

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JANUARY 13, 2016**

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.

ADMINISTRATION OF OATHS OF OFFICE TO NEWLY APPOINTED PLANNING COMMISSIONERS. Assistant City Clerk Jana Sousa administered oaths of office to reappointed Commissioner John Cates and newly appointed Commissioner Erik Limon.

CALL TO ORDER. Chairperson Spada 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, Erik Limon, Palmer McCoy, Tom Spada, and Susan Toscano.

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

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

REORGANIZATION OF PLANNING COMMISSION – SELECTION OF NEW CHAIRPERSON AND VICE CHAIRPERSON. Motion by Toscano to nominate Planning Commissioner Spada as Chairperson.

Motion by Limon to nominate Planning Commissioner Cates as Chairperson.

Motion by Toscano, seconded by McCoy to select Planning Commissioner Spada as Chairperson. The motion carried by the affirmative action of a majority of Planning Commission Members present, Cates and Limon dissenting.

Motion by McCoy to nominate Planning Commissioner Cates as Vice Chairperson.

Motion by McCoy, seconded by Limon to select Planning Commissioner Cates as Vice Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF DECEMBER 9, 2015. Motion by McCoy, seconded by Faktorovich to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

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. Chairperson Spada opened the public forum. No one came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER TENTATIVE PARCEL MAP NO. 2015-04 TO SUBDIVIDE APPROXIMATELY 4.2 ACRES INTO TWO PARCELS IN THE HIGHWAY COMMERCIAL ZONING DISTRICT (H-C) LOCATED AT 2160 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 428-160-032. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Chairperson Spada opened up the public hearing. KATHY BALLARD, Los Banos, inquired if the subdivision of the parcel will be for different property owners and if the parcel was changing land use. Senior Planner Elms responded that the property owner will be able to sell off a parcel if they choose after the large parcel is subdivided into two parcels and the land use would remain Highway Commercial zoning. No one else came forward to speak, and the public hearing was closed.

Motion by McCoy, seconded by Faktorovich to adopt Planning Commission Resolution No. 2016-01 – Approving Tentative Parcel Map 2015-04 for the Subdivision of Approximately 4.18 Acres into Two Parcels Located at 2160 E. Pacheco Blvd., More Specifically Identified as Assessor’s Parcel Number: 428-160-032. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC HEARING – TO CONSIDER AND MAKE A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT A PROPOSED ORDINANCE TO REGULATE AND CREATE A PROCESS FOR TEMPORARY USES ON PRIVATE (NON-RESIDENTIAL) PROPERTY IN THE CITY OF LOS BANOS (CONTINUE TO JANUARY 27, 2016). Senior Planner Elms stated that staff would like to continue this item to January 27, 2016 to allow more time to gather further research.

Chairperson Spada opened up the public hearing. KATHY BALLARD, Los Banos, spoke of how she doesn’t understand why a fee would be charged by the City for events on private property. No one else came forward to speak, and the public hearing was closed.

Motion by McCoy, seconded by Faktorovich to continue the Public Hearing – to Consider and Make a Recommendation to the Los Banos City Council to Adopt a Proposed Ordinance to Regulate and Create a Process for Temporary Uses on Private (Non-residential) Property in the City of Los Banos to January 27, 2016. The motion carried by the affirmative action of all Planning Commission Members present.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms spoke of the upcoming Planning Commissioners Academy in San Ramon in March, keeping alert for other learning opportunities for the Commission, working on upcoming projects for a Conditional Use Permit for a paint booth, Tentative Tract Map for 14 parcels, and a Conditional Use Permit for a brewery with a tasting room, welcomed back Commissioner Cates, and welcomed Commissioner Limon to the Commission.

Commissioner McCoy inquired by AAA Jumpers never opened for business even though they were approved for a Conditional Use Permit.

Senior Planner Elms responded that the business owner couldn't pull together financing for this project in this location.

Commissioner Toscano inquired about the status of Prime Shine Car Wash.

Senior Planner Elms responded that the business is still coming and they are working on their building plans.

Chairperson Spada asked if there was any news on the former K-Mart building.

Senior Planner Elms responded that it closed escrow two weeks ago, how the property owner was working on getting access off of Highway 152, and spoke of the progress being made at the former Lowe's building with an application for tenant improvements being submitted for a fitness business.

Commissioner McCoy inquired how many homes were built in 2015.

Senior Planner Elms responded that there were 127 building permits issued and 88 finalized.

Commissioner McCoy asked for an update regarding the Industrial Park and airport relocation.

Senior Planner Elms spoke of how City Manager Carrigan's last day at work is Friday, how direction to staff has been to continue to work on projects as status quo, working on a water supply assessment for the industrial park, and waiting on the arrival of wind equipment to study the prospective airport site.

Commissioner Cates stated that he saw an advertisement for commercial space near the new courthouse.

Senior Planner Elms stated that the commercial piece is a separate parcel from the courthouse.

Commissioner Toscano inquired why the City is paying for industrial park studies if the land is in the County.

Senior Planner Elms stated that it is a private/public/public unique partnership with the City investing only their portion for due diligence to see if this project is feasible.

Commissioner Limon inquired if the cement at the former Lindemann packing site near the new courthouse will be removed.

City Attorney Vaughn responded that the property owners has indicated that they will remove it.

Commissioner McCoy stated that he is unhappy about the combination of the new water restrictions in place with new residential and commercial development, asked if they could take the drain on City resources into account when deciding to approve residential development projects, allowed to water landscaping daily and the 50% shade tree requirement for parking lots.

City Attorney Vaughn spoke of how there isn't an environmental code that indicates that there is a water shortage in which the City wouldn't be able to serve new housing developments and the item that Commissioner McCoy was referring to that went to the City Council was an attempt to temporarily encourage people not to water their yards in the next three months during the wet winter.

Commissioner McCoy stated that the City is only imposing this on established residents and not new properties.

City Attorney Vaughn responded that those questions regarding water supply fall under the jurisdiction of the Public Works Department who develops those rules.

Senior Planner Elms stated that a new water efficiency ordinance that will come forward to the City Council soon.

Commissioner Faktorovich inquired about the status of the new junior high being built.

Senior Planner Elms stated that it was still on schedule to open in time for the new school year to start and how the Los Banos Unified School District is looking to expand the Mercey Springs Elementary School.

City Attorney Vaughn stated that the draft ordinance currently in review by the Public Works Department will have three emergency phases with corresponding restrictions and how the third phase will go to not allowing yards to be watered at all and no new building permits to be issued at all.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked everyone for welcoming him back, wished all a happy New Year, and welcomed Planning Commissioner Limon.

FAKTOROVICH: Wished all a happy New Year.

LIMON: Spoke of how this is a privilege to be part of the Community & Economic Development movement in Los Banos and it being a great feeling for a homegrown boy.

McCOY: Thanked staff and the City Attorney and congratulated the newly appointed commissioners.

SPADA: Congratulated the newly appointed commissioners, thanked the Commission for selecting his as Chairperson again, and spoke of how exciting and challenging 2016 will be.

TOSCANO: Wished all happy New Year and congratulated the newly appointed commissioners.

ADJOURNMENT. The meeting was adjourned at the hour of 7:58 p.m.

APPROVED:

/s/ Tom Spada
Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician