



City of  
**Los Banos**  
At the Crossroads of California

[www.losbanos.org](http://www.losbanos.org)

## AGENDA

### PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

**WEDNESDAY, JUNE 24, 2020**

In accordance with Executive Orders N-25-20 and N-29-20, with guidance from the California Department of Public Health, and in order to minimize the spread of the COVID-19 virus, the City Hall Council Chambers will be closed to the public during this Planning Commission Meeting. The following alternatives are available to members of the public who wish to watch the meeting and/or provide comments to the Commission before and during the meeting.

**Audio/Video Broadcast:** This Planning Commission meeting can be accessed in real time from your computer, tablet, or smartphone using GoToMeeting at the following link: <https://global.gotomeeting.com/join/429167733>. Get the free GoToMeeting application now and be ready when the meeting starts: <https://global.gotomeeting.com/install/292250869>. You can also dial in to listen to the meeting using your phone by calling (872) 240-3212 and using Access Code: 429-167-733.

**Public Comment:** If you wish to make either a general public comment for items not on the agenda and under the jurisdiction of the Commission or to comment on a specific agenda item, please submit your comments via email, preferably in advance of the meeting, by 4:00 p.m. on the day of the meeting. Please reference the agenda item you are commenting on and submit your comments to the Planning Commission Secretary at [planningcommission@losbanos.org](mailto:planningcommission@losbanos.org). Your comments will be placed into the record for the meeting. To be read into the record, your email subject line must include "Public Comment – Not on the Agenda" or "Public Comment – Agenda item #[insert item #]".

**Public Hearings:** Public comment during public hearings will be taken in real time via email. Once the public hearing is opened, the Commission will pause the meeting for five minutes in order to receive emails directed at the public hearing and will read comments into the record after resuming the meeting. Please indicate that comments are for a particular public hearing by including "Public Comment – Agenda item #[insert item #]" in the subject line of the email and the title of the public hearing. Emails during the meeting must be sent to the Planning Commission Secretary at [planningcommission@losbanos.org](mailto:planningcommission@losbanos.org).

If you require special assistance to attend or participate in this meeting, please contact the Planning Commission Secretary @ (209) 827-7000 ext. 2431 or by email at [planningcommission@losbanos.org](mailto:planningcommission@losbanos.org) 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 Comisión de Planificación al (209) 827-7000 ext. 2431 o mandar un email al [planningcommission@losbanos.org](mailto:planningcommission@losbanos.org) 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](http://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](http://www.losbanos.org).

1. CALL TO ORDER **4:00 PM**
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL: (Planning Commission Members)  
Cates \_\_, Higby \_\_, Robinson \_\_, 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 JUNE 10, 2020  
*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 #2020-03 to Allow the Operation of a Mobile Food Vending Vehicle on Private Property for Yohanna Acosta DBA Botanas El Cachanilla Located within the Highway-Commercial Zoning District at 330 W. Pacheco Blvd., More Specifically Identified as Assessor’s Parcel Number: 027-152-040.
  - 1) Planning Commission Resolution No. 2020-17 – Approving a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2020-03 for the Operation of a Mobile Food Vending Unit to Vend on Private Property Located at 330 W. Pacheco Blvd., More Specifically Identified as Assessor’s Parcel Number: 027-152-040.

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

- 8. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT
- 9. COMMISSIONER REPORTS
  - A. Cates
  - B. Higby
  - C. Robinson
  - D. Toscano
  - E. Uhley
- 10. ADJOURNMENT

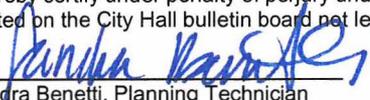
**APPEAL RIGHTS AND FILING PROCEDURES**

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filling 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 19<sup>th</sup> day of June 2020

**CITY OF LOS BANOS  
PLANNING COMMISSION MEETING MINUTES  
JUNE 10, 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 4:00 p.m.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Robinson.

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Planning Commission Members John Cates, Thomas Higby III (joined at 4:33 p.m.), Rob Robinson, Susan Toscano, and Katherine Uhley were present remotely via the GoToMeeting web based application.

**STAFF MEMBERS PRESENT:** City Attorney William A. Vaughn, Community & Economic Development Director Stacy Elms, Planning Commission Secretary Sandra Benetti, and Associate Planner Rudy Luquin were present remotely via the GoToMeeting web based application.

**CONSIDERATION OF APPROVAL OF AGENDA.** Motion by Uhley, seconded by Cates to approve the agenda as submitted. The motion carried by the following roll call vote: AYES: Cates, Robinson, Toscano, Uhley; NOES: none; ABSENT: Higby (joined at 4:33 p.m.)

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MAY 27 22, 2020.** Motion by Uhely, seconded by Robinson to approve the minutes as submitted. The motion carried by the following roll call vote: AYES: Cates, Robinson, Toscano, Uhley; NOES: none; ABSENT: Higby (joined at 4:33 p.m.)

**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. Secretary Benetti confirmed that no public comments were received, and Chairperson Cates closed the public forum.

**PUBLIC HEARING – TO CONSIDER TENTATIVE PARCEL MAP #2020-03, SITE PLAN REVIEW #2020-02, AND CONDITIONAL USE PERMIT #2020-03 TO DIVIDE A 4.18 ACRE PARCEL INTO TWO (2) PARCELS WITH PARCEL 1 TOTALING 2.21 ACRES AND PARCEL 2 TOTALING 1.97 ACRES, FOR THE DEVELOPMENT OF ONE (1) 4,244 SQUARE FOOT COMMERCIAL STRUCTURE WHICH WILL SERVE AS A GAS STATION CONVENIENCE STORE WITH AN ATTACHED CARWASH AND A CANOPY WITH EIGHT (8) MULTI-PUMP FUEL DISPENSERS AND ASSOCIATED SITE AND UTILITY IMPROVEMENTS, AND TO ALLOW THE OFF-SALE OF BEER AND WINE THROUGH A TYPE 20 ABC LICENSE AND WAS PREVIOUSLY EVALUATED IN THE LOS BANOS HOME DEPOT (SCH #2005041010) MITIGATED NEGATIVE DECLARATION WHICH WAS APPROVED BY THE LOS BANOS PLANNING COMMISSION ON MAY 11, 2005 AND IS LOCATED WITHIN THE HIGHWAY-COMMERCIAL (H-C) ZONING DISTRICT AT 2027 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR PARCEL NUMBER: 083-140-031.**

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, noting that Resolution No. 2020-15 Exhibit C was revised at the request of the applicant and distributed today.

Community & Economic Development Director Elms stated that Jim Todd, Applicant, submitted a written comment that they submitted updated landscape plans per the Design Review Study Session feedback received.

Chairperson Cates recessed the meeting at the hour of 4:19 p.m. for five minutes to receive public comment via email.

The meeting resumed at 4:25 p.m.

Chairperson Cates opened the public hearing.

Secretary Benetti confirmed that no public comments were received for this public hearing item.

Chairperson Cates closed the public hearing.

Motion by Uhley, seconded by Cates to adopt Planning Commission Resolution No. 2020-14 – Approving Tentative Parcel Map #2020-03 for the Minor Subdivision of a 4.18 Acre Parcel into Two (2) Parcels Located within the Highway-Commercial Zoning District at 2027 E. Pacheco Blvd., More Specifically Identified as Assessor's Parcel Number: 083-140-031. The motion carried by the following roll call vote: AYES: Cates, Robinson, Toscano, Uhley; NOES: none; ABSENT: Higby (joined at 4:33 p.m.)

Motion by Uhley, seconded by Robinson to adopt Planning Commission Resolution No. 2020-15 – Approving Site Plan Review #2020-02 for the Development of One (1) 4,244 Square Foot Fuel Station and Convenience Store with an Attached Carwash and Fuel Canopy with Eight (8) Multi-Pump Dual Fuel Dispensers and Associated Site and Utility Improvements Located at 2027 E. Pacheco Blvd., More Specifically Identified as Assessor's Parcel Number: 083-140-031. The motion carried by the following roll call

vote: AYES: Cates, Robinson, Toscano, Uhley; NOES: none; ABSENT: Higby (joined at 4:33 p.m.)

Motion by Robinson, seconded by Uhley to adopt Planning Commission Resolution No. 2020-16 – Recommending Approval of Conditional Use Permit #2020-03 to the Los Banos City Council to Allow for the Sale of Alcohol Under Type 20 Off-Sale of Beer and Wine License for Todd Real Estate Solutions, Inc. (Arco AM/PM) to be Located at 2027 E. Pacheco Blvd., More Specifically Identified as Assessor's Parcel Number: 083-140-031. The motion carried by the following roll call vote: AYES: Cates, Robinson, Toscano, Uhley; NOES: none; ABSENT: Higby (joined at 4:33 p.m.)

**DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF 197 LOW-DENSITY RESIDENTIAL (R-1) LOTS IN THE SUNRISE RANCH SUBDIVISION LOCATED EAST OF PLACE ROAD, SOUTH OF B STREET, AND NORTH OF SAN LUIS STREET.**

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

Commissioner Higby joined the meeting at 4:33 p.m.

There was discussion among commissioners, staff, and the applicant regarding architecture including the roofing tile materials and color.

Dana Howell, Stonefield Home, stated that he does not have anything further to add to the presentation.

Chairperson Cates inquired if there were any measures being taken to mitigate traffic in the area.

Community & Economic Development Director Elms spoke of how this is design review only but there was a requirement of the Conditions of Approval of the tentative map regarding traffic, how any subdivision with more than 5 units requires that the Planning Commission review at design review, how the Sunrise Ranch traffic study was done and a traffic signal was required at East B Street and Place Road, a four lane intersection at Place Road and Nickel Street, how the City of Los Banos does not have jurisdiction over location or approval of schools, and how the City's task was to ensure that the tentative map was consistent with General Plan and zoning code.

Feedback was given to applicant only; no action taken.

**COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.**

Community & Economic Development Director Elms spoke of how she was hoping to be meeting in the Council Chambers by now, but based on Brown Act requirements to ensure streaming of the meeting and allow applicant to participate we had to do the virtual meeting to allow for social distancing, how outdoor dining temporary relief for restaurants will come forward for review and approval by the City Council due to COVID pandemic and regulations on restaurants to help support economic development, how the

temporary relief would expire October 31, 2020, hoping for business as usual, Council will be able to extend that expiration if needed, looking at ways to provide economic support, the City will be eligible for CDBG NOFA grant for local businesses affected by these closures, looking for ways to help support local businesses, [www.losbanosbusiness.com](http://www.losbanosbusiness.com) has resources available for businesses during this time, staff is still accepting and processing applications for projects and entitlements, and City Hall is now open to the public.

**PLANNING COMMISSION MEMBER REPORTS.**

**CATES:** Thanked staff for their work in this challenging time and hopes to see everyone in person soon.

**HIGBY:** Apologized for joining the meeting after the scheduled start time.

**ROBINSON:** No report.

**TOSCANO:** No report.

**UHLEY:** No report.

**ADJOURNMENT:** The meeting was adjourned at the hour of 4:48 p.m.

APPROVED:

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John Cates, Chairperson

ATTEST:

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Sandra Benetti, Planning Commission Secretary



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:** JUNE 24, 2020  
**SUBJECT:** MOBILE FOOD VENDOR PERMIT #2020-03 – BOTANAS EL CACHANILLA- YOHANNA ACOSTA

**RECOMMENDATION:**

That the Planning Commission adopt Resolution No. 2020-17 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 #2020-03 for the operation of a mobile food vending unit to vend on private property located at 330 W. Pacheco Blvd, Assessor's Parcel Number: 027-152-040.

**PROJECT BACKGROUND/DESCRIPTION:**

All proposed Mobile Food Vendors within the City of Los Banos are required to apply for a Mobile Food Vending Permit in conformity with the Los Banos Municipal Code Title 9 Chapter 3 Article 36 Mobile Food Vending. The general purpose of the Mobile Food Vending Article in the Los Banos Municipal Code is to promote the health, safety, comfort, convenience, prosperity, and general welfare of the citizens, businesses and visitors of the City of Los Banos by requiring that mobile food vendors provide the community and customers with a minimum level of cleanliness, quality, safety and security. This article also provides mobile food vendors with clear and concise regulations to prevent safety, traffic and health hazards as well as to preserve the peace, safety and welfare of the community.

The City of Los Banos Community & Economic Development Department received a request for a mobile food vendor permit for the operation of a mobile food vending unit to vend on private property located at 330 W. Pacheco Blvd. (America's Best Value Inn). The proposed mobile food vending unit will seven (7) days a week, Monday through Sunday from 10:00 A.M. to 9:00 P.M. The proposed mobile food vending operation will consist of one (1) employees 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 food vending location is at 330 W. Pacheco Blvd., APN: 027-152-040. The mobile food vending unit will be located in a parking stall within the south section of the parking lot, approximately where the swimming pool used to be located. The project site can be accessed from Illinois Avenue. The specific location of the proposed mobile unit is detailed in the yellow star 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 Hotel, 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 330 W. Pacheco Blvd., 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 within the existing parking lot of America's Best Value Inn hotel.*

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

*The mobile food vending unit will be stationed within the parking lot of the America's Best Value Inn hotel. The parking lot 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 hotel.*

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.*

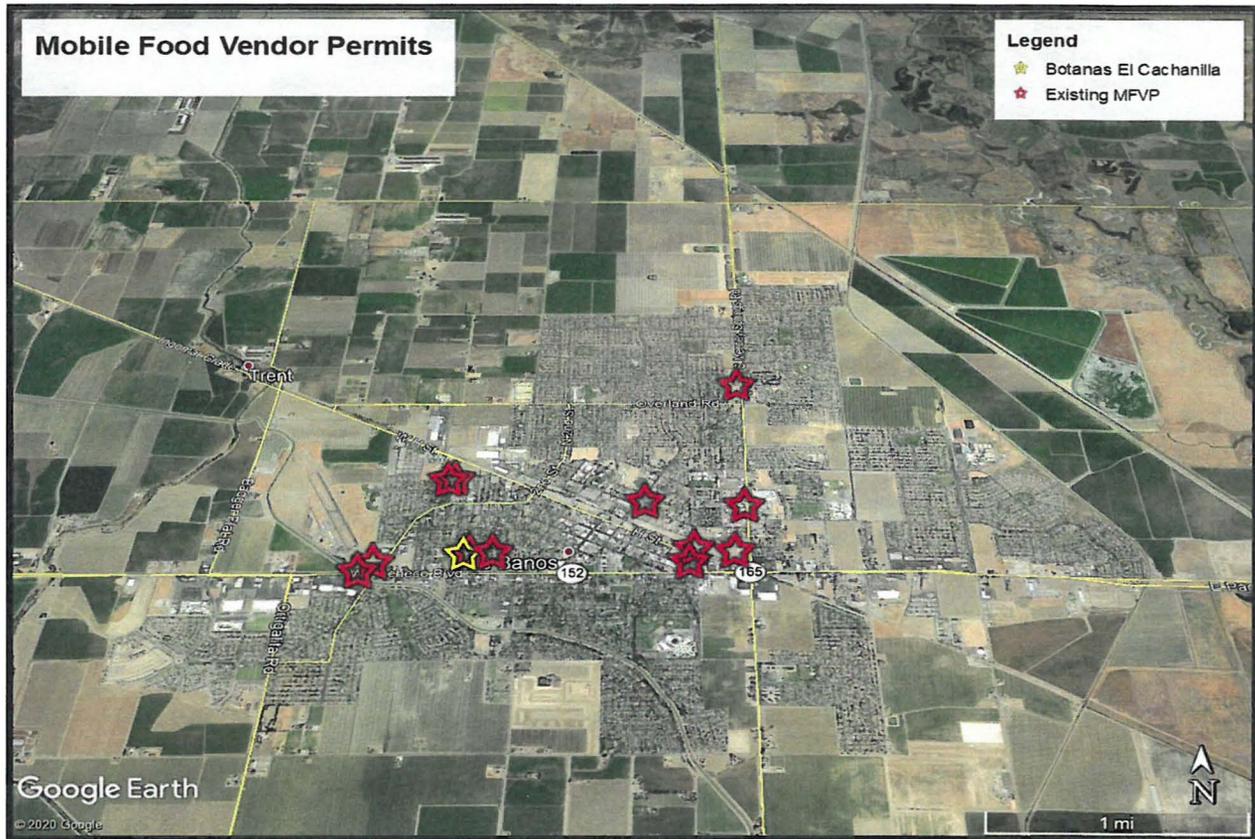
Staff has determined that the proposed vendor permit is consistent with Los Banos Municipal Code Title 9 Chapter 3 Article 36. Conditions of approval have been incorporated into the project to make certain that the applicant conforms to the required level of cleanliness, quality, safety and security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

**Existing Vendor Permits**

Currently there are twelve (12) 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:

<b>Business Name</b>	<b>Business Owner</b>	<b>Location</b>	<b>Vendor Type</b>
Junior's Tacos	Antemio & Gabriela Cortes	740 G St	Taco Truck
El Grullense, Jal	Leonardo 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	923 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
Taco's La Patrona 209	Rosa Fabian	520 W. I St.	Taco Truck
Tacos y Birria La Perla	Sergio Buenrostro Sosa	849 W. Pacheco Blvd	Taco 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, June 12, 2020. 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. 2020-17 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 #2020-03 for the operation of a mobile food vending unit to vend on private property located at 330 W. Pacheco Blvd, Assessor's Parcel Number: 027-152-040.

**ATTACHMENTS:**

1. Resolution #2020-17  
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 – June 12, 2020

## RESOLUTION NO. 2020-17

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15311, ACCESSORY STRUCTURES, AND APPROVING MOBILE FOOD VENDOR PERMIT #2020-03 FOR THE OPERATION OF A MOBILE FOOD VENDING UNIT TO VEND ON PRIVATE PROPERTY LOCATED AT 330 W. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-152-040**

WHEREAS, the applicant, Yohanna Acosta, DBA: Botanas El Cachanilla, 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 property located at 330 W. Pacheco Blvd; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Mobile Food Vendor Permit #2020-03 for Botanas El Cachanilla 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 Structure 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, June 12, 2020, 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 June 24, 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 #2020-03 to permit the use of a mobile food vending unit to operate on private property located at 330 W. Pacheco Blvd., APN: 027-152-040, 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 24<sup>th</sup> day of June 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 #2020-03 – BOTANAS EL CACHANILLA (YOHANNA ACOSTA)**

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 #2020-03 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 #2020-03 was adequately noticed and circulated for public review and comment on Friday, June 12, 2020 for consideration at a public meeting on Wednesday, June 24, 2020.
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 #2020-03 – BOTANAS EL CACHANILLA (YOHANNA ACOSTA)

#### 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 Hotel, 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 330 W. Pacheco Blvd., which is within the Highway Commercial Zoning District (H-C), 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 within the existing parking lot of America's Best Value Inn hotel.*

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

*The mobile food vending unit will be stationed within the parking lot of the America's Best Value Inn hotel. The parking lot 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 for the hotel.*

- 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 #2020-03 – BOTANAS EL CACHANILLA (YOHANNA ACOSTA)

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 #2020-03 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 property, in the location depicted in the application, located at 330 W. Pacheco Blvd; the permit shall expire one (1) year from date of issuance.
3. 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.
4. The mobile food vendor shall have a valid City of Los Banos Business License and renew such license each year.
5. The mobile food vending unit shall be moved off-site when not in operation.
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 10:00 a.m. to 9:00 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 #2020-03 shall be located at 330 W. Pacheco Blvd., 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.

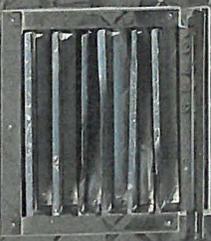




# EL CACHAMILLA



**EL COCO LOGO**  
1732 Dillon Dr.  
Modesto, Ca 95350  
(209) 521-8259



VERCELI PRIMO  
2005  
COUNTY OF ALBERTA  
INDUSTRIAL & COMMERCIAL  
4543

VERCELI PRIMO  
2007  
COUNTY OF ALBERTA  
INDUSTRIAL & COMMERCIAL  
4543

VERCELI PRIMO  
2008  
COUNTY OF ALBERTA  
INDUSTRIAL & COMMERCIAL  
4543

VERCELI PRIMO  
2020  
COUNTY OF ALBERTA  
INDUSTRIAL & COMMERCIAL  
4543



WE CATER 100% FRESH-MEX  
  
09

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California Power Trailer  
4ED5145

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1920 Air Drive • Alhambra, CA • (626) 726-1184

CASTLE SYSTEMS EQUIPMENT

PIESE



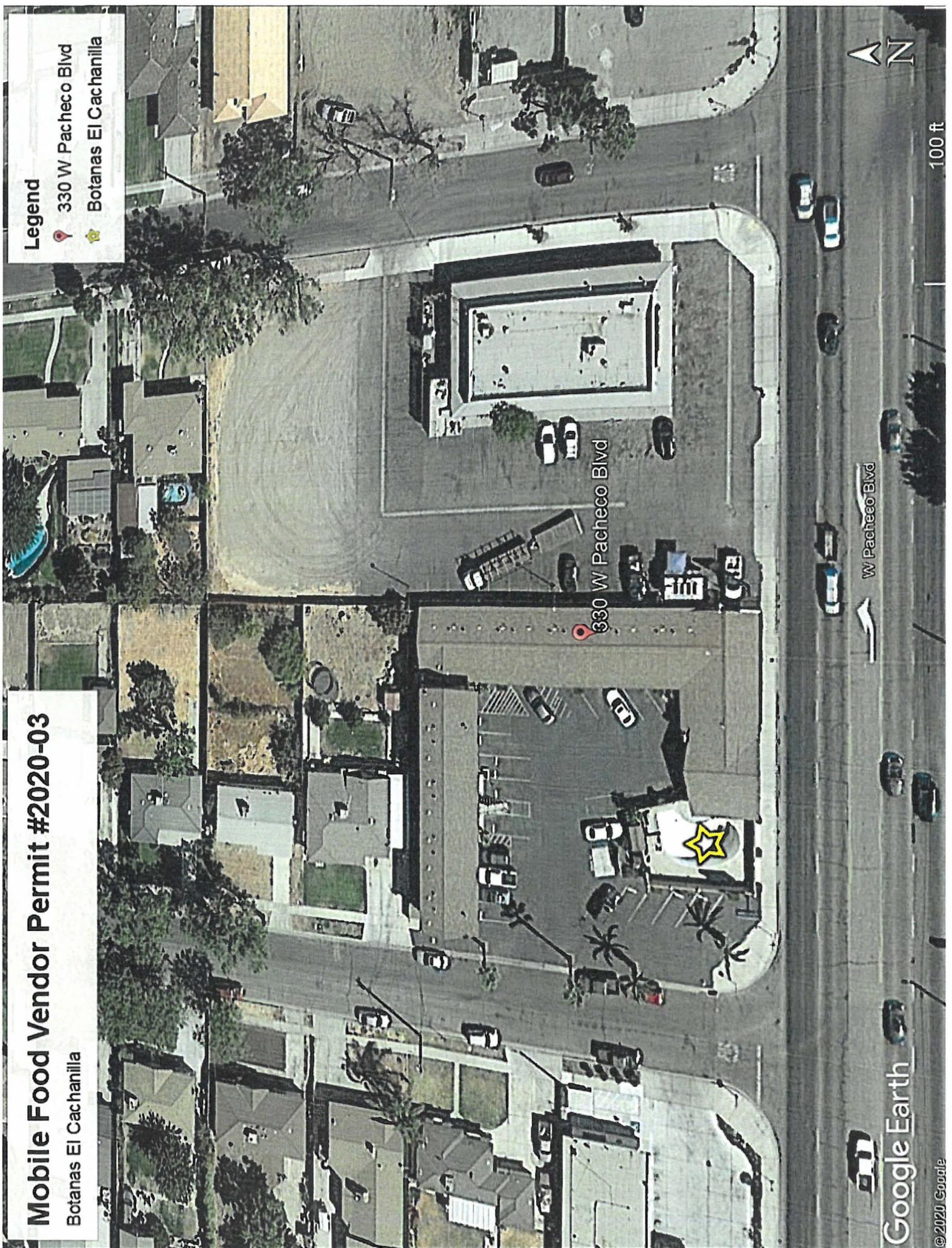
# Mobile Food Vendor Permit #2020-03

Botanas El Cachanilla

## Legend

 330 W Pacheco Blvd

 Botanas El Cachanilla



Google Earth

© 2020 Google

W Pacheco Blvd

100 ft



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

Botanas El Cachanilla (4ED5145)  
330 W Pacheco Blvd  
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 5/19/2020 11:38:58AM

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

5303.rpt (updated 5/19/2020)



**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 5/19/2020 to 12/31/2020

REGULATED FACILITY :

**Botanas El Cachanilla (4ED5145)  
330 WS Pacheco Blvd  
Los Banos, CA 93635**

Facility ID: FA0009305  
Account ID: AR0019450  
Issued: 5/19/2020

OWNER NAME :

**Yohanna Acosta**

Program Element Number and Description

**0143 MOBILE FOOD FAC (MOBILE FOOD PREP UNIT)**

Permit ID # Units

**PT0015704 PR0019775**

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: Yohanna Acosta. 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*

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: June 12, 2020

Regarding: Notice of Public Hearing

Proposal: Mobile Food Vendor Permit #2020-03 – Yohanna Acosta (dba Botanas El Canchanilla)

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 #2020-03 to allow the operation of a mobile food vending vehicle on private property for Yohanna Acosta dba Botanas El Canchanilla. The subject property is located within the Highway Commercial Zoning District at 330 West Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 027-152-040.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, June 24, 2020 at 4:00 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