

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
MAY 14, 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.

ADMINISTRATION OF OATH OF OFFICE TO NEW PLANNING COMMISSIONERS: Assistant City Clerk/Human Resources Technician Sousa administered the Oath of Office to Ann McCauley, Tom Mello, and Shirley Napolitano.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Manzo, McCauley, Mello, Napolitano, Viveros, and Chairman Hammond. Absent: Donovan

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

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

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF APRIL 23, 2008: Motion by Manzo, seconded by Napolitano to approve the minutes as submitted. The motion carried by the following vote: AYES: Manzo, McCauley, Mello, Napolitano, Viveros, and Hammond; NOES: None, ABSENT: Donovan

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 USE PERMIT NO. 2008-05 FOR THE USE OF A TYPE 20 ALCOHOL LICENSE TO PERMIT THE OFF-SALE OF BEER AND WINE. THE REQUESTED USE PERMIT IS FOR WAL-MART STORE 2117 LOCATED AT 1575 W. PACHECO BOULEVARD, MORE SPECIFICALLY DESCRIBED AS ASSESSOR'S PARCEL NUMBER: 083-040-025. Assistant Planner Souza presented the staff report, which included a PowerPoint presentation.

Chairman Hammond; clarify that this Type 20 Alcohol License is for the off-sale of beer and wine only; no hard liquor; Assistant Planner Souza; correct, beer and wine only.

Chairman Hammond opened the public hearing.

Applicant: Ilene Dick, Esq., Farella Braunt and Martel LLP; the applicant is requesting to have one condition have modifications done to it; less than 1% of floor area will be dedicated to the beer and wine; it will be warm beer and wine; there will be no refrigeration; will comply with provisions to sizes; has very aggressive training program certified by the trade group for alcohol sales, distributors, and retailers; requires training to ensure that intoxicated persons do not come in and buy alcohol; make sure that no minors are in proximity of beer and wine; two security cameras will be installed; will not be located near any exits to assure no one walks out with beer or wine; concerns with condition #8; concern is with the way it is worded; located on page 7 of 7 of the resolution; regarding the exterior premises, including the adjacent public sidewalks and parking lot areas; states that Wal-Mart be responsible for lighting those

areas; Wal-Mart cannot do this; these are public sidewalks and Wal-Mart has no control over these areas; would like condition to be modified to simply state that the areas to which Wal-Mart has legal control over; language of the standard for illumination; reads, illuminated during all hours of darkness; in a manner so persons standing in those areas at night can be identifiable by law enforcement personnel; can appreciate purpose of this if there is criminal activity happening out there; these conditions will vary; suggest using the California Building Code and Fire Code, which addresses lighting and illumination standards in parking lots; also willing to put in condition that Wal-Mart is willing to have an ongoing communication to be responsive to law enforcement if the lighting is not intensive enough; feels it is difficult for both Wal-Mart and the City to enforce; Public Works Director/City Engineer Chisam; little bit of misunderstanding; talking about onsite public sidewalks not public sidewalks that go around exterior of building; can put wording that states, "including adjacent on-site public sidewalk and parking lot areas; open for business; add something consistent with city's parking lot standards, which is one foot candle; **Applicant: Ilene Dick, Esq., Farella Braunt and Martel LLP**; that would be fine; Chairman Hammond; is there current parking lot lighting sufficient; Public Works Director/City Engineer Chisam; will find out.

No one else came forward and public hearing was closed.

Public Works Director/City Engineer Chisam; change to condition #8; exterior of the premises including adjacent onsite public sidewalks and parking lot areas shall be illuminated during all hours of darkness, when the premises is open for business, in a manner so that any persons standing out there will be identifiable by law enforcement personnel, consistent with the current parking standards of one foot candle; will continue to work on language to Condition No. 8.

Motion by Manzo, seconded by McCauley to adopt Planning Commission Resolution No. 2008-21 – Recommending Approval of Use Permit #2008-05 to the Los Banos City Council for the Off-Sale of Beer and Wine at Wal-Mart 2117 Located at 1575 W. Pacheco Boulevard. To include changes to Condition No. 8. The motion carried by the affirmative vote of all Planning Commission Members present. Absent: Donovan

PUBLIC HEARING - CONSIDERATION OF AN ALTERNATIVE TO THE LOS BANOS GENERAL PLAN UPDATE ON BEHALF OF BERNARD PARADISO, VALLEY VIEW PACKING COMPANY. THE REQUEST IS TO SHIFT THE URBAN GROWTH BOUNDARY TO THE NORTH TO ENCOMPASS THE ENTIRE PARADISO PROPERTY AND REVISE THE GENERAL PLAN LAND USE DIAGRAM TO REFLECT THE PROPOSED LAND USES REQUESTED ON BEHALF OF THE PROPERTY OWNER. THE PROPOSED PROPERTY CONSISTS OF APPROXIMATELY 350 ACRES LOCATED ON PACHECO BOULEVARD, EAST OF SOUTH RAMOS ROAD AND DIRECTLY SOUTH OF THE CENTRAL CALIFORNIA IRRIGATION DISTRICT MAIN CANAL, IN MERCED COUNTY, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 081-150-036, 081-150-040, AND 081-150-044. Public Works Director/City Engineer Chisam presented the staff report.

Commissioner Napolitano; reference to interchange shift to the West of 152; how will it affect us; concerned with not having a lot of on and off ramps; Public Works Director/City Engineer Chisam; interchange that is shown on plan is consistent with the adopted CTC (California Transportation Commission) plan for that road way; consistent with plan; really has not changed; adapted proposal around proposed right of way for Highway 152.

Commissioner Viveros; how will it affect infrastructure; Public Works Director/City Engineer Chisam; city has prepared both sewer and water, storm drain master plans; could accommodate this project; provide for both sewer, water and storm drainage; timing will be significant issue; main sewer line that comes to this area will have to come from east and work towards west; need time for development to occur to the west before line can come out that way.

Commissioner McCauley; will developer be responsible for fees that are required for sewer and water; Public Works Director/City Engineer Chisam; yes, they would be required to pay all appropriate impact fees associated with project; general policy by city

council is that all new developments and annexations pay impact fees at time of application; Commissioner McCauley; any studies that have to be done in conjunction with this project, will these fees for this be paid by developer; Public Works Director/City Engineer Chisam; yes, they would cover costs not only for studies but for staff time and others in processing the application.

Chairman Hammond opened public hearing; **Applicant: Wendy Elliott, Wood Rodgers**; welcomed new commissioners; thanked Public Works Director/City Engineer Chisam for bringing project to commission; staffs general plan update was driving force for conceptual project design; staffs general plan looks for broad objectives, such as economic development, quality of life, and neighborhood character; key initiatives; balance and sustainable growth; second key initiative is to create new jobs to develop the local economy; third key initiative is to integrate neighborhoods and neighborhood centers; fourth key initiative is creating a network of parks and open space; interconnecting trail systems; fifth key initiative is providing ample retail and shopping opportunities; walk able neighborhoods; current urban growth property bisects the property; **Applicant: Paul Meuser, Wood Rodgers**; property is 350 acres in size; located South of the CCID canal and North of Pacheco Boulevard; the 152 bypass and interchange are planned to go thru Southern portion of site, which would take approximately 60 to 70 acres; on the Southeast corner, adjacent to the Community College, planned for the future expansion of Memorial Hospital, Los Banos; 25 acre site; mutual benefit between two facilities; site would allow hospital to expand out of the current 8 acre site so that it can grow along with community; in the process creating high quality jobs for the city; adjacent to the future site of the hospital, there will be approximately 14 acres of office; located there as it is anticipated as the hospital continues to grow there would be additional requirement for medical offices, research and development, and potentially small commercial uses; set up complimentary support and uses; adjacent to office is another area designated as a business park; future business opportunity area; seen as potentially light industrial uses; also could be additional research and development or medical office buildings in support of the hospital; hospital would be anchor of the business district with this project; there would also be approximately 33 acres of commercial that due to the proximity of the change to 152 and Pacheco Boulevard, visibility and traffic would support regional commercial on corners; in addition, do smaller scale mixed use type commercial with offices, retail, potentially some apartments; center of the project community would be a large central park; accessible to businesses, office and commercial district of the plan; sets up central gathering area for community; park would be programmed with both passive and active uses; different recreational interests; surrounding park offices, commercial, and hospital, would be low medium and high density residential villages; apartments, town homes, and condominiums; locate live/work units across the street from hospital; commercial and office districts; rather than having walls, have architectural uses; allow student housing in area; transitioning away from the core of activity at the interchange; lightning the use and intensity; residential villages will be organized in 6 different neighborhoods; each with a pocket park that would be connected at the center; set up different sites and sizes for the different income levels; put within walking distance for work/walking/shopping; located within central park would be an elementary school; enables sharing of recreational facilities between park and school; uses that the applicant is presenting are compatible and complimentary; overall goal is to create a range of employment opportunities within walking or biking distance of residential areas; variety shopping opportunities; education and recreational opportunities; balance mix of uses appropriately located near the interchange and bypass; transitioning to low density by the canal; neighborhoods organized by central park and school; the idea of circulation would be to create pedestrian friendly streets; encourage walking and cycling; open space pedestrian pathways both on street and off street; wider sidewalks; regional connectivity along the trails of the CCID canal and along the North side of the 152 bypass; **Applicant: Katie Balis, Wood Rodgers**; presented a PowerPoint presentation; what the plan has envisioned for the community; form and character the land uses can take; how each district relates internally and in other surrounding areas; hospital site plan shows the future expansion area; center of site plan is the hospital with the surrounding medical offices; will also have potential site plan for office and professional park; directly across the street toward the hospital; create more attractive and pedestrian friendly street; business park which is adjacent to the business opportunity area; showing commercial and mixed use area; potential to have larger regional commercial areas but more mixed use commercial; would find retail with

residential above; parks and open space area would have active uses by school; such as soccer, baseball, or basketball fields; transition to more passive uses; interconnected pathways that link residential neighborhoods to not only central park but to commercial mixed use, healthcare and school facilities; high density gives an idea of what village might look like; majority of buildings are fronted to public streets; would be able to locate pocket parks and clubhouse in central area to provide recreation for that specific community; medium residential village is envisioned to have small lot alley access unit and pocket parks; low density residential shows typical low density residential units out by CCID canal; elementary school located within central park; images to show architectural of how school may look; showing how plan would show the compact small town character; **Applicant: Wendy Elliott, Wood Rodgers;** captured vision of general plan update with this project plan; balance of land uses; addressed job housing balance; addressed emissions, addressed walk able communities, addressed jobs next to residential; addressed housing needs; asking to move current urban growth boundary, which is referenced in draft general plan update, to the North to comply with CCID; talked with the Grassland Water district; this is their boundary for growth and they are in agreement with it; would like to keep land usage as envisioned.

Public Works Director/City Engineer Chisam; clarifying and stressing that this project or site is outside of the existing city boundaries and there are annexations that would have to occur or there would need to be some connection before it could be annexed; not talking about annexation request at this time; not committing to any land uses indicated in this plan; will come before planning commission as part of overall general plan when reviewed; wants to make sure new planning commissioners understand they are not committing to any land uses; committing to taking urban boundary line and moving it North.

Chairman Hammond; clarify that we are just talking about moving the boundary and land uses; Public Works Director/City Engineer Chisam; not talking about land uses; just moving the boundary and sending it back to staff to include in general plan.

Chairman Hammond; when recommending, will be recommending that the border be moved to the CCID canal; Public Works Director/City Engineer Chisam; correct; will have another opportunity to review the land uses; land use map comes back to planning commission; responsibility delegated to commission by city council to make a recommendation to include in land use plan that comes before city council, or not.

Commissioner Napolitano; this is a wonderful project; would like to reiterate that the hospital could be anything, not necessarily just a hospital; concerned about the bypass; need this more than anything else at this time, other than jobs; have there been any discussions between the applicant and the school district; **Applicant: Wendy Elliot, Wood Rodgers;** applicant has not approached the school district yet; have had discussions with the hospital and they are cooperating with them to program land uses; applicant has had discussions with cal-trans; cal-trans is committed to bypass and seeing it move forward.

Commissioner McCauley; likes the concept of the plan; thinks it will dramatically change the scenery of the town.

Public Works Director/City Engineer Chisam; before getting into too much discussion, need to have public hearing opened and take public comment so commission can have all view points before forming an opinion; Chairman Hammond; opened public hearing before applicant approached podium.

Commissioner McCauley; concerned about heavy industrial use instead of light industrial use.

Commissioner Mello; issues with street width will come up later; Chairman Hammond; yes they will.

Chairman Hammond opened the public hearing.

No one else came forward and public hearing was closed.

Public Works Director/City Engineer Chisam; at this time would like to see each commissioner indicate opinions on issue; have discussion in reference to the validity and if appropriate or not to moving the line to the North; looking to receive from planning commission a motion to move line northward and include the proposed land uses into draft general plan for further consideration by the planning commission/city council; Chairman Hammond; noticed in report that CCID feels the same way about the canal being a barrier; Public Works Director/City Engineer Chisam; they have documented same concern and was included in the Environmental document; Chairman Hammond; as of right now, there is no problem; Public Works Director/City Engineer Chisam; as far as he understands, there is no problem as long as we stay south of the canal.

Motion by Manzo, seconded by Viveros to Shift the Urban Growth Boundary to the North to encompass the entire Paradiso property. The motion carried by the affirmative vote of all Planning Commission Members present. Absent: Donovan

CONSIDERATION OF AN ALTERNATIVE TO THE LOS BANS GENERAL PLAN UPDATE ON BEHALF OF AMG & ASSOCIATES, LLC. THE REQUEST IS A LAND USE PROPOSAL FOR 28.5 ACRES AT JOHNSON ROAD AND OVERLAND AVENUE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 081-110-007. Public Works Director/City Engineer Chisam presented the staff report.

Commissioner Napolitano; not clear on overlay; light industrial under present zoning; Public Works Director/City Engineer Chisam; light industrial in existing use land designation; do not have a land use designation in code; problems with what's coded and what we have regulations for; new general plan has an industrial land use only; whether its heavy or light; Commissioner Napolitano; if its industrial, applicant is asking for commercial employment not industrial; what does overlay do for us; Public Works Director/City Engineer Chisam; provides for special zoning requirements that may prohibit certain types of uses; for example, limit height of buildings adjacent to residential; prohibit storage yards; more specific detail as to land use will be designed and development; Commissioner Napolitano; still not talking about commercial land use; Public Works Director/City Engineer Chisam; not commercial; light industrial or planned industrial in current zoning that has certain amount of office and other commercial type developments that are allowed in area; Commissioner Napolitano; asked if it would not defeat the purpose of making it industrial; will not end up with housing and offices; want industrial; an overlay would not impair it; Public Works Director/City Engineer Chisam; make sure that the lighter industrial provisions are provided for this property; would be along eastern boundary.

Commissioner Viveros; overlay to transition the residential area; applicant mentioned poor air quality and noise; to combat that we can put in a special overlay zoning; Public Works Director/City Engineer Chisam; two different tools; zoning designation that can be created for lighter industrial uses; add an overlay with further restrictions that can added and has not been created yet; Commissioner Viveros; staff recommends to keep the way it is; Public Works Director/City Engineer Chisam; staff is recommending that we keep the industrial general plan land use designation the way it is; use zoning to create the transition proposed between residential and industrial; Commissioner Viveros; the applicant is requesting to designate a mixed use commercial and employment park; Commissioner Mello; the area has heavy industrial on far west side; infrastructure anywhere else for industrial in town; Public Works Director/City Engineer Chisam; some on east side of town; primarily the industrial zoned land in the proposed general plan; Commissioner Mello; would it be prudent to keep industrial on site if infrastructure is currently there; Public Works Director/City Engineer Chisam; that is for Planning Commission to decide.

Chairman Hammond opened public hearing – **Applicant: Fred Goodrich, Consultant;** presented PowerPoint presentation; site located at Johnson Road and Overland Road; respectfully disagrees with staffs recommendations; 28.5 acre site; Overland Road borders north side; Johnson Road borders west side; residential development on the east side; one story and two story homes; Kagome on left side; preferred general plan land use shows 4 different designations surrounding property; single family residential, multifamily, industrial, and employment park; directly across the subject property is a proposal for higher density residential; to the south proposing industrial; to the west

change to employment park; why is it being designated as an employment park; the definition of industrials is to be provided at the edges of the planned areas; in conflict with what an industrial zone is; traditional planning provides buffering and transition; promotes safe vehicular circulation; strive to achieve an acceptable noise environment; provide land use transition; proposing on 18.5 acre portion of property; looking to put an employment park; will provide buffering needed; corner of Overland/Johnson; 10 acres of neighborhood commercial; not trying to take away from neighborhood retail centers; not trying to compete with them; employment park uses – office parks, business parks, light industry; employment park would be very appropriate for this site; neighborhood commercial uses – provide goods and services for the community; industrial creates great amount of waste, noise, odor, pollution; what's the most appropriate use for this area; well planned employment park; creates safer neighborhood; more jobs in cities; redevelopment area; consistent with general plan guidelines and EIR; staff is trying to guarantee an overlay; there are no guarantees; need good planning; least impacting; provide transition; provide buffer; **Applicant: Alexis Gevorgian, AMG & Associates**; thinks objectives are the same as staffs; talking about master plan; general plan; restrict bad uses; dirty uses; lets restrict them now; lets go to a use that the city has promoted throughout the general plan; staff is saying that we can keep this heavier, dirtier use as a master plan and at time of proposal, negotiate what can be done at a later time; not negotiable; once general plan is established it becomes a land use that is allowed in that particular master plan; lets be proactive; made several compromises; this property may be vacant for a long time; north of property and east of property, its residential; go with a lower intensity use; don't want to run into problems in future; talked with surrounding neighbors and they are concerned with what city is proposing to do; thinks its better to generate higher tax revenue; dirty use will not get a lot of revenue; worked closely with Michael Dyett; the applicant wanted him present but the applicant states that staff did not want him present; original plans that Michael Dyett drew, he had on this site planned as a mixed use; in process, taken off agenda and not noticed; staff told us that they would be given chance to be heard; they were barred from this item; first time to discuss this; other developers were given more time to discuss their projects; heavy industrial uses do not mix with residential; would appreciate planning commissions appreciation; **Applicant: Kristen Weirick, AMG & Associates**; went to residents homes in person to discuss issue; most residents were against this proposal; residents signed a three page statement opposing industrial land use at this site; (gave signed statement to Assistant Planner Souza); **Elaine Cory – Los Banos residents**; objects to the traffic; too much traffic with 18 wheelers; **Doug Eisenbeis – Los Banos Resident**; lives across the street from the project site; was not contacted by AMG & Associates; traffic problem on Overland; increase traffic; concerned with the exit and entering even with his property; when did land change from agriculture; never received letter stating change; what is designation now; he is not in city limits; lives in county area; wants someone to look out so he is not in a traffic jam; **Robert Ingle – Los Banos Resident**; has spent a lot of money in back yard; whatever development goes in there they have to do something about sound wall to protect investment; doesn't want a two or three story business park there watching his property; a lot of people have vacated their property; already taken huge financial hit; do not want industrial; if decided to go with applicants plan, make sure there is stipulation on height of buildings; don't want to look over into an office complex, would have to be one story facility; ranchwood did good job of making sure you couldn't look into someone's window; asking city to use judgment and patience; another stipulation should be lighting over the wall; **Charles Melendez – LB Resident**; object being industrial; increase in traffic; have already taken big hits on property value; don't want to worry everyday that children would get hit while going to school; thinks its very bad planning to have industrial in residential area; agrees with the applicant to change zoning to commercial; would benefit more so than industrial; benefiting in terms of work and children around area; deals with sound from Kagome; most of time, have to close windows due to the traffic of 18 wheelers; putting an industrial area there would make him leave; **Applicant: Alexis Gevorgian, AMG & Associates**; staff gone out of way to change land use designation of Kagome, from industrial to employment park; keeping applicants property as industrial, should be vise versa; if any property should be changed it should be the subject property not Kagome's; applicants zoning should change more because they are closer to neighbors; Chairman Hammond; constant attack on staff and don't want that to happen; giving staff chance to rebut these charges; Public Works Director/City Engineer Chisam; applicant makes a good point in regards to professional office that is shown on map; that is not correct; it is industrial;

this has been noted in the draft; will be changed; Chairman Hammond; land designation right now is it still agricultural land; Public Works Director/City Engineer Chisam; property is in county; currently zoned agricultural and will continue to be zoned agricultural until annexation application is provided, at which time land would be pre-zoned; gives the city the opportunity to address residential concerns at that time; believes still has the ability to mitigate the concerns and still maintain the industrial zone planned in the general plan; **Elaine Post – RDA Manager**; agrees with Public Works Director Chisam regarding general plan map; roads are in wrong places; it is only a draft; when homes were built in Ranchwood development, next to what had been designated since 1999 as industrial, once it changed from agricultural, deed restrictions were placed on homes; Mr. Hostetler came before the city council he was aware there was a consent to keep the industrial land; when you put homes next to industrial land, residents protest; what we are talking about isn't dirty; actually very clean; residents came after the industrial zone; industrial zone already designated; the only rail we have ends at second street; this large parcel is near rail; designated as industrial; fast track out of town; on behalf of the RDA, do not deplete industrial area; commercial and industrial don't mix; clarified permitted light industrial uses; email received from Kagome; largest employers in community; have concern with a facility coming into community; Kagome is strongly opposing the rezoning of the property on the corner of Overland Road and Johnson Road; clear distinction between industrial and residential is in the best interest that the separation is maintained; letter signed and emailed by John H. Allen, Director of Operations – Los Banos Facility, Kagome; **Applicant: Fred Goodrich, Consultant**; neighbors are looking at the noise, no one looking down at them; there's no amount of height of landscaping that is going to reduce the noise in the residential area; Kagome doesn't want land use conflict; city shouldn't be putting in other land uses; there isn't a clear buffer.

Commissioner Napolitano; hearing neighbors correctly, is overlay going to help elevate the problem if industrial is maintained with an overlay; Public Works Director/City Engineer Chisam; correct; Commissioner Napolitano; this could eliminate heavy truck traffic; make it more pleasantly visual and reduce sound; overlay is compromised between residents and light industrial use; Chairman Hammond; tonight is either changing or affirming future designation of the general plan; any development would be later; Public Works Director/City Engineer Chisam; zoning designations are assigned for the particular sight; if determined that property is annexed within city, then site plans would come before Planning Commission; would be an open process; staffs point of view is that they understand the applicants view; staff trying to achieve same goals; Chairman Hammond; determine which designation is more appropriate for this site; economic impact on current residents; will there be much difference between staff proposal and applicant proposal; Public Works Director/City Engineer Chisam; does not have the information to answer that question.

Commissioner Viveros; we can obtain higher paying jobs by taking staffs route; Public Works Director/City Engineer Chisam; that is staffs goal; Commissioner Viveros; we cannot obtain higher paying jobs with the applicants proposal; Public Works Director/City Engineer Chisam; the applicants proposal can still have higher paying jobs; the applicants major flaw is neighborhood commercial; is not consistent with use across the street; additional employment park may not be warranted in that particular area within current general plan.

Commissioner McCauley; torn between the proposal and the resident's opinions; concern is if change designation to industrial use; Public Works Director/City Engineer Chisam; will not be changed until annexed; Commissioner McCauley; what say do we have if large company wants to come in; Public Works Director/City Engineer Chisam; project would need to be approved; people within 300 feet of project would need to be notified; would have large voice with regards to project; county would not look favorably; Commissioner McCauley; is Kagome allowed to operate there because they are foods; Public Works Director/City Engineer Chisam; Kagome is within City; already have industrial use designation in current general plan.

Commissioner Mello; concerned with traffic there; route traffic down Johnson Road and out H Street to keep everybody safe; as far as the dust, its agricultural area; don't want industry that will bring minimum wage; thinks traffic is big problem.

Chairman Hammond; before anything can come in, it has to come back to Planning Commission; traffic studies need to be done.

Commissioner Viveros; affects are showing with all of the building being done in city; would not do anything that would put residents in jeopardy; looking to get higher paying jobs.

Robert Ingle – Los Banos Resident; when it comes to higher paying jobs, there is a certain limit; has his own business and he employs a lot of people; industrial regardless of how big, you can only employ so many people.

Applicant: Fred Goodrich, Consultant; 1200 acres in industrial for this general plan; determined 700 to 800 acres needed to build out; why so much industrial when not needed; **Applicant: Alexis Gevorgian, AMG & Associates;** really trying to achieve same goal; can staff restrict the dirty uses based on the land use currently proposed by staff; feels no staff cannot; proposing not to have battles; when city adopts heavy industrial land use, will be a buy-right use where particular zones will be allowed; saying to go with the lighter usage.

No one else came forward and the public hearing was closed

Chairman Hammond; reminder for new Planning Commission members; we have discretion on what comes forward to the commission.

Commissioner McCauley; if designated as industrial use, we are wide open for whoever comes in; Public Works Director/City Engineer Chisam; have one designated for industrial; disagree with what Mr. Gevorgian stated earlier; no project is developed on general plan land use only; can provide the same kind of protection to the neighborhoods; zoning designations can be created; special overlays for special circumstances that would limit things; not appropriate to do this at this time; can do when proper applications are filed for annexations; can determine and pre-zone property; this is standard requirement for any property coming in to city that it is pre-zoned; there is adequate protection; the zoning are part of the process; basically have disagreement with what land uses should be; the choice is to determine the general plan; should contain industrial land uses or change the land use for this parcel to designate it as neighborhood commercial and employment center.

Motion by Viveros, seconded by Manzo to maintain the current designation as Industrial in the Draft General Plan. The motion carried by the affirmative vote of all Planning Commission Members present. Absent: Donovan.

PLANNING MANAGER'S REPORT: Public Works Director/City Engineer Chisam; mention that commission will also have, for next planning commission meeting, another general plan proposal; once commission makes decisions, (along with revisions), staff will make recommendations that will be forwarded on to the consultant for inclusion in a final draft version; this will come before the commission; ultimate goal to get draft general plan on city council sometime this summer.

COMMISSIONERS REPORTS:

ERASMO VIVEROS: Congratulate new commissioners on appointment and working with them.

JOSE MANZO: Welcomed new commissioners and looking forward to working with them.

ANN McCAULEY: Looking forward to being on commission.

TOM MELLO: Looking forward to being on commission.

SHIRLEY NAPOLITANO: Very pleased to be on commission; feels she will work very well together with other members.

VICE CHAIR NORM DONOVAN: Absent.

CHAIRMAN HAMMOND: Welcomed to new commissioners;; discussion was great; good process tonight; thanked staff for working very hard.

ADJOURNMENT. The meeting was adjourned at the hour of 9:32 p.m.

APPROVED:

/s/ Stephen Hammond
Stephen Hammond, Chairman

ATTEST:

/s/ Norma Fuentes
Norma Fuentes, Planning Commission Secretary