

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JANUARY 27, 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.*

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 Limon.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Erik Limon, Refugio Llamas, Palmer McCoy, Tom Spada; Arkady Faktorovich and Susan Toscano absent.

STAFF MEMBERS PRESENT: Senior Planner Stacy Elms, Planning Technician Sandra Benetti, and 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, Faktorovich and Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JANUARY 13, 2016. Motion by Limon, seconded by McCoy to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present, Faktorovich and Toscano 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. Chairperson Spada opened the public forum. No one came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A SPRAY BOOTH FOR AUTO RESTORATION AT EVOLUTION COLLISION LOCATED AT 930 G STREET, MORE SPECIFICALLY

IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 025-113-016. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Commissioner Limon inquired about water drainage in front of the paint booth, if there were measures in place to deter the flow into the storm drain, and if the storm drain flows into a ponding basin.

Senior Planner Elms responded that it would flow out into the gutter, no detention basin on this side, spoke of how the paint booth is sealed and all vapor and paint is contained within, and no residual will go into any standing water.

Commissioner Cates inquired that since the spray booth has been inactive for a year, if San Joaquin Valley Air Pollution Control District verifies functionality of the booth.

Senior Planner Elms responded that they do provide inspections and how there are fire inspections for all business openings through the business license approval process in addition to building inspections when appropriate.

Chairperson Spada opened up the public hearing. RAY PEREZ, Los Banos, stated that he lives near the project site, spoke of how he asked questions to the Fire Chief when inspected the building, and spoke in support of this item. No one else came forward to speak, and the public hearing was closed.

Commissioner McCoy inquired about the fire suppression system having to be obtained from the City under Exhibit C for Condition of Approval #10.

Senior Planner Elms responded that it is a condition required by the Fire Department.

Motion by Limon, seconded by Cates to adopt Planning Commission Resolution No. 2016-02 – Approving Conditional Use Permit #2015-14 to Allow the Operation of a Spray Booth for Evolution Collision Center Located at 930 G Street. The motion carried by the affirmative action of all Planning Commission Members present, Faktorovich and Toscano absent.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A TYPE 23 ALCOHOL LICENSE FOR A SMALL BEER MANUFACTURER ONSITE TASTING ROOM FOR PARAISO BREWERY LOCATED AT 80 WEST G STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 081-190-008. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Chairperson Spada opened up the public hearing. No one came forward to speak, and the public hearing was closed.

Motion by McCoy, seconded by Cates to adopt Planning Commission Resolution No. 2016-03 – Recommending Approval of Conditional Use Permit #2016-01 to the Los

Banos City Council for the Use of a Type 23 Alcohol License for a Small Beer Manufacturer for the On and Off-sale of Beer for Paraiso Brewery Located at 80 West G Street, Suite C. The motion carried by the affirmative action of all Planning Commission Members present, Faktorovich and Toscano absent.

PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2015-04 FOR THE SUBDIVISION OF APPROXIMATELY 3 ACRES INTO 14 RESIDENTIAL LOTS IN THE MEDIUM DENSITY ZONING DISTRICT LOCATED AT THE NORTHWEST CORNER OF RACQUET CLUB DRIVE AND SAN LUIS STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 428-030-019. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Commissioner McCoy asked if this was in a self sustaining landscaping and lighting district.

Senior Planner Elms responded that it is self sustaining, spoke of how joining a lighting and landscaping district is a standard as well as joining a community facilities district.

Chairperson Spada opened up the public hearing. RICK MUMMERT, Benchmark Engineering, spoke in representation of the property owner and applicant, spoke of some major expenses within the conditions including his concerns regarding the walls having to be built at the time of recordation of the final map and asked to defer the wall requirement until the building permit is pulled.

Senior Planner Elms responded that the existing fence is the nuisance so staff can adjust the conditions to require the wall to be torn down prior to the recordation of the map and to allow the masonry wall to be built upon occupancy.

City Attorney Vaughn clarified that when the first building permit is pulled is when the wall should go up.

There was consensus among Commissioners, staff, counsel, and the applicant regarding the addition of a condition for the removal of the existing wall prior to the recordation of the final map along San Luis Street and Racquet Club Drive and the amendment of Condition of Approval #71 to state if either lots 1 or 2 get built first, then the wall to the south shall be built, or if any of lots 3-14 get built first, then the wall to the north shall be built.

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

Motion by Limon, seconded by Cates to adopt Planning Commission Resolution No. 2016-04 – Approving Vesting Tentative Tract Map No. 2015-04 for the Subdivision of Approximately 3.1 Acres into 14 Medium Density Parcels Located at the Northwest Corner of San Luis Street and Racquet Club Drive; More Specifically Identified as Assessor’s Parcel Number: 428-030-019 adding a condition for the removal of the existing wall prior to the recordation of the final map along San Luis Street and Racquet

Club Drive and the amendment of Condition of Approval #71 to state if either lots 1 or 2 get built first, then the wall to the south shall be built, or if any of lots 3-14 get built first, then the wall to the north shall be built. The motion carried by the affirmative action of all Planning Commission Members present, Faktorovich and Toscano absent.

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 (CONTINUED FROM JANUARY 13, 2016).

Senior Planner Elms stated that staff would like to open the public hearing, take public comment, and close the public hearing due to a typo in the public hearing notice and stated that the public hearing will be readvertised.

Commissioner Limon inquired how this ordinance originated.

Senior Planner Elms stated that staff adjusted the special events ordinance to pertain to public property and developed this new draft ordinance to address private property.

City Attorney Vaughn stated that the previous special events ordinance contained things like dumpsters and storage containers so categories were clarified between special events and temporary uses, how this is a cleanup of our ancient code, reorganizing and separating private and public property uses, differences between temporary use and special events, how this ordinance came forward to Planning Commission back in October and was recommended to City Council, how staff is trying to deal with things that are happening on private property in terms of entertainment, functions, and charitable events and will probably exempt them from this ordinance.

Chairperson Spada opened up the public hearing. KATHY BALLARD, Los Banos, asked who pays for the permit if there is an event on private property, stated that Baskin Robbins does a movie night and asked if that would need a permit, asked for clarification as to when a permit would be needed; Senior Planner Elms stated that the person putting on the event would pay for the permit; City Attorney Vaughn stated that a use not typical of the business or main function of the building isn't anticipated in the zoning district, and the need to attempt to protect the zoning districts so neighbors don't have to deal with activities they haven't anticipated when investing in opening a business; Senior Planner Elms added that the City Council gets complaints from citizens and they come to staff to fix the issues but staff doesn't have any tools to be able to address those issues, how this is a good opportunity for staff to revisit these issues, and how the code is silent about regulating these types of uses.

Commissioner Llamas inquired how long she had been doing these movie nights and if there were any problems.

Mrs. Ballard responded that she has done three and that there were no problems.

Commissioner Llamas inquired about the costs for a permit for this activity.

Senior Planner Elms stated that the code currently requires an Administrative Permit that has a \$250 application fee for events such as selling flowers for Valentine's Day in parking lots on private property.

Commissioner Llamas spoke of his concern for fundraising events having to apply for a permit.

City Attorney Vaughn stated that the previously approved resolution states that fundraising by a non-profit on their own property does not require a permit, how the wording is in the current ordinance and also hasn't changed in the ordinance that draft.

Senior Planner Elms explained how the City participates in full cost recovery for permit.

Commissioner Llamas noted that right now the City may be recovering money but in the long term they will see less commerce.

Commissioner McCoy stated that the City Council sets the fees.

Chairperson Spada inquired if yard sales will be part of this, understands the need for the permit, we put a cap on how many times we can have garage sales, and hopes there isn't a fee attached to the permit.

City Attorney Vaughn stated that the Planning Commission approved a resolution that didn't require permits for garage sales and only limited them to four times per year.

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

No action was taken.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms spoke of the upcoming Planning Commission Academy March 2-4, 2016 in San Ramon, how the Presidential East Annexation will come back to the Planning Commission in the next few months in a little different format, an upcoming item for a General Plan Amendment, Zone Change, and Conditional Use Permit for the former World's Fair building, as well as a temporary uses ordinance that will be coming back to the Planning Commission.

Commissioner McCoy asked for an update on the former K-Mart building.

Senior Planner Elms stated that access on State Route 152 was a topic of communications with the railroad as of yesterday and today, how there are technical parts to this due to the railroad having an old easement with the Redevelopment Agency, the need to change the lease to the City instead of the Redevelopment Agency, trying to be the middleman between Caltrans, the railroad and the property

owner, and how the leases for tenants with the new property owner is contingent on this access.

Commissioner McCoy inquired about the status of the State Route 152 medians.

Senior Planner Elms responded that the City Council recommended to not go forward, how the City Council did support adding technology and software to the traffic lights and synchronization but won't be seeing the median happen due to the businesses that came out and spoke against it, and how she hopes improvements continue to be made to help with safety and traffic.

Chairperson Spada inquired about the status of tenants in the former Lowe's building.

Senior Planner Elms responded that Fitness Evolution is the first tenant to be secured at this location, how she spoke with the property owner who is working with really great businesses to locate here, and how the Community & Economic Development Department will be using a facebook page to release the names of the tenants.

Commissioner McCoy inquired if we can update our website to allow for users to be able to do more things through the website.

Commissioner Cates inquired if there were new screens in the Council Chambers.

Senior Planner Elms responded that the technology was improved so the screens appear clearer due to some wiring upgrades.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked staff for their work and the effort in the staff reports.

FAKTOROVICH: Absent.

LIMON: Spoke of how wonderful staff is and inquired if it was possible to broadcast Planning Commission meetings.

Senior Planner Elms responded that she can bring it up to the Interim City Manager and get his perspective then report back to the Commission.

LLAMAS: Thanked the Commission for welcoming him.

McCOY: Welcomed Commissioner Llamas and thanked staff.

SPADA: Spoke of how staff does a great job, spoke of how the City has lost some jobs due to closures but is gaining some with new businesses coming, and how it is exciting to see these new changes.

TOSCANO: Absent.

ADJOURNMENT. The meeting was adjourned at the hour of 8:37 p.m.

APPROVED:

/s/ Tom Spada
Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician