

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JANUARY 8, 2020**

***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 Commissioner Higby.

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

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

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Higby, seconded by Uhley to approve the agenda with the removal of Item 7A 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. The motion carried by the affirmative action of all Planning Commission Members present.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF DECEMBER 11, 2019. Motion by Toscano, seconded by Uhley to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

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. KENNETH LAMBERT, Biggins Texas BBQ, spoke regarding his decision to withdraw his application for the Mobile Food Vendor Permit for this particular location based on comments he received from concerned neighbors.

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

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.

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. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Uhley stated that this is her first time dealing with this type of permit, usually these units are mobile and moving, and inquired if this is something we will see regularly.

Associate Planner Luquin responded that the City’s code allows two types of mobile vending, stated that in order to operate by moving continually, the vendor is limited to how long they can stay in one place and how far they need to move as well as how many times they can visit the same location in one day, and the City allows vendors to operate stationary at an existing commercial use on private property at a fixed location.

Community & Economic Development Director Elms stated that the mobile food vendor ordinance was revised a couple years ago due to new state legislation and the City had to remove certain prohibitions to be in compliance with state law.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, spoke of her concern regarding competition for brick and mortar businesses, her concern regarding La Esperanza’s lunch counter being affected by this mobile food vendor business located nearby, how this will hurt the brick and mortar business, and how she had let staff at La Esperanza know that this was coming forward.

Chairperson Cates inquired if La Esperanza was notified of the public hearing.

Community & Economic Development Director Elms responded that this operation is located on the same parcel and the property owner is sent the public hearing notice so it’s something he would have to consider, the focus of Planning Commission isn’t a

finding, there has to be findings with the conditions, and the state doesn't allow you to consider this when approving or denying the permit.

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

Motion by Higby, seconded by Cates to adopt 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. The motion carried by the affirmative action of all Planning Commission Members present.

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. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Higby inquired if the applicant will be selling from this property.

Associate Planner Luquin responded that the applicant is allowed to sell from the property but has proposed to make deliveries.

Chairperson Cates opened the public hearing. CHARLENE BOHANAN, Los Banos, stated that she is a resident on this same street, spoke of her concern regarding parking and cooking times, works late nights, doesn't want to smell certain fragrances at night, concerned about times when customers will be visiting the property, and stated that she spoke with Associate Planner Luquin regarding her concerns last week.

Community & Economic Development Director Elms stated that the code restricts when deliveries can be done, how this is state legislated as well, the state prohibits cities from denying the use but cities can add conditions.

Associate Planner Luquin stated that customers cannot visit the home after 7:00 p.m. and cook times will be based on number of orders taken.

Jenny Brannon, Los Banos, stated that she will be delivering from 8:00 a.m. to 5:00 p.m.

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. 2020-01 – Approving Cottage Food Operation Permit #2019-01 for 169 Chardonnay Street, More Specifically Identified as Assessor's Parcel Number: 082-581-013. The motion carried by the affirmative action of all Planning Commission Members present.

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. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

BEN HACKSTEDDE, Sequoia Planning Services, stated he is a representative of Verizon Wireless and spoke of how they originally proposed this as a straight monopole and staff recommended a monopine instead.

Chairperson Cates commented that he likes the monopine look better, how it looks less like industrial, and his concern about security.

Mr. Hackstedde stated that someone will always be at this storage facility, this is locked from Verizon’s standpoint, they are proposing a screened fence and can do a CMU wall if the Commission prefers.

Commissioner Uhley commented that she likes the monopine look as well and inquired about the type of coverage.

Mr. Hackstedde stated that it would provide similar to a 4G service.

Commissioner Toscano left her seat at the dais at 7:43 p.m.

Feedback given to applicant only, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms reported that staff will be reaching out to the Planning Commission regarding upcoming Planning Commissioner Academy which will be in Sacramento in March, Merced County and the cities within Merced County are working together to create a Planning Commission Institute that would meet quarterly for four hours, hopefully will have more information in the next couple months, and we will have a new Planning Commissioner appointed in District 2 on January 15, 2020.

Toscano returned to her seat at the dais at 7:48 p.m.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Wished everyone a happy New Year and thanked staff and the public for their input and involvement.

HIGBY: Wished everyone a happy New Year.

TOSCANO: No Report.

UHLEY: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 7:49 p.m.

APPROVED:

/s/ John Cates
John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician