

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JULY 8, 2015**

***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 (CD and/or audio) kept as a permanent record.*

CALL TO ORDER. Vice Chairperson Toscano called the Planning Commission Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE. The pledge of allegiance was led by Commissioner McCoy.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members, John Cates, Arkady Faktorovich, Stephen Hammond, Palmer McCoy, and Susan Toscano; Todd Baker and Tom Spada absent.

STAFF MEMBERS PRESENT: Assistant Planner II Stacy Elms, Planning Technician Sandra Benetti, City Attorney William Vaughn.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by McCoy, seconded by Cates to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present, Baker and Spada absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JUNE 24, 2015. Motion by McCoy, seconded by Cates to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present, Baker and Spada absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Vice Chairperson Toscano opened the public forum. No one came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER AND MAKE A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT A NEW UPDATE TO THE SPECIAL EVENTS ORDINANCE LOCATED IN TITLE 9, CHAPTER 3, ARTICLE 38 OF THE LOS BANOS MUNICIPAL CODE (CONTINUED FROM APRIL 8, 2015 & CONTINUE

TO JULY 22, 2015). Assistant Planner II Elms presented the staff report, noting that the public hearing will be continued to July 22, 2015.

Vice Chairperson Toscano opened the public hearing. No one came forward to speak and the public hearing was continued to July 22, 2015.

Motion by Faktorovich, seconded by Cates to continue the Public Hearing to Consider and Make a Recommendation to the Los Banos City Council to Adopt a New Update to the Special Events Ordinance Located in Title 9, Chapter 3, Article 38 of the Los Banos Municipal Code to July 22, 2015. The motion carried by the affirmative action of all Planning Commission Members present, Baker and Spada absent.

PUBLIC HEARING – TO CONSIDER CERTIFYING NEGATIVE DECLARATION (SCH# 2015061018) AND CONSIDER SITE PLAN REVIEW #2015-01 FOR PRIME SHINE CAR WASH FOR THE DEVELOPMENT OF A 5,466 SQUARE FOOT CAR WASH AND 24 VACUUM STALLS ON 1.54 ACRES LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT ON PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 026-171-023.

Assistant Planner II Elms presented the staff report, which included a PowerPoint presentation, and noted that one comment letter was received from Chevron to advise the developer that a pipeline is present on this parcel and noted that the applicant was present to answer any questions.

There was discussion among Commissioners and staff regarding the traffic study and driveways, how the condition that would deter left hand turns into the Taco Bell driveway, and the installation of cameras being a standard that is required by the Police Department for all new development.

Vice Chairperson Toscano opened the public hearing. Bob Degrasse, L Street Architects, thanked staff for the thorough presentation and let Planning Commission know that they are okay with all the conditions and are available for questions; Commissioner McCoy inquired about the solar portion of the project; Mr. Degrasse responded that they found its beneficial and provides shade; Commissioner McCoy asked if he had any idea how much it will offset; Mr. Degrasse stated that he didn't have that information on hand and would get it to him.

No one else came forward to speak and the public hearing was closed.

Motion by Hammond, seconded by Cates to adopt Planning Commission Resolution No. 2015-17 – Approving Site Plan #2015-01 for the Construction of a 5,466 square foot Prime Shine Car Wash on 1.54 Acres Located Approximately 200 Feet East of the Northeast Corner of Pacheco Boulevard and H Street, More Specifically Identified as Assessor's Parcel Number: 026-171-023. The motion carried by the affirmative action of all Planning Commission Members present, Baker and Spada absent.

Evan Porges, Prime Shine Owner, addressed the Planning Commission by stating that the plant in Turlock has an offset of 25% and though the plant here will be smaller, the offset will be about the same.

PUBLIC HEARING – TO CONSIDER MOBILE VENDOR PERMIT #2015-02 TO ALLOW THE OPERATION OF A MOBILE TRAILER TO VEND ON PRIVATE PROPERTY FOR ISRAEL TELLEZ, DBA: EL TIKI TACOS LOCATED AT 250 W. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-153-044. Assistant Planner II Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Commissioner Hammond noted that this mobile vendor unit is a trailer and inquired if it would be towed away each night or stored on site.

Assistant Planner II Elms responded that the unit would leave the site at the close of business each day.

Commissioner McCoy inquired if there was an issue with the Fire Department that this would be located in front of an access gate.

Assistant Planner II Elms responded that there weren't any Planning issues, how there is access on both sides, how this gate is blocked with tires, and how the applicant can address any of the Fire Department's comments.

Vice Chairperson Toscano opened the public hearing. Dave Jones, Arizona Avenue, spoke on behalf of residents on his street that oppose this item due to heavy traffic on his street, brought a petition from residents on Arizona Avenue, and read a letter to Planning Commission that was addressed to City Council regarding traffic on this street.

No one else came forward to speak and the public hearing was closed.

Commissioner McCoy spoke of Mr. Jones' comments regarding putting signage that says no trucks.

Assistant Planner II Elms stated that it might be possible, how this parcel is zoned Highway-Commercial, and how a restaurant is a permitted use by right.

Commissioner Hammond stated that the unit is located on the interior side of the lot, how trash shouldn't be an issue with Arizona Avenue, and how most traffic would be on Pacheco Boulevard.

Vice Chairperson Toscano spoke of how she was unaware that complaints have been brought forth to City regarding traffic on this street, inquired if there was a way to mitigate this, how speed bumps seem like a proper way to slow traffic, and asked why the City would have declined this.

Assistant Planner II Elms spoke of how this item went before the Traffic Safety Committee about two years ago, the Committee denied the request, and how Commissioner McCoy now represents the Planning Commission on this Committee.

Vice Chairperson Toscano reopened the public hearing. Mr. Jones spoke of how he went before the Traffic Safety Committee regarding this item and never got an answer and how he has already met with other City representatives and the answer has remained no; Commissioner Faktorovich inquired if putting speed bumps in would lead Mr. Jones to support this item; Mr. Jones responded that it would mitigate the issue and deter people from coming down his street or come down at a decent speed; Commissioner Faktorovich inquired if the City Attorney thought that there is an issue with speeders and residents on this street and if the Commission has the authority to accommodate this request; City Attorney Vaughn responded that traffic controls such for this purpose is within the jurisdiction of the Traffic Safety Committee and not the Planning Commission, how City's don't typically favor speed bumps as a traffic measure, this street being adjacent to a major highway and will have more traffic, asked the Planning Commission to keep in mind this issue in connection with the application before them, how the general plan addresses offsite traffic, the need to make a finding if this application will intensify traffic to an unacceptable level or speeding to an unacceptable level, the need to be consistent with anyone who is trying to start a business on Pacheco Boulevard, how this is not a general health welfare question, how this is a conflict between a commercially zoned area adjacent to a residentially zoned area, many municipalities don't favor speed bumps due to cost to install and maintain and public safety reasons, the need to determine if the application meets the rules of the ordinance because the policy has already been set, and how the remedy lies with the Traffic Safety Committee, and encouraged Mr. Jones to bring his concerns to that committee; Commissioner McCoy encouraged Mr. Jones to bring his concerns to the Traffic Safety Committee and noted that there are different members on the Committee at this point in time; Commissioner Cates inquired if this petition has any bearing on what they are doing tonight; City Attorney Vaughn spoke of how it is part of public record and the Commission needs to make a finding if this location and way the conditions are set forth for this business cannot mitigate the business to operate in a safe manner; Commissioner McCoy inquired if City Attorney Vaughn was referring to the findings for approval of Exhibit A under section H that spoke of not interfering with pedestrian movement or creating a hazard; City Attorney Vaughn clarified that he was referring to section H which is speaking to the site itself and stated that there is a need to find that this mobile vendor is creating unsafe conditions that cannot be mitigated thru imposing conditions.

No one else came forward to speak and the public hearing closed.

Motion by McCoy, seconded by Faktorovich to adopt Planning Commission Resolution No. 2015-18 – Approving Mobile Vendor Permit #2015-02 for the Operation of a Mobile Taco Truck on Private Commercial Property Located at 250 W. Pacheco Boulevard.

The motion carried by the affirmative action of all Planning Commission Members present, Baker and Spada absent.

PUBLIC HEARING – TO CONSIDER RECOMMENDING TO THE LOS BANOS CITY COUNCIL GENERAL PLAN AMENDMENT #2015-02 AND ZONE CHANGE #2015-02 FOR CAMNIC LLC FOR THE GENERAL PLAN AMENDMENT FOR ONE (1) PARCEL CURRENTLY DESIGNATED MEDIUM DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL AND TO RE-ZONE THE SAME PROPERTY FROM LOW DENSITY RESIDENTIAL (R-1) TO NEIGHBORHOOD COMMERCIAL (C-N) LOCATED AT 745 W. J STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 027-094-005. Assistant Planner II Elms presented the staff report, which included a PowerPoint presentation, noting that Mr. Mark Erecca was present to as a representative for the applicant.

Vice Chairperson Toscano opened the public hearing. Mark Erecca, spoke on behalf the applicant, stated that the applicant would like to use the property as it has been historically and he was present to answer any questions.

No one else came forward to speak and the public hearing was closed.

Motion by Hammond, seconded by McCoy to adopt Planning Commission Resolution No. 2015-19 – Recommending Approval of a General Plan Amendment and Zone Change for Property Located at 745 W. J Street, More Specifically Identified as Assessor’s Parcel Number: 027-094-005. The motion carried by the affirmative action of all Planning Commission Members present, Baker and Spada absent.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. No report.

PLANNING COMMISSION MEMBER REPORTS.

BAKER: Absent.

CATES: No report.

FAKTOROVICH: No report.

HAMMOND: Stated that he will not be present at the July 22, 2015 Planning Commission meeting due to working on youth camps.

McCOY: Asked Mr. Vaughn regarding statement made during the mobile vendor permit item regarding there not being anything in current municipal code that states that primary businesses don’t have to comply with anything to bring an accessory business onsite.

City Attorney Vaughn stated that he was thinking if there was a municipal code section that prohibits test driving down residential streets, how it’s a commercial activity in a

residential area but isn't sure if it is prohibited, how that business would be subject to reasonable conditions of approval if they came to Planning Commission for a Conditional Use Permit or wanted to build an addition to the property, urged Mr. Jones again to take another shot at the Traffic Safety Committee, how it seems most appropriate for Mr. Jones to mention his problem directly to the owner of the tire shop, how the Planning Commission can't really prohibit people from driving on Arizona Avenue to get to a business, and not being able to impose conditions on the tire shop because their use is a use by right.

Commissioner McCoy inquired if, under normal conditions, someone would be able to put a gas station there.

City Attorney Vaughn responded that a gas station wouldn't need a Conditional Use Permit because its permitted by right.

SPADA: Absent.

TOSCANO: Stated for the record that she is in support of taco trucks and catering trucks, how she would like for everyone to keep their areas clean and be good neighbors, and wished good luck to the applicants.

ADJOURNMENT. The meeting was adjourned at the hour of 8:26 p.m.

APPROVED:

/s/ Tom Spada
Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician