



336 Pacific Avenue, Shafter, CA 93263
Meeting Held In-Person and Via Zoom and Livestream on YouTube.

**AGENDA
REGULAR MEETING
SHAFTER PLANNING COMMISSION
TUESDAY, JULY 11, 2023**

NOTICE TO THE PUBLIC:

Any documents produced by the City and distributed to a majority of the Planning Commission regarding any item on this agenda will be made available in the City Clerk's Office during normal business hours at City Hall located at 336 Pacific Avenue, Shafter CA. In addition, such documents will be posted on the City's website at www.shafter.com.

CALL TO ORDER:	6:00 PM
PLEDGE OF ALLEGIANCE:	Vice Chairman Frantz
INVOCATION:	Commissioner Piuser
ROLL CALL:	Chairman Sanchez Vice Chairman Frantz Commissioner Joshan Commissioner Piuser Commissioner Wiebe

APPROVAL OF AGENDA:

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: Regular Meeting of May 9, 2023.

PUBLIC COMMENT:

This portion of the meeting is reserved for persons wanting to address the Commission only on matters not listed on this agenda. Speakers are limited to five minutes unless additional time is needed for translation. Please state your name and address for the record before making your presentation.

PUBLIC HEARING:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person challenging any action taken after the public hearing

may be limited to raising only those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to this public hearing.

1. **Conditional Use Permit No. 22-130:** Planning Commission conduct a public hearing; and adopt Resolution No. 23-427, a Resolution of the Planning Commission of the City of Shafter approving Conditional Use Permit No. 22-130 to allow for light poles ranging from 50 to 80 feet throughout the future Shafter Community Park located at the northwest corner of E. Ash Avenue and Golds Avenue. (Planning Director Esselman)

ROLL CALL

2. **Temporary Land Use Permit No. 23-136:** Planning Commission conduct a public hearing; and adopt Resolution No. 23-428, a Resolution of the Planning Commission of the City of Shafter approving Temporary Land Use Permit No. 23-136 for baked potato and roasted corn sales in the Apple Market parking lot at 111 N. Central Valley Highway, City of Shafter. (Planning Director Esselman)

ROLL CALL

COMMISSIONER REPORTS:

ADJOURNMENT:

Pursuant to the Americans with Disabilities Act, if you need special assistance to participate in a City Council Meeting, please contact the City Clerk at (661) 746-5000 at least three (3) days prior to the meeting or time the special services are needed to allow City staff in making reasonable arrangements to provide you with access to the meeting. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the City Clerk's Office at Shafter City Hall, 336 Pacific Ave., Shafter, CA 93263. This is to certify that this Agenda notice was posted at City Hall and Police Dept. by 5:00 p.m., July 6, 2023.
Yazmina Pallares, S/S, City Clerk

REMOTE PUBLIC PARTICIPATION IS ALLOWED IN THE FOLLOWING WAYS, SEE BELOW FOR INSTRUCTIONS.

1. You are strongly encouraged to observe the Planning Commission meetings live via YouTube <https://www.youtube.com/user/CityofShafter/>
2. If you wish to make a comment on a specific agenda item or public comment, please submit your comment via email by **6:00 PM on July 11, 2023** to the City Clerk at CityClerk@shafter.com
3. If you wish to make a written comment to the City Clerk, 336 Pacific Avenue, Shafter, CA 93263.
4. If you wish to make a comment during the live meeting, callers must first register with the City Clerk at 661-746-5012 before the meeting begins to receive instructions and the call- in number and code. Please call by 5:00pm on the Monday prior to the Planning Commission meeting to allow ample time for sign

- up. You will need to provide your name, phone number and the item number you wish to address.
5. All public comments are provided to the Planning Commission and applicable Staff, for review and consideration by the Board prior to taking action on any matters listed on the agenda and are incorporated into the official record of the Planning Commission meeting.

**MINUTES OF THE REGULAR MEETING OF THE
SHAFTER PLANNING COMMISSION
COUNCIL CHAMBER, 336 PACIFIC AVENUE
MEETING HELD IN-PERSON AND VIA ZOOM AND LIVESTREAM TO YOUTUBE
TUESDAY, MAY 9, 2023**

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE: Commissioner Piuser

INVOCATION: Chairman Sanchez

ROLL CALL:

PRESENT(In-Person): Chairman Sanchez, Vice Chairman Frantz, Commissioners Joshan, and Piuser. Absent with an excused absence: Commissioner Wiebe. Also present: Planning Director Esselman and Deputy City Clerk Uribe.

APPROVAL OF AGENDA:

*MOVED (FRANTZ) AND SECONDED (PIUSER) COMMISSIONERS APPROVED THE AGENDA AS PRESENTED.
MOTION CARRIED BY THE FOLLOWING VOTE:*

AYES: FRANTZ, JOSHAN, PIUSER, AND SANCHEZ.

NAYS: NONE.

ABSENT: WIEBE.

ABSTENTIONS: NONE.

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: April 11, 2023.

MOVED (PIUSER) AND SECONDED (FRANTZ) COMMISSIONERS APPROVED THE MINUTES OF THE REGULAR MEETING OF APRIL 11, 2023 AS PRESENTED. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, JOSHAN, PIUSER, AND SANCHEZ.

NAYS: NONE.

ABSENT: WIEBE.

ABSTENTIONS: NONE.

PUBLIC COMMENT:

There were no members of the public wishing to speak.

PUBLIC HEARING:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person challenging any action taken after the public hearing may be limited to raising only those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to this public hearing.

1. Specific Plan Amendment No. 22-06 (Orchard Park Specific Plan): Planning Director

Esselman made introductory comments. A notice of public hearing was properly advertised.

Chairman Sanchez opened the public hearing.

In-person: Adrian Peters, applicant for the project, spoke in favor of the project and answered any questions the Commission had.

Being no other members of the public wishing to speak, the public hearing was closed.

MOVED (PIUSER) AND SECONDED (PIUSER) COMMISSIONERS CONDUCTED A PUBLIC HEARING; AND ADOPTED RESOLUTION NO. 23-424, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER MAKING FINDINGS AND RECOMMENDING THE CITY COUNCIL OF THE CITY OF SHAFTER ADOPT THE AMENDMENT (SPECIFIC PLAN AMENDMENT NO. 22-06) TO THE ORCHARD PARK SPECIFIC PLAN AS PROVIDED IN EXHIBIT "A". MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, JOSHAN, PIUSER, AND SANCHEZ.

NAYS: NONE.

ABSENT: WIEBE.

ABSTENTIONS: NONE.

2. Specific Plan Amendment No. 23-07 (Gossamer Grove Specific Plan PA-2 & PA-3):

Planning Director Esselman made introductory comments. A notice of public hearing was properly advertised.

Chairman Sanchez opened the public hearing.

Via Zoom: Bill Walls, representing Lennar Homes, spoke in favor of the project and made himself available for questions.

Being no other members of the public wishing to speak, the public hearing was closed.

MOVED (JOSHAN) AND SECONDED (PIUSER) COMMISSIONERS CONDUCTED A PUBLIC HEARING; AND ADOPTED RESOLUTION NO. 23-425, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER MAKING FINDINGS AND RECOMMENDING THE CITY COUNCIL OF THE CITY OF SHAFTER ADOPT THE AMENDMENT (SPECIFIC PLAN AMENDMENT NO. 23-07) TO THE GOSSAMER GROVE SPECIFIC PLAN AS PROVIDED IN EXHIBIT "A". MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, JOSHAN, PIUSER, AND SANCHEZ.

NAYS: NONE.

ABSENT: WIEBE.

ABSTENTIONS: NONE.

3. Zone Change No. 23-71: Planning Director Esselman made introductory comments. A notice of public hearing was properly advertised.

Chairman Sanchez opened the public hearing.

Via Zoom: Whitney Jackson, applicant for the project, spoke in favor of the project and made herself available for any questions.

Being no other members of the public wishing to speak, the public hearing was closed.

MOVED (PIUSER) AND SECONDED (FRANTZ) COMMISSIONERS CONDUCTED A PUBLIC HEARING; AND ADOPTED RESOLUTION NO. 23-426, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER RECOMMENDING THE CITY COUNCIL ADOPT ZONE CHANGE NO. 23-71 AS DESCRIBED IN EXHIBIT "A" AND ILLUSTRATED IN EXHIBIT "B", TO THE CITY COUNCIL OF THE CITY OF SHAFTER. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, JOSHAN, PIUSER, AND SANCHEZ.

NAYS: NONE.

ABSENT: WIEBE.

ABSTENTIONS: NONE.

COMMISSIONER REPORTS: There were no Commissioner Reports.

ADJOURNMENT:

MOVED (FRANTZ) AND SECONDED (PIUSER) COMMISSIONERS ADJOURNED THE MEETING AT 6:25 P.M. MOTION CARRIED WITH NO OPPOSITION WITH COMMISSIONER WIEBE ABSENT.

John Sanchez, Chairman

ATTEST:

Vanessa Uribe, Deputy City Clerk

DATE: July 11, 2023
TO: Planning Commission
FROM: Planning Department
SUBJECT: Conditional Use Permit No. 22-130

RECOMMENDATION:

Planning Commission conduct a public hearing; and adopt Resolution No. 23-427, a Resolution of the Planning Commission of the City of Shafter approving Conditional Use Permit No. 22-130 to allow for light poles ranging from 50 to 80 feet throughout the future Shafter Community Park located at the northwest corner of E. Ash Avenue and Golds Avenue.

APPLICANT

Shafter Recreation and Park District
700 East Tulare Avenue
Shafter, CA 93263

OWNER

Shafter Recreation and Park District
700 East Tulare Avenue
Shafter, CA 93263

LOCATION: The project is located at the northwest corner of E. Ash Avenue and Golds Avenue (see **Exhibit 1**).

PROJECT DATA:

1. General Plan Designation: The current land use designation for the site is Parks and Schools (PS). The surrounding land use designations consist of Business Park (BP) to the north and east, Industrial (I) and BP to the south, and BP to the west.
2. Zoning: The project site is zoned Community Facilities (CF). The surrounding zone classifications consist of Business Park (BP) to the north and east, Industrial (I) and BP to the south, and BP to the west..
3. Acreage: The locations of the 32 light poles are found throughout the 42.4-acre park site.

PROJECT ANALYSIS:

The Planning Commission previously recommended approval of General Plan Amendment No. 21-37 and Zone Change No. 21-70 to change the land use designation and zone classification of the 42.4-acre site to PS and CF, respectively, to allow for the development of a future community park. Subsequently, the City Council approved both the general plan amendment and zone change based on the Commission's recommendation. As part of these approvals, a Mitigated Negative Declaration was also approved by the City Council that described the environmental impacts of developing the park, including erecting the proposed light poles, and provided mitigation to reduce the environmental impacts of the park's development to the level of less than significant

PUBLIC HEARING

in compliance with the California Environmental Quality Act (CEQA).

The Shafter Recreation and Park District, as both the applicant and owner, is now requesting a conditional use permit to allow for the installation of 32 light poles ranging in height from 50 feet to 80 feet (see **Exhibit 2**). As shown in the exhibit, light poles will be placed throughout the 42.4-acre park site. The installation of these light poles necessitates a conditional use permit due to exceeding the height allowed by the Community Facilities (CF) zone classification.

More specifically and per Chapter 3 of Title 17 of the Shafter Municipal Code (Zoning Ordinance), the "minimum property development standards for all structures within the Community Facilities (CF) zone district shall be equivalent to the requirements of the zone district(s) of adjacent properties." All adjacent properties are either zoned BP or I. The maximum height for structures within the BP and I zone districts are 45 and 50 feet, respectively, but where such heights, per the Zoning Ordinance, can be exceeded by securing an approved conditional use permit. Therefore, the installation of the 32 light poles requires a conditional use permit.

CEQA:

Pursuant to CEQA, this project was analyzed in an Initial Study prepared for General Amendment No. 21-37 and Zone Change No. 21-70. It was determined that, with mitigation, the project would not have a significant effect on the environment. The City of Shafter has adopted a Mitigated Negative Declaration (MND) (Shafter Environmental Assessment No. 21-242 and State Clearinghouse No. 2022060577).

FINDINGS:

1. The Planning Commission finds that the proposed use is permitted within the CF district, is consistent with the goals, policies, and objectives of the General Plan, and is consistent with the applicable development policies and standards of the City.
2. The Planning Commission finds the proposed use would not impair the integrity and character of the CF district in which the conditional use permit is to be established.
3. The Planning Commission finds that the project is suitable for the type and intensity of the use proposed for the conditional use permit.
4. The Planning Commission finds that there is adequate provision for water, sanitation, public utilities, and services to ensure public health and safety.
5. The proposed conditional use permit will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity.
6. The Planning Commission finds that the proposed conditional use permit has already been environmentally cleared by a MND that provided mitigation to reduce potentially significant impacts to a level of less than significant.
7. The attached Conditions of Approval are deemed necessary for the safety and welfare of the community.

ATTACHMENTS

EXHIBIT

Site Map

1

Conceptual Site Plan

2

Resolution No. 23-427

3

Exhibit 1: Conditional Use Permit 22-130

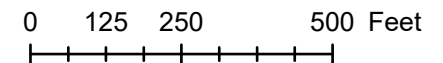


Legend

Site Location

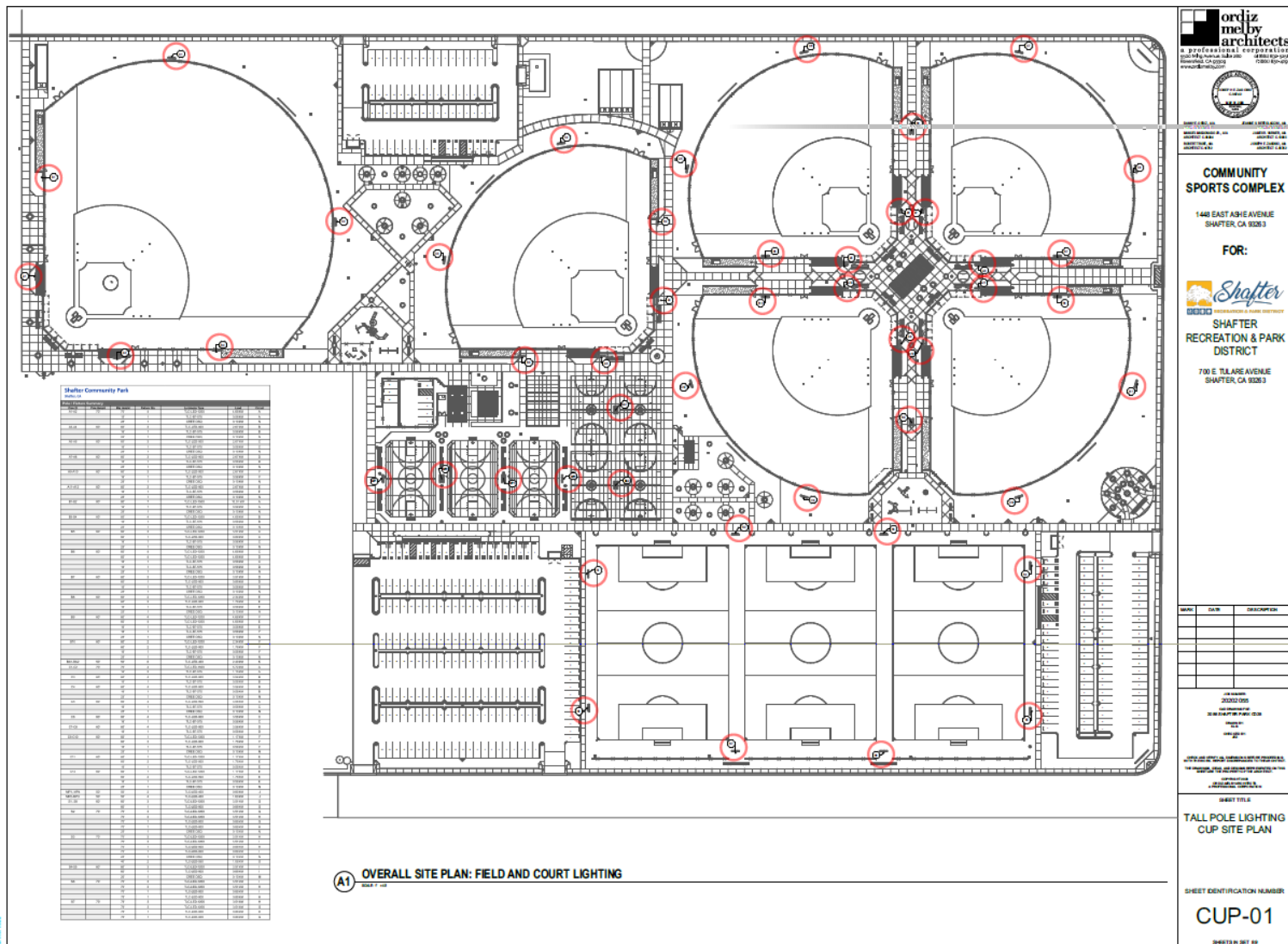
Parcel Boundary

Assessor Parcel Number (APN) labeled in white/black.
City street addresses are labeled in blue/white.



This map and the data contained within it was generated by the City of Shafter. Please consult the City of Shafter Planning Department with any questions, concerns, or potential inaccuracies that may be associated with this document.

Exhibit 2: Conceptual Site Plan CUP No. 22-130



RESOLUTION NO. 23-427

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER APPROVING CONDITIONAL USE PERMIT NO. 22-130 TO ALLOW FOR LIGHT POLES RANGING FROM 50 FEET TO 80 FEET THROUGHOUT THE FUTURE SHAFTER COMMUNITY PARK LOCATED AT THE NORTHWEST CORNER OF E. ASH AVENUE AND GOLDS AVENUE

WHEREAS, the Planning Commission, at its regularly scheduled meeting on July 11, 2023, has studied and considered the proposed request for a conditional use permit (CUP No. 22- 130) to allow for light poles ranging from 50 to 80 feet throughout the future Shafter Community Park located at the northwest corner of E. Ash Avenue and Golds Avenue (“Project”) as shown in Exhibit “A”; and

WHEREAS, the Planning Commission has determined that CUP No. 22-130 had been previously analyzed in an Initial Study prepared for General Plan Amendment No. 21-37 and Zone Change No. 21-70 where it was determined that, with mitigation, the park’s development, including the subject light poles, would not have a significant effect on the environment; and

WHEREAS, the City of Shafter has adopted a Mitigated Negative Declaration (MND) (Shafter Environmental Assessment No. 21-242 and State Clearinghouse No. 2022060577); and

WHEREAS, a timely and properly noticed public hearing for CUP No. 22-130 was held by the Planning Commission of the City of Shafter at a regular meeting on July 11, 2023 at which hearing evidence, oral and documentary, was admitted on behalf of said Project; and

WHEREAS, the Planning Commission finds that the proposed use is permitted within the Community Facilities (CF) District, is consistent with the goals, policies, and objectives of the General Plan, and is consistent with the applicable development policies and standards of the City; and

WHEREAS, the Planning Commission finds the proposed use would not impair the integrity and character of the CF District in which the conditional use permit is to be established; and

WHEREAS, the Planning Commission finds that the project site is suitable for the type and intensity of use proposed under the conditional use permit; and

WHEREAS, the Planning Commission finds that there is adequate provision for water, sanitation, public utilities, and services to ensure public health and safety for the conditional use permit; and

WHEREAS, the conditional use permit will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity of the project site; and

WHEREAS, the Planning Commission finds that the attached Conditions of Approval are deemed necessary for the safety and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Shafter, in a regular session assembled on the 11th day of July, 2023, approves Conditional Use Permit No. 22-130 to allow for light poles ranging from 50 to 80 feet throughout the future Shafter Community Park located at the northwest corner of E. Ash Avenue and Golds Avenue as shown in Exhibit “A” and with the conditions of approval provided in Exhibit “B”.

PASSED AND ADOPTED THIS 11th DAY OF JULY, 2023.

John Sanchez, Chairman

ATTEST

Vanessa Uribe, Deputy City Clerk

[illegible]

EXHIBIT B

CONDITIONAL USE PERMIT NO. 22-130 CONDITIONS OF APPROVAL

1. The owner(s) or project proponent(s) (hereinafter referred to as “Developer”), solely at their cost and expense, shall defend, indemnify, and hold harmless the City of Shafter (hereinafter referred to as “City”), its agents, legislative bodies, officers, and employees regarding any legal or administrative action, claim, or proceeding concerning approval of Conditional Use Permit No. 22-130 (hereinafter referred to as “CUP 22-130”) and/or related actions including, without limitation, actions taken or not taken with respect to the California Environmental Quality Act (hereinafter referred to as “CEQA”); or, at its election and in the alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim, or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City’s reasonable approvals. Developer shall also reimburse the City, its agents, legislative bodies, officers, and employees for any judgments, amounts paid in settlements, court costs, and attorneys’ fees which the City, its agents, legislative bodies, officers, and employees may be required to pay or otherwise pay because of such action, claim, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve Developer’s obligations under these conditions of approval (hereinafter referred to as “Conditions”).
2. Developer, or general contractor, shall submit a list of all contractors and/or subcontractors performing work on this project to the City’s Administrative Services Department and such contractors and subcontractors shall obtain valid business licenses to do business and/or work in the City prior to the commencement of work.
3. Until all portions of the project have been completed, all vacant and undeveloped land within the boundaries of the project area shall be maintained in a weed-free, clean, and orderly manner by Developer. Should said property not be so maintained, City shall notify Developer that the property is to be cleaned within fourteen (14) days of receipt of said notice. If Developer does not comply within the required time frame, City may then clear the land and bill Developer for expenses incurred and Developer shall promptly pay the City for such expenses.
4. Developer shall comply with all provisions of the City’s Zoning Ordinance, Subdivision and Engineering Design Manual, the latest adopted California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, California Fire Code, and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits. Identification of specific sections of any of the City documents does not negate the Developer’s responsibility to conform to unmentioned sections of the City’s Zoning Ordinance, Subdivision and Engineering Design Manual, California Building Code, and all other applicable ordinances, resolutions, standards, and requirements of the City.

5. Approval of CUP 22-130 shall not vest until all Conditions are met. If within one year after the approval by the City, the development has not been initiated, the procedures and actions which have taken place up to that time shall be null and void and the development project shall be subject to the processing of new permits if it is the Developer's intent to proceed with construction unless Developer applies for and receives approval of an extension of time from the City Planning Commission. One extension of time, not to exceed one additional year, may be granted by the Planning Department not less than 30 days prior to the date of expiration. PLEASE NOTE: This will be the only notice given for the above specific expiration date. The Developer is responsible for initiating an extension request.
6. Construction of the development identified as CUP 22-130 shall be in substantial accordance with all City approved submittals to the City by Developer, including, but not limited to all Conditions of CUP 22-130 and Exhibit "A" (Site Plan) except as otherwise set forth in these conditions of approval.
7. No new construction, or improvements to the property, shall be permitted without first obtaining the proper permits from Planning, Building, and Engineering Departments of the City.
8. Site plan approval must be obtained prior to placing light poles on site.
9. The project shall comply with the lighting standards for non-residential development per Section 10.140 of the Shafter Zoning Ordinance.
10. Developer shall remove and replace any existing public or private improvements that may become damaged during any phase of construction, as required by the City Engineer.
11. All new utilities shall be underground service.
12. Developer shall remove and replace any existing public or private improvement that may become damaged during any phase of construction, as required by the City Engineer.
13. Unless otherwise stated, all Conditions shall be completed prior to a final inspection and prior issuance of an occupancy permit.
14. The property and any proposed building(s), as well as any accessory structures, shall be kept of graffiti and shall be maintained in a clean and orderly manner.
15. Conditional Use Permit 22-130 shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the Developer and returned to the Planning Department.
16. Any contractor working within the public right-of-way shall obtain an encroachment permit from the City Engineer or California Department of Transportation prior to commencing any such work.
17. Developer shall relocate and/or install all necessary infrastructure to provide utilities to the proposed project.

18. Easements to be given to the City or any other public utility agency for sewer, water, storm drain, electrical, or any other utility or similar purpose shall not cross private property without prior approval of the City Engineer.
19. Any obstructions including utilities, irrigation lines, etc., shall be removed and/or relocated, if necessary, at the expense of the Developer.
20. Any contractor working within the public right-of-way shall obtain an encroachment permit from the City Engineer prior to commencing any such work.
21. All conditions of the Kern County Fire Department shall be met prior to occupancy. If no conditions are required, a letter so stating shall be submitted to the City Building Department.
22. During construction, the Developer shall maintain the project, including the adjacent streets in a dust free condition. This condition always applies including weekends, evenings, and nighttime hours. During construction operations, cleanup of soil from public roadways shall be required, if deemed necessary, by the City Engineer.

DATE: July 11, 2023
TO: Planning Commission
FROM: Planning Department
SUBJECT: Temporary Land Use Permit No. 23-136

RECOMMENDATION:

Planning Commission conduct a public hearing; and adopt Resolution No. 23-428, a Resolution of the Planning Commission of the City of Shafter approving Temporary Land Use Permit No. 23-136 for baked potato and roasted corn sales in the Apple Market parking lot at 111 N. Central Valley Highway, City of Shafter.

APPLICANT

Arturo Arredondo
495 Emily Way
Shafter, CA 93263

OWNER

Fisel Obaid
111 N. Central Valley Highway
Shafter, CA 93263

LOCATION: The project site is in the Apple Market parking lot located at the southwest corner of N. Central Valley Highway and N. Shafter Avenue (111 N. Central Valley Highway) as shown in **Exhibit 1**.

PROJECT DATA:

1. General Plan Designation: The current land use designation for the site is Commercial/Professional Office (CPO). The surrounding land use designations consist of CPO and Business Park (BP) to the north, CPO and BP to the east, Medium Density Residential (MDR) to the south, and Low Density Residential (LDR) and MDR to the west.
2. Zoning: The project site is zoned General Commercial (GC). The surrounding zone classifications consist of GC and Industrial (I) to the north, Business Park (BP) and GC to the east, Medium-High Density Residential (R-3) to the south, and Low Density Residential (R-1) and R-3 to the west.
3. Acreage: The project site is located within an existing parking lot for Apple Market.

PROJECT ANALYSIS:

The applicant is requesting a temporary land use permit (TLUP) to allow for the sale of potatoes and corn in the Apple Market parking lot located at the southwest corner of N. Central Valley Highway and N. Shafter Avenue (111 N. Central Valley Highway). The proposed temporary use would consist of a mobile cooker (see **Exhibit 2**). The cooking and retail activity would occur from 1:00 pm to 9:00 pm, Wednesday through Sunday. The property owner of Apple Market, Fisel Obaid, has given written consent for the use on the property.

PUBLIC HEARING

The Kern County Environmental Health Department (KCEHD) requires a permit for the proposed food preparation and sale. Staff is proposing a condition that requires the applicant to obtain the necessary permits from KCEHD. The applicant is also required to obtain a business license from the City of Shafter.

The City allows such temporary uses with prior approval from the Planning Commission. Temporary land use permits are valid for one year, and extensions may be approved each year for a total of four years.

This applicant has previously received a temporary land use permit (TLUP No. 18-104) and four one-year extensions to sell potatoes and corn in the La Hacienda Market parking lot (315 James Street). The City did not receive any complaints regarding the applicant's operation for the five total years that the operation occurred in the La Hacienda Market parking lot.

Please note that the Planning Commission approved the use of an open-air barbeque at the Apple Market parking lot on May 10, 2022 (Conditional Use Permit No. 22-126). The proposed sale of potatoes and corn being considered under this TLUP would be near this approved use.

Staff believes that with the proposed conditions of approval, the project is compatible with the surrounding community.

CEQA:

Staff has determined that this project is categorically exempt from CEQA under Section 15301 of the CEQA Guidelines in that the project will utilize an existing facility with no expansion.

CONDITIONS OF APPROVAL:

1. The applicant shall obtain all required permits from the Kern County Environmental Health Department for the temporary food operation. A copy of the issued permits shall be submitted to the City of Shafter prior to cooking and selling any food on the project site.
2. The applicant shall obtain a business license from the City of Shafter.
3. The cooking and retail activity are restricted to baked potatoes and roasted corn and shall only be allowed from 1:00 p.m. to 9:00 p.m., Wednesday through Sunday.
4. Tables and chairs for customer use shall not be permitted on the project site.
5. Temporary Land Use Permit No. 23-136 is valid for one year and expires on July 11, 2024.

ATTACHMENTS

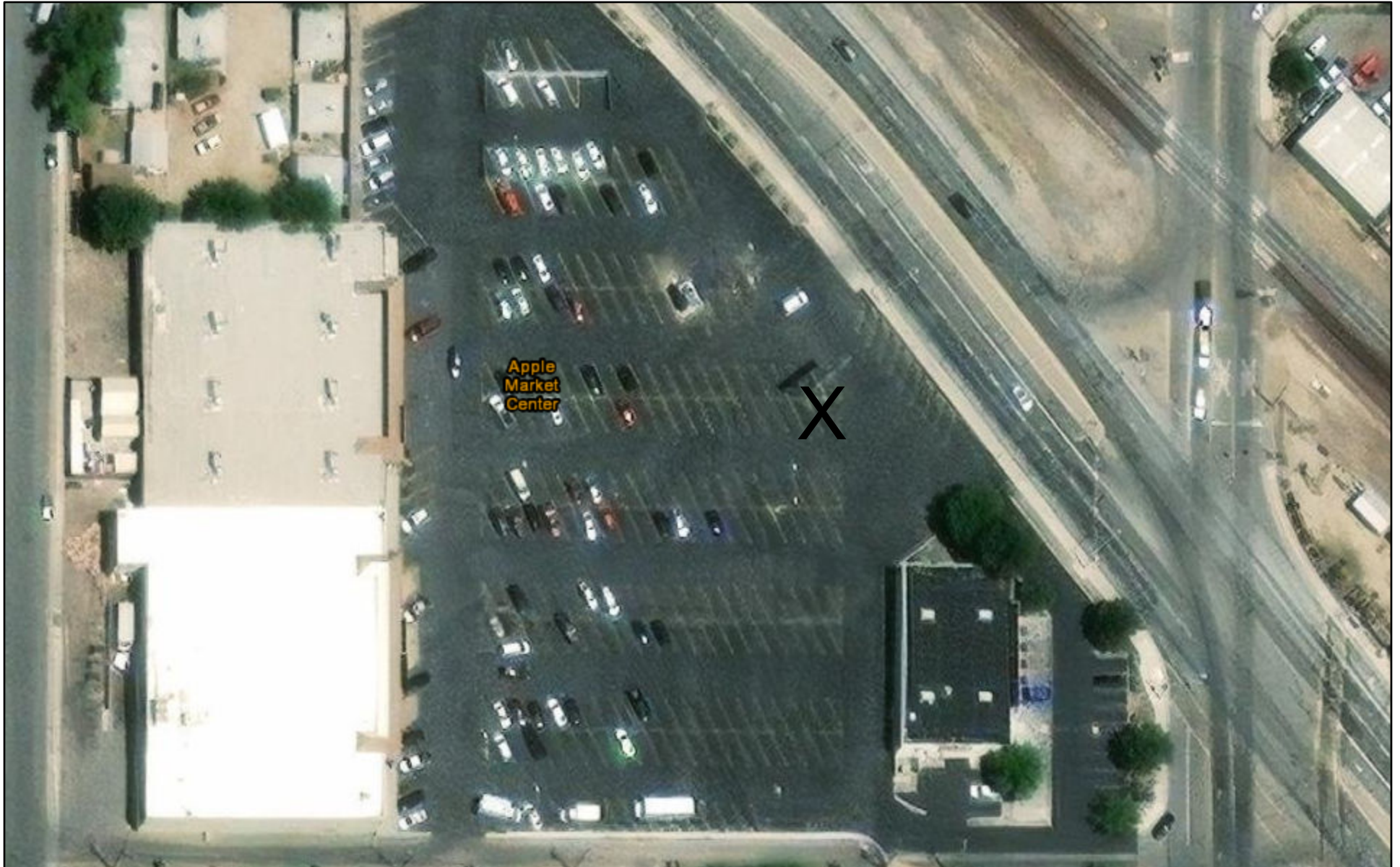
Site Map
Mobile Cooker

EXHIBIT

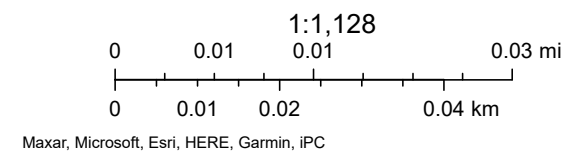
1
2

Resolution No. 23-428

3



6/21/2023, 10:50:01 AM





RESOLUTION NO. 23-428

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SHAFTER APPROVING TEMPORARY LAND USE PERMIT NO. 23-136 FOR
BAKED POTATO AND ROASTED CORN SALES IN THE APPLE MARKET
PARKING LOT AT 111 N. CENTRAL VALLEY HIGHWAY, CITY OF SHAFTER**

WHEREAS, the applicant, Arturo Arredondo, is requesting Temporary Land Use Permit to sell baked potatoes and roasted corn in the Apple Market parking lot at 111 N. Central Valley Highway; and

WHEREAS, the subject property is zoned General Commercial; and

WHEREAS, the Planning Commission has, at its regularly scheduled meeting on July 11, 2023, studied and considered the proposed temporary land use permit to sell baked potatoes and roasted corn in the Apple Market parking lot at 111 N. Central Valley Highway, as shown in Exhibit “A”; and

WHEREAS, the Planning Commission has determined that the temporary land use permit is categorically exempt from CEQA under Section 15301 of the CEQA Guidelines in that the project will utilize and existing facility with no expansion; and

WHEREAS, a timely and properly noticed public hearing for the Temporary Land Use Permit No. 23-136 was held by the Planning Commission of the City of Shafter at a regular meeting on July 11, 2023, at which hearing evidence, oral and documentary, was admitted on behalf of said project; and

WHEREAS, the Planning Commission determined certain conditions of approval are necessary for the third temporary land use permit time extension.

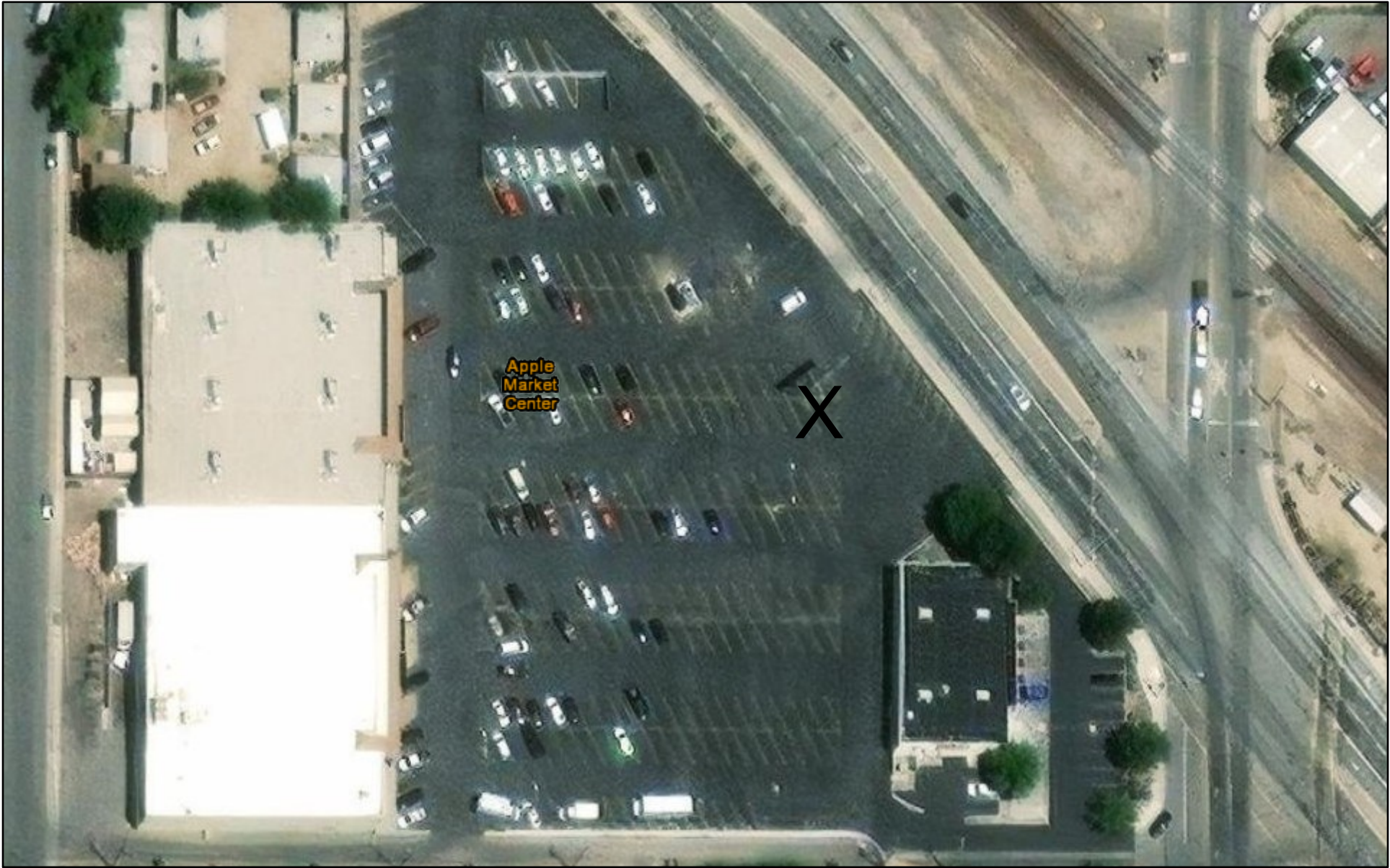
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Shafter, in a regular session assembled on the 11th day of July, 2023, approves Temporary Land Use Permit No. 23-136 for the sale of baked potatoes and roasted corn in the Apple Market parking lot at 111 N. Central Valley Highway as shown in Exhibit “A” and subject to conditions of approval as provided in Exhibit “B”.

PASSED AND ADOPTED THIS 11th DAY OF JULY, 2023.

John Sanchez, Chairman

ATTEST

Vanessa Uribe, Deputy City Clerk



6/21/2023, 10:50:01 AM

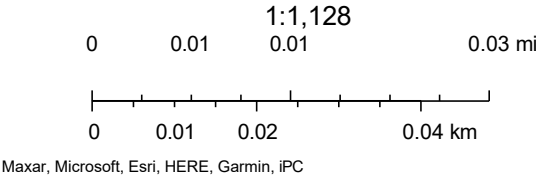


EXHIBIT B

TEMPORARY LAND USE PERMIT NO. 23-136 CONDITIONS OF APPROVAL

1. The owner(s) or project proponents (hereinafter referred to as “Developer”), solely at their cost and expense, shall defend, indemnify and hold harmless the City of Shafter (hereinafter referred to as “City”), its agents, legislative bodies, officers and employees regarding any legal or administrative action, claim or proceeding concerning approval of Temporary Land Use Permit No. 23-136 (hereinafter referred to as “TLUP 23-136”) and/or related actions including, without limitation, actions taken or not taken with respect to the California Environmental Quality Act (hereinafter referred to as “CEQA”); or, at its election and in the alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City’s reasonable approvals. Developer shall also reimburse the City, its agents, legislative bodies, officers, and employees for any judgments, amounts paid in settlements, court costs and attorneys’ fees which the City, its agents, legislative bodies, officers and employees may be required to pay or otherwise pay as a result of such action, claim, or proceeding. The City may, at its sole discretion, participate at its own expense in defense of any such action, claim or proceeding, but such participation shall not relieve Developer’s obligations under these conditions of approval (hereinafter referred to as “Conditions”).
2. The applicant shall obtain all required permits from the Kern County Environmental Health Department for the temporary food operation. A copy of the issued permits shall be submitted to the City of Shafter prior to cooking and selling any food on the project site.
3. The applicant shall obtain a business license from the City of Shafter.
4. The cooking and retail activity are restricted to baked potatoes and roasted corn and shall only be allowed from 1:00 p.m. and 9:00 p.m., Wednesday through Sunday.
5. Tables and chairs for customer use shall not be permitted on the project site.
6. Temporary Land Use Permit No. 23-136 is valid for one year and expires on July 11, 2024.
7. Temporary Land Use Permit No. 23-136 shall not become effective for any purpose unless an “Acceptance of Conditions” form has been signed by the applicant and returned to the City of Shafter Planning Department.