

**CITY OF CERES
PLANNING COMMISSION
MEETING MINUTES**

September 17, 2018

MEETING CALLED TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Smith.

ROLL CALL:

PRESENT: Commissioners: Condit, Del Nero, Johnson, Kachel,
Chairperson Smith

ABSENT: None

ALSO PRESENT: Director of Community Development Tom Westbrook, City
Manager Toby Wells, City Attorney Nubia Goldstein,
Senior Planner James Michaels, Administrative
Secretary/Deputy City Clerk Ann Montgomery

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATIONS:

None

CONSENT CALENDAR:

1. Clerk's Report of Posting. The Agenda for the regular meeting of the Planning Commission of September 17, 2018 was posted on September 12, 2018.
2. Approval of Minutes:
 - a. September 4, 2018 (Kachel, Smith absent)

ACTION: It was moved by Commissioner Condit; seconded by Commissioner Johnson to approve Item 1 on the Consent Calendar. Motion passed by the following vote:

AYES: Commissioners Condit, Del Nero, Johnson, Kachel, Chairperson Smith
NOES: None
ABSENT: None

2. Approval of Minutes:

- a. September 4, 2018 (Kachel, Smith absent)

ACTION: It was moved by Commissioner Condit; seconded by Commissioner Del Nero to approve Item 2.a. on the Consent Calendar. Motion passed by the following vote:

AYES: Commissioners Condit, Del Nero, Johnson
NOES: None
ABSENT: None
ABSTAIN: Commissioner Kachel, Chairperson Smith

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

None

PUBLIC HEARINGS:

None

NEW BUSINESS:

3. 6-Month trial period to allow Mobile Food Vehicles in the City.

Director of Community Development, Tom Westbrook presented the staff report, providing a brief background. He explained that the City Council had been lobbied earlier this year by some folks stating that they would like to see some allowances or provisions for mobile food vehicles within the City. For the last few decades food trucks have not been permitted within the City of Ceres. That said, the style of vehicles that run around to industrial parks, set up shop for 5-10 minutes, sell some sandwiches and move on, have been permitted the entire time. It's really that stopping in a location for more than 15 minutes, which is the prohibition. Council directed staff to bring back some options for perhaps allowing some of these vehicles. Staff, consisting of Mr. Michaels, Mr. Wells, Mr. Hallam and Mr. Westbrook, crafted some language and they pitched those ideas to City Council at their meeting on August 13th. Council then gave staff some direction and feedback.

Mr. Westbrook referred to the proposed Guidelines with some pretty limited circumstances and allowances. At the Council's direction, staff would be really providing this for a period of 180 days/6 months as a trial period to see how it works out. If it works out well, the Council could simply direct staff to continue with another 6 month trial period and get something codified. Staff's attempt here, with the provisions that they've outlined, is really to allow some specific examples and allowances for mobile food vehicles, but not open it up to "anything, anywhere or anything goes."

Mr. Westbrook explained that he is going to go over the highlights, will certainly be available for questions and then we'll open the meeting up for public comment.

Duration – One of the things that staff talked about with the Council was the duration. Staff had originally proposed a Temporary Use Permit, an Administrative Use Permit and a Conditional Use Permit. With the Conditional Use Permit being allowed a year, the Council kind of pulled that back, stating that they'd be really comfortable with just a six-month provision. So, the two types of permits that staff proposed are a Temporary Use Permit, which is more of a special event oriented type allowance and then the Administrative Permit, would be more of a location.

Mr. Westbrook continued, again, staff is just proposing for a Temporary Use Permit to allow that up to 5 days for any particular property. An example of something like that might be River Oaks Golf Course; if they decided to have an event out there where they wanted some mobile food vehicles, maybe in association with a concert, that would be the appropriate mechanism for them.

An Administrative Use Permit might fall along the lines of Blaker Brewing, as an example, where they have food come in on various weekends for a couple of days.

Permit Locations – These would only be permitted in commercial and/or industrial locations. That would be for the Administrative Use Permits.

The Temporary Use Permit - Under the TUP, those are things that could be allowed perhaps at the golf course; allowed maybe in the street if there was an appropriate street closure because those are generally just going to be for a day or a period of time, where the Administrative Use Permit would be something that could happen every day on a commercial or industrial property.

Transferability – What staff is trying to do here is to give allowances to the property owner, to maybe secure the Administrative Use Permit and then have a variety of mobile food vendors come to their property from time to time, but you couldn't transfer it between properties.

Aesthetics – This was a big one. Mr. Westbrook stated that the Commission has most likely seen various images of mobile food vendors and food trucks within the state and nation. This is something that staff is really sensitive with here. For this example and trial period, staff is not recommending that there are any tables or chairs that are set up to serve these, or easy-ups or covers; it would just be the mobile food vehicle. The circumstance that staff is suggesting, to supplement an existing business, the customer would just take the food into the existing business to utilize their tables and chairs or just take their food to go. So the aesthetics was a big one; staff doesn't want to have just an anything goes.

Hours of operation – What staff is proposing is to be consistent with the business that they supplement, but in no case, open later than 12 a.m. or before 7 a.m.

Restroom Facilities – Because the mobile food vehicles will be supplementing an existing business, this should not be difficult, but we want to make sure there are restroom facilities not only for the customers, but for the folks that are preparing the food in the mobile food vehicle. Staff is suggesting that the restroom facilities have to be within 200 feet of the truck.

Permissions – This is obviously a big one. They need written approval from the property owner at the location where this vehicle will be placed.

Waste Collection – Staff wanted to make sure that there are trash receptacles available. Generally at the end of the day, there's going to be enough trash that they're either going to have to haul it away or make some arrangement with the property owner to utilize their dumpster facilities.

Licensing – Obviously, it is important that the Health Department has approval of any of these vehicles; that they have the necessary license, and then if they are a mobile food vehicle and they're on the roadways, they need to be licensed with the State of California as well.

Business License – This was kind of a split deal where the Temporary Use Permit wouldn't necessarily require the issuance of a Business License for each of the vendors. However, if they're at a permanent location and operate up to the 180 days, within the 6-month trial period, staff would want them to have a Business License.

Mr. Westbrook added that one of the things that the Council really wanted to make sure was included, and staff hasn't crafted what this will look like, is that they want to have a pretty easily identifiable permit displayed so that as staff is driving around town, there's a magnet or a sticker or something on the vehicle, that they can determine that this is one that's been legally approved to operate within the City.

Mr. Westbrook reiterated that this is just a 6-month trial. Staff will be presenting whatever recommendations that the Commission has to the City Council at their first meeting in October and then getting direction from them as to when they want to open this up, and go live. Staff suspects that those that would apply for these are those that may want to do a special event involving some food trucks, or a business that doesn't necessarily have food. Most likely that's probably going to be a bar of some type. An example that he used was Blaker Brewing, who work with pizza ovens and some other things.

Mr. Westbrook concluded his presentation by stating that he's available for questions that the Commission may have.

Commission Questions:

Commissioner Del Nero inquired that the County Health Department would regulate anything inside the truck.

Mr. Westbrook confirmed that the Health Department would have to issue a clearance for any mobile food vehicle, which they do already.

Commissioner Del Nero remarked that he knows from his personal experience and life experience, that these trucks can have some crime that follow them. He asked if the Police Department has been consulted on this or is this something that staff is going to talk about later.

Mr. Westbrook explained that the Police Department was involved in the effort. Staff is thinking that under the trial period, this isn't anything goes, and really kind of limited to

the existing businesses. It's very unlikely and noted that you won't see one in the parking lot of Kmart because Kmart doesn't supplement their business. Staff thinks because of the limited time-frame, if there are issues, those will be addressed.

Commissioner Del Nero asked, with any of the mobile food vehicles' sales, does the City get any commission from that or just the permit.

Mr. Westbrook explained that it would just be whatever revenue is generated through the Business License. An example of a Temporary Use Permit for a special event, there wouldn't be any revenue that would come back to the City, other than the issuance of the permit to allow them to operate. For folks that are required to have a business license, that's how the City would get revenue, is through the business license.

Chairperson Smith stated that she has one question, referring to the Minutes from the August 13th City Council meeting, where Council Member Ryno stated that to just begin having mobile food vendors, she would like to forget about the AUP, and just focus on the CUP and the TUP for special events, and then she goes on. But then under direction, it says "Council collectively agreed for staff to move forward with Council Member Ryno's recommendation."

Mr. Westbrook explained why the Commission is not seeing the Conditional Use Permit, is that this is a staff thing that we're going to present back to Council, just for the sake of ease of processing. The Administrative Use Permit is only good for six months and the cost to issue that is half of what a Conditional Use Permit would be. So, staff will be asking the Council to kind of just go that direction since they just wanted to have it be a 180-day trial period, just to process these initial ones through the Administrative Use Permit process. So, Chairperson Smith is correct. The direction that the Council wanted was the Conditional Use Permit, as he and Mr. Wells talked about that at the conclusion of the meeting; it just seemed to make sense to go with the process we already have. And then that doesn't mean that somebody spends a full blown Conditional Use Permit Fee for something that's only good for six months.

Chairperson Smith clarified that the AUP will allow for location placement, like Blaker's and Rusty Nail, which is what Council Member Ryno was commenting would be allowed under the CUP. Ms. Smith was just trying to make sure that what Council Member Ryno was shooting for is still allowed in this in spite of the fact that she said she didn't want to use the AUP.

Mr. Westbrook noted because it's a six-month window that was going to be the location. The benefit of having both of those processes in place is if there may be a location that wants to have a food truck every day of the year, they would ultimately get a CUP if this moves forward. If there was somebody who says I only want one on Friday and Saturday nights, they could go through the other process, which is the AUP, which is half the cost.

Chairperson Smith asked, so when this moves forward to Council, expecting that it's going to move forward from the Planning Commission, it will be explained and Council Member Ryno will understand how staff got there from the direction.

Mr. Westbrook confirmed, yes.

Commissioner Johnson inquired about enforcement of these rules; who will be responsible, say if a truck is set up and doesn't have a license displayed?

Mr. Westbrook explained that would just be City Staff; Code Enforcement and Planning Division would do that as well. We don't think there's going to be a proliferation of them, but we'll cross that bridge when we get there. So, today we know that nobody is allowed to have them in town. Staff thinks there'll be some limited circumstances and will just be driving by and verifying that everybody has the permits to operate. He thinks that within the 6-month trial period, if Ceres got a half dozen, he would have to say that we've done pretty well. He's assuming that Ceres is probably going to get a handful.

The Public Hearing was opened at 6:16 p.m.

- Lee Brittell, Owner, Runaround Sues, 1419 Mitchell Road, Ceres, CA

Mr. Brittell remarked that he has a couple questions about this. One of the things that pops up and maybe this is a question for staff, but the City has directed and has basically three different sections and building codes that are set up. We have the Mitchell Road Corridor, we have Downtown, and then we have the rest of the City. Mr. Brittell asked how is this going to fit into the different sections because each of those has different codes.

Chairperson Smith replied that Mr. Brittell is right.

Mr. Brittell continued, stating that his question is for staff or the Commission.

Mr. Westbrook explained that the Guidelines would just preempt; it would just be allowed in any of those designations, whether it's in the Downtown Specific Plan, or somewhere along Mitchell Road, or just a normal zoning designation.

Mr. Brittell remarked, okay, but each one of those three, there's not going to be any different rules?

Mr. Westbrook responded no, the Guidelines that staff is proposing would just be over the top of those three.

Commissioner Condit clarified that it's not allowed in residential zoning; so, allowed in industrial, commercial and that's how it could be allowed at Blaker, Rusty Nail or at Mr. Brittell's establishment.

Mr. Brittell stated that's exactly his point, because we have three different jurisdictions here that we're dealing with, and the City in the past, has shown just how important the Mitchell Road Corridor is and how important it is beautifying Downtown. And they've spent a lot of money over the years to do that. Now, to be able to come back around and say we want to put mobile food trucks in. Okay, it would fit well in his business where he's located. After all, he has a pot dispensary right across the road now. So, he's thinking, okay, this might be something. But from a business owner's point of view, one of the things that he wanted to bring up is, through staff's program as far as the Conditional Use Permit, they're asking me as a business to put up \$1,000 for this permit, that is only going to be good for 6 months. And, if by chance they decide, oh, the investment that he made of that \$1,000, let alone in the equipment, or a lease, or

anything else, this is a pretty expensive little operation for somebody to gamble on at the end of six months. To be honest, he kind of got the impression that this isn't something that Ceres really wants to do, but it kind of got ramrodded through because somebody at Council said something...wouldn't it be nice, but he doesn't know that, he's speculating. It's just that okay, from a business point of view and that's the point he wanted to make...for him to invest the \$1,000 and he was to go out and buy a food truck; (there's another anywhere from \$18,000 to \$30,000), and then it has to be mobile. It can't be an addition; it has to be moved nightly. For him to be able to invest in that, or for any business, that's quite a gamble. His question is why are we doing this for six months. Maybe we, the City, should just make up its mind and, fight it, either put it in or throw it out.

Chairperson Smith asked if she might respond to Mr. Brittell and then ask Mr. Westbrook to assist. She explained at this time we are taking a test drive. As she is sure that Mr. Brittell is aware that Food Trucks are a growing industry throughout the nation. So, the City is interested in providing opportunities for businesses, new types of businesses that grow throughout the nation. This is an opportunity to test that. She is going to ask Mr. Westbrook to fill in the gaps here, but she believes we're not doing the CUP at this time, but the other two avenues will allow for the same opportunity. The CUP is a greater investment from the business owner, so we'll delay that until after the 6-month test drive in order to see what kind of interest we're getting, how is it in terms of enforcement, what kind of opportunities is it generating, and is it in general working in our community. After that time, she's sure that the Planning Commission as well as the Council will consider all of those factors and make a decision about whether we want to make it permanent. When and if we do decide to make it permanent, the investment of the \$1,000 or whatever the fee is in the CUP will be revisited, and it won't be a risk for whoever chooses to do that, because then it will become permanent. She asked Mr. Westbrook if she had covered everything.

Mr. Westbrook stated he believes she did. The only other thing he would mention is that he's had the chance to speak with Mr. Brittell. He then asked Mr. Michaels if the AUP fee structure was \$360.

Mr. Michaels confirmed that was correct, and added that the fee for a CUP was \$1,200.

Mr. Westbrook continued, noting that he would agree 100% with Mr. Brittell, based upon conversations that they'd had and would not recommend anyone in the City of Ceres to go out a buy a food truck to do the six-month trial. He thinks what Mr. Brittell could do, is, if he wanted to, get the location for a food truck at his business through the Administrative Use Permit process and then just have people come in and serve. Mr. Westbrook thinks that Mr. Brittell is looking at it as an opportunity to maybe invest in the future. For this trial period, he would not recommend that to anyone; not yet, not until it was codified.

Commissioner Condit asked if Mr. Brittell and other businesses could contract out with other food trucks in the area.

Mr. Westbrook explained that Mr. Brittell could get the Administrative Use Permit approval, and then have food trucks that could come in, sell their food and then move on.

Commissioner Condit inquired if every weekend there could be a different food truck there.

Mr. Westbrook replied yes.

Commissioner Condit continued and asked, as long as Mr. Brittell has the permit and they hang it up when they're serving.

Mr. Westbrook responded, absolutely. We're trying to be as flexible as we can.

City Manager Wells added that the premise for this conversation started with the single premise that came from the community and from our Council, which was, we want to entertain this opportunity for mobile food trucks. We see it as something happening, but we want to ensure that we are supplementing and helping those businesses who are already invested in our community, i.e. they've spent hundreds of thousands of dollars on a brick and mortar facility, the last thing we want to do is to permit something that is going to take away from that. So, how can we structure a program to help them? That's why it's done this way. Not with the idea that the business owner was going to go dump hundreds of thousands of dollars in it, but how can they cost effectively grow their business by using things that are already out there. We see this as a partnership with other businesses. So, we as a city are hoping to create some new relationships; you as a business owner would be able to meet with some of these other food vendors, so you don't have to spend hundreds of thousands of dollars getting a food truck up and running, because there are already several businesses who have done it and are doing it really well. So, that's what the opportunity is, is for you to make those relationships. You (business owners) win, we win, food truck wins and we're moving forward.

Mr. Brittell thanked the Commission.

- Renee Ledbetter – Executive Director, Ceres Chamber of Commerce

Mrs. Ledbetter expressed her accolades to staff for developing a comprehensive program that the Ceres Chamber can definitely get behind. We're very excited for this six-month trial and hopefully for a permanent program. We see a great opportunity to have other types of festivals and different community events that we could utilize food trucks for and so we're very excited about this program. We hope the Commission approves it and the City Council approves it, and we can move forward, so we could try it next year.

- Dave Pratt, Ceres Citizen

Mr. Pratt inquired if Mr. Brittell has a food truck come to his business location, what does that do to the fast food places around that area; would they have to contend with that?

Chairperson Smith asked staff if there is a distance requirement.

Mr. Westbrook replied there is no distance requirement.

Chairperson Smith continued by saying that competition comes in all forms. If you're a food truck and there's a fast food restaurant, there's going to be competition.

Mr. Pratt stated that when he was growing up, he used to go with his dad to L.A. and there were a lot of the food trucks, because back then there weren't all these fast food places located everywhere. Even driving through Keyes, they've got food trucks set up there. Ceres is probably one of the last places attempting to do this.

The Public Hearing was closed at 6:26 p.m.

Commission Discussion:

Commissioner Condit stated that he just wanted to applaud staff and the whole City, noting that we took our time on this. He thinks a year ago, in 2017, this issue got brought up about food trucks. We really studied it and we're going to have a trial run; we're not jumping into like a lot of other cities have, and we're not going to allow them to just move around freely. We're going to have a set standard and we'll take it there in six months.

Chairperson Smith stated that she couldn't agree more.

ACTION: It was moved by Commissioner Condit; seconded by Commissioner Kachel to exempt this project from Environmental Review in accordance with CEQA Guidelines 15311 (Class 11(c) and approve the Guidelines for Mobile Food Vehicles and recommend to the City Council for implementation. Motion passed by the following vote:

AYES: Commissioners Condit, Del Nero, Johnson, Kachel, Chairperson Smith
NOES: None
ABSENT: None

PUBLIC MEETING(S):

None

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

None

REPORTS:

Commissioner Condit announced that it is Constitution Day.

City Manager, Toby Wells provided an Engineering Project Update:

- The project on Mitchell Road is finishing up; they're continuing to do some construction this week, "raising iron" is the term, but basically putting the manholes to grade and doing that stuff this week, and then return next week for striping. That

project is nearing completion. It turned out great and he knows it's been a real pain for most traveling motorists.

- Started construction on the two roundabout projects: Pine & Central and Morgan & Aristocrat. He advised if you don't want to be in construction delays, stay away from those two areas. That project is moving well.
- Last week we awarded the second largest Measure L project. That's basically a Slurry Seal/Keep Seal project, fixing a number of streets throughout town. That was awarded by Council last week. The Pre-Construction meeting was held last Wednesday, and we hope to get under construction in the next week. It's a very aggressive schedule, trying to beat the weather. Temperatures get to be critical with these types of projects. We're moving as quickly as the contractor will move. We hope to get that done in the next month.

Director of Community Development, Tom Westbrook announced:

- On Saturday, the Chamber of Commerce had their "One Table. One Community" event on 4th Street. He believes there were a little more than 100 people that attended. We'll see if it becomes an annual event.
- The Imperial Knights Show will be at the Diamond Bar Arena on Wednesday, September 19th. This is a fundraiser for both high schools. Tickets are available through the School District.

ADJOURNMENT:

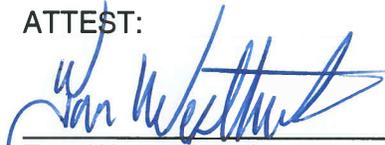
The Commission adjourned at 6:31 p.m. to the next regularly scheduled meeting of Monday, October 15, 2018.

APPROVED:



Laurie Smith, Chairperson

ATTEST:



Tom Westbrook, Secretary