

**CITY OF CERES  
PLANNING COMMISSION  
MEETING MINUTES  
June 6, 2022**

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*Planning Commission conducted this meeting in accordance with California Government Code Section 59453, Subdivision (e) of the Ralph M. Brown Act (California Government Code Section 54950, Et. Seq.), Ceres Resolution No. 2022-34, and the Federal Americans with Disabilities Act.*

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

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Chairperson Smith.

**ROLL CALL:**

**PRESENT:** Commissioners: Johnson, Kachel, Martinez, Chairperson Smith

**ABSENT:** Commissioner Del Nero

**ALSO PRESENT:** Director of Community Development Christopher Hoem, Senior Planner James Michaels, Economic Development and Redevelopment Manager Anthony Sims, Director of Engineering Services, City Engineer Kevin Waugh, Deputy Chief Kevin Wise, City Attorney Nubia Goldstein, Administrative Secretary 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 June 6, 2022 was posted on June 1, 2022.
2. Approval of Minutes
  - a. May 2, 2022 (all present)
  - b. May 16, 2022 (Smith absent)

**ACTION:** It was moved by Commissioner Kachel; seconded by Commissioner Johnson to approve Items 1 and 2.a. on the Consent Calendar. Motion passed by the following vote:

**AYES:** Commissioners Johnson, Kachel, Martinez, Chairperson Smith  
**NOES:** None  
**ABSENT:** Commissioner Del Nero

**ACTION:** It was moved by Commissioner Martinez; seconded by Commissioner Johnson to approve Item 2.b. on the Consent Calendar. Motion passed by the following vote:

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

### **CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR**

None

### **PUBLIC HEARINGS:**

3. Conditional Use Permit (CUP) 22-09; Proposal for a Conditional Use Permit entitlement to allow for a pallet storage yard to operate at 1651 E. Whitmore Avenue. Efrain Gonzalez, applicant.

Senior Planner, James Michaels presented the staff report.

Director of Community Development, Christopher Hoem added some additional points:

- The reason we see the gaps between the pallet stacks on the site plan is that the Fire Code requires a 45-foot gap between those.
- Deputy Chief Wise with the Fire Department is here this evening to answer any questions about the Fire Code.
- The Fire Marshal's office has been out to inspect the site multiple times throughout this process.
- Recently the northern part was repaved, so pallets needed to be temporarily moved during that time.
- Noted that in the staff report it states that the pallet business began between August 2019 and May 2020.

### Commission Questions of Staff:

Commissioner Kachel stated that he didn't believe this project should be exempt under CEQA due to being an existing facility and he raised questions about aesthetics and fire protection.

Commissioner Martinez inquired about fire inspections.

Deputy Chief Wise reported that he didn't know the exact date on the inspection, but it was within the past couple of months. At the first inspection he identified several items on site: lack of fire extinguishers, electrical issues, electrical gear in the work area where they build the pallets and different items like that. The fire department did a subsequent inspection and everything that was listed had been addressed and came into compliance. Some of their concerns were the pallet storage and the arrangement of the pallets. So, the fire department gave them that information of what the fire code allows for. They were going to work on that, and the next inspection was to come out and inspect that. They started a pavement project where they needed to move the pallets to the side while they were doing the pavement project. After they completed the project, the fire department was going to come back out and take a look at the pallet arrangement.

Commissioner Martinez asked how many fire extinguishers are required.

Deputy Chief Wise didn't have that information off the top of his head from the Fire Code, but explained that they definitely want to have one in the work area, and one on any type of equipment, i.e. fork lifts and any other equipment that's out there. He noted that the fire department found out they were lacking training and they did go out and conduct training with eight of the employees with their simulated fire extinguisher.

Commissioner Johnson asked Deputy Chief Wise if he had to provide a fire rating from one to ten, with ten being the highest, what would he rate this.

Deputy Chief Wise replied that pallet yards are always very high fire rating. The last few years we've had a couple of fires on 7<sup>th</sup> Street, he believes at the Perez Pallet Company, that's in the Industrial Fire Protection District. We've had some on 7<sup>th</sup> Street, over by 7<sup>th</sup> and Hatch, right underneath the overpass. It's a "Class A" fire hazard; you put wind to that, and the elements of nature, and they'll grow really fast. That's why we try to get compliance on location of the pallets and how they're arranged. It is very difficult to fight pallet fires as there are a lot of variables.

Commissioner Kachel inquired about flow tests.

Deputy Chief Wise stated that there are hydrants, but they've never conducted flow tests out there.

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

- John Warren, Ceres resident

Mr. Warren reported that he went to the City Planning Department this morning and submitted his statement that he is going to read tonight along with six pictures that he wanted to show the Commission. He sent the photos via email and apparently only two of them came through. He explained the pictures are from the freeway side and show the height of those pallets, which are obviously higher than the fence that borders the Railroad driveway. He noted that he brought his iPad with him and has the other pictures available, if the Commissioners would like to see them before they make their final decision.

Mr. Warren read his statement to the Commission, expressing his concerns with several violations, including operating the business without the City's permission for at least a couple of years now.

- Renee Ledbetter, Ceres resident

Mrs. Ledbetter read an email message that she had submitted to the Planning Commission, expressing her concerns with the proposed pallet business. She expressed her objection to the business, citing the fire hazards it represents and noting its unsightly appearance, with its visibility to drivers along Highway 99.

- Jim Shade, Architect

Mr. Shade explained his design of the proposed project follows the guidelines of keeping pallets at least 10 feet away from the property line, 20 feet apart and stacked only 10 feet high, and noted it would certainly not be the fire hazard that it has been in the past. He is available to answer any questions.

- John Warren, Ceres resident

Mr. Warren requested to speak again as he wanted to comment about the railroad. Having worked along the railways previously in the Salida area and all along the 99 freeway, he noted that every year broken wheels and things from the freight trains, catch the grass on fire. He mentioned the wrecking yard up in the Salida area burned down several different times because of the fires that were started accidentally by just the railroad trains in the area and pointed out that this area is a prime candidate for that happening.

- Gene Yeakley, Ceres resident

Mr. Yeakley stated that when these types of items come up for discussion, noting that one gentleman said he had been out to the site; inquired if there are ever occasions like this, where people have to make a decision, that the whole Commission has gone as a group to see what's going on.

Chairperson Smith deferred the question to the City Attorney, as having field trips of the entire Commission poses some concern, she believes.

City Attorney, Nubia Goldstein explained that there are some logistical issues with conducting field trip type meetings. It's not impossible; it's just logistically difficult. It's not required and it's really up to the Commission and also consulting with staff to make sure they can provide sufficient information to make that consideration. And, yes, it's technically allowed under certain conditions. It is difficult to actually hold a meeting because you have to provide public comment, allow the public to also attend and that creates problems with commenting back and forth. If you have a quorum of the Planning Commission attending any type of field trip, you have to provide an opportunity for the public to be present, it would have to be agendaized, and have to have a public comment portion as well. So again, that's why it poses some logistical issues.

Chairperson Smith explained that as independent and individual Commissioners, they have every opportunity prior to the meeting to go to the site that's being discussed, and

observe on their own, independently whatever the issues or questions that are asked. She knows that she and her fellow Commissioners have done that.

Mr. Yeakley understands but was just suggesting that perhaps the Commissioners could go to the site(s) together and exchange thoughts or ideas.

- Jim Shade, Architect

Mr. Shade added that both the Fire and Police departments have gone out to the site and reviewed the situation. They have tried their very best to make this permit respectable with stacking of pallets, adding the fire extinguishers, and working with staff, noting that staff has been very helpful.

- Chairperson Smith requested that the record reflect that the Commission did receive an email from Kelly Cerny, also expressing similar views to Mr. Warren and Mrs. Ledbetter and her opposition to this item.

**The public hearing was closed at 6:35 p.m.**

Commission Discussion:

Commissioner Kachel stated he has a lot of thoughts on this. He's still hung up on the CEQA issue; he could vote for a resolution that says it's exempt, if it is. Beyond that, the use itself; they're always a problem when you get to a commission, because you're stuck with how would we review this if it didn't exist at all. It's sort of the way you're supposed to look at it. It's not supposed to be there, but it is there. The track record for this, as you can see from the two photos which the gentleman did submit and we have, show that it's not being operated currently as proposed. He's not sure why they haven't made that adjustment since they were notified of the problem, but you have that, some of the track record.

Commissioner Kachel also remarked that he thinks its worth noting that Mrs. Ledbetter commented the first time in his time on the Commission, stated opposition to a project, as she is very much pro-Ceres, pro-growth Ceres and pro-economic development, and has track records on those finds. So, he takes it very seriously when someone like that with that kind of track record says, "Wait a minute; we need to look at this." And then the idea, just looking at it, pointed out by the third gentleman that spoke; it's certainly not much to look at; we've all seen it coming into town from the north. He wasn't aware that it wasn't permitted under this zone and he's not sure when it started out there either. He has a real problem with it. He thinks they're making a good-faith effort, and it's quite possible that it could operate as they'd indicated and get the presentation that the plot plan would show the different stacks of pallets with the spaces in between, and the fire department would have an opportunity to look at. When they first went out there, there were some issues, and apparently the issues were addressed. He doesn't think anybody is too crazy about a use like this from a fire perspective. In any case, we heard from, he thinks it was Mrs. Ledbetter who said that Sacramento had a fire with a similar situation, so he is just really hesitant. He could maybe be convinced, but that's where he stands right now.

Chairperson Smith asked that the City Attorney address Commissioner Kachel's concern about the CEQA designation on the staff report, which states that it is exempt.

City Attorney, Nubia Goldstein explained that staff did prepare the staff report and they may have had something different in mind. But generally speaking, for this type of exemption, the main point of evaluation is whether or not the project involves some type of negligible or no extension of use. So, based off of what's been described, and presented in the staff report, in the sense that the site is using, and she supposes the best way of describing the facilities or structures that have been in existence for a while. The expanded use is negligible pursuant to the exemption. The way the exemption is drafted is a little broader than its title seems to indicate. But again, she'll defer to staff if they have any additional thoughts on that particular exemption.

Chairperson Smith clarified that it can be classified as categorically exempt based on its existence over the last several years. She also had a follow-up question to that; it's existence, whether it be legal or illegal, is irrelevant in terms of it being exempt.

Mrs. Goldstein explained that the exemption is predicated off of the use that has existed. So in this case, we're speaking about a site that has structural improvements that have served from the flea market use in the past, and so that's really what it's predicated off of. Again, the existence of whether this particular use is, not necessarily permitted, but been authorized or not, doesn't square away with the CEQA evaluation; it would be a different evaluation. That really goes to the Planning Commission and the public potential concern with whether or not they've been operating with authorization or not. It's two separate things.

Commissioner Martinez noted that when he visited the site on Friday, no one stopped him from entering the facility. When he was finally acknowledged, he asked where the fire extinguishers were and were told they were located up near the front gate. He also expressed his concern with the 44 high stacks of pallets, which is much higher than the fire code allows.

Commissioner Johnson stated everyone has brought up a whole lot of points for our attention, especially Commissioner Kachel, and he will not be supporting the project.

Chairperson Smith agreed with Commissioner Johnson. Commissioner Kachel did a great job of outlining the issues, identifying the concerns, which she agrees with. She noted that Mrs. Ledbetter did a great job as well and Chairperson Smith agrees with Mr. Kachel, that Mrs. Ledbetter is very supportive of businesses that come to the community, but this particular business has the potential and it appears that it already is, creating a vision of blight from the freeway and we have been working very hard and sometimes we're struggling and not doing as well as we could, to create a more visually appealing community. She believes this creates a vision of blight; she also thinks there's a public health and safety issue, especially with the potential for fire. She was going to cite the CEQA issue, but she believes the City Attorney has addressed that. She will not be supporting this item either.

**ACTION:** It was moved by Commissioner Kachel; seconded by Commissioner Johnson that based on the record, the correspondence the Commission has received, the Public Hearing we've held, the discussion we've had and particularly the items that Chairperson Smith just summarized, he cannot support the project as it's configured on its history, and recommended **denial** of the project. Motion passed by the following vote:

**AYES:** Commissioners Johnson, Kachel, Martinez. Chairperson Smith  
**NOES:** None  
**ABSENT:** Commissioner Del Nero

**NEW BUSINESS:**

None

**PUBLIC MEETING(S):**

None

**UNFINISHED BUSINESS:**

None

**MATTERS INITIATED BY PLANNING COMMISSION AND STAFF**

None

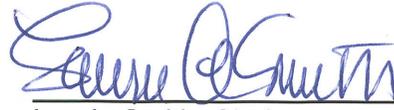
**REPORTS:**

- Director of Community Development, Christopher Hoem introduced new City Engineer, Kevin Waugh. He comes to us with extensive experience and education, and we're really happy to have him here.
- Senior Planner, James Michaels announced Concerts in the Park will be starting next week, Tuesday, June 14<sup>th</sup> at 6 p.m. at Whitmore Park.

**ADJOURNMENT**

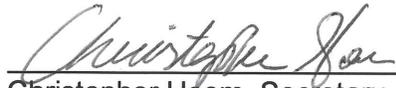
The Commission adjourned at 6:47 p.m. to the next regularly scheduled meeting of Monday, June 20, 2022.

APPROVED:



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Laurie Smith, Chairperson

ATTEST:



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Christopher Hoem, Secretary