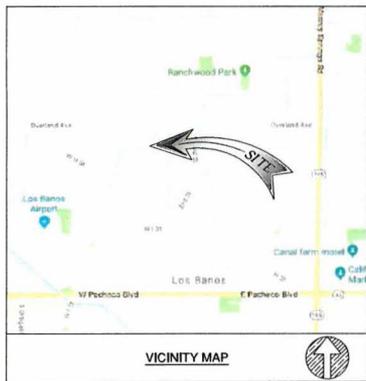
DRAWN BY: MAM

CHECKED BY: RCG

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:

T-1



APN
081-110-055-000
SITE ADDRESS
220 W WILLMOTT AVE., LOS BANOS, CA 93635

TITLE REPORT
TITLE REPORT WAS PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH FILE NUMBER 5950559 AND GUARANTEE NUMBER 5026960-5950559 DATED MAY 17, 2019

BASIS OF BEARING
THE CENTERLINE OF WILLMOTT AVE BEARING N89°14'25"E WAS USED AS BASIS OF BEARING FOR THIS SURVEY.

BENCH MARK
ELEVATIONS ARE BASED ON CALVRS G.P.S. BROADCAST COORDINATE VALUES FOR 2017, NAVD 88.

FLOODZONE
SITE IS LOCATED IN FLOOD ZONE "X" AS PER F.I.R.M. MAP NO. 06047028500 EFFECTIVE DATE 12/02/2008

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
BEING ALL OF PARCELS TWO AND THREE, AND ALL OF TOSSCANO LANE, IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON DECEMBER 26, 1986 IN BOOK 57 OF PARCEL MAPS AT PAGES 16 AND 17, AT THE OFFICE OF THE RECORDER OF MERCED COUNTY.

SAID LEGAL PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE PARCEL MERGER 2007-01 RECORDED NOVEMBER 27, 2007 AS DOCUMENT NO. 2007-063337.

EXCEPTING THEREFROM THE STORM DRAINAGE BASIN PARCEL DESCRIBED IN AND CONVEYED TO THE CITY OF LOS BANOS IN THAT CERTAIN DEED RECORDED MAY 24, 1991 AS DOCUMENT NO. 15893 IN BOOK 2911 AT PAGE 335, OFFICIAL RECORDS.

APN: 081-110-055-000

SCHEDULE B (EXCEPTIONS)

- ITEMS 1, ARE TAX RELATED
- ITEMS 2 & 3 ARE LENS RELATED
- ITEMS 5, 11, 17 & 18 ARE RIGHTS RELATED
- ITEMS 10 & 13 ARE DEEDS RELATED
- ITEMS 15 IS AGREEMENTS RELATED
- ITEMS 9, 14 & 16 ARE STATEMENT RELATED

- 4 AN EASEMENT FOR ROADS, TELEPHONE, TELEGRAPH AND ELECTRIC POWER AND PIPELINES, SEWERS, DRAINAGE DITCHES, CANALS AND OTHER RECLAMATION AND IRRIGATION WORKS, AND THE EASEMENT TO MAINTAIN, OPERATE AND REPAIR THE SAME AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 25, 1930 AS BOOK 313, PAGE 481 OF OFFICIAL RECORDS, IN FAVOR OF: MILLER & LUX, INCORPORATED
AFFECTS: AS DESCRIBED THEREIN

THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.

- AN EASEMENT SHOWN OR DEDICATED ON THE MAP FILED OR RECORDED AS BOOK 56, PAGES 29 AND 30 OF PARCEL MAPS FOR: STORM DRAINAGE AND INCIDENTAL PURPOSES.

- AN EASEMENT SHOWN OR DEDICATED ON THE MAP AS REFERRED TO IN THE LEGAL DESCRIPTION FOR: PUBLIC UTILITIES AND SEWER AND WATER AND ROAD AND INCIDENTAL PURPOSES.

- 8 AN EASEMENT FOR EASEMENT TO ENTER, CONSTRUCT AND OPERATE, MAINTAIN AND REPAIR THE EXISTING ROADS, DITCHES, CANALS, LATERALS AND OTHER IRRIGATION WORKS AND DRAINAGE DITCHES EXISTING ACROSS ANY OF SAID LANDS INCLUDING THE REASONABLE RIGHT OF INGRESS AND EGRESS AND INCIDENTAL PURPOSES, RECORDED DECEMBER 31, 1986 AS INSTRUMENT NO. 30854 IN BOOK 2582, PAGE 503 OF OFFICIAL RECORDS, IN FAVOR OF: CENTRAL CALIFORNIA IRRIGATION DISTRICT
AFFECTS: AS DESCRIBED THEREIN

THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.

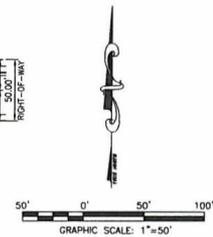
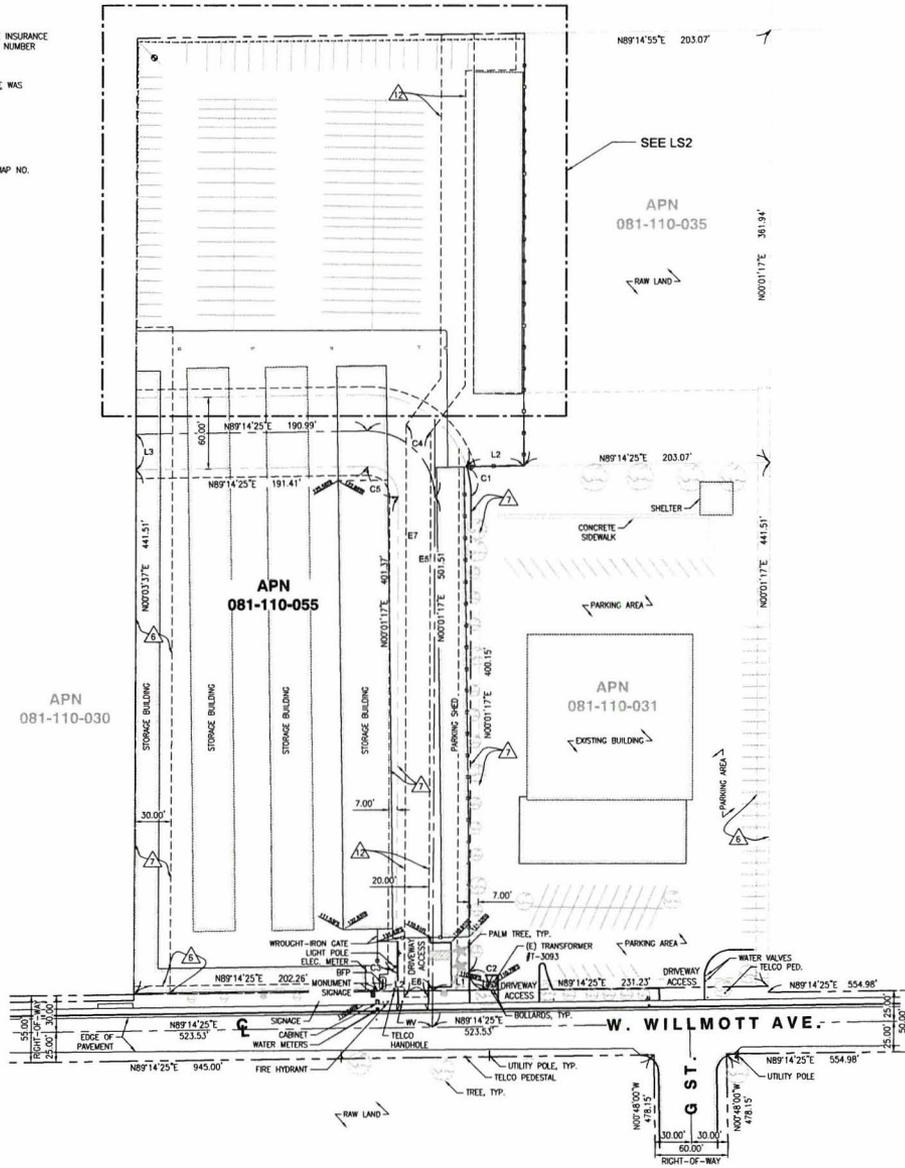
- AN EASEMENT FOR STORM DRAIN EASEMENT AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 27, 2007 AS INSTRUMENT NO. 2007-63336 OF OFFICIAL RECORDS, IN FAVOR OF: THE CITY OF LOS BANOS, A MUNICIPAL CORPORATION
AFFECTS: AS DESCRIBED THEREIN

PROPERTY LINES ARE BASED FROM
PARCEL MAP NO. 58-29A30 DATED SEPTEMBER 22, 1986
PARCEL MAP NO. 57-17 DATED DECEMBER, 1986
PARCEL MAP NO. 81-11 DATED 1977

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	85.00'	175°33'34"	26.54'
C2	15.00'	90°46'52"	23.77'
C3	15.00'	89°13'08"	23.36'
C4	85.00'	90°46'52"	87.14'
C5	25.00'	90°46'52"	39.81'

LINE TABLE		
NO.	BEARING	LENGTH
L1	S89°14'25"E	45.21'
L2	N89°14'25"E	44.80'
L3	N00°01'17"E	30.00'

EASEMENT LINE TABLE		
NO.	BEARING	LENGTH
E1	S00°01'17"W	30.00'
E2	S89°14'55"W	41.50'
E3	S00°01'17"W	263.85'
E4	S35°47'21"W	48.53'
E5	S00°01'17"W	470.65'
E6	S89°14'25"W	20.00'
E7	N00°01'17"E	477.38'
E8	S35°47'21"W	48.53'
E9	N00°01'17"E	287.13'
E10	S89°14'55"W	61.51'



verizon
15505 SAND CANTON AVENUE
IRVINE, CALIFORNIA 92618

SEQUOIA
RETIROEMENT SERVICES INC.
22471 ASPAN STREET, STE. 290
LAKE FOREST, CA 92630

e site
10650 SCRIPPS RANCH BLVD., SUITE 224
SAN DIEGO, CA 92131
tel: (619) 433-7173 / (619) 433-7176

REV	DATE	DESCRIPTION
2	08/06/2019	FINAL SURVEY
1	06/10/2019	PRELIMINARY SURVEY

ISSUED DATE:
AUGUST 07, 2019

ISSUED FOR:
FINAL SURVEY

LICENSURE:

PROJECT INFORMATION:
NANTES & OVERLAND
LOCATION CODE: 390781
220 WILLMOTT RD.,
LOS BANOS, CA 93635

DRAWN BY: ABR

CHECKED BY: RH

SHEET TITLE:
TOPOGRAPHIC SURVEY

SHEET NUMBER:
LS-1

- NOTES:**
1. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP. THE PROPERTY LINES AND EASEMENTS SHOWN HEREON ARE FROM RECORD INFORMATION AS NOTED HEREON. CELLSITE CONCEPTS TRANSLATED THE TOPOGRAPHIC SURVEY TO RECORD INFORMATION USING FOUND MONUMENTS SHOWN HEREON. THE LOCATION OF PROPERTY LINES SHOWN HEREON ARE APPROXIMATE AND FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT TO BE RELIED UPON AS THE ACTUAL BOUNDARY LINES.
 2. ANY CHANGES MADE TO THE INFORMATION ON THIS PLAN, WITHOUT THE WRITTEN CONSENT OF CELLSITE CONCEPTS, RELIEVES CELLSITE CONCEPTS OF ANY AND ALL LIABILITY.
 3. THE HEIGHTS AND ELEVATIONS FOR THE TREES, BUSHES AND OTHER LIVING PLANTS SHOWN HEREON, SHOULD BE CONSIDERED APPROXIMATE (+/-) AND ONLY FOR THE DATE OF THIS SURVEY. THEY ARE PROVIDED AS A GENERAL REFERENCE AND SHOULD NOT BE USED FOR DESIGN PURPOSES.
 4. WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED & SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF THE SURVEYOR PRIOR TO COMMENCEMENT OF ANY WORK.
 5. FIELD SURVEY COMPLETED ON JUNE 05, 2019

LEGEND

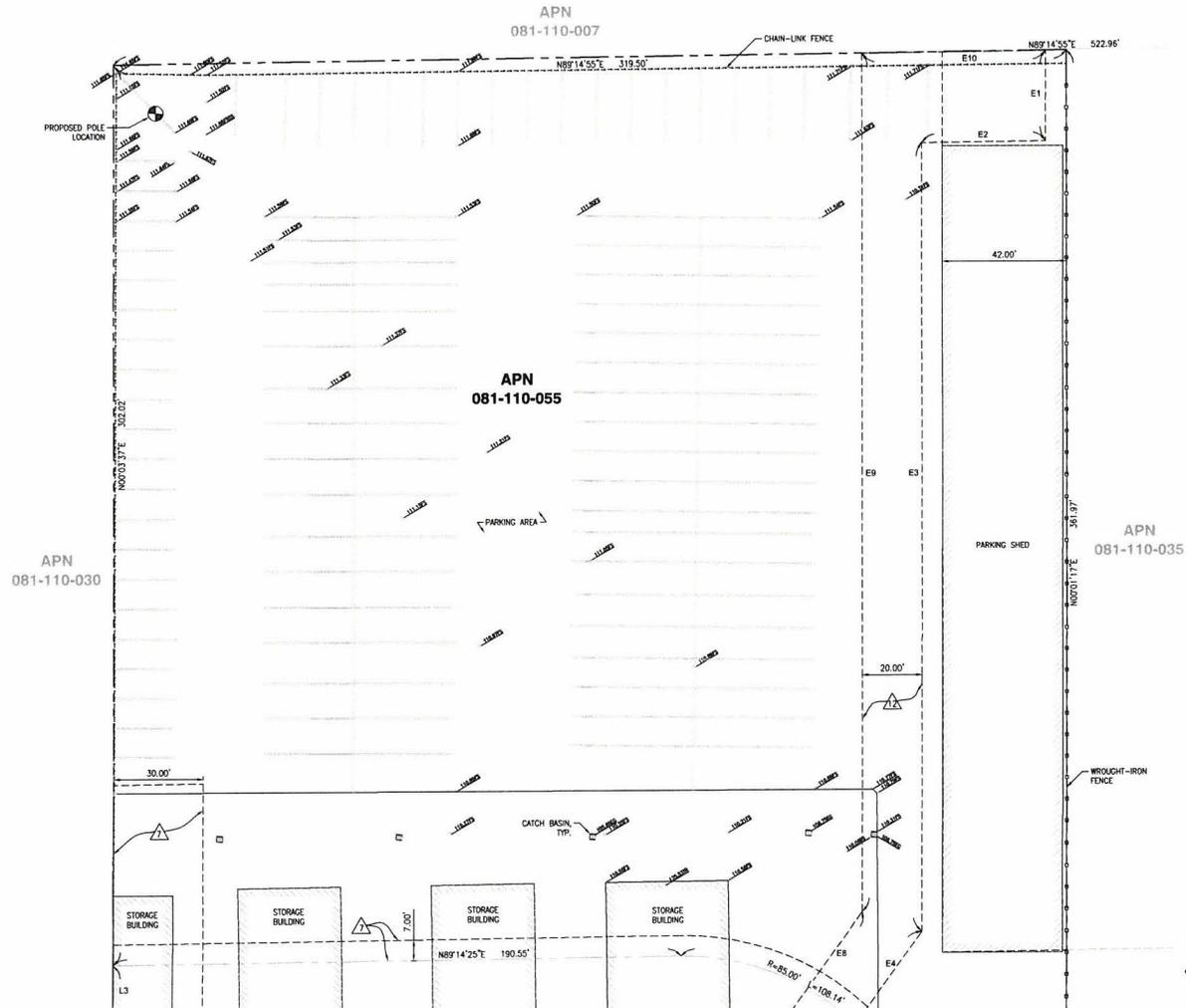
- CENTER LINE
- - - PROPERTY LINE
- · - · - CHAIN-LINK FENCE
- · - · - WROUGHT IRON FENCE
- - - EASEMENT LINE
- BW BACK OF WALK
- EP EDGE OF PAVEMENT
- EG EXISTING GRADE
- FS FINISH SURFACE
- FL FLOW LINE
- TC TOP OF CURB
- BC BACK OF CURB
- TP TOP OF POLE
- TR TOP OF ROOF
- TT TOP OF TREE
- SL EXISTING STREET LIGHT
- SS EXISTING STORAGE
- GW GUY WIRE
- CB CATCH BASIN
- PP POWER POLE
- FH FIRE HYDRANT
- PT PALM TREE
- TREE
- BUSH

MONUMENTS

- MONUMENT FD.

COORDINATES

LATITUDE: 37°04'17.11"N (37.071419)
 LONGITUDE: 120°51'26.39"W (-120.857331)



verizon
 15505 SAND CANYON AVENUE
 IRVINE, CALIFORNIA 92618

SEQUOIA
 DEPLOYMENT SERVICES, INC.
 22471 ASPAN STREET, STE. 290
 LAKE FOREST, CA 92650

e site
 10650 SCORPUS RANCH BLDG., SUITE 224
 SAN DIEGO, CA 92131
 tel: (858) 433-7173 / (858) 433-7176

REV	DATE	DESCRIPTION
2	08/08/2019	FINAL SURVEY
1	06/10/2019	PRELIMINARY SURVEY

ISSUED DATE:
AUGUST 07, 2019

ISSUED FOR:
FINAL SURVEY

LICENSURE:

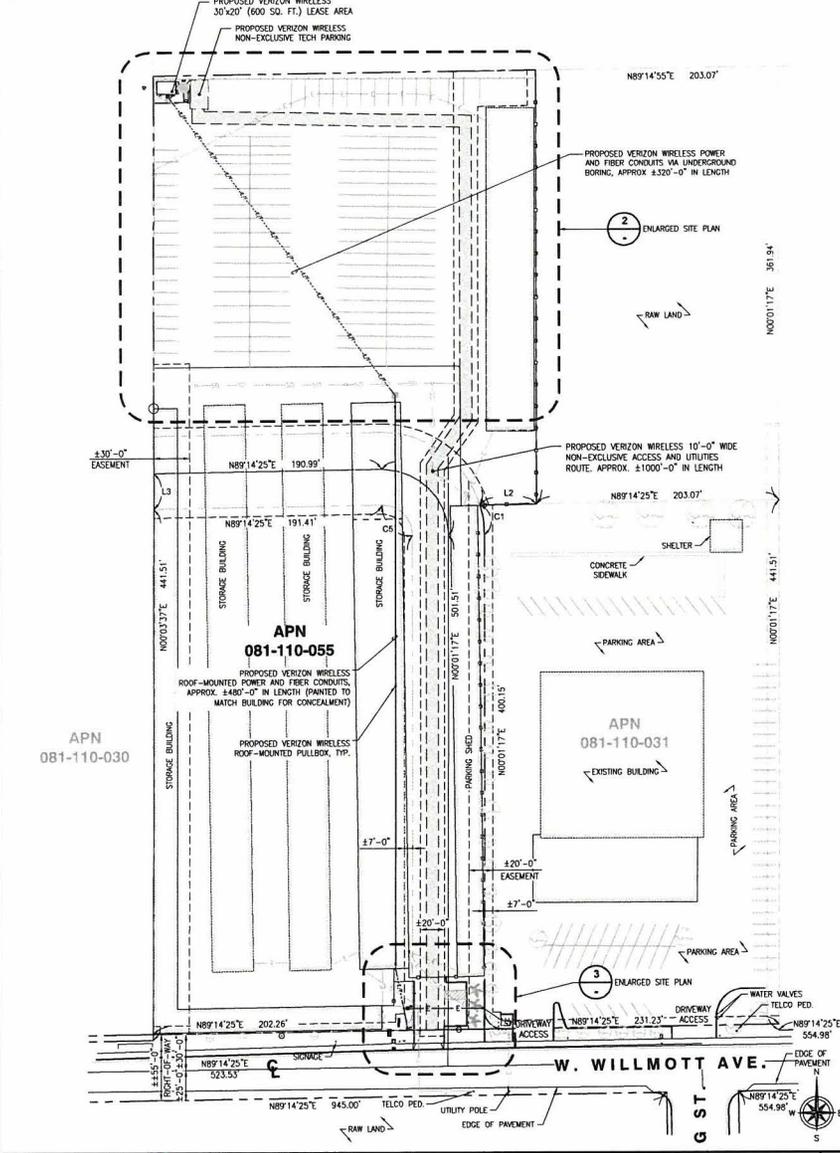
PROJECT INFORMATION:
NANTES & OVERLAND
 LOCATION CODE: TBD
 220 WILLMOTT RD.
 LOS BANOS, CA 93635

DRAWN BY: ABR
 CHECKED BY: RH

SHEET TITLE:
TOPOGRAPHIC SURVEY

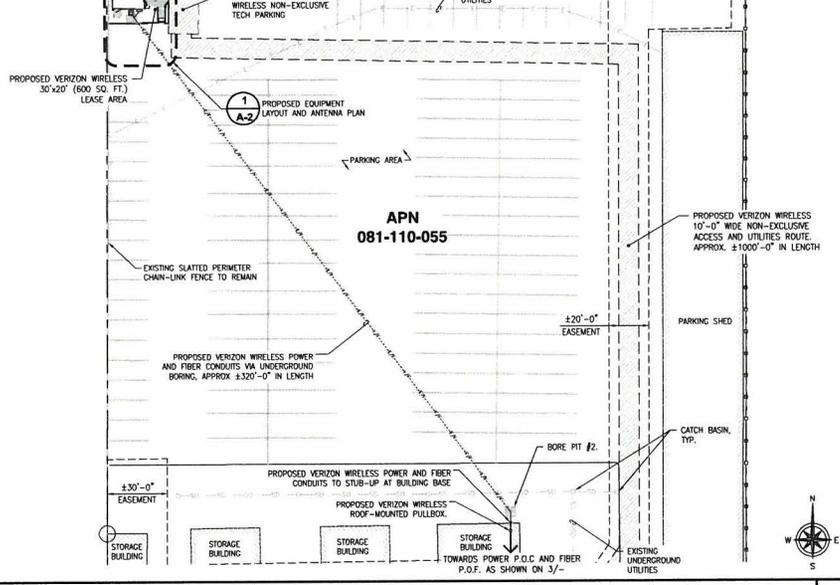
SHEET NUMBER:
LS-2

NOTE:
THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.

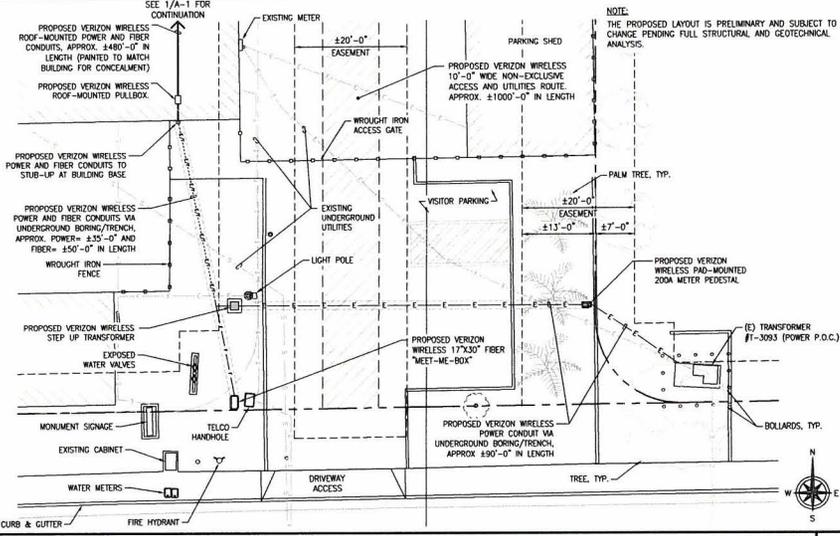


SITE PLAN
24"x36" SCALE: 1" = 50'-0"
11"x17" SCALE: 1" = 100'-0"
1

NOTE:
THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.



ENLARGED SITE PLAN
24"x36" SCALE: 1" = 30'-0"
11"x17" SCALE: 1" = 60'-0"
2



ENLARGED SITE PLAN
24"x36" SCALE: 3/32" = 1'-0"
11"x17" SCALE: 3/64" = 1'-0"
3

verizon
2785 MITCHELL DRIVE, BLDG. 9
WALNUT CREEK, CA 94598

SEQUOIA
DEPLOYMENT SERVICES, INC.
22471 ASPEN STREET, STE 290
LAKE FOREST, CA 92630

esite
10650 SCRIPPS RANCH BLVD., SUITE 214
SAN DIEGO, CA 92131
tel: (858) 433-7173 / (858) 433-7176

REV	DATE	DESCRIPTION
2	08/20/2019	100% ZD'S
1	06/13/2019	90% ZD'S
0	06/11/2019	DESIGN DEVELOPMENT

ISSUED DATE: **AUGUST 20, 2019**

ISSUED FOR: **100% ZD SET**

LICENSURE: _____

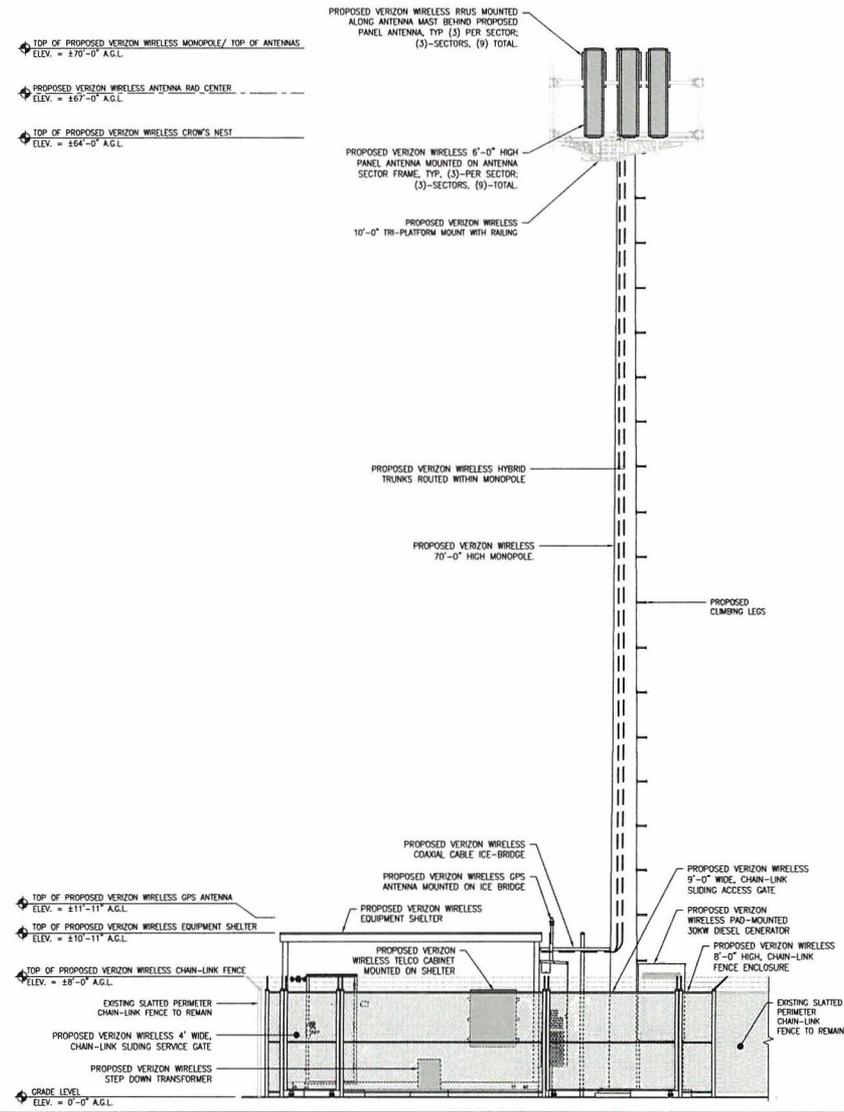
PROJECT INFORMATION:
NANTES & OVERLAND
LOCATION CODE: 390781
220 WILLMOTT RD.,
LOS BANOS, CA 93635

DRAWN BY: MAM
CHECKED BY: RGG

SHEET TITLE: **SITE PLAN AND ENLARGED SITE PLAN**

SHEET NUMBER: **A-1**

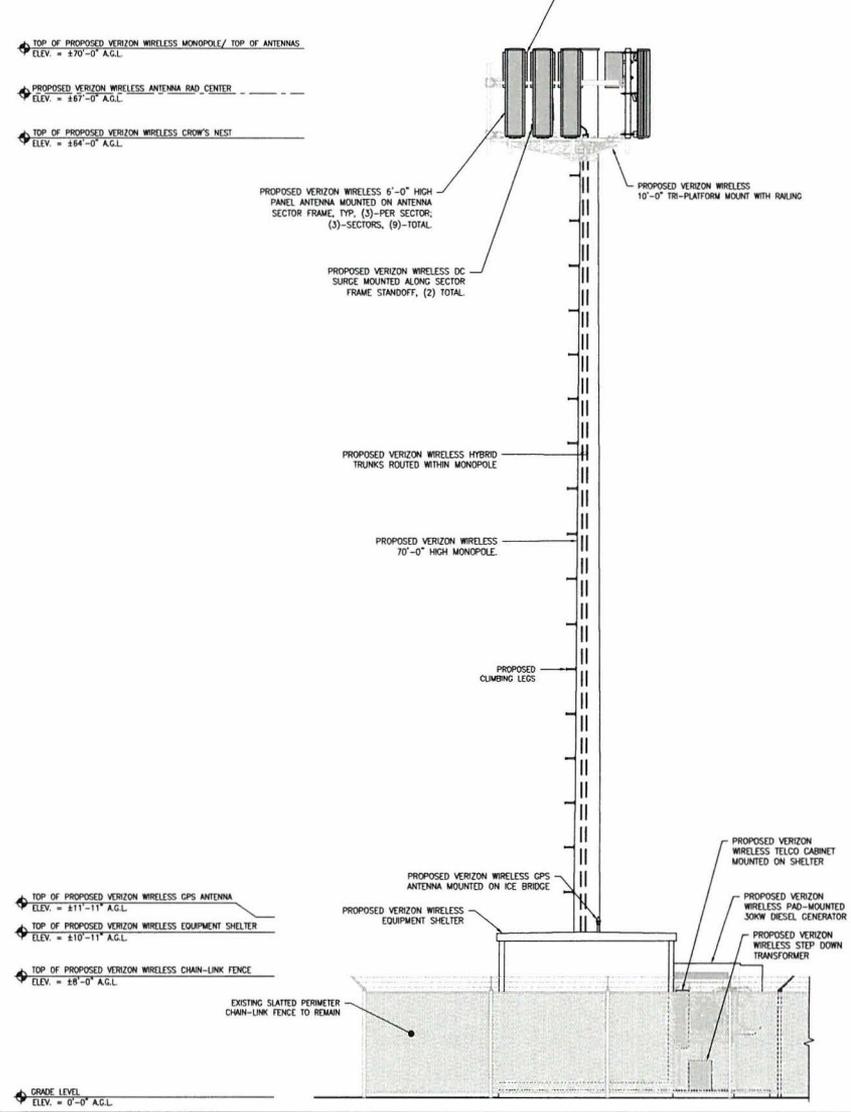
NOTE:
THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE
PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.



SOUTH ELEVATION

24"x36" SCALE: 1/4" = 1'-0"
11"x17" SCALE: 1/8" = 1'-0"
1

NOTE:
THE PROPOSED LAYOUT IS PRELIMINARY AND SUBJECT TO CHANGE
PENDING FULL STRUCTURAL AND GEOTECHNICAL ANALYSIS.



WEST ELEVATION

24"x36" SCALE: 1/4" = 1'-0"
11"x17" SCALE: 1/8" = 1'-0"
2



REV	DATE	DESCRIPTION
2	08/20/2019	100% ZD'S
1	06/13/2019	90% ZD'S
0	06/11/2019	DESIGN DEVELOPMENT

ISSUED DATE:
AUGUST 20, 2019

ISSUED FOR:
100% ZD SET

LOCUSURE:

PROJECT INFORMATION:
NANTES & OVERLAND
LOCATION CODE: 390781
220 WILLMOTT RD.,
LOS BANOS, CA 93635

DRAWN BY: MAM
CHECKED BY: RGG

SHEET TITLE:
ARCHITECTURAL ELEVATIONS

SHEET NUMBER:
A-4



NANTES & OVERLAND

220 WILLMOTT ROAD LOS BANOS CA 93635



VIEW 1



LOCATION

©2019 Google Maps



EXISTING



PROPOSED

LOOKING NORTHEAST FROM WILLMOTT ROAD

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

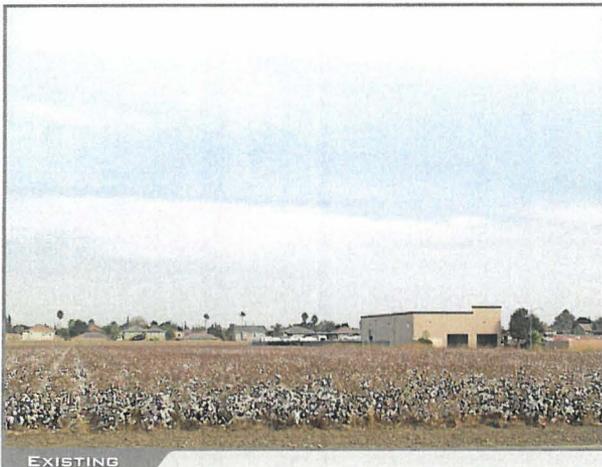


NANTES & OVERLAND

220 WILLMOTT ROAD LOS BANOS CA 93635



VIEW 2



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



NANTES & OVERLAND

220 WILLMOTT ROAD LOS BANOS CA 93635



VIEW 3



LOCATION

©2019 Google Maps



EXISTING



PROPOSED

LOOKING WEST FROM HONEYBELL COURT

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



NANTES & OVERLAND

220 WILLMOTT ROAD LOS BANOS CA 93635



VIEW 4

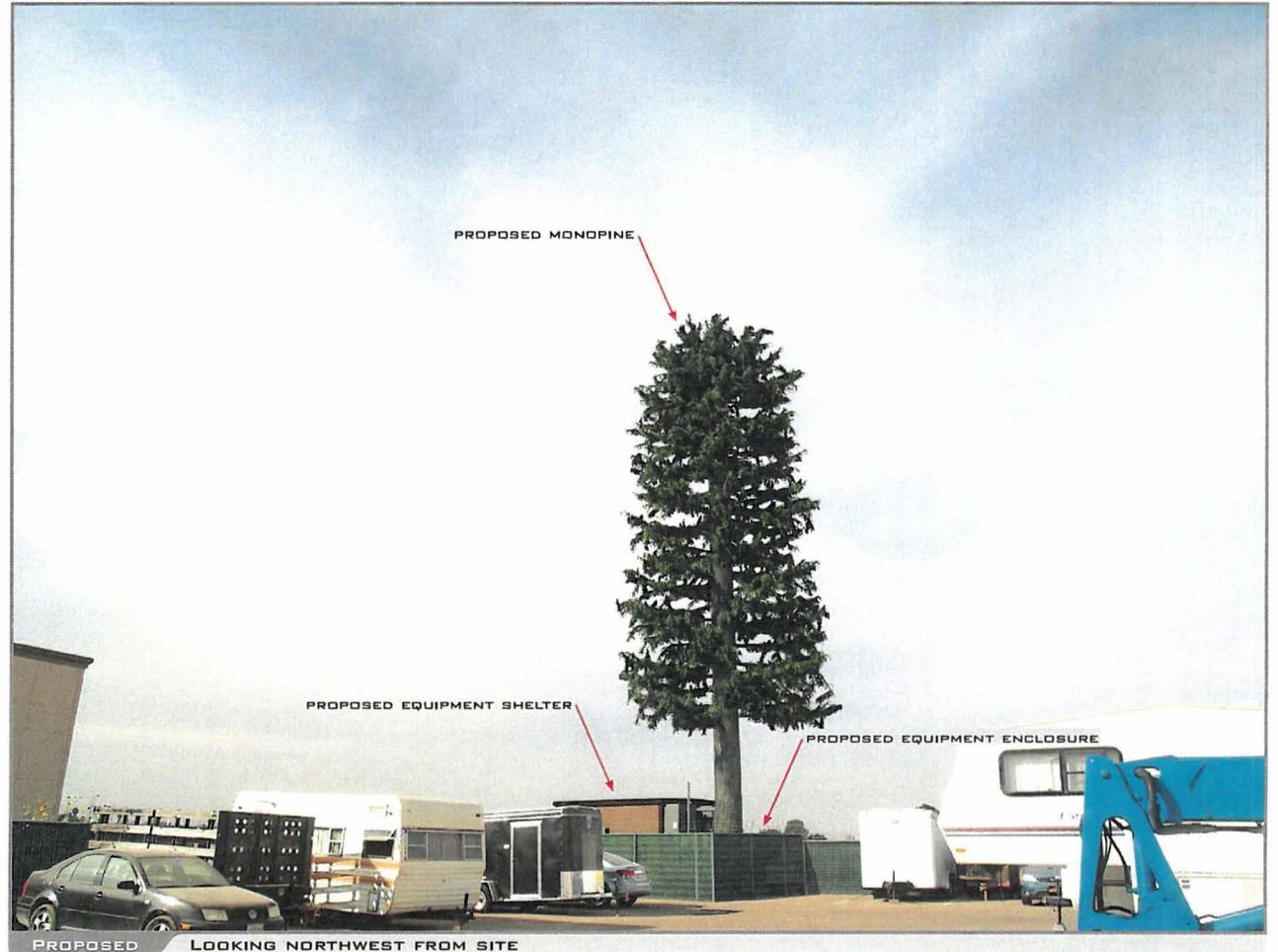


LOCATION

©2019 Google Maps



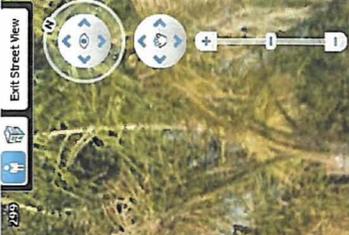
EXISTING



PROPOSED

LOOKING NORTHWEST FROM SITE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



7530



Google Earth

© 2019 Google

Report a problem

SPR #2019-04

Verizon Wireless

Legend

-  220 W Willmott Ave
-  Project Location
-  Project Site



220 W Willmott Ave

Willmott Rd

Honeybell Ct

Canis Ave

Google Earth

© 2018 Google



400 ft