



PLANNING COMMISSION

**LIVINGSTON PLANNING COMMISSION
REGULAR MEETING AGENDA
TUESDAY, February 13, 2024 7:00 P.M.
CITY COUNCIL CHAMBERS, 1416 C STREET, LIVINGSTON**

The Planning Commission welcomes you to its meetings, which are regularly scheduled the second Tuesday of each month, and your interest is encouraged and appreciated.

The agenda is divided into two sections:

CONSENT ITEMS: These are items on this agenda designated by an asterisk () next to the item number, requiring a Planning Commission public hearing but which, following an initial evaluation by staff, have been found to be consistent with existing County policy and the County General Plan and are, therefore, recommended for "routine" approval. Prior to actual Planning Commission consideration, the Chair will open the public hearing and ask if anyone present wishes to discuss any of the items. If you want a particular agenda item removed from "Consent", please speak up and advise the Chair. That item will then be withdrawn from "Consent" and reviewed in detail as scheduled. The remaining "Consent" items for which there are no voice objections will be handled by a single action of the Commission.*

NON-CONSENT ITEMS: These items will be individually discussed and reviewed in detail.

Members of the public are advised that all pagers, cellular telephones and any other communication devices be put on vibrate mode or turned off during the Planning Commission meeting.

WE ENCOURAGE ALL MEMBERS OF THE PUBLIC TO PARTICIPATE IN THE MEETING VIA TELECONFERENCE BY CALLING (520) 525-8911. ANY MEMBER OF THE PUBLIC PARTICIPATING VIA TELECONFERENCE WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

ADDITIONALLY, THE REGULAR MEETING WILL BE STREAMED ON YOUTUBE LIVE
https://www.youtube.com/channel/UCB_ZmQZIHlH-ECEPZ2VwZg

PERSONS WHO ATTEND THE MEETING ARE ASKED TO FOLLOW THE CURRENT STATE OF CALIFORNIA PUBLIC HEALTH GUIDANCE

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 394-8041, Ext. 112. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Members of the public who have questions regarding any agenda item may comment on that item before and during consideration of that item when called upon by the Planning Commission Chair.

1. CALL TO ORDER

- 2. ROLL CALL:** Steve Bassi, Renee W. Mendonca, Robert S. (Bob) Wallis, Jose Flores, Andres Fuentes,
Vacant (Alternate 1 - votes on odd months),
Vacant (Alternate 2 - votes on even months)

3. PLEDGE OF ALLEGIANCE

4. INTRODUCTION

- A. Introduction of New Community Development Director – Gary Conte

5. ELECTION OF OFFICERS

- A. Election of New Chair and Vice Chair

6. PUBLIC COMMENT

Members of the Audience – At this time, any person may comment on any item that is NOT on the Agenda. PLEASE STATE YOUR NAME FOR THE RECORD. While the Planning Commission encourages participation from the audience, no more than five (5) minutes are allowed per discussion item. Topics not considered urgency matters may be referred to City Staff and/or placed on the next agenda for consideration and/or action by the Planning Commission.

7. MINUTES

- A. September 12, 2023

8. CORRESPONDENCE

9. CONFLICT OF INTEREST DECLARATION

Members of the Planning Commission will declare an actual or apparent conflict of interest before discussions or decisions about any matters in which they or anyone with whom they have a close personal relationship could directly or indirectly benefit or where such a benefit could be perceived.

10. PUBLIC HEARINGS

Consent items *

- A. None

Non-consent Items

- B. None

11. OTHER MATTERS (Not Public Hearings)

- A. None

12. REPORT OF THE PLANNING DIRECTOR

13. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIR

14. ADJOURNMENT

All actions of the Livingston Planning Commission (excluding recommendations) are appealable to the Livingston City Council if filed within ten days of the Planning Commission Meeting at which the decision is made by filing an appeal in writing and paying the appropriate fee with the Livingston City Clerk.



**CITY OF LIVINGSTON
LIVINGSTON PLANNING COMMISSION
REGULAR MEETING**

**City Council Chambers
1416 C Street
Livingston, CA 95334**

**MEETING MINUTES
September 12, 2023**

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chair Robert (Bob) Wallis.

ROLL CALL

Commissioners Present: Chair Bob Wallis, Commissioner Jose Flores, Commissioner Renee Mendonca, Commissioner Andres Fuentes and Vice-Chair Steve Bassi

Commissioners Absent: None

Staff Present: City Planner Miguel Galvez and Sr. Administrative Analyst Martha Abeloe

Others Present: Liaison City Council Member Jason Roth and City Council Member Maria Soto

PLEDGE OF ALLEGIANCE

The pledge of allegiance to the flag was recited.

PUBLIC COMMENT

Chair Bob Wallis opened the public comment period at 7:01 p.m. There were no comments from the public nor by teleconference. Chair Bob Wallis closed the public comment period at 7:02 p.m.

MINUTES

4.A Action Meeting Minutes from August 8, 2023, Regular Planning Commission Meeting
Motion by Vice-Chair Steve Bassi, seconded by Commissioner Renee Mendonca, to approve minutes from August 8, 2023. The motion was approved by a vote of 5-0.

CORRESPONDENCE

City Planner Miguel Galvez presented four items of correspondence to the Planning Commission.

CONFLICT OF INTEREST DECLARATION

None.

PUBLIC HEARINGS

Consent Items

7.A. (None)

Non-consent Items

- 7.B. General Plan Amendment No. GPA 2020-01 and Tentative Subdivision Map Application No. TSM 2020-01 - Greenzone Industrial Business Park, a request to redesignate the General Plan designation from Industrial Reserve (IR) to Limited Industrial (LI) and subdivide a 19.87 acre parcel into 22 lots and a storm water basin lot on property located on west side of Bird Street (APN 047-090-004)

City Planner Miguel Galvez presented a PowerPoint Presentation on item 7.B.

City Planner Galvez went over the current Cannabis Ordinance and stated that cannabis retail or delivery is prohibited in the City of Livingston.

Vice-Chair Bassi asked about the M-1 Zone and non-industrial uses.

City Planner Galvez answered the Planning Commissioner's questions and went through the Zoning Code and explained that Cannabis is not being proposed at this time.

The Public Hearing was opened for public comment at 7:55 p.m.

Yolanda Correia, a neighbor of the applicant, made a public comment and mentioned that she sent out a letter to the applicant and the letter was returned. She was upset because they left a mess, and it created a breeding space for squirrels and created a problem for her crop and she addressed other complaints and concerns.

Kenneth Abeloe, a resident questioned which well would supply this project and stated his concerns regarding water and county streets, especially on Livingston-Cressey Road.

Monica Fuentes neighbor of the applicant mentioned her concerns over the traffic impact and current street safety.

Peter Smith neighboring farmer of the applicant stated his concerns for safety, the environment, squirrel problems, and water issues.

Kelsey George with Precision Engineering emphasized that the applicant is not trying to propose a rezone, they are only changing the General Plan Amendment and that there will be non-retail cannabis uses proposed. She went over the Mitigation Measures Monitoring Program regarding the boxes that were not checked and mentioned there is an odor control plan that is required by

the city and that it will be addressed at the time of the CUP process and when the owner applies for the Cannabis Application.

She mentioned that the municipal well is a requirement from the city, and when the application was routed to all the departments and agencies, the comment was made that a municipal well would need to be constructed in conformance with city standards to serve the property.

She explained about the safety and traffic improvements she mentioned that the map will require the owner to pay its fair share of roadway improvements and construct its portion of Bird Street.

Renu Vagarwal representative of the owner, apologized to the residents over their concerns and offered to stay after the meeting to address any questions and will share the contact information with them and make herself personally available to all to assist in addressing all their concerns.

Regarding the Tentative Map for industrial use, she understands the concerns for future developments or future applications for cannabis use. She reiterated that there are other uses like storage facilities.

She addressed the water issue she said that she would reach out to their engineers to see what the water conditions are.

Chair Bob Wallis asked if they have the cost of all infrastructure and Renu Vagarwal answered his question.

Vice-Chair Steve Bassi asked about non-industrial and industrial cannabis and asked about phasing the project.

Renu Vagarwal answered that the proposal is 30 percent cannabis and 70 percent other industrial use, owners are not looking to do retail. They are more interested in a greenhouse and cultivation. And that the mitigation measures will be addressed in each CUP application per lot parcel.

Vice-Chair Steve Bassi asked about the comment on the well if it would be private or city-owned.

City Engineer Noe Martinez answered that the well would be a municipal well and would be dedicated to the city and therefore be city-owned.

Chair Bob Wallis asked who would be maintaining the well.

City Engineer Noe Martinez answered that this project is not quite there and that the next step with the applicant is to determine exactly what type of well it will do and then look at what type of maintenance it will need.

Chair Bob Wallis closed the Public Hearing Comment period at 8:30 p.m.

City Planner Miguel Galvez reviewed the resolutions.

Vice-Chair Steve Bassi asked why the phasing was proposed.

City Planner Galvez answered that initially it was proposed to do three phases and the phases became complicated with the improvements and undergrounding of the canal. It made more

sense to develop the subdivision map all in one phase and finish all the street improvements.

Commissioner Renee Mendonca asked about the 30/70 percent non-cannabis and cannabis if there was a guarantee that it would stay 30/70.

City Planner Galvez answered that the city does not regulate who buys or sells the lots and that all the city can do is respond to the applications as they come in.

Renu Vagarwal answered the Commissioner’s questions regarding the 30/70 split and said that each parcel that will be sold and or maintained by the applicant will be submitting a CUP application. It will be determined by the Planning Commission at that time. Right now, they are trying to approve a subdivision map and a tentative map approval. The reason for phasing from the North to the South is that the development would be more cost-effective.

Vice-Chair Bassi asked who would internally in staffing level control the cannabis and non-cannabis applications.

City Planner Miguel Galvez answered that the Planning Commission and City Council will be reviewing each development agreement and that the City Council would make the final decision.

Chair Bob Wallis asked the City Council Liaison Jason Roth about the gun range that is used by the Police Department and who is going to be patrolling the gun range. He asked if the fencing will be addressed in the future.

Commissioner Jose Flores said this development will help the street improvements on county roads.

Vice-Chair Steve Bassi is concerned with widening Livingston-Cressey Road and the lighting on Bird Street.

City Planner Miguel Galvez went over Attachment 6 of the Agenda.

Commissioner Renee Mendonca had a question on the Traffic Impact Study.

City Engineer Noe Martinez answered Commissioner Mendonca’s question.

Commissioner Renee Mendonca thanked the residents for attending the meeting and for their opinions and comments.

It was motioned to approve Resolution 2023-09 Adopting Planning Commission Resolution 2023-09, recommending adoption of the Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring Program (SCH No. 2023010565) for the Greenzone Industrial Business Park by Vice-Chair Steve Bassi and seconded by Commissioner Andres Fuentes the Approving Motion carried 5-0, by the following roll call vote:

- AYES: Chair Bob Wallis, Vice-Chair Steve Bassi, Commissioner Jose Flores, Commissioner Andres Fuentes, Commissioner Renee Mendonca
- NOES: None
- ABSENT: None
- ABSTAIN: None

It was motioned to not recommend approval of Resolution 2023-10 of Tentative Subdivision Map Application No. TSM 2020-01 to subdivide the 19.87-acre property into 22 lots by Vice-Chair Steve Bassi and seconded by Commissioner Renee Mendonca the Failed Motion carried 2-3, by the following roll call vote:

AYES: Vice-Chair Steve Bassi, Commissioner Renee Mendonca
 NOES: Chair Bob Wallis, Commissioner Andres Fuentes, Commissioner Jose Flores
 ABSENT: None
 ABSTAIN: None

It was motioned to approve Resolution 2023-11 to the City Council approval of General Plan Amendment Application No. GPA 2020-01 for the Greenzone Industrial Business Park to amend the General Plan designation from IR, Industrial Reserve, to LI, Limited Industrial by Vice-Chair Steve Bassi and seconded by Commissioner Jose Flores the Approving Motion carried 5-0, by the following roll call vote:

AYES: Chair Bob Wallis, Vice-Chair Steve Bassi, Commissioner Jose Flores, Commissioner Andres Fuentes, Commissioner Renee Mendonca
 NOES: None
 ABSENT: None
 ABSTAIN: None

8.A. None.

OTHER MATTERS (Not Public Hearings)

(None)

REPORT OF THE PLANNING DIRECTOR

City Planner Miguel Galvez highlighted recent City Council actions and housekeeping items. He communicated that the city is still soliciting public interest to fill the vacant positions for Regular and Alternate Planning Commission positions and encouraged residents to apply. He reported that there are no agenda items that are being targeted for the next Regular Planning Commission Meeting.

ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIR

Chair Bob Wallis asked for City Council Liaison Jason Roth to give a report of the Planning Commissioner's concerns from the last meeting.

City Council Liaison Jason Roth gave a brief report to Planning Commissioners regarding their concerns.

There was a brief discussion regarding truck parking on B Street and Robin Avenue.

Chair Bob Wallis asked about 164 B Street property if the owner has a permit to park trucks.

City Planner Galvez answered that there is currently no permit and is currently going through code enforcement.

Chair Bob Wallis mentioned that he will not be attending the next two Planning Commission Meetings in October and November therefore resigning as Chair.

It was motioned by Chair Bob Wallis to assign a new Vice-Chair and Chair. He recommended that Commissioner Mendonca be Vice-Chair and Vice-Chair Bassi be the new Chair it was seconded by Commissioner Andres Fuentes the Approving Motion carried 5-0, by the following roll call vote:

- AYES: Chair Bob Wallis, Vice-Chair Steve Bassi, Commissioner Jose Flores, Commissioner Andres Fuentes, Commissioner Renee Mendonca
- NOES: None
- ABSENT: None
- ABSTAIN: None

Planning Commission

ADJOURNMENT

The regular meeting was adjourned by consensus at 9:30 p.m.

APPROVED: February 13, 2023

Chair, Steve Bassi

Secretary of the Planning Commission,
Gary Conte

The written meeting minutes reflect a summary of specific actions taken by the Planning Commission. They do not necessarily reflect all the comments or dialogue leading up to the action. All meetings are digitally recorded and are an official record of the meeting’s proceedings. Digitally recorded verbatim minutes are available upon request and may be obtained at Livingston City Hall.