

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
APRIL 23, 2008**

***ACTION MINUTES** – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (audiotapes) kept as a permanent record.*

CALL TO ORDER: Chairman Hammond called the Planning Commission Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE. Commissioner Manzo led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Donovan, Manzo, and Chairman Hammond; Viveros absent.

STAFF MEMBERS PRESENT: City Attorney Vaughn, Public Works Director/City Engineer Chisam, Assistant Planner Souza, and Administrative Assistant Fuentes.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Donovan, seconded by Manzo to approve the agenda as submitted. The motion carried by the affirmative vote of all Planning Commission Members present; ABSENT: Viveros

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF APRIL 9, 2008: Motion by Manzo, seconded by Donovan to approve the minutes as submitted. The motion carried by the following vote: AYES: Donovan, Manzo, Hammond; NOES: None; ABSENT: Viveros

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE PLANNING COMMISSION; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. No one came forward to speak, and the public forum was closed.

CONSIDERATION OF SITE PLAN #2007-07 MODIFICATION DATED APRIL 4, 2008 LOCATED ON THE SOUTHEAST CORNER OF ORTIGALITA ROAD AND PACHECO BOULEVARD. Assistant Planner Souza presented the staff report, which included a PowerPoint presentation.

Chairman Hammond - differences on the modified site plan; according to the site plan, differences are that the Jack in the Box and El Pollo Loco have flipped, changed places, from one site plan to another; because of the 3377 square foot building, they are not designated on the old site plan; on the new site plan they are designated; Assistant Planner Souza - they have not flipped; lot line adjustment has been done which adjusted the parcels, but they have not switched places; original one just says the square footage; not exactly what tenants; Chairman Hammond – secondly, it shows the Jack in the Box is actually smaller on the new site plan; **Applicant: Bob Rowland - PMB Development** – probably had an incorrect size; Jack in the Box changed their new model from what they were using initially; does not believe they flipped; it was probably an error; El Pollo Loco always had center spot; Chairman Hammond – again, not designated on the old site plan; the square footage matches the El Pollo Loco on the eastern most side; the modified plan is the correct one; by approving this one, it approves the one presented.

Motion by Donovan, seconded by Manzo to adopt Planning Commission Resolution No. 2008-19 – Recommending Approval of Site Plan #2007-07 Modification Dated April 4, 2008 Located on the Southeast Corner of Ortigalita Road and Pacheco Boulevard. The motion carried by the affirmative vote of all Planning Commission Members present; Absent: Viveros

PUBLIC HEARING - CONSIDERATION OF TENTATIVE PARCEL MAP NO. 2008-02 FOR PMB DEVELOPMENT TO SUBDIVIDE APPROXIMATELY 3 ACRES INTO THREE PARCELS IN THE HIGHWAY COMMERCIAL ZONING DISTRICT. THE

PROJECT IS LOCATED ON THE SOUTHEAST CORNER OF ORTIGALITA ROAD AND PACHECO BOULEVARD. MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 431-141-015. Assistant Planner Souza presented the staff report, which included a PowerPoint presentation.

No one else came forward and public hearing was closed.

Motion by Donovan, seconded by Manzo to adopt Planning Commission Resolution No. 2008-20 – Recommending Approval of Tentative Parcel Map #2008-02 for the PMB Development to Subdivide Approximately 3 acres into Three Parcels in the Highway Commercial Zoning District. The project is located on the Southeast corner of Ortigalita road and Pacheco Boulevard. More specifically identified as Assessor's Parcel Number: 431-141-015. The motion carried by the affirmative vote of the Planning Commission Members present; Absent: Viveros

PLANNING MANAGER'S REPORT: Public Works Director/City Engineer Chisam – nothing to report

COMMISSIONERS REPORTS:

ERASMO VIVEROS: Absent.

JOSE MANZO: Nothing to report.

VICE CHAIR NORM DONOVAN: Would like comment scribed in minutes – at the last Council Meeting when the Mobile Vendor Ordinance was introduced, Mr. Villalta made the following statements; “Someone can put up a shack in front of Lowe’s for a lot less and operate for 360 days. I have a real problem with that.” He also said, “And I have a real problem with someone running an extension cord.” He also said, “We have a beautiful Lowe’s building, a beautiful Home Depot building, and now we are going to allow a shack in front of it.” I personally take exception to those statements. The commissioners rewrote the ordinance at the request of the city council, and unlike Mr. Villalta who complains that he never gets enough information from staff; we took it upon ourselves to rewrite the ordinance, instead of waiting for staff, which is very busy to get the time to do it. We put a lot of time and effort to ensure that the things Mr. Villalta and others had mentioned would not happen. In fact, the new ordinance is much more restrictive than the previous one. To think that a councilman would have the audacity to think that we, the Planning Commission, would knowingly pass and introduce an ordinance to the City that did not try to eliminate all the concerns that the council and others had expressed is unconscionable and I think Mr. Villalta owes this Commission a public apology for those comments. Mr. Villalta then said to the Mayor, (i.e.) “I had never heard such idiotic remarks.” Well Mr. Villalta, I think that message reflects on your own statements. I would suggest that you remember and abide by an old saying, which was once told to me and I try to adhere to, but not always successfully, and that is, “Be sure brain is engaged before putting mouth in motion.”

CHAIRMAN HAMMOND: Commissioner Donovan and I attended the Planners Conference in Madera on Saturday, 4/19; received very good information; thanked City for letting them attend.

ADJOURNMENT. The meeting was adjourned at the hour of 7:15 p.m.

APPROVED:

/s/ Stephen Hammond
Stephen Hammond, Chairman

ATTEST:

/s/ Norma Fuentes
Norma Fuentes, Planning Commission Secretary