



City of
Los Banos
At the Crossroads of California

www.losbanos.org

AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

WEDNESDAY, OCTOBER 14, 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/584277813>. Get the free GoToMeeting application now and be ready when the meeting starts: <https://global.gotomeeting.com/install/584277813>. You can also dial in to listen to the meeting using your phone by calling (646) 749-3122 and using Access Code: 584-277-813.

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 5:30 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. 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.

If you require special assistance to attend or participate in this meeting, please contact the Planning Commission Secretary @ (209) 827-7000 ext. 2448 or by email at 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 Secretaría del Comisión de Planificación al (209) 827-7000 ext. 2431 o mandar un email al 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.

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 **5:30 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 SEPTEMBER 23, 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 #2020-14 to Allow the Operation of a Mobile Food Vending Unit on Private Property for Rosa Fabian DBA Tacos La Patrona Located Within the Highway Commercial Zoning District at 1100 H Street, More Specifically Identified as Assessor's Parcel Number: 026-171-028.

- 1) Planning Commission Resolution No. 2020-31 – Approving a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2020-14 for the Operation of a Mobile Food Vending Unit to Vend on Private Property Located at 1100 H Street, More Specifically Identified as Assessor's Parcel Number: 026-171-028.

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

- B. Public Hearing – To Consider a Recommendation to the Los Banos City Council to Adopt an Ordinance to Amend Title 9 of Chapter 3 of the Los Banos Municipal Code Regarding Agricultural/Farmworker Employee Housing.

- 1) Planning Commission Resolution No. 2020-32 – Recommending to the City Council Adoption of an Ordinance of the City Council of the City of Los Banos Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Employee Housing.

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


Sara Blevins, HR Technician/Deputy City Clerk

Dated this 9th day of October 2020

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 23, 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 5:30 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 and 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, Associate Planner Rudy Luquin, and Planning Commission Secretary Sara Blevins were present remotely via the GoToMeeting web based application.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Uhley, seconded by Higby to approve the agenda as submitted. The motion carried by the following roll call vote: AYES: Cates, Higby, Toscano, Uhley; NOES: None; ABSENT: None.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF SEPTEMBER 9, 2020. Motion by Higby, seconded by Robinson to approve the minutes as submitted. The motion carried by the following roll call vote: AYES: Cates, Higby, Toscano, Uhley; NOES: None; ABSENT: None.

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 Blevins stated that no comments were received and Chairperson Cates closed the public forum.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND SITE PLAN REVIEW #2020-04 FOR THE DEVELOPMENT OF A 2,550 SQUARE FOOT COMMERCIAL STRUCTURE WITH SITE IMPROVEMENTS WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT LOCATED AT 1202 G STREET, MORE SPECIFICALLY

IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 025-153-009. Associate Planner Luquin presented the staff report which included a PowerPoint presentation.

Motion by Higby, seconded by Uhley to adopt Planning Commission Resolution No. 2020-29 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332, In-Fill Development Projects, and Approving Site Plan Review #2020-04 for the Development of a 2,550 Square Foot Commercial Structure with Site Improvements Located within the Highway Commercial Zoning District at 1202 G Street, More Specifically Identified as Assessor's Parcel Number: 025-153-009. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano, Uhley; NOES: None; ABSENT: None.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND SITE PLAN REVIEW #2020-05 FOR THE DEMOLISHING AND REBUILDING OF A 3,010 SQUARE FOOT COMMERCIAL STRUCTURE INCLUDING A FUEL CANOPY WITH SIX (6) MULTI-PUMP DISPENSING STATIONS AND TWO (2) UNDERGROUND FUEL STORAGE TANKS LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT AT 611 PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 026-081-021.

Associate Planner Luquin explained that the applicant for this item has requested more time to prepare for this public hearing and also because CalTrans requested that the applicant submit a traffic impact report. This item will be heard by the Planning Commission at a later date.

Chairperson Cates open then closed the public hearing.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms spoke to how there will be workshops held in the future regarding updates to the City's General Plan. Work needs to be done and progress needs to continue to be made especially as it pertains to the land use element. She is hoping to hold some stakeholder meetings with the Planning Commission and City Council towards the end of the year.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Chairperson Cates thanked staff for their efforts and spoke to the recent progress made at the Dutch Bros. / Chipotle project site.

HIGBY: Commissioner Higby thanked staff for all their efforts.

ROBINSON: Commissioner Robinson thanked staff for all their efforts.

TOSCANO: Commissioner Toscano thanked staff for all their efforts.

UHLEY: Commissioner Uhley thanked staff for all their efforts.

ADJOURNMENT: The meeting was adjourned at the hour of 6:00 p.m.

APPROVED:

John Cates, Chairperson

ATTEST:

Sara Blevins, Planning Commission Secretary



City of
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PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES AND PLANNING COMMISSIONERS
FROM: RUDY LUQUIN, ASSOCIATE PLANNER 
FOR: OCTOBER 14, 2020
SUBJECT: MOBILE FOOD VENDOR PERMIT #2020-14 – TACOS LA PATRONA- ROSA FABIAN

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2020-31 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 #2020-14 for the operation of a mobile food vending unit to vend on private property located at 1100 H Street, Assessor's Parcel Number: 026-171-028.

PROJECT BACKGROUND/DESCRIPTION:

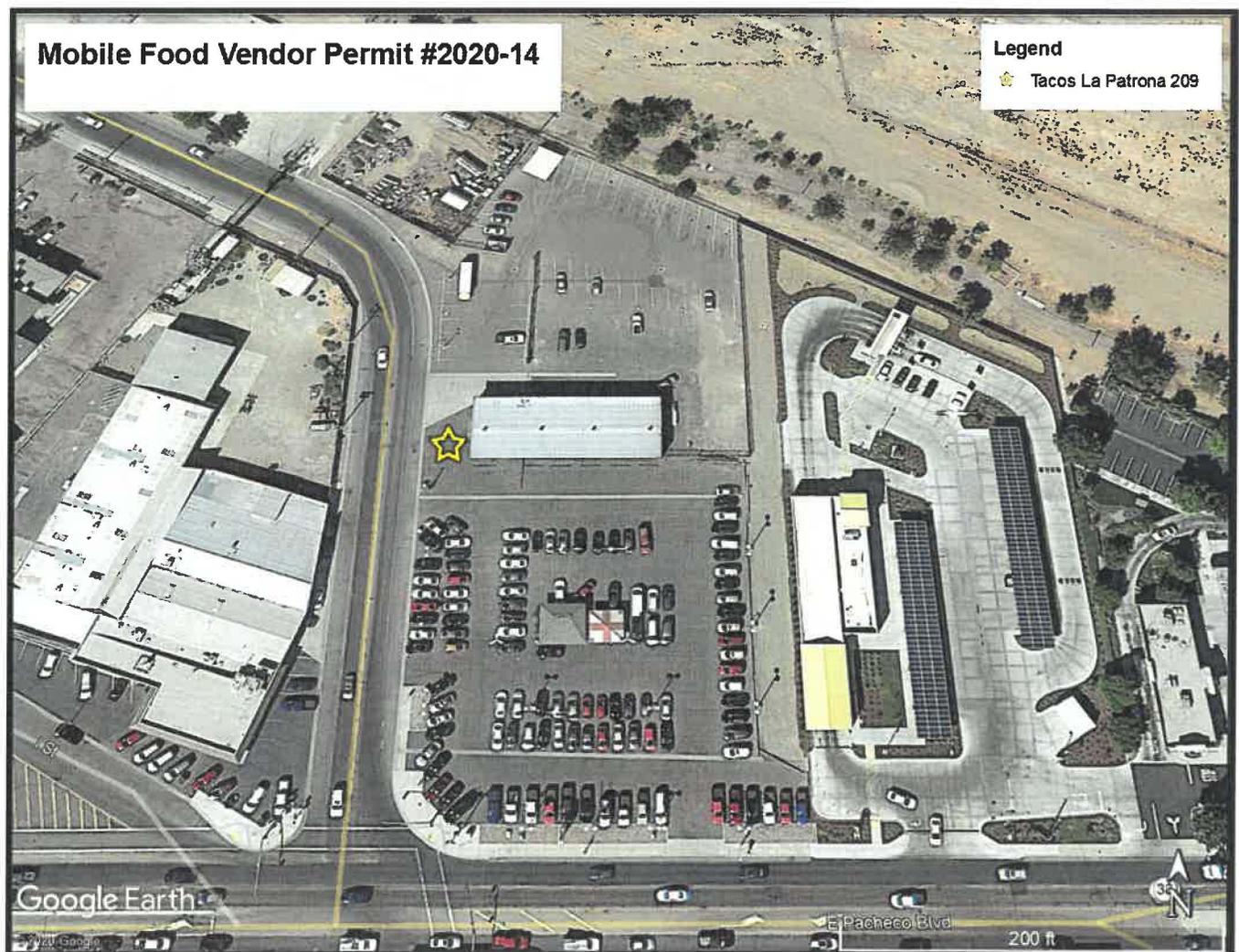
All proposed Mobile Food Vendors within the City of Los Banos are required to apply for a Mobile Food Vending Permit in conformity with the Los Banos Municipal Code Title 9 Chapter 3 Article 36 Mobile Food Vending. The general purpose of the Mobile Food Vending Article in the Los Banos Municipal Code 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.

On March 11, 2020, the Los Banos Planning Commission approved Resolution #2020-07 for the operation of a mobile food vending unit for Tacos La Patrona to vend at 520 West I Street (Los Banos Memorial Hospital). The applicant has been vending from this location several days a week, but the Hospital has recently had to reconfigure their parking lot due to COVID-19, which has prohibited the applicant from being able to vend from the hospital location.

Based on the previously stated circumstances, 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 1100 H Street (The Car Guys). The proposed mobile food vending unit will operate seven (7) days a week, 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 1100 H Street; APN: 026-171-028. The unit will be located in the parking lot west of The Car Guys building. The project site can be accessed from H Street only. 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 an automotive repair shop which has a valid Business License. The mobile food vending unit will be an accessory use to the main and primary automotive repair shop 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 1100 H Street which is within the Highway Commercial Zoning District (H-C), which is private property that is used for automotive repair services.

3. Not be located on a vacant parcel.

The mobile food vending unit will be located on a developed parcel that has a commercial building and paved parking lot.

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

The mobile food vending unit will be stationed on a paved 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 Car Guys, automotive repair shop.

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.

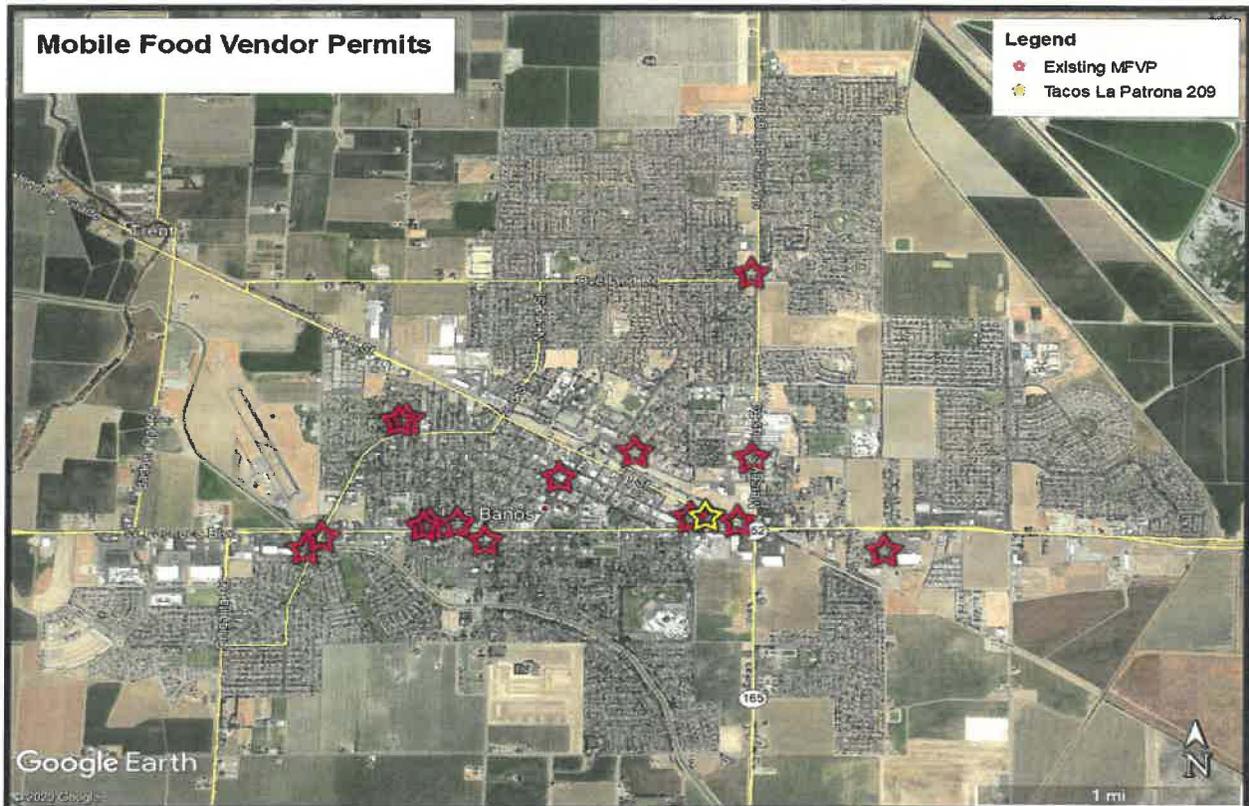
Existing Vendor Permits

Currently there are fifteen (15) active mobile vendor permits in the City of Los Banos. 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	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
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
Botanas El Cachanilla	Yohanna Acosta	330 W. Pacheco Blvd.	Taco Truck
Luna's Produce	Cruz Luna	Public Right-of-Way	Produce
Tacos Y Mariscos El Pebe	Elizabeth Alvarez	939 Sixth St.	Taco Truck
La Cocina de Mama	Juan Angulo	402 Washington Ave.	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, October 2, 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. 2020-31 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 #2020-14 for the operation of a mobile food vending unit to vend on private property located at 1100 H Street, Assessor's Parcel Number: 026-171-028.

ATTACHMENTS:

1. Resolution #2020-31
 - 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 – October 2, 2020

RESOLUTION NO. 2020-31

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 #2020-14 FOR THE OPERATION OF A MOBILE FOOD VENDING UNIT TO VEND ON PRIVATE PROPERTY LOCATED AT 1100 H STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 026-171-028.

WHEREAS, the applicant, Rosa Fabian DBA Tacos La Patrona 209, 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 1100 H Street; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Mobile Food Vendor Permit #2020-14 for Tacos La Patrona 209 was determined to be Categorically Exempt from the provisions of CEQA per Article 19, Section 15311, Accessory Structures, 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, October 2, 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 Wednesday, October 14, 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 #2020-14 to permit the use of a mobile food vending unit to operate on private property, located at 1100 H Street, APN: 026-171-028, 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 14th day of October 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 #2020-14 – TACOS LA PATRONA 209 (ROSA FABIAN)

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 #2020-14 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15311, Accessory Structures.
2. Mobile Food Vendor Permit #2020-14 was adequately noticed and circulated for public review and comment on Friday, October 2, 2020 for consideration at a public meeting on Wednesday, October 14, 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 #2020-14 – TACOS LA PATRONA 209 (ROSA FABIAN)

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 an automotive repair shop, 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 1100 H Street, which is within the Highway Commercial Zoning District (H-C), which is private property that is used for automotive repair services.

- c) Not be located on a vacant parcel.

The mobile food vending unit will be located on a developed parcel that has a commercial building and paved parking lot

- 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 for The Car Guys, automotive repair shop.

- 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 #2020-14 – TACOS LA PATRONA 209 (ROSA FABIAN)

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 #2020-14 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 1100 H Street; 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 8:00 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.

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 #2020-14 shall be located at 1100 H Street in a parking lot west of the commercial structure for The Car Guys, 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.



BIRRIA DE RES ESTILO SINALOA

T-COS La Patrona 209

T-COS La Patrona 209

California
61746V2

T-COS

La Patróna

209

BIRRIA DE RES ESTILO SINALOA

Tel: 209.829.5400

Follow us!



@tacoslapatrona209

61746VZ



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www.tacoslapatrona.com



ESTILO SINALOA

La Patrona

T-COS
La Patrona
209

Tel: 209.829.5400

La Patrona



Mobile Food Vendor Permit #2020-14

Legend

🌟 Tacos La Patrona 209



Google Earth

© 2020 Google

E Pacheco Blvd

200 ft





SCAN QR CODE OR VISIT LINK BELOW FOR
ONLINE FOOD INSPECTION REPORTS
<http://tinyurl.com/MCFoodInspections>

NOTICE

THIS FACILITY IS INSPECTED BY THE
MERCED COUNTY DIVISION OF
ENVIRONMENTAL HEALTH. A COPY
OF THE MOST RECENT INSPECTION
REPORT IS AVAILABLE HERE FOR
REVIEW UPON REQUEST.



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

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

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

Equal Opportunity Employer

Health Permit to Operate

Valid from 2/4/2020 to 12/31/2020

REGULATED FACILITY :

**Tacos La Patrona 209 (61746V2)
693 Mallard Dr.
Los Banos, CA 93635**

Facility ID: FA0009223
Account ID: AR0019267
Issued: 2/4/2020

OWNER NAME :

Rosa Fabian

Program Element Number and Description

0143 MOBILE FOOD FAC (MOBILE FOOD PREP UNIT)

Permit ID# Units

PT0015569 PR0019664

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: Rosa Fabian. New owners must apply and pay for a new Permit(s) PRIOR to beginning operation or penalties will be assessed.



City of Los Banos

At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: October 2, 2020

Regarding: Notice of Public Hearing

Proposal: Mobile Food Vendor Permit #2020-14 – Rosa Fabian (dba Taco's La Patrona)

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 #2020-14 to allow the operation of a mobile food vending vehicle on private property for Rosa Fabian dba Taco's La Patrona. The subject property is located within the Public Facilities Zoning District at 1100 H Street, more specifically identified as Assessor's Parcel Number: 026-171-028.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, October 14, 2020 at 5:30 p.m. virtually using GoToMeeting. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner, at City Hall or at (209) 827-2432. Public comment during the public hearing 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. Emails during the meeting must be sent to the Planning Commission Secretary at planningcommission@losbanos.org.

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

Agenda Staff Report

TO: Chairman Cates and Planning Commissioners
FROM: Stacy Souza Elms, Community and Economic Development Director *SSE*
DATE: October 14, 2020
TYPE OF REPORT: Public Hearing
SUBJECT: Employee Housing Ordinance

RECOMENDATION

Staff recommends that the Planning Commission adopt Resolution 2020-32.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
LOS BANOS RECOMMENDING TO THE CITY COUNCIL ADOPTION OF
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS
AMENDING TITLE 9 CHAPTER 3 OF THE LOS BANOS MUNICIPAL
CODE REGARDING EMPLOYEE HOUSING**

BACKGROUND

The subject application is a City-initiated amendment to the Los Banos Municipal Code to bring the zoning regulations into compliance with the California Health and Safety Code Sections 17021.5 and 17021.6 with respect to employee housing and for agricultural employees/farmworker employees.

This amendment is required by the City of Los Banos Housing Element 2014 - 2023, adopted by the Los Banos City Council on July 25, 2016. Implementation Program 8I of Policy 8 reads as follows:

“The City will review and amend if necessary, Title 9, Chapter 3 to ensure Housing for Farmworkers is consistent with the Employee Housing Act (Health and Safety Code Section 1700 et. seq.), specifically, Sections 17021.5 and 17021.6.” (See, City of Los Banos Housing Element 2014 – 2023 at page 114.)

The amendment to the zoning code would result in the following:

Housing of six or fewer employees (including but not limited to farmworker housing) in one dwelling would be considered a residential use and treated the same as a dwelling unit.

Farmworkers are identified in the housing element as a population with special housing needs. In its evaluation of special needs housing, the housing element needs assessment section starting at page 22, broadly describes housing issues for agricultural workers.

“The farmworker population experiences a distinct set of issues contributing to housing challenges, including seasonal income fluctuations, very low incomes and a severe deterioration of existing housing stock. However, farmworker characteristics are difficult to determine due to a lack of data. This deficiency is caused by several contributing factors, potentially including: limited English speaking abilities, low educational attainment levels and a distrust of government agencies and employees, including those who work for the Census Bureau.

The seasonal nature of agricultural employment places special demands on the area’s housing stock. Essentially, it must absorb seasonal fluctuations in the number of individuals and families seeking housing. Farmworker housing needs include year round subsidized rental housing as well as housing to accommodate peak labor activity in the late summer during harvest time. This housing is needed primarily for single men.

There are currently four (4) State Migrant Centers in Merced County that provide housing to migrant farmworker families, including a 48 unit facility in the Los Banos area. These housing facilities were constructed and continue to be managed by the State through the Housing Authority of the County of Merced. In total, they provide 228 units for occupancy between the months of May and November. In addition to these centers, there are 55 State licensed private farmworker camps in the County. While there are

no accurate figures on the number of units provided by these camps, it is certain that the total number of units is considerably less than the number needed.” (See, City of Los Banos Housing Element 2014 – 2023 at page 22.)

Agricultural enterprises within the Los Banos city limits are limited, as are the lands designated for agricultural use. However, there is an active and large agricultural region in the county surrounding the city boundaries.

Sections 17021.5 and 17021.6 of the State Health and Safety Code (attached as Exhibit B.1 and B.2) are within the part of the code known as the Employee Housing Act. The act sets standards for the construction, maintenance, use, and occupancy of living quarters called “employee housing” as defined in Section 17008 of the Health and Safety Code (attached as Exhibit B.3). Employee housing includes but is not limited to farmworker housing. The intent of these two sections is to broaden opportunities for employee housing, as follows:

Section 17021.5 requires that any employee housing occupied by six or fewer employees shall be deemed a single family structure with a residential land use, and shall be treated the same as a single family dwelling of the same type in the same zone. Occupation of a single family dwelling by six or fewer employees shall not be considered a change of occupancy for the purpose of building codes.

Section 17021.6 requires that employee housing consisting of no more than 36 beds in a group quarters, or 12 units or separate rooms or spaces (e.g. cabins without kitchens) designed for use by a single family or household, be deemed an agricultural land use, and that it be treated the same as any other agricultural activity in the same zone. This means that if an agricultural use, such as the raising of crops, is permitted by-right in a particular zone, then employee housing of no more than 36 beds in a group quarters, or 12 units, shall also be permitted by-right in that zone. Section 17021.6 also stipulates that the occupancy of such housing may include employees who do not work on the property where the employee housing is located. It should be noted that the City of Los Banos does not have an agricultural land use zone within its boundaries.

DISCUSSION - PROPOSED CODE AMENDMENTS

In order to comply with Sections 17021.5, 17021.6 and 17008, text amendments are needed in several sections of the zoning code. A redline version showing changes to the current code text is included as Exhibit A. The proposed amendments are discussed below.

Definitions

The zoning regulations do not currently define “employee housing”. It is recommended that a definition be added that is consistent with the state health and safety code, as follows:

"Employee housing" has the same meaning as that term is defined in Section 17008 of the Health and Safety Code. Employee housing for six or fewer employees is subject to all municipal codes, regulations and other standards generally applicable to other residential dwellings of the same type in the same zone.

Permitted and Conditionally Permitted Uses

Section 17021.5 requires that *any employee housing occupied by six or fewer employees* be deemed a single family structure with a residential land use, and shall be treated the same as a single family dwelling of the same type in the same zone. To comply with this section it is recommended that all zones that permit residential uses be amended to clarify that employee housing be permitted. The zoning districts that permit residential uses are: R-C Rail Corridor, R-1 Low Density Residential, R-2 Medium Density Residential, R-3 High Density Residential, and M-X Mixed Use Districts. The table below illustrates the permitted and conditional uses for the above residential districts.

ZONING DISTRICT	PERMITTED USE	CONDITIONAL USE
R-C Rail Corridor	Housing of six (6) or fewer employees	N/A
R-1 Low Density Residential	Housing of six (6) or fewer employees	Housing of seven (7) or more employees
R-2 Medium Density Residential	Housing of six (6) or fewer employees	Housing of seven (7) or more employees
R-3 High Density Residential	Housing of seven (7) or more employees	N/A
M-X Mixed Use	Housing of six (6) or fewer employees	N/A

Elimination Of Crop And Tree Farming

As indicated above the City does not have an agricultural zoning district. However, the current zoning code allows for crop and tree farming in the R-1 Low Density Residential District subject to a conditional use permit. Staff recommends the elimination of this use as incompatible with the R-1 zone. In the situation where a newly annexed property is

under agricultural production pending development the agricultural use can continue as a non-conforming use or as part of the entitlements for the newly annexed property.

ENVIRONMENTAL REVIEW:

Pursuant to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the ordinances are not a "project" because their adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, this Ordinance is not subject to CEQA.

Even if these ordinances and resolution qualified as a "project" subject to CEQA, pursuant to CEQA Guidelines § 15061(b)(3) (or the so-called "common sense exemption"), there is no possibility that this project will have a significant impact on the physical environment. The ordinances do not directly or indirectly authorize or approve any actual changes in the physical environment. Accordingly, the ordinances would be exempt from CEQA under the common-sense exemption.

Attachments:

Resolution 2020-32
Proposed Ordinance
H&S Codes
Public Hearing Notice

RESOLUTION NO. 2020-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING TITLE 9 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING EMPLOYEE HOUSING

WHEREAS, Housing Element Objectives and Policies adopted by the City Council on July 25, 2016 calls for amending the Zoning Code regarding employee housing:

"Implementation Program 8I "The City will review and amend if necessary, Title 9, Chapter 3 to ensure Housing for Farmworkers is consistent with the Employee Housing Act (Health and Safety Code Section 1700 et. seq.), specifically, Sections 17021.5 and 17021.6." (See, City of Los Banos Housing Element 2014 – 2023 at page 114.)

WHEREAS, the proposed amendments to the Los Banos Municipal Code are intended to ensure the City's procedural and substantive requirements for employee housing are consistent with State law and the adopted Objectives and Policies of the 2014-2023 Housing Element;

WHEREAS, the subject Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA;

WHEREAS, on October 14, 2020, the Planning Commission conducted a duly noticed public hearing to consider the proposed amendment to Title 9 Chapter 3 of the Los Banos Municipal Code regarding emergency shelters, supportive and transitional housing and single room occupancy units.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Planning Commission finds that the proposed Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no

possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.

2. The Planning Commission finds that the proposed ordinance is consistent with the City's General Plan.

3. The Planning Commission recommends that the City Council of the City of Los Banos consider and approve the attached Ordinance of the City Council of the City of Los Banos Amending Title 9 Chapter 3 of the Los Banos Municipal Code regarding employee housing.

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 14th day of October 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

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING TITLE 9 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING EMPLOYEE HOUSING

WHEREAS, Housing Element Objectives and Policies adopted by the City Council on July 25, 2016 calls for amending the Zoning Code regarding employee housing:

“Implementation Program 8I “The City will review and amend if necessary, Title 9, Chapter 3 to ensure Housing for Farmworkers is consistent with the Employee Housing Act (Health and Safety Code Section 1700 et. seq.), specifically, Sections 17021.5 and 17021.6.” (See, City of Los Banos Housing Element 2014 – 2023 at page 114.)

WHEREAS, the proposed amendments to the Los Banos Municipal Code are intended to ensure the City's procedural and substantive requirements for employee housing are consistent with State law and the adopted Objectives and Policies of the 2014-2023 Housing Element;

WHEREAS, the subject Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA;

WHEREAS, the Planning Commission held a public hearing on October 14, 2020 and recommended approval of the proposed Ordinance with a finding of General Plan consistency; and

WHEREAS, the City Council conducted a duly noticed public hearing on the on November __, 2020 and November __, 2020 at which time all individuals desiring to comment on the proposed amendments were heard.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

Section 1: The above recitals and findings are true and correct and incorporated herein by this reference.

Section 2: The following definition is hereby added to Section 9-3.201 of the Los Banos Municipal Code to read as follows:

"Employee housing" has the same meaning as that term is defined in Section 17008 of the Health and Safety Code. Employee housing for six or fewer employees is subject to all municipal codes, regulations and other standards generally applicable to other residential dwellings of the same type in the same zone.

Section 3: Section 9-3.502 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.502 Uses permitted (R-C).

The following uses shall be permitted in the Rail Corridor District:

- (a) Mixed use development;
- (b) Commercial;
- (c) Live-work facilities;
- (d) Stacked flats;
- (e) Courtyard flats;
- (f) Townhouses;
- (g) Public/civic buildings and public spaces;
- (h) Cottage houses;
- (i) Accessory buildings;
- (j) Supportive housing;
- (k) Transitional housing; and
- (l) Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – limited to employee housing of six (6) or fewer employees.

Section 4: Section 9-3.602 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.602 Uses permitted (R-1).

The following uses shall be permitted in the Low Density Residential District:

- (a) Single-family dwellings;
- (b) Public schools;
- (c) Public parks and playgrounds;
- (d) One secondary dwelling unit subject to the provisions of this chapter;
- (e) Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – limited to employee housing of six (6) or fewer employees;
- (f) Group home;
- (g) Residential care facility for up to six (6) unrelated persons;
- (h) Special needs housing for up to six (6) unrelated persons;

- (i) Accessory buildings if secondary to primary use;
- (j) Home occupations;
- (k) Small family daycare;
- (l) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;
- (m) Supportive housing; and
- (n) Transitional housing.

Section 5: Section 9-3.603 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.603 Uses permitted subject to securing use permits (R-1).

The following uses shall be permitted in the Low Density Residential District subject to securing a use permit:

- (a) Parochial schools;
- (b) Private academic schools when teaching an approved academic curriculum;
- (c) Churches and public uses;
- (d) Home occupations involving an employee or employees, advertising of the residence and/or customers on site;
- (e) Public utility uses, but not including storage or corporation yards;
- (f) Ducks, pigeons, geese, and chickens serving as household pets or 4H or FFA animal projects, in a number deemed appropriate;
- (g) Large family day care homes and day care centers;
- (h) Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – employee housing for more than six (6) employees;
- (i) Residential care facility for more than six (6) unrelated persons;
- (j) Special needs housing for more than six (6) unrelated persons; and
- (k) Emergency shelter.

Section 6: Section 9-3.702 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.702 Uses permitted (R-2).

The following uses shall be permitted in the Medium Density Residential District:

- (a) Triplexes, duplexes, attached or detached single-family dwellings;
- (b) Public schools;
- (c) Public parks and playgrounds;

- (d) Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – limited to employee housing of six (6) or fewer employees;
- (e) Group home;
- (f) Residential care facility for up to six (6) unrelated persons;
- (g) Special needs housing for up to six (6) unrelated persons;
- (h) Accessory buildings if secondary to primary use;
- (i) Home occupations;
- (j) Small family daycare;
- (k) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;
- (l) Emergency shelter;
- (l) Supportive housing; and
- (m) Transitional housing.

Section 7: Section 9-3.703 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.703 Uses permitted subject to securing use permits (R-2).

The following uses shall be permitted in the Medium Density Residential District subject to securing a use permit:

- (a) Parochial schools;
- (b) Private academic schools when teaching an approved academic curriculum;
- (c) Home occupations involving an employee or employees, advertising of the residence and/or customers on site;
- (d) Churches and public uses;
- (e) Public utility uses, but not including storage or corporation yards;
- (f) Ducks, pigeons, geese, and chickens serving as household pets or 4H or FFA animal projects, in a number deemed appropriate;
- (g) Large family day care homes and day care centers;
- (h) Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – employee housing for more than six (6) employees;
- (i) Residential care facility for more than six (6) unrelated persons;
- (j) Special needs housing for more than six (6) unrelated persons; and
- (k) Mobile home parks (subject to requirements of Article 17 of this chapter).

Section 8: Section 9-3.802 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.802 Uses permitted (R-3).

The following uses shall be permitted in the High Density Residential District:

- (a) Multifamily uses;
- (b) Apartments;
- (c) Triplexes;
- (d) Group dwellings with more than six (6) residents;
- (e) Public schools;
- (f) Public parks and playgrounds;
- (g) Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – employee housing for more than six (6) employees;
- (h) Residential care facility for more than six (6) unrelated persons;
- (i) Special needs housing for more than six (6) unrelated persons;
- (j) Accessory buildings;
- (k) Small family daycare;
- (l) Home occupations;
- (m) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;
- (n) Emergency housing;
- (o) Supportive housing; and
- (p) Transitional housing.

Section 9: Section 9-3.902 of the Los Banos Municipal Code is hereby amended to read as follows:

Sec. 9-3.902 Uses permitted (M-X).

The following uses shall be permitted in the Mixed Use District:

- (a) Art, craft and photography galleries/studios;
- (b) Music and dance studios;
- (c) Banks, savings and loan facilities;
- (d) Eating and/or drinking establishments;
- (e) Communication facilities;
- (f) Food service;
- (g) Specialty food or drink shops;
- (h) Health clubs or exercise studios;
- (i) Maintenance and repair service, small equipment;
- (j) Offices, business, professional or medical;
- (k) Personal services;

- (l) Recreation and entertainment;
- (m) Bed and breakfast inn, hotel or motel;
- (n) Cultural and/or historical institutions;
- (o) Government offices;
- (p) Public parking facilities;
- (q) Retail sales;
- (r) Residential
- (s) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity; and
- (t) Churches.
- (u) Supportive housing;
- (v) Transitional housing;
- (w) Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – limited to employee housing of six (6) or fewer employees.

Section 10. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 11. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 12. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 13. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative

the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member _____ and seconded by Council Member _____ on the ____ day of _____, 2020.

Passed on the ____ day of _____, 2020 by the following vote:

AYES: Council Members
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

REDLINE

Sec. 9-3.201 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined below.

"Employee housing" has the same meaning as that term is defined in Section 17008 of the Health and Safety Code. Employee housing for six or fewer employees is subject to all municipal codes, regulations and other standards generally applicable to other residential dwellings of the same type in the same zone.

Sec. 9-3.502 Uses permitted (R-C).

- (a) Mixed use development;
- (b) Commercial;
- (c) Live-work facilities;
- (d) Stacked flats;
- (e) Courtyard flats;
- (f) Townhouses;
- (g) Public/civic buildings and public spaces;
- (h) Cottage houses;
- (i) Accessory buildings;
- (j) Supportive housing; **and**
- (k) Transitional housing-;

(l) Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – limited to employee housing of six (6) or fewer employees.

Sec. 9-3.602 Uses permitted (R-1).

The following uses shall be permitted in the Low Density Residential District:

- (a) Single-family dwellings;
- (b) Public schools;
- (c) Public parks and playgrounds;
- (d) One secondary dwelling unit subject to the provisions of this chapter;
- (e) ~~Employee needs housing for up to six (6) unrelated persons~~Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – limited to employee housing of six (6) or fewer employees;
- (f) Group home;
- (g) Residential care facility for up to six (6) unrelated persons;

- (h) Special needs housing for up to six (6) unrelated persons;
- (i) Accessory buildings if secondary to primary use;
- (j) Home occupations;
- (k) Small family daycare;
- (l) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;
- (m) Supportive housing; and
- (n) Transitional housing.

Sec. 9-3.603 Uses permitted subject to securing use permits (R-1).

The following uses shall be permitted in the Low Density Residential District subject to securing a use permit:

- (a) Parochial schools;
- (b) Private academic schools when teaching an approved academic curriculum;
- (c) Churches and public uses;
- (d) Home occupations involving an employee or employees, advertising of the residence and/or customers on site;
- ~~(e) Crop and tree farming;~~
- ~~(f)~~ Public utility uses, but not including, storage or corporation yards;
- ~~(g)~~ Ducks, pigeons, geese, and chickens serving as household pets or 4H or FFA animal projects, in a number deemed appropriate;
- ~~(h)~~ Large family day care homes and day care centers;
- ~~(i)~~ Employee needs housing for more than six (6) unrelated persons Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – employee housing for more than six (6) employees;
- (j) Residential care facility for more than six (6) unrelated persons;
- (k) Special needs housing for more than six (6) unrelated persons; and
- ~~(l)~~ Emergency shelter.

Sec. 9-3.702 Uses permitted (R-2).

The following uses shall be permitted in the Medium Density Residential District:

- (a) Triplexes, duplexes, attached or detached single-family dwellings;
- (b) Public schools;
- (c) Public parks and playgrounds;
- (d) ~~Employee needs housing for up to six (6) unrelated persons~~ Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – limited to employee housing of six (6) or fewer employees;

- (e) Group home;
- (f) Residential care facility for up to six (6) unrelated persons;
- (g) Special needs housing for up to six (6) unrelated persons;
- (h) Accessory buildings if secondary to primary use;
- (i) Home occupations;
- (j) Small family daycare;
- (k) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;
- (l) Emergency shelter;
- (m) Supportive housing; and
- (n) Transitional housing.

Sec. 9-3.703 Uses permitted subject to securing use permits (R-2).

The following uses shall be permitted in the Medium Density Residential District subject to securing a use permit:

- (a) Parochial schools;
- (b) Private academic schools when teaching an approved academic curriculum;
- (c) Home occupations involving an employee or employees, advertising of the residence and/or customers on site;
- (d) Churches and public uses;
- (e) Public utility uses, but not including, storage or corporation yards;
- (f) Ducks, pigeons, geese, and chickens serving as household pets or 4H or FFA animal projects, in a number deemed appropriate;
- (g) Large family day care homes and day care centers;
- (h) ~~Employee needs housing for more than six (6) unrelated persons~~ Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – employee housing for more than six (6) employees;
- (i) Residential care facility for more than six (6) unrelated persons;
- (j) Special needs housing for more than six (6) unrelated persons; and
- (k) Mobile home parks (subject to requirements of Article 17 of this chapter).

Sec. 9-3.802 Uses permitted (R-3).

The following uses shall be permitted in the High Density Residential District:

- (a) Multifamily uses;
- (b) Apartments;
- (c) Triplexes;

- (d) Group dwellings with more than six (6) residents;
- (e) Public schools;
- (f) Public parks and playgrounds;
- (g) ~~Employee needs housing for more than six (6) unrelated persons~~ Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – employee housing for more than six (6) employees;
- (h) Residential care facility for more than six (6) unrelated persons;
- (i) Special needs housing for more than six (6) unrelated persons;
- (j) Accessory buildings;
- (k) Small family daycare;
- (l) Home occupations;
- (m) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;
- (n) Emergency housing;
- (o) Supportive housing; and
- (p) Transitional housing.

Sec. 9-3.902 Uses permitted (M-X).

The following uses shall be permitted in the Mixed Use District:

- (a) Art, craft and photography galleries/studios;
- (b) Music and dance studios;
- (c) Banks, savings and loan facilities;
- (d) Eating and/or drinking establishments;
- (e) Communication facilities;
- (f) Food service;
- (g) Specialty food or drink shops;
- (h) Health clubs or exercise studios;
- (i) Maintenance and repair service, small equipment;
- (j) Offices, business, professional or medical;
- (k) Personal services;
- (l) Recreation and entertainment;
- (m) Bed and breakfast inn, hotel or motel;
- (n) Cultural and/or historical institutions;
- (o) Government offices;
- (p) Public parking facilities;
- (q) Retail sales;

- (r) Residential;
- (s) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;
- (t) Churches;
- (u) Supportive housing; ~~and~~
- (v) Transitional housing;
- (w) Employee housing that complies with Cal. H&S Code Sections 17008 and 17021.5 and other applicable provisions of the Employee Housing Act – limited to employee housing of six (6) or fewer employees.



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HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 1. EMPLOYEE HOUSING ACT [17000 - 17062.5] (*Part 1 added by Stats. 1979*)

CHAPTER 2. Application and Scope [17020 - 17024] (*Chapter 2 added by Stats. 1979, Ch.*)

17021.5. (a) Any employee housing which has qualified, or is intended to qualify, for inclusion in this part may invoke the provisions of this section.

(b) Any employee housing providing accommodations for six or fewer employees in a structure with a residential land use designation for the purposes of this section. For local ordinances, employee housing shall not be included within the definition of a board and care dormitory, or other similar term that implies that the employee housing is a business use in any other way from a family dwelling. No conditional use permit, zoning variance, or other use permit is required of employee housing that serves six or fewer employees that is not required of other persons of the same type in the same zone. Use of a family dwelling for purposes of employee housing shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17008) of the local building codes.

(c) Except as otherwise provided in this part, employee housing that serves six or fewer employees is subject to any business taxes, local registration fees, use permit fees, or other fees of the same type in the same zone are not likewise subject. Nothing in this subdivision shall prevent the imposition of local property taxes, fees for water services and garbage collection, local bond assessments, and other fees, charges, and assessments to which other persons of the same type in the same zone are likewise subject. Neither the State Fire Marshal nor any other person shall impose any fee to the owner, operator or any resident for enforcing fire inspection regulations or local ordinance, with respect to employee housing which serves six or fewer employees.

(d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee housing which serves six or fewer employees shall be considered a residential use of property and shall not be considered a household, notwithstanding any disclaimers to the contrary. For purposes of this section, employee housing includes employee housing defined in subdivision (b) of Section 17008, even if the

property are not located in a rural area, as defined by Section 50101.

(e) The Legislature hereby declares that it is the policy of this state that each county encourage the development and use of sufficient numbers and types of employee housing commensurate with local needs. This section shall apply equally to any charter city and county, district and any other local public entity.

(Amended by Stats. 1993, Ch. 952, Sec. 1. Effective January 1, 1994.)



HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 1. EMPLOYEE HOUSING ACT [17000 - 17062.5] (*Part 1 added by Stats. 1979, Ch. 62.*)

CHAPTER 2. Application and Scope [17020 - 17024] (*Chapter 2 added by Stats. 1979, Ch. 62.*)

(a) The owner of any employee housing who has qualified or intends to qualify for a permit to operate pursuant to this part may invoke this section.

17021.6.

(b) Any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household, or that is approved pursuant to Section 17021.8, shall be deemed an agricultural land use for the purposes of this section. Except as provided in Section 17021.8, for the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other discretionary zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

(c) Except as otherwise provided in this part, employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other agricultural activities in the same zone are not likewise subject. This subdivision does not forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other agricultural activities in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee to the owner, operator, or any resident for enforcing fire inspection regulation pursuant to state law or regulations or local ordinance, with respect to employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

(d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household, or that is approved pursuant to Section 17021.8, shall be considered an agricultural use of property, notwithstanding any disclaimers to the contrary. For purposes of this section, "employee housing" includes employee housing defined in subdivisions (b) and (c) of Section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Section 50101.

(e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local need. This section shall apply equally to any charter city, general law city, county, city and county, district, and any other local public entity.

(f) If any owner who invokes the provisions of this section or Section 17021.8 fails to maintain a permit to operate pursuant to this part throughout the first 10 consecutive years following the issuance of the original certificate of occupancy, both of the following shall occur:

- (1) The enforcement agency shall notify the appropriate local government entity.
- (2) The public agency that has waived any taxes, fees, assessments, or charges for employee housing pursuant to this section may recover the amount of those taxes, fees, assessments, or charges from the landowner, less 10 percent of that amount for each year that a valid permit has been maintained.
- (g) Subdivision (f) shall not apply to an owner of any prospective, planned, or unfinished employee housing facility who has applied to the appropriate state and local public entities for a permit to construct or operate pursuant to this part prior to January 1, 1996.

(Amended by Stats. 2019, Ch. 866, Sec. 10. (AB 1783) Effective January 1, 2020.)



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: October 2, 2020

Regarding: Notice of Public Hearing

Proposal: Proposed Ordinance – Employee Housing

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider a recommendation to the Los Banos City Council to adopt an ordinance to amend Title 9 of Chapter 3 of the Los Banos Municipal Code regarding Employee Housing. The proposed ordinance is exempt from the California Environmental Quality Act (CEQA), as the action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that the adoption of the ordinance would have a significant effect on the environment. *CEQA Guidelines Section 15061(b)(3)*.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council on Wednesday, October 14, 2020 at 5:30 p.m. virtually using GoToMeeting. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Community and Economic Development Director, at City Hall or at (209) 827-2433. Public comment during the public hearing 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. Emails during the meeting must be sent to the Planning Commission Secretary at planningcommission@losbanos.org.

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 Ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing per Government Code Section 65009.

Additional information may be obtained from 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

Stacy Souza Elms
Community and Economic Development Director