



PLANNING COMMISSION MINUTES

Regular Meeting
November 2, 2021

PLANNING COMMISSIONERS PRESENT:

Commissioners Alvarado, Benavides, Cendejas, Conklin, Faust

PLANNING COMMISSIONERS ABSENT:

None

1. OPENING CEREMONIES

1.1. Welcome and Call to Order

Chair Cendejas called the meeting to order as the Planning Commission and the Citizen's Advisory Committee at 6:30 PM.

1.2. Invocation

The Invocation was given by Commissioner Faust.

1.3. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Alvarado.

2. ROLL CALL

All Commissioners present.

Staff Present: Ismael Hernandez, Public Works Director, Daniel James, Assistant City Manager, David Yanez, City Attorney, Crystal Flores, Planning Technician and Recording Secretary and David Kaitz, Davis Demographics via Zoom.

3. AGENDA CHANGES OR DELETIONS

To better accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed. Additions to Agenda may be added only pursuant to California Government Code section 54954.2(b).

Due to state law, item 7.2 - Redrawing of Council Election District Boundaries, was moved to item 4.

4. DISCUSSION AND CONSIDERATION OF CITY COUNCIL DISTRICT MAP REVISION

Chair Cendejas opened the meeting of the Citizen's Advisory Committee at 6:35 PM.

City Attorney, David Yanez, explained the process for redrawing the council district map and shared the time schedule.

David Kaitz showed the Commission what the current district boundaries and current census population are. Kaitz went on to explain that the demographer, Davis Demographic, will prepare 2-3 scenarios for the Commission to review and consider based on several criteria and explained that the boundary considerations are only based on population.

Public Hearing Opened

Chair Cendejas opened the hearing for public comment.

Public Hearing Closed

Seeing no one wishing to comment, Cendejas closed the public hearing.

With no further business to discuss, the Citizen's Advisory Committee adjourned at 6:57 PM.

5. REQUEST TO ADDRESS COMMISSION

This portion of the meeting is reserved for any person who would like to address the Planning Commission on any item that is not on the agenda. Please be advised that State law does not allow the Planning Commission to discuss or take any action on any issue not on the agenda. The Planning Commission may direct staff to follow up on such item(s). Speakers may be limited to three (3) minutes. If there is any person wishing to address the Planning Commission at this time please approach the podium and state your name and nature of the request.

None

6. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Commission Member may request an item be removed from the Consent Calendar and it will be considered separately.

A motion was made by Estevan Benavides, second by Sergio Alvarado, to approve the Consent Calendar as presented.

Ayes: Alvarado, Benavides, Cendejas, Conklin, Faust

6.1. SUBJECT

Planning Commission Meeting Minutes, September 7, 2021

RECOMMENDATION

Planning Commission approve the Planning Commission meeting minutes for September 7, 2021.

7. PUBLIC HEARINGS

7.1. SUBJECT

Conditional Use Permit 2021-01 (Ochoa)

Applicant: Jose J. Ochoa

Flores presented the Staff Report for Application No 2021-01 for a Conditional Use Permit to sell beer and wine at an existing restaurant.

There was discussion amongst the Commission with regards to signage stating that alcohol cannot be taken past a certain point.

A motion was made by Sergio Alvarado, second by Estevan Benavides, to approve Application Number 2021-01 for a Conditional Use Permit, with an added condition stating that the applicant must place signage saying "No Alcohol Beyond This Point" at the entrance/exit points.

Ayes: Alvarado, Benavides, Cendejas, Conklin, Faust

7.2. SUBJECT

Redrawing of Council Election District Boundaries (DY)

Applicant:

8. COMMISSION REPORTS

There were no Commission Reports.

9. STAFF COMMUNICATIONS

Hernandez handed a list of project updates to the Commission.

James invited the Commission to a public outreach meeting being held at the Golf Course on November 8, 2021 bath 5:30 PM.

10. ADJOURNMENT

There being no further business, Cendejas adjourned the Planning Commission meeting at 7:20 PM.



Planning Commission Staff Report

Department: PUBLIC WORKS

November 2, 2021

To: Planning Commission
From: Ismael Hernandez, Public Works Director
By: Crystal Flores, Planning Technician
Subject: Planning Commission Meeting Minutes, September 7, 2021

RECOMMENDATION

Planning Commission approve the Planning Commission meeting minutes for September 7, 2021.

EXECUTIVE SUMMARY

The Planning Commission (PC) held a meeting on September 7, 2021, minutes for the said meeting are attached for approval by the PC.

OUTSTANDING ISSUES

None

DISCUSSION

The Planning Commission (PC) held a meeting on September 7, 2021, the minutes for this meeting are attached for PC adoption.

FISCAL IMPACT

None

PUBLIC HEARING

None

ATTACHMENTS:

Description

[Planning Commission Meeting Minutes, September 7, 2021](#)



PLANNING COMMISSION MINUTES

Regular Meeting
September 7, 2021

PLANNING COMMISSIONERS PRESENT:

Commissioners Alvarado, Benavides, Cendejas, Conklin, and Faust

PLANNING COMMISSIONERS ABSENT:

None

STAFF MEMBERS PRESENT:

Karl Schoettler, Consultant City Planner, Crystal Flores, Planning Technician and Recording Secretary

1. OPENING CEREMONIES

1.1. Welcome and Call to Order

Chair Cendejas called the meeting to order at 6:33 PM.

1.2. Invocation

The invocation was given by Commissioner Faust.

1.3. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Benavides.

2. ROLL CALL

3. AGENDA CHANGES OR DELETIONS

To better accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed. Additions to Agenda may be added only pursuant to California Government Code section 54954.2(b).

None

4. REQUEST TO ADDRESS COMMISSION

This portion of the meeting is reserved for any person who would like to address the Planning Commission on any item that is not on the agenda. Please be advised that State law does not allow the Planning Commission to discuss or take any action on any issue not on the agenda. The Planning Commission may direct staff to follow up on such item(s). Speakers may be limited to three (3) minutes. If there is any person

wishing to address the Planning Commission at this time please approach the podium and state your name and nature of the request.

None

5. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Commission Member may request an item be removed from the Consent Calendar and it will be considered separately.

A motion was made by Sergio Alvarado, second by Estevan Benavides, to approve the Consent Calendar as presented.

Ayes: Alvarado, Benavides, Cendejas, Conklin, Faust

5.1. SUBJECT

Planning Commission Meeting Minutes, August 3, 2021

RECOMMENDATION

Planning Commission approve the Planning Commission meeting minutes for August 3, 2021.

6. PUBLIC HEARINGS

6.1. SUBJECT

Zoning Ordinance Amendment 2021-01 (Landscape Design Guidelines)

Applicant: City of Dinuba

Schoettler presented the Staff Report.

Public Hearing Opened

Chair Cendejas opened the hearing for public comment.

Public Hearing Closed

Seeing no one in the audience wishing to comment, Cendejas closed the public hearing.

A motion was made by Estevan Benavides, second by Sergio Alvarado, to approve Resolution Number 1096 recommending to the City Council amendments to the Dinuba Zoning Ordinance to incorporate references to the newly-established Dinuba Landscape Design Guidelines.

Ayes: Alvarado, Benavides, Cendejas, Conklin, Faust

7. COMMISSION REPORTS

The Commission stated that they would like an update on Dutch Bros.

Schoettler shared that the Public Works Director, Ismael Hernandez, would be able to send the Commission an update on Public Works Projects.

8. STAFF COMMUNICATIONS

Schoettler shared that he is working on 2 subdivisions at the moment and there is a Consultant working on a General Plan Update.

9. ADJOURNMENT

There being no further business, Chair Cendejas adjourned the meeting at 6:54 PM.



Planning Commission Staff Report

Department: PUBLIC WORKS

November 2, 2021

To: Planning Commission
From: Karl Schoettler, City Planning Consultant
Subject: Conditional Use Permit 2021-01 (Ochoa)

RECOMMENDATION

It is recommended the Commission conduct a public hearing and consider adoption of Resolution No. 1097 approving the Conditional Use Permit (CUP) request.

EXECUTIVE SUMMARY

Public Hearing to consider Conditional Use Permit No. 2020-01, an application for a Conditional Use Permit for serving of alcoholic beverages for onsite consumption at an existing restaurant located at 376 W. Tulare Street.

OUTSTANDING ISSUES

None.

DISCUSSION

The request is a proposal to serve alcoholic beverages (beer and wine) for onsite consumption at an existing restaurant on the south side of Tulare Avenue, east of O Street (376 W. Tulare Street (see Location Map (Attachment "B") and Aerial Photo (Attachment "C").

The site is zoned C-2 (Downtown Commercial) and the serving of alcoholic beverages triggers a Conditional Use Permit (a public hearing before the Planning Commission). The site is developed with an existing restaurant (Mariscos Los Compadres) with outdoor seating for approximately 30 persons. The restaurant operates seven days per week with hours from 10 am to 7 pm. The restaurant employs five persons.

Proposals to sell alcoholic beverages must comply with Dinuba Municipal Code Section 17.71.230. This includes standards for how close alcohol sales can occur to "sensitive uses" such as residential areas, churches, playgrounds, and other alcoholic beverage sellers. The code authorizes denial of retail licenses for alcohol beverage sellers if they are within 600 feet of churches, schools, playgrounds, and similar uses.

Known nearby sensitive uses include:

- Existing residential neighborhoods south and west of the site.
- Palm United Methodist Church southwest of the site (438 W. Tulare)

There appear to be no known schools, parks, or similar facilities within 600 feet of the site (see Attachment "D").

In terms of other uses that sell alcoholic beverages, there are three within 600 feet of the site, including:

- La Longosta Restaurant (119 N. Uruapan)
- Safari Restaurant (337 W. Tulare)
- Sol Del Valle Meat Market (301 W. Tulare)

The Planning Commission has ultimate discretion to consider whether an alcohol sales use will "detrimentally effect" nearby sensitive uses. Staff does not believe this use will have negative effects. If approved, City Staff would condition

that the facility undergo periodic review by staff to ensure compliance with City requirements. The Police Department was contacted and did not express any concerns about the proposal.

The Applicant would also be required to comply with operational criteria listed within the municipal code and also obtain a license from the State of California, Department of Alcoholic Beverage Control.

CONSULTATION/PUBLIC COMMENT

As required by municipal code, the City mailed notices of the proposed use and public hearing to property owners within 300 feet of the site, and tenants within 100 feet of the site. As of the writing of this staff report, no inquiries had been made.

FINDINGS

The use complies with the required Findings of the Dinuba Municipal Code for approval of a Conditional Use Permit contained in the attached resolution.

BACKGROUND INFORMATION

Applicant: Jose J. Ochoa

Location: 376 W. Tulare St.

APN: 017-191-011

Site Size: 7,500 square feet

Zoning: C-2 (Downtown Commercial)

General Plan: "Commercial - Central District"

Existing Land Uses: Existing Restaurant

ADJACENT LAND USES, ZONING AND GENERAL PLAN DESIGNATIONS

Direction	Current Use	Zoning	General Plan
North	Commercial (restaurant)	C-2 (Downtown Commercial)	Central District Commercial
South	Multi-family residential	RM-2 (Multi-Family Residential)	Medium-High Density Residential
East	Commercial (office)	C-2 (Downtown Commercial)	Central District Commercial
West	Commercial (office and retail)	C-2 (Downtown Commercial)	Central District Commercial

FISCAL IMPACT

None.

PUBLIC HEARING

ATTACHMENTS:

Description

[A. Resolution 1097](#)

[B. Location Map](#)

[C. Aerial Photo](#)

[D. 600-foot radius map](#)

Attachment A:

RESOLUTION 1097

FINDINGS AND CONDITIONS OF APPROVAL

DINUBA PLANNING COMMISSION RESOLUTION NO. 1097

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DINUBA

Conditional Use Permit No. 2021-01, a Conditional Use Permit to Allow the sale of alcoholic beverages (beer and wine) for onsite consumption at an existing restaurant located at 376 W. Tulare Street

WHEREAS, at a regularly held meeting on November 2, 2021, the Dinuba Planning Commission conducted a public hearing to consider Conditional Use Permit No. 2021-01, submitted by Jose Ochoa, requesting a Conditional Use Permit to allow the sales of alcoholic beverages (beer and wine) for onsite consumption at an existing restaurant located at 376 W. Tulare Street (Assessor Parcel Number: 017-191-011); and

WHEREAS, the site is zoned C-2 (Downtown Commercial) by the official zoning map of the City of Dinuba; and

WHEREAS, the City of Dinuba Municipal Code provides for the application of a Conditional Use Permit to allow serving of alcoholic beverages for onsite consumption in the C-2 zone; and

WHEREAS, the Planning Commission concurs with Staff that this project is categorically exempt from additional CEQA process pursuant to CEQA Guidelines Section 15301, Existing Facilities; and

WHEREAS, the Dinuba Planning Commission conducted a public hearing on November 2, 2021, at the regular Commission meeting that was properly noticed pursuant to the Dinuba Municipal Code; and

WHEREAS, the required findings for a Conditional Use Permit were made pursuant to Section 17.80.050 (Findings) of the Dinuba Municipal Code; and

WHEREAS, the Applicant agrees to adhere to the Findings and Conditions of Approval detailed in this Resolution; and

WHEREAS, the Planning Commission, having considered the staff report and all testimony presented in this matter, was of the opinion that the Conditional Use Permit to allow the sales of alcoholic beverages for onsite consumption, should be approved as presented.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Dinuba does hereby affirm in its entirety and adopts this resolution, approving the sales of

alcoholic beverages for onsite consumption, subject to the Conditions of Approval included in this Resolution.

PASSED, APPROVED and ADOPTED this 2nd day of November, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Crystal Flores, Secretary Dinuba Planning Commission

FINDINGS

The above section requires that the following findings be made prior to approval of a Conditional Use Permit (CUP).

FINDING NO. 1: THAT THE SITE FOR THE PROPOSED PROJECT IS ADEQUATE IN SIZE AND SHAPE.

The subject site is developed with an existing restaurant with on- and off-site parking.

FINDING NO. 2: THAT THE SITE FOR THE PROPOSED USE RELATES TO STREETS ADEQUATE IN WIDTH AND PAVEMENT TO CARRY THE QUANTITY AND KIND OF TRAFFIC GENERATED BY THE PROPOSED USE.

It is expected the use may add somewhat to traffic generated by patrons coming to and from the site, though any increases will not be significant. The site is served by several adjacent roadways, including Tulare Street and O Street as well as an alley that runs behind the site. These roadways are adequate in size and design to accommodate traffic generated by the use. No negative impacts to streets or traffic will occur.

FINDING NO. 3: THAT THE PROPOSED USE WILL HAVE NO ADVERSE EFFECT ON ABUTTING PROPERTY OR THE PERMITTED USE THEREOF.

The project has been conditioned to comply with standards of the Dinuba Municipal Code. No adverse impacts will occur on abutting properties as a result of the use.

FINDING NO. 4: THAT THE CONDITIONS STATED IN THE RESOLUTION ARE DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

Conditions contained in this resolution will ensure the public health, safety and welfare is protected.

CONDITIONS OF APPROVAL

1. The Conditional Use Permit shall become null and void within one year of approval if no action is taken to commence the proposed use.
2. The Applicant shall conduct the proposed use in conformance with the plans and applications submitted, and any presentations made, to the Dinuba Planning Commission for review at its November 2, 2021 meeting.
3. City of Dinuba staff is authorized to approve minor modifications to the plans and conditions upon written request by the Applicant or their successors, as long as said modifications do not materially affect the adopted Conditional Use Permit.
4. The City shall conduct an administrative review of the use within six months of the commencement of business. Reviews can be held earlier or at other intervals or times if a serious incident occurs, or if complaints are received from the community.
5. The applicant shall observe all building occupancy limits and ratings at all times.
6. The City shall not be liable to the applicant or to any other person, firm or corporation whatsoever for any injury or damage that may result to any person or property by or from any cause whatsoever, on or about the property for which the discretionary permit has been granted, or any part thereof. The applicant hereby releases and agrees to indemnify, defend and save the City and its agents, officials and employees harmless from and against any and all injuries to and deaths of persons and damages to property, and all claims, demands, costs, losses, damage and liability, howsoever same may be caused resulting directly or indirectly from any use of the real property for which the discretionary permit has been granted, and also from all injuries to and deaths of persons, and damage to property, all claims, demands, costs, losses, damage and liability, howsoever same may be caused, either directly or indirectly made to suffered by the applicant, the applicant's agents, employees, guests, invitees, clients and subcontractors.

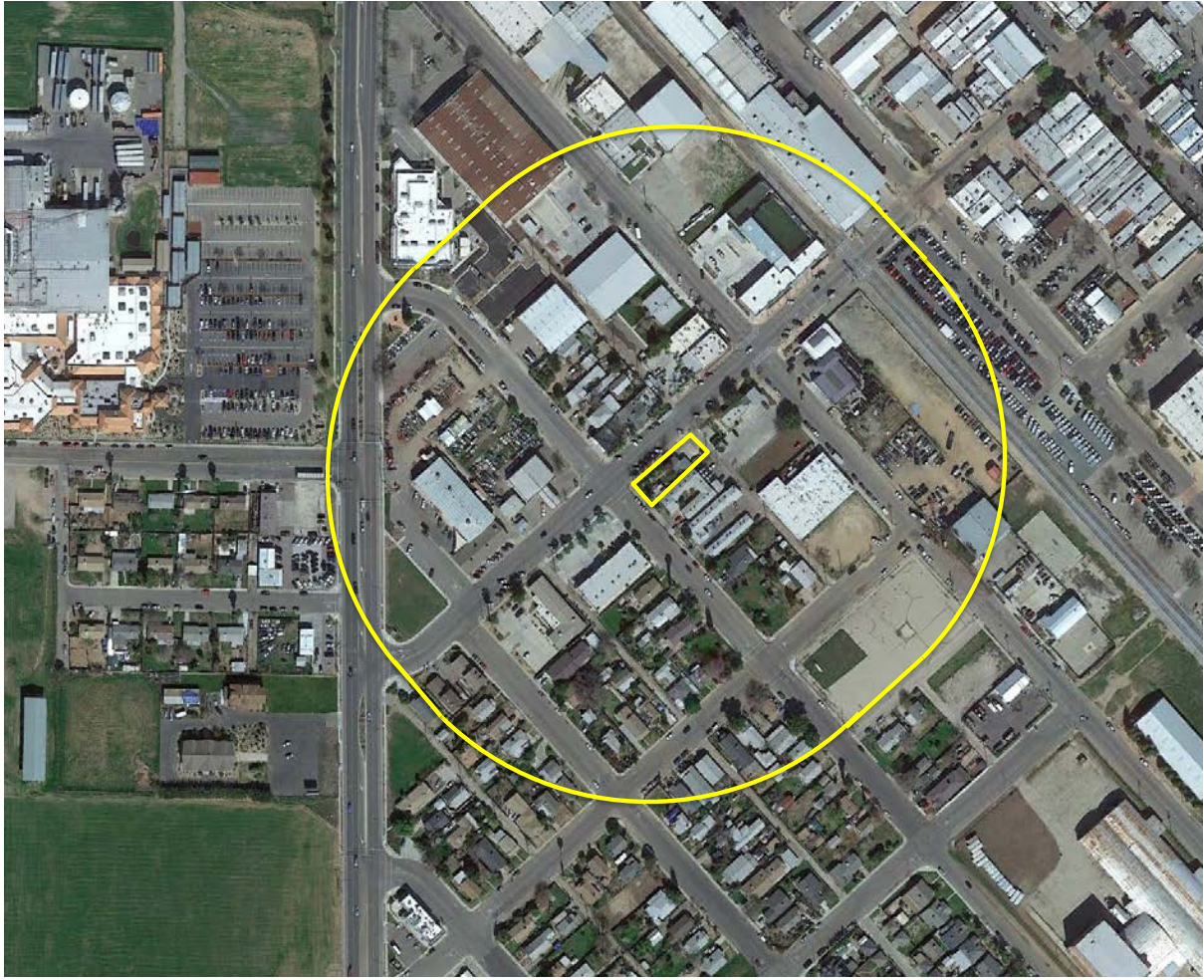
Attachment "B": Location Map



Attachment "C": Aerial Photo



Attachment "D": 600-foot Radius Map





Planning Commission Staff Report

Department: PUBLIC WORKS

November 2, 2021

To: Planning Commission
From: David Yanez, City Attorney
Subject: Redrawing of Council Election District Boundaries (DY)

RECOMMENDATION

That the Dinuba Planning Commission, acting as the Citizens Advisory Committee, hold a public hearing to receive community input and provide appropriate direction to City staff regarding the redrawing of council election district boundaries.

EXECUTIVE SUMMARY

Applicable law requires municipal governments which U.S. Census data shows have had significant population change to redraw their council election districts to comply with requirements of equal population and demographic fairness. The purpose is to provide equal access to all voters and not disenfranchise any particular voting group. The Citizens' Advisory Committee will hold public hearings to develop and recommend revised boundaries for council election districts, which the City Council must adopt no later than April 17, 2022. The purpose of this public hearing is to collect input from the community prior to redrawing the revised district boundaries.

OUTSTANDING ISSUES

None.

DISCUSSION

Every ten years, cities with by-district election systems must use new census data to review and, if needed, redraw district lines to reflect how local populations have changed. The current City Council district is attached herein as 'Attachment A.' This process, called redistricting, ensures all districts have nearly equal population. Pursuant to California Elections Code § 21600- 21630, the Dinuba City Council must adopt the redrawn council maps by April 17, 2022.

The council election districts must now be redrawn, since the 2020 census data reflect a change since the adoption of the City's current districts. New maps will be redrawn with the assistance of the Dinuba community, Davis Demographics, Inc., and City staff.

The Citizens Advisory Committee

Section 2.02 (A) of the Dinuba City Charter states that if U.S. Census data necessitates, a Citizens Advisory Committee shall be formed by the City Council for the purpose of developing and recommending to it, revised council election district boundaries. The Charter further requires that at the "time of redistricting Council districts shall not vary in population between districts by more than two percent" and that "no change in district boundaries shall operate to disqualify an incumbent from office before expiration of the term for which such person was elected or appointed." At the City Council meeting of 6/22/2021 the Planning Commission was appointed to serve as the Citizens Advisory Committee to redraw said boundaries. By law, California charter cities must hold at least four public hearings that allow community members to provide input on the redrawing of council election district maps. The City will hold these public hearings during meetings of the Planning Commission and of the City Council. All meetings and hearings will comply with all applicable legal requirements.

Criteria for Redistricting

According to the FAIR MAPS Act, which was adopted by the California legislature as AB 849 and took effect January 1, 2020, the council shall draw and adopt boundaries using the following criteria in the listed order of priority (Elections Code 21621 (b),(c)):

1. Comply with the federal requirements of equal population and the Voting Rights Act
2. Geographically contiguous
3. Undivided neighborhoods and "communities of interest" (socio-economic geographic areas that should be kept together)
4. Easily identifiable boundaries
5. Compact (do not bypass one group of people to get to a more distant group of people)
6. Shall not favor or discriminate against a political party

Once the prioritized criteria are met, other traditional districting principles can be considered, such as:

1. Minimize the number of voters delayed from voting from 2022 to 2024
2. Respect voters' choices / continuity in office
3. Future population growth

The public is requested to provide input regarding communities of interest and other local factors that should be considered while drafting district maps. A community of interest under the relevant Elections Code 21621(c) is "a population that shares common social or economic interest that should be included within a single district for purposes of its effective and fair representation."

Possible features defining community of interest might include, but are not limited to:

1. School attendance areas
2. Natural dividing lines such as major roads, hills, or highways;
3. Area around parks and other neighborhood landmarks;
4. Common issues, neighborhood activities, or legislative/election concerns; and

Shared demographic characteristics, such as:

1. Similar levels of income, education, or linguistic insulation;
2. Languages spoken at home; and
3. Single-family and multi-family housing unit areas

It is staff's recommendation that the Planning Commission, acting as the Citizens Advisory Committee, hold a public hearing to receive community input and provide appropriate direction to City staff regarding the redrawing of council election district boundaries.

FISCAL IMPACT

The City has contracted with Davis Demographics, Inc. for an agreed upon price to provide demographic and mapping services for the redistricting process because of their expertise and familiarity with the City of Dinuba's data.
None.

PUBLIC HEARING

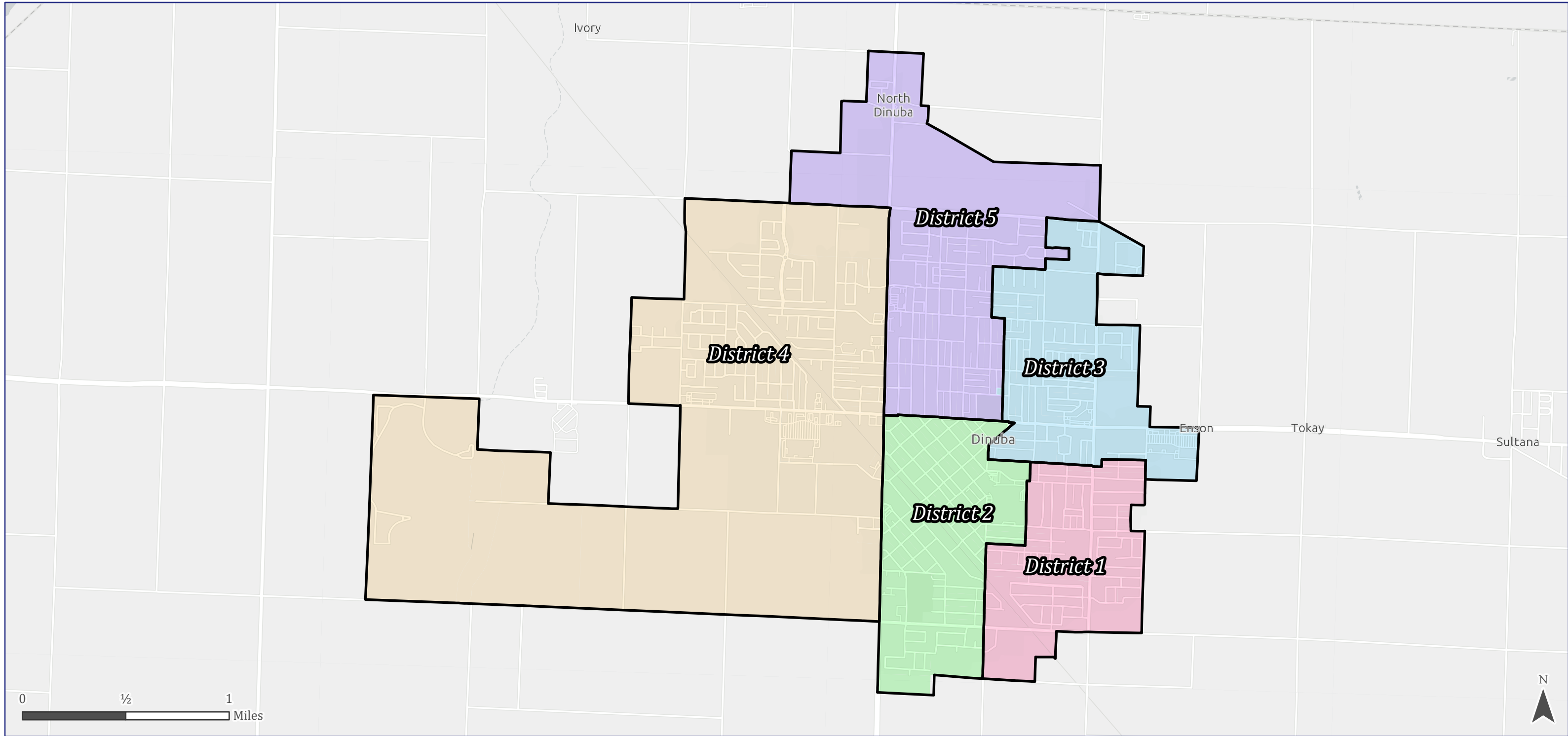
A public hearing is required by Elections Code §21627.1. This is the first of the minimum of four (4) public hearings required before the City Council adopts the final district maps for submission to the Tulare County Registrar of Voters. At least one hearing must occur before the city draws draft maps; At least two hearings must happen after the drawing of draft maps; and the fourth hearing can happen either before or after the drawing of draft maps. City staff or consultant may hold a public workshop instead of one of the required public redistricting hearings. These public hearings will be noticed in accordance with the noticing procedures set forth in Elections Code §21628.

Notice of this hearing was published in the Mid Valley Times on 10/21/2021 and 10/28/2021 and posted on the City's Redistricting website.

ATTACHMENTS:

Description

Current Districts



Current	Total Population (2020 Census)	Variance	Citizen Voting Age Population 2015-2019 Estimate
District 1	5,732	16.13%	2,257
District 2	4,212	-14.67%	1,624
District 3	4,291	-13.07%	2,317
District 4	6,309	27.82%	2,762
District 5	4,138	-16.17%	2,605
Totals	24,682	Max Variance 43.99%	11,565

- District 1
- District 2
- District 3
- District 4
- District 5

Disclaimer

Of necessity, the outer jurisdictional district boundaries shown here are based on Census block geography (rather than City of Dinuba geography) and are approximations of the boundaries as implemented by election officials.

A Census block is the smallest geographic census unit. Blocks can be bounded by visible features such as streets, roads, streams, and railroad tracks, and by nonvisible boundaries, such as selected property lines and city, township, school district, and county limits. Census blocks change every decade.

Data Sources: Census Bureau; Statewide Database, University of California, Berkeley Law, Center for Research; City of Dinuba; Davis Demographics

Basemap Sources: Fresno County Dept. PWP, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

Published Date: October 6, 2021