

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
MAY 25, 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 Toscano.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Erik Limon, Palmer McCoy, Tom Spada, and Susan Toscano; Arkady Faktorovich and Refugio Llamas 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 Limon to approve the agenda with changes in the order of public hearings to hear items in the following order: items 7E, 7B, 7A, 7C, and 7D. The motion carried by the affirmative action of all Planning Commission Members present; Faktorovich and Llamas absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE ADJOURNED PLANNING COMMISSION MEETING OF MAY 16, 2016. Motion by Cates, seconded by McCoy to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Faktorovich and Llamas 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. JOYCE MEZA, Los Banos, thanked those that she has spoken to regarding a situation that pertains to her, spoke of how she understands that she has to handle her concerns on her own and communicate with those involved in the Villas project, and thanked the Planning Commission for their time.

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

PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2016-01, FINAL DEVELOPMENT PLAN #2016-01, AND EAST CENTER AREA PLAN AMENDMENT FOR THE VILLAS CONSISTING OF THE SUBDIVISION OF APPROXIMATELY 58.8 ACRES INTO 378 SINGLE-FAMILY RESIDENTIAL LOTS RANGING FROM CUSTOM AND SEMI-CUSTOM HOMES TO PRODUCTION HOMES; APPROXIMATELY 51 ACRES OF THE PROJECT SITE WILL BE CONTAINED WITHIN A PRIVATE GATED-COMMUNITY WITH A FOUR ACRE PARK/DETENTION BASIN; THE FINAL DEVELOPMENT PLAN CONSISTS OF SITE DESIGN AND CONCEPTUAL ARCHITECTURE TO IMPLEMENT THE PLANNED DEVELOPMENT ZONING; THE PROJECT SITE IS LOCATED EAST OF CENTER AVENUE, SOUTH OF THE CRESTHILLS #1 SUBDIVISION, WEST OF CRESTHILLS #2 SUBDIVISION, AND NORTH OF PIONEER ROAD AND THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 431-270-010 AND 431-270-004 (CONTINUED FROM MAY 11, 2016; CONTINUE TO JUNE 8, 2016). Senior Planner Elms noted that staff would like to continue the public hearing to July 27, 2016.

Mr. Jeff Roberts, Granville Homes, spoke on behalf of the applicant and respectfully requested that the Planning Commission continue the public hearing to July 27, 2016 due to the applicant’s desire to accommodate some redesign issues and the meet with some residents.

Chairperson Spada opened the public hearing. TED MEZA, Los Banos, thanked the applicant for requesting a continuance, thanked the Planning Commission for listening to his concerns, and spoke of his hope to talk to the developer regarding his concerns.

No one else came forward to speak.

Motion by McCoy, seconded by Limon to continue the Public Hearing – to Consider Vesting Tentative Tract Map #2016-01, Final Development Plan #2016-01, and East Center Area Plan Amendment for The Villas Consisting of the Subdivision of Approximately 58.8 Acres into 378 Single-family Residential Lots Ranging from Custom and Semi-custom Homes to Production Homes; Approximately 51 Acres of the Project Site Will be Contained within a Private Gated-community with a Four Acre Park/Detention Basin; the Final Development Plan Consists of Site Design and Conceptual Architecture to Implement the Planned Development Zoning; the Project Site is Located East of Center Avenue, South of the Cresthills #1 Subdivision, West of Cresthills #2 Subdivision, and North of Pioneer Road and the City Limit Line; More Specifically Identified as Assessor’s Parcel Numbers: 431-270-010 and 431-270-004 to July 27, 2016. The motion carried by the affirmative action of all Planning Commission members present; Faktorovich and Llamas absent.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION TO ALLOW ST. JOHN’S LUTHERAN CHURCH TO OPERATE A

PAROCHIAL SCHOOL FOR CHILDREN AGES 3-5 YEARS OLD LOCATED AT 250 WEST ADAMS STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-161-047. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Chairperson Spada opened the public hearing.

LARRY GOODGER, St. John's Lutheran Church representative, thanked staff for their work on this project and spoke of how he is looking forward to this coming to fruition.

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

Motion by Toscano, seconded by Limon to adopt Planning Commission Resolution No. 2016-23 – Approving Use Permit #2016-08 to Operate a Parochial Preschool in the Low Density Residential Zoning District (R-1) Located at 250 W. Adams Avenue, More Specifically Identified as Assessor's Parcel Number: 027-161-047. The motion carried by the affirmative action of all Planning Commission members present; Faktorovich and Llamas absent.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION TO ALLOW THE OPERATION OF A PAINT SPRAY BOOTH FOR AUTOMOTIVE REPAIR AND RESTORATION TO BE OPERATED BY ARNOLD AND TANYA JORGE (D.B.A AJ'S CUSTOMS) LOCATED AT 557 F STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 025-072-004. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Chairperson Spada opened the public hearing. TANYA JORGE, Los Banos, spoke of opening this automotive repair facility and their desire to expand their business to include paint spray, spoke of working with the County and State to meet all their licensing requirements, and thanked the Planning Commission.

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

Motion by McCoy, seconded by Limon to adopt Planning Commission Resolution No. 2016-22 – Approving Conditional Use Permit #2016-07 to Allow the Operation of an Automotive Paint Spray Booth for AJ's Customs Located at 557 F Street. The motion carried by the affirmative action of all Planning Commission members present; Faktorovich and Llamas absent.

PUBLIC HEARING – TO CONSIDER SITE PLAN REVIEW #2016-03 AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION FOR A NEW DENTAL OFFICE FOR DOCTORS RONALD AND JEFFREY CARTER INCLUDING THE DEMOLITION OF AN EXISTING 1,960

SQUARE FOOT BUILDING AND THE CONSTRUCTION OF A NEW 2,790 SQUARE FOOT BUILDING LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT ON THE NORTHWEST CORNER OF SOUTH SIXTH STREET AND WASHINGTON AVENUE AT 1317 SOUTH SIXTH STREET; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 026-063-014. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Commissioner Cates inquired about existing parking.

Senior Planner Elms stated that there was less than 11 parking spots, how they are utilizing 4 spaces facing Washington Avenue and a couple more that may get them to 9 but not 11, how this also includes the trash enclosure which takes away from parking, and how once its paved there will be more room for parking.

Commissioner Cates stated that this would set a precedent if we approve parking in lieu of and inquired what was the ordinance logic to make it 1 space per 200 square feet.

Senior Planner Elms responded that it was possibly copy/pasted from another City when writing the ordinance, how it can be burdensome, comparing apples to oranges, how not all medical facilities are the same, how the applicant is asking for relief for unusable area, how it would be setting a precedent only if another project met these types of conditions, and how this is on our list of ordinances that need to get fixed and updated.

City Attorney Vaughn stated that the main purpose of off-street parking ordinance is to mitigate congestion and traffic hazards that a use may generate due to a particular use of project, this relief is taking into account the surrounding area wouldn't be that intense of a need for off-street parking, the ordinance doesn't state and give specifics on relief, how paying an in lieu fee was never adopted by City Council, several downtown businesses don't have off street parking, staff has taken a look at the purpose of the ordinance which is to make sure use isn't creating an undue burden on city streets in terms of off-street parking, precedent is on a case by case basis, leaves ability to look at parking and the ordinance on a case by case basis, thinks several studies were done that evaluated the number of parking spaces based on square footage of the development in addition to the use that's going in, and how staff has been able to find some relief thru the intent of ordinance.

Chairperson Spada opened the public hearing.

Chairperson Spada asked the applicant's representative how many work stations were in this office.

Rich Murdoch, general contractor, responded that dental offices are unique in that patients move from one room to another based on their needs.

Chairperson Spada stated that based on having at most five patients at a time with a staff of five or six would be right around eleven so he thinks parking would be fine, how the design and the office is fabulous, and this is an asset to the community for sure.

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

Commissioner McCoy spoke of having no issue with project but how he has an issue that City has variations in how we deal with it, condoning off street parking, issue with Hot City BBQ and 7-11 using off street parking already, the need to be cognizant of this issue, how this building won't be a dentist office forever, the need to be aware of this, how these rules are for a reason, the need to take into account what is around there, and how we do control where this goes and how it ends up.

Motion by Cates, seconded by Toscano to adopt Planning Commission Resolution No. 2016-24 – Approving Site Plan Review #2016-03 for the Construction of a New 2,790 Square Foot Dental Office Located at 1317 South Sixth Street, More Specifically Identified as Assessor's Parcel Number: 026-063-014. The motion carried by the affirmative action of all Planning Commission members present; Faktorovich and Llamas absent.

PUBLIC HEARING – TO CONSIDER A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL FOR A PROPOSED GENERAL PLAN AMENDMENT THAT WOULD UPDATE THE HOUSING ELEMENT OF THE LOS BANOS GENERAL PLAN PURSUANT TO STATE LAW (CONTINUE TO JUNE 8, 2016). Senior Planner Elms noted that staff would like to continue the public hearing to June 8, 2016 due to being in correspondence with the Department of Housing & Community Development and consultant is still revising the document, how there is a tight timeline to get back to state and needs to come back to Planning Commission then to City Council for their final approval, and how the item should come back on June 8th.

Chairperson Spada opened the public hearing. No one came forward to speak.

Motion by McCoy, seconded by Limon to continue the Public Hearing – to Consider a Recommendation to the Los Banos City Council for a Proposed General Plan Amendment that Would Update the Housing Element of the Los Banos General Plan Pursuant to State law to June 8, 2016. The motion carried by the affirmative action of all Planning Commission members present; Faktorovich and Llamas absent.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms spoke of the grand opening of the 99 Cent Only Store that happened today, how they are employing about 40 people, spoke of how the City Council will be holding budget workshop on May 31st at 5:00 p.m., invited the Planning Commission to attend, and how the Planning Commission will be having full agendas all through the end of July.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Spoke of how great staff is, thanked staff for working with the applicants the way that they do, how staff is digging up stuff in ordinances that have huge generalist gaps and being diligent in their research, and his appreciation of staff's work.

FAKTOROVICH: Absent.

LIMON: Thanked staff for their work.

LLAMAS: Absent.

McCOY: No report.

SPADA: Spoke of knowing how busy staff is, hopes to see the new City Manager give the department some part-time help, and inquired if there was any chance of getting a link to the budget book.

Senior Planner Elms responded that it would be available hopefully by Friday and how she will forward the link when it is released.

Chairperson Spada gave kudos to City Attorney Vaughn & Senior Planner Elms for their work every Wednesday for Planning Commission and City Council meetings.

TOSCANO: Inquired if Ross was coming to town.

Senior Planner Elms spoke of there being no official notice on who is coming to the former Lowe's and K-Mart buildings and said that staff will post our information on our Facebook page as it comes to our knowledge.

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