



Agri-Center of the World

City of Tulare

Planning Commission

Agenda

Chair
Chuck Miguel

Vice-Chair
Sandi Miller

Commissioners
Susan Henard
Jocelyn Limas

Council Chamber
491 North M Street, Tulare
www.tulare.ca.gov

Monday, August 12, 2024
7:00 p.m. – Regular Meeting

Mission Statement

To promote a quality of life making Tulare the most desirable community in which to live, learn, play, work, worship and prosper.

Attending and Participating in Meetings

Regular meetings of the Planning Commission are held on the second and fourth Mondays of the month in the Council Chamber located in the Tulare Public Library at 491 North M Street, Tulare, subject to cancellation. Additional meetings of the Planning Commission may be called as needed.

Documents related to items on the agenda are accessible on the City's website at www.tulare.ca.gov and available for viewing at the entrance of the Council Chamber.

Rules for Addressing the Planning Commission

- Members of the public may address the Tulare Planning Commission on matters within the jurisdiction of the City of Tulare.
 - If you wish to address the Planning Commission, please complete one of the yellow speaker cards located at the entrance to the Council Chamber and provide to the Clerk.
 - Persons wishing to address the Planning Commission concerning an agenda item will be invited to address the Planning Commission during the time the Planning Commission is considering that item. Persons wishing to address the Planning Commission concerning non-agenda issues will be invited to address the Planning Commission during the Public Comments portion of the meeting.
 - When invited by the Commission Chair to speak, please step up to the podium, state your name and city where you reside, and make your comments. Comments are limited to three minutes per speaker.
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Americans with Disabilities Act

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification from the Planning Department at (559) 684-4217. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENTS** - This is the time for the public to comment on matters within the jurisdiction of the Tulare Planning Commission that are not on the agenda. The Planning Commission asks that comments are kept brief and positive. The Planning Commission cannot legally discuss or take official action on request items that are introduced tonight. This is also the time for the public to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Public Hearing or General Business items will be heard at the time those items are discussed. In fairness to all who wish to speak, each speaker will be allowed three minutes with a maximum time of 15 minutes per item unless otherwise extended by Planning Commission. Please begin your comments by stating your name and providing your city of residence.
4. **COMMISSIONER REPORTS AND ITEMS OF INTEREST**
5. **CONSENT CALENDAR** - All Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.
 - 5.1 **Approve the Minutes of the July 22, 2024 Regular Meeting [Submitted by: M. Sanchez]**
6. **PUBLIC HEARINGS** - Comments related to Public Hearing items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Planning Commission.
 - 6.1 **Conditional Use Permit No. 2024-12**

Public hearing to consider a request by Jose Victor Ortiz to operate a stationary mobile vending vehicle (Tacon Todo) on the property located at 1414 West Tulare Avenue. This project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

Project Planner: Julian Reynaga, Assistant Planner

Recommended Action: Adopt Resolution 5490 approving Conditional Use Permit No. 2024-12 based on findings and subject to the conditions as listed in the staff report.
7. **GENERAL BUSINESS – NON PUBLIC HEARING ITEMS**
8. **STAFF UPDATES**
9. **ADJOURNMENT**

The next regularly scheduled meeting of the Tulare Planning Commission is Monday, August 26, 2024, at 7:00 p.m. in the Council Chamber, 491 North M Street, Tulare.

AFFIDAVIT OF POSTING AGENDA

I, MARIA SANCHEZ, hereby certify, in conformance with Government Code Sections 54954.2 and 54956, this agenda was posted in the kiosk at the front of City Hall, 411 E. Kern Avenue, as well as on the City of Tulare's website (www.tulare.ca.gov).

POSTED: Friday, August 9, 2024, at 5:00 p.m.

**CITY OF TULARE
PLANNING COMMISSION MEETING MINUTES**

**Council Chamber
491 North M Street, Tulare**

**Monday, July 22, 2024
7:00 p.m. - Regular Meeting**

COMMISSIONERS PRESENT: Commissioner Jocelyn Limas
Commissioner Susan Henard
Vice-chair Sandi Miller

COMMISSIONERS ABSENT: Chair Chuck Miguel

STAFF PRESENT: Community Development Director Mario Anaya
Assistant Planner Jonathan Coelho
Assistant Planner Julian Reynaga
Commission Clerk Maria Sanchez

1. CALL TO ORDER

Vice-Chair Miller called the regular meeting of the Planning Commission to order at 7:02p.m. in the Council Chamber located at 491 North M Street.

2. PLEDGE OF ALLEGIANCE

Vice-Chair Miller led the Pledge of Allegiance.

3. PUBLIC COMMENTS

There were no public comments.

4. COMMISSIONER REPORTS AND ITEMS OF INTEREST

Provided by Commissioners.

5. CONSENT CALENDAR

It was moved by Commissioner Limas, seconded by Commissioner Henard, and unanimously carried for item on the Consent Calendar be approved as presented.

5.1 Approve the minutes of the June 24, 2024 regular meeting. [Submitted by: M. Sanchez]

6. GENERAL BUSINESS - PUBLIC HEARINGS

6.1 Public hearing to consider a request by Maria Velasquez to renew a Conditional Use Permit to operate a stationary mobile vending vehicle (Chofis Tacos) on the property located at 1120 East Paige Avenue. This project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

Recommend Action: Adopt Resolution 5489 approving Conditional Use Permit No. 2024-11 based on findings and subject to the conditions as listed in the staff report.

Presented By: Julian Reynaga, Assistant Planner

Public Comment: The public hearing was opened at 7:10p.m. Receiving no public comment, the public hearing was closed at 7:10p.m.

Commission Action: It was moved by Commissioner Limas, seconded by Commissioner Henard , and carried 3 to 0 to adopt Resolution 5489 approving Conditional Use Permit No. 2024-11 based on findings and subject to the conditions as listed in the staff report.

7. NON-PUBLIC HEARING ITEMS

None

8. STAFF UPDATES

Provided by Staff.

9. ADJOURNMENT

The regular meeting was adjourned at 7:18pm.

SANDI MILLER, VICE-CHAIR

ATTEST:

MARIO ANAYA, SECRETARY

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No. 1

August 12th, 2024

CONDITIONAL USE PERMIT NO. 2024-12

PRESENTED TO: Planning Commission

PRESENTED BY: Julian Reynaga, Assistant Planner

APPLICANT: Jose Victor Ortiz

LOCATION: Property is located at 1414 West Tulare Avenue

APN: 168-060-010

ZONING CLASSIFICATION: M-1 (Light Industrial)

GENERAL PLAN DESIGNATION: Light Industrial

SURROUNDING LAND USES AND ZONING: North:.....Light Industrial (M-1)
South:.....Retail Commercial (C-3)
East:.....Single Family Residential (R-1-6)
West:.....Light Industrial (M-1)

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2024-12 subject to the findings and conditions in Resolution No. 5490. Staff's recommendation is based on the findings and the project's consistency with the policies and intent of the City's General Plan and Municipal Code.

REQUEST:

Conditional Use Permit No. 2024-12 is a request submitted by Jose Victor Ortiz to obtain approval for operating a stationary mobile vending vehicle, known as 'Tacon Todo' at the property located at 1414 West Tulare Avenue.

RELATED PROJECTS:

Conditional Use Permit No. 2019-23: A request by Veronica Ortiz of Taqueria Michoacán to operate a stationary mobile vending vehicle on the property located at 1414 W. Tulare Avenue.

Conditional Use Permit No. 2020-17: a request by Veronica Ortiz of Taqueria Michoacán to operate a stationary mobile vending vehicle on the property located at 1414 W. Tulare Avenue.

Conditional Use Permit No. 2022-22: a request by Veronica Ortiz of Taqueria Michoacán to operate a stationary mobile vending vehicle on the property located at 1414 W. Tulare Avenue.

STAFF COMMENTS AND PROJECT DETAILS:

The applicant is proposing to operate a mobile food vending vehicle (Taco Truck) in the parking lot of an existing service station and car wash, located at the northwest corner of Tulare Avenue and West Street. The vending vehicle is a self-contained mobile food truck, which will be parked on the west side of the business, in front of the car wash area, without occupying any designated parking stalls. The proposed hours of operation are from 3:00 p.m. to 11:30 p.m., Monday through Sunday. The daily operation includes setting up and removing the vending vehicle from the site each day. The food truck is a walk-up service, equipped with refrigeration, cooking, and food preparation areas, and staffed by two employees per shift.

Restroom facilities are available at the existing service station, and the applicant has obtained written permission from the property owner to use these restrooms during business hours.

On September 26, 2022, the Planning Commission approved Conditional Use Permit (CUP) No. 2022-22, allowing the applicant to operate as a mobile food vendor at this location. The permit, valid for two years, expired on July 9th, 2024. The vehicle was removed, and the current applicant is now seeking approval to resume operations at this site.

According to Chapter 10.180 of the municipal code, the operation of stationary mobile vending units on private property requires the approval of a Conditional Use Permit (*Chapter 10.180 – Vending Stands on Private Property*).

Staff has not received any comments regarding this project in response to the public notice that was sent to surrounding property owners and published.

ENVIRONMENTAL FINDINGS:

This project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2024-12.

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.

- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

CONDITIONS:

Based on the approved findings, staff recommends that Conditional Use Permit No.2024-12, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) Valid permits are required by the Tulare County Health Department and shall be prominently displayed at the mobile vending unit stand.
- 3) The vending stand permit issued by the City of Tulare shall be prominently affixed to the side of the stand.
- 4) No trash or empty boxes shall be piled up outside of the mobile vending unit at any time.
- 5) Restrooms shall be readily available and which are connected to the City's wastewater system.
- 6) Applicant shall obtain any other required license or permit.
- 7) Hours of operation shall be 3 p.m. to 11:30 p.m., Monday through Sunday.
- 8) Applicant shall ensure all waste materials, including grease, is disposed of appropriately off-site and not spilled or intentionally discarded on-site or in the City's drain & sewer system. If applicant is found to violate this condition, applicant may have their conditional use permit revoked
- 9) This permit shall remain valid for two years from approval or August 12th, 2026; at which time the applicant may apply for a new Conditional Use Permit.
- 10) Conditional Use Permit approval shall be subject to a one-year review by the Planning Commission to ensure that the applicant is meeting the conditions of approval adopted for

the use. The applicant shall provide proof of up to date Tulare County Health Department license and, liability insurance as part of a one-year review.

APPEAL INFORMATION:

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Attachments:

- I. Project Location Map
- II. Resolution

RESOLUTION NO. 5490

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2024-12**

WHEREAS, Conditional Use Permit 2024-12 is a request submitted by Jose Victor Ortiz to obtain approval for operating a stationary mobile vending vehicle, known as ‘Tacon Todo’ at the property located at 1414 West Tulare Avenue; and,

WHEREAS, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on August 12th, 2024; and,

WHEREAS, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2024-12 is consistent with the goals and objectives of the Zoning Title and the purposes of the District in which the site is located; and,

WHEREAS, the Planning Commission of the City of Tulare finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA); and,

WHEREAS, the project is exempt from further environmental review pursuant to CEQA Section 15304(e).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Tulare makes the following specific findings based on the evidence presented:

- 1) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the conditional use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the request is in conformance with the goals and objectives of the Zoning Ordinance and General Plan.
- 4) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 5) That this project is exempt pursuant to Section 15304 (e) of the California Environmental Quality Act of 1970, as amended.

BE IT FURTHER RESOLVED, by the Planning Commission of the City of Tulare that Conditional Use Permit Application No. 2024-12 is hereby approved subject to the following conditions:

Conditions:

- 1) All requirements of Title 10 shall be met.

- 2) Valid permits are required by the Tulare County Health Department and shall be prominently displayed at the mobile vending unit stand.
- 3) The vending stand permit issued by the City of Tulare shall be prominently affixed to the side of the stand.
- 4) No trash or empty boxes shall be piled up outside of the mobile vending unit at any time.
- 5) Restrooms shall be readily available and which are connected to the City’s wastewater system.
- 6) Applicant shall obtain any other required license or permit.
- 7) Hours of operation shall be 3 p.m. to 11:30 p.m., Monday through Sunday.
- 8) Applicant shall ensure all waste materials, including grease, is disposed of appropriately off-site and not spilled or intentionally discarded on-site or in the City’s drain & sewer system. If applicant is found to violate this condition, applicant may have their conditional use permit revoked.
- 9) This permit shall remain valid for two years from approval or August 12th, 2026; at which time Applicant may apply for a new Conditional Use Permit.
- 10) Conditional Use Permit approval shall be subject to a one-year review by the Planning Commission to ensure that the applicant is meeting the conditions of approval adopted for the use. The applicant shall provide proof of up to date Tulare County Health Department license and, liability insurance as part of a one-year review.

PASSED, APPROVED AND ADOPTED this twelfth day of August, 2024 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

ATTEST:

 CHUCK MIGUEL, CHAIRMAN
 City of Tulare Planning Commission

 MARIO ANAYA, SECRETARY
 City of Tulare Planning Commission