

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JULY 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 Cates.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Arkady Faktorovich (arrived at 7:01 p.m.), Erik Limon, Palmer McCoy, Tom Spada, and Susan Toscano; 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 Cates, seconded by Limon to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Faktorovich (arrived at 7:01 p.m.) and Llamas absent.

Commissioner Faktorovich arrived and took his seat at the dais at 7:01 p.m.

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, spoke of how there will be a forum on community health on August 4th at the Henry Miller building and urged the Commission to pass the word to interested individuals; MARTIN MILOSEVICH, Los Banos, spoke on behalf of Bluff Drive residents regarding the Villas project that came forward to the Commission on May 11th regarding the greenbelt condition and spoke of how Mr. Jeff Roberts came to the neighborhood and spoke to residents; Senior Planner Elms asked that this particular address be done during the public hearing.

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

City Attorney Vaughn excused himself due to a conflict for the following item and left the City Council Chambers at 7:06 p.m.

PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2016-01, FINAL DEVELOPMENT PLAN #2016-01, EAST CENTER AREA PLAN AMENDMENT, AND ASSOCIATED MITIGATED NEGATIVE DECLARATION 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 25, 2016; CONTINUE TO A DATE CERTAIN).

Senior Planner Elms stated that the applicant has canvassed the neighborhood, showed a map depicting the neighborhood, and introduced the applicant.

Chairperson Spada opened the public hearing.

JEFF ROBERTS, Granville Homes, spoke on behalf of the applicant and stated that he will do a portion of the presentation on the Villas project and informed the Planning Commission that Ms. Jennifer Trevino will also present information as well. Mr. Roberts presented the report including a statement for the record that they are in general concurrence with staff’s recommendation, how they have a couple of additions to the recommendation, how they were asked by the Planning Commission to look hard at the northern boundary of the project and the type of buffer that can be created, looked extensively at this issue, met with several residents of Bluff Drive, stated for the record that there is confusion about what happened ten years ago with this site and maps that were discussed and conditions that were looked at, how they now see it a little clearer, how there was once a public street idea with a public street along the north side of the property with a green space, how that map was never approved, discovered a City document entitled The Villas Master Planned Community dated 2005 which talked about a circulation plan, handed out that document to the Planning Commission, how this document conflicts somewhat with texts that was made in the staff report, extremely close to the recommendation of staff this evening, have looked closely at this issue, they are proposing a gated community with privates streets, the idea of putting a public trail or street thru a private project is a difficult one, this created a scenario with a single loaded street which is not desirable in development, have to put in curb/gutter/asphalt/base rock/sewer lines/water lines/etc., how this would be an inefficient way to plan and design, there would only be services on one side of the street, how double loaded streets are most efficient to design and plan, spoke of the deficiencies of developing the single loaded street, how this is not a feature they want to

incorporate in their project, asked the Bluff Drive residents if they wanted to participate in the development or maintenance of this in which they declined the idea, how the cost is normally born by a Community Facilities District (CFD), how this is an expensive idea which they don't think will work well in a private gated community, how after meeting with residents they discovered that the residents didn't want to pay for these features, and introduced Jennifer Trevino.

JENNIFER TREVINO, Attorney representing the applicant, thanked the residents of Bluff Drive who took time away from their families to speak with them, how a common thread was that nobody wanted to pay for the greenbelt, how there was about 11 different opinions on how to move forward, how there is a missed opportunity there, how they didn't communicate well enough on how the project will look, taking input from the residents, how an outside perspective can give great solutions, how they spoke with 11 out of the 17 families of Bluff Drive, spoke of different conversations with each of the families including how one resident suggested a lot line adjustment, how one understood development is going to happen, how another resident had concerns about having a greenbelt behind their property that would allow pedestrians to throw trash over their fence, how some people didn't realize the project was a gated community, how another resident was excited for the idea of a new fence, how a police officer was discussing the security and safety benefits of having a gated community, after discussing and listening to everyone we had to come up with a buffer solution and make a decision not only fair and just but one to benefit the residents of Bluff Drive, the gated community and community as a whole.

JEFF ROBERTS, Granville Homes, thanked the Bluff Drive residents for their hospitality, explained to the Planning Commission that they are melding old plans and new plans and ideas to come together with an amended version of what they would like to see happen which would be the creation of a buffer against the 17 lots with 14 lots along Bluff Drive that are a minimum of 12,000 square feet that are at least 100 feet wide and 120 feet deep, which is much larger than existing lots on Bluff Drive, would like to have opportunity to build 1 or 2 story homes, they would come up with an attractive fencing program such as redwood double sided picket fence which would be installed at no cost to neighborhood, they would remove and eliminate the old fencing, how they are willing to commit to this as a condition, how they would create homeowners association to maintain green space and private streets, how the large lots and larger setbacks in the rear yard will protect integrity of 17 lots to the north and provide an appropriate buffer between the two tiers of lots, stated that most infill projects like this typically propose a higher density against an existing neighborhood but this is lower and is rare, how going to a public street subdivision would eliminate those custom lots and the quality and attractiveness of this subdivision, how Los Banos deserves a high caliber of housing rages and types with custom and semi custom homes, how this project will supply that need, and thanked the Commission.

Commissioner Toscano inquired about setbacks and lot sizes.

Mr. Roberts spoke of there being a substantially larger lot sizes along Bluff Drive and the increased setbacks.

Commissioner Faktorovich thanked Mr. Roberts and inquired if the City Council ever voted on the buffer zone.

Mr. Roberts responded that there is a resolution that talks about the idea for the design of Cardoza Road as a public street, how the circulation plan that he passed out shows Cardoza Road dropping to the south and providing for a tier of lots between Cardoza Road and the property line to north, we are proposing larger lots and that would push Cardoza Road a little further away, we are consistent with that circulation plan, taking the old information and new conditions and come up with a solution.

Commissioner Faktorovich spoke of how the public believed something was promised and no action was ever taken by Planning Commission or City Council.

Mr. Roberts spoke of divergent information being a struggle with this project and his appreciation of the Commission's consideration.

Chairperson Spada inquired if there were any City Council minutes that gave the residents the greenbelt.

Senior Planner Elms responded that this information was presented at the May 11th Planning Commission meeting, how the staff report referenced City Council Resolution No. 4680 Condition #18, how it was a Condition of Approval and not an exhibit or map, how this was based on public hearing back in 2006 in which they included this condition based off public comment, described the condition to say that Cardoza road shall be aligned near the northern boundary of the planned area with a landscape area and pathway to the north of the road, the applicant is connecting Cardoza Road but what they are changing is the proposal which is a gated community with private streets instead of a public subdivision with public streets, the Whitehurst family owned the property to the north at the time and weren't ready for development, now ten years later staff believes that the proposal is consistent with Cardoza Road aligning to the northern boundary, staff worked with applicant to make Cardoza Road went thru with emergency vehicle access off the backside of Bluff Drive which is Pike Street, how the applicant was able to work with staff on that, how staff feels this meets the intent of this condition, staff was looking for a compromise and this is what was presented on May 11th at the Planning Commission meeting, and how it was staff's opinion that the addition of a gated community caused the landscape area and pathway to be unnecessary.

MARTIN MILOSEVICH, Los Banos, referenced back to City Council Resolution No. 4680 Condition of Approval #18 which addresses the greenbelt, how that's the concern, how residents know the development will be low density, this being an ideal development, how it backs right up against their properties though, how this was addressed in 2006, how residents feel if they didn't speak up on May 11th at the

Planning Commission meeting then it would all be over, and how a wooden fence won't appease me.

Chairperson Spada inquired of Mr. Milosevich what would appease him in reference to a fence.

Mr. Milosevich responded that he is happy with his fence as it is.

Commissioner Toscano inquired who pays for the greenbelt.

Senior Planner Elms spoke of how when it was approved back in 2006 it would have been a public street but now that it has changed to a private and gated community so the homeowner's association would be responsible.

CLAUDIA JORDAN, Bluff Court resident, spoke of her concern that she would have two neighbors behind her, how the cost of the greenbelt should be done by homeowner's association and the developer should pay, confused why she is being asked if she would pay for this, and pointed out that supporters for the project are not present.

Commissioner McCoy inquired of Ms. Jordan regarding what she envisioned with the greenbelt based on the conversation that took place in 2006.

Ms. Jordan responded that it would be something similar to what is on the corner of Ortigalita and Cardoza Roads with a nice masonry wall and landscaping.

Chairperson Spada pointed out that the project discussed ten years ago was for an open development, which had a public walkway, and how it differs from this proposed project which is a private gated community and how a public walkway would not work here.

Commissioner Cates spoke of how he understands both sides, how the Planning Commission can't control what private property owners do in regards to development, how the Planning Commission is charged to do what they are legally bound by law to do, how they are unable to tell a developer that they need to change the project because residents that back up to the development don't like it, and the need to focus on what the Planning Commission is legally bound to do.

Senior Planner Elms stated that conditions could be amended, spoke of how resolutions and the municipal code are living documents that can be amended, and how the charge of the Planning Commission is to recommend to the City Council.

Commissioner McCoy spoke of how the City needs to grow, how the type of housing proposed doesn't exist right now in Los Banos, how it's a great project, how the Planning Commission is a recommending body but he can't recommend without all the facts, the need to get their papers out and re-read it, how the staff report says that the Commission needs to continue the public hearing, how he understands that the

applicant is losing money by delaying, and the need to know more and read all the data before making a decision.

Chairperson Spada stated that there would not be a vote tonight.

Senior Planner Elms spoke of the need for clear direction for staff and the applicant, how we can't waste any more time, the need for the applicant to know exactly what the Planning Commission wants, how redesigning plans costs money to the applicant, and providing the alternatives is costly as well.

Commissioner McCoy spoke of how at the last meeting the applicant was going to redesign and work with landowners to come to a resolution and how it was his understanding that they were going to present alternatives tonight.

Mr. Milosevich Los Banos, spoke of how he thought the applicant was going to present alternatives but only heard one plan presented tonight.

Ms. Jordan stated that she came tonight assuming that she would be looking at something different.

DARRYL LAWRENCE, Bluff Court resident, spoke of how at the last meeting the applicant said he were going to redraw the plans, how the applicant showed him a new drawing and not what was discussed tonight, and how the fence idea doesn't work for him because he has a stucco fence.

Commissioner Faktorovich spoke of how he previously worked as an architect, how he is sympathetic with the applicant, how the final say is from the City, how there was no action taken by City Council or a Planning Commission recommendation at that time, how a conversation gave an impression that was something was cast in stone, how he admires the applicant working with public to find a solution, how this is stretching the applicant's time and budget, understands the demand and costs on their part, and how one of the concerns of having a two story structure looking over the fence shouldn't be an issue if a two story is built butting up to another two story.

Mr. Roberts spoke of his appreciation of the comments, he had hoped to have a decision tonight or a consensus at least, how it is an interesting idea to match a one story to a one story house and discuss with staff, how the fence idea is just to show their willingness and residents don't have to participate, how this is an attractive property in the City ready for development, how the question mark on what will be built won't be answered until a map is approved and one has not yet been approved.

Commissioner McCoy stated that if residents are dead-set on a greenbelt then they are going to end up with a dead-end walkway that will become a nuisance where people will throw trash over the wall.

Ms. Jordan stated that hooligans do come to the neighborhood, how the walkway would be private and hooligans wouldn't be an issue really, questioned the one story to one story houses, spoke of the ball being in the developer's court, and how they have to come up with a plan.

Commissioner Toscano spoke of the need for resolution, how neither party will be 100 percent happy, how she wouldn't want a walkway behind her house, how there are ways to mitigate these issues, how a 20 foot setback is a better idea to provide a greater buffer, how she created her own solution and planted tall trees, and how she would prefer a backyard neighbor as opposed to a walkway.

Mr. Milosevich spoke of being open to a lot line adjustment that would grant residents 10 feet of property that belongs to the applicant.

Commissioner Limon commended Mr. Roberts on his efforts, spoke of his concern for residents as well, how at some point there has to be a compromise, how a greenbelt is nice but can attract issues, and how a homeowner's association will have to monitor it.

Senior Planner Elms stated that staff needs clear direction, how she would like the opportunity to work with the applicant on some conditions, how she has the temperature of the Commission, and how we can work together and present something at the next meeting.

TOM BATES, 423 Bluff Court, spoke of how there wasn't a map ten years ago but residents were invited to a meeting and given a conceptual plan, how they signed a petition at that time to ask for a Class I or Class A walkway, how he is not sure about that definition, how his conception is that there would be shrubs and a pathway and a sidewalk and a street, how residents asked for that but it didn't go forward, how the Condition of Approval #18 isn't specific and doesn't give dimensions, but how they did get a map showing lots.

GREG HOSTETLER, 923 Pacheco Blvd and applicant, spoke of how he can see where some of the confusion is, how he is sympathetic to the neighbors and wants to hear from them, the need to make a bigger attempt to meet with residents, how he didn't own the Whitehurst property at the time of the approval of the area plan, how the Whitehurst family was not part of the development or layout of lots that were going in, how they just went along as cooperative landowners, how a greenbelt probably sounded good at the time but it was an idea or dream of someone's that wasn't an approved or official design, how he wasn't responsible for it, if it becomes a requirement of the City then it falls within what the City has to pay for, after he acquired the Whitehurst property he changed the design, how what he is showing the Commission tonight is what they think is the best alternative, how it is a gated community with large lots, how this is a better design because it will be gated and minimize traffic, how an open greenbelt would have to be maintained by the City and will not benefit his gated community, how his design got approved on his property back in 2005 which included multifamily and he reduced the density to bring a higher value to the neighborhood, how he didn't control things in

2005, and how this is a great plan but they didn't do a good enough job reaching out to community.

MARSHA NEWTON, Bluff Court resident, asked what the definition of a custom built home.

Mr. Hostetler described a custom home as a one on one single floor plan, how the property owner would design their floor plan and choose colors and sizes, and how they planned to sell lots to individual owners for custom homes.

Ms. Newton inquired if Granville Homes would be building them and have different plans for people to pick from would a person be able to buy the lot and seek out their own builder with their own plans from their own architect and build their home on that lot without any interference from Granville Homes and spoke of Cresthills I issues that arose in which they allowed tract homes to be built instead of custom homes because lots weren't selling.

Mr. Hostetler stated that Ms. Newton is close to right on, how they will be allowed to buy their own lots and pick their own builders and plans but will have to deal with Covenants, Conditions & Restrictions and the architectural committee, how they wouldn't want to sell a lot to someone who builds something not in conformance with the neighborhood, how there will be minimum square footage for homes, and how he would be glad to meet with residents.

Commissioner Toscano stated that those 14 homes are definitely custom and inquired about the other types of homes in the development.

Senior Planner Elms responded that the Final Development Plan (FDP) memorializes and calls out custom, semi-custom, and production homes, how the FDP defines these, and how we are getting off on a side tangent and have already memorialized this hashed this out.

Ms. Newton spoke of there being many nice custom homes in Cresthills I but not all the lots sold and the City allowed another builder to come in and build a custom home on the lots and they may meet CCRs but didn't portray what this applicant is trying to do.

Senior Planner Elms clarified that the difference is there will be an architectural committee for this development.

Ms. Newton responded that her CCRs are not enforced.

Mr. Hostetler responded that the CCRs are not controlled by the City, how it is a civil issue, how the City does not have policing powers, any single homeowner in the development can file an action and that party has to pay attorney fees and the violator has to pay, and reiterated that the City does not have any authority on this.

Commissioner Toscano asked the applicant to please explain the difference between a homeowner's association and CCRs.

Mr. Hostetler responded that a homeowner's association is for maintenance and enforces CCRs, spoke of how historically people don't read their CCRs and what's on their deed and what they are supposed to do, spoke of not wanting production homes on this, how he wants the biggest homes on these lots, and invited Ms. Newton to assist in developing the architectural design rules.

MATT BUFFUNO, Bluff Drive resident, asked if the applicant can share information on the homeowner's association fees and rules.

Chairperson Spada responded that it has not been developed at his point and pointed out that Mr. Hostetler invited Ms. Newton to be on the committee.

JOYCE MEZA, Los Banos, inquired if there was a clubhouse within this gated community and if the gates would open by pressing a button.

Mr. Hostetler confirmed there would be no clubhouse and there would be a button that opens the gates.

Ms. Meza spoke of how she will be surrounded by this development, how she hosts events on her property place, how there is a labyrinth on the property, how she would hope that the plans were stated that there be a gate around her property, how she would like to straighten out the jugged lines on the property on the southside with a lot line adjustment, how she would not want a good neighbor or high end fence but a stone fence that matches other developments that Mr. Hostetler has done around town, and suggested not building two story houses along her property.

TED MEZA, Los Banos, spoke of his concern about the existing school on his property, how it was annexed several years ago, how they have cattle and chickens and goats, how this morning he got email telling him that they will probably get sued for having school on his property, how it was inspected and ADA approved and done professionally, and how the email said they may be illegal in ingress and egress.

Commissioner Toscano inquired who sent the email.

Mr. Meza responded that it came from Mr. Roberts' attorney.

Chairperson Spada responded that it is a civil in which the City cannot get involved.

Mr. Meza inquired about the issue referencing the ingress and egress.

Senior Planner Elms responded that it is a civil issue between property owners, how there was a prescriptive easement because they were using the access road to get on to the property, how the City can't get involved, and it would be up to the court.

Chairperson Spada responded that it is not a public easement and not legally recorded so the City cannot do anything, suggested working with the developer or get a land use attorney to discuss this, how this cannot be discussed during the Planning Commission meeting, and this being a private matter not within the Planning Commission's jurisdiction.

ANDREW MEZA, 1858 Center Avenue, spoke of his concern about the widening of Center Avenue, how it would take over 21 feet of his front yard, how the road will be less than 8 feet from the front of his house, inquired if there would be a median in front of his home, inquired how much parking he would be losing, moving his gate being an issue, asked where the compassion is and spoke of how they are taking away his rights.

No one else came forward to speak and the public hearing was continued to August 10, 2016.

Chairperson Spada spoke of how he would support the development of one story homes to one story homes and two story homes to two story homes originally but maybe a fence on developer's side that is continuous and leave other fences alone, a row of trees as well, how the project ten years ago included a public road and development, this project is private access, how a greenbelt won't work, how a 20 foot setback is good and traffic will be better, and how walking traffic will be less and there will be less noise and vandalism.

Commissioner Cates stated that the developer is willing to work with residents, empathizes with both sides, has no authority over private property rights, if developer meets all criteria that City specifies then we have no choice, how the Planning Commission is a recommending body and not a mitigating body, can't tell private property owners what they can and cannot build, how they can make suggestions, and his hopes that residents understand that.

Commissioner Faktorovich suggested that the developer work with the public and meet halfway.

Commissioner McCoy asked if staff could clarify the Center Avenue issue according to Mr. Andrew Meza.

Senior Planner Elms responded that the general plan shows Center Avenue built out at 75 feet wide and is currently at 60 feet, in front of cemetery would be double left turn lane, the median would only be along the Hill property, how Mr. Andrew Meza will have access to left turn lane, there would be 15 feet of additional right of way, how staff can look at that closer and speak to the engineer, and how it sounds like he measured 20 feet but should be 15 feet.

Commissioner McCoy inquired about the front setbacks.

Senior Planner Elms responded that planned development has flexibility in setbacks.

Commissioner McCoy spoke of the 20 foot setback, how he likes idea of tall trees, there has to be progress, stuff changes like the economy, when things don't work then things change, the need to make decisions and sometimes having to change course, gated community behind Bluff Drive is an improvement to what can go behind them, how residents need to take their heels out of the dirt and look at both sides, and his hopes when this comes back in August that there will be happy people on both sides.

Commissioner Toscano inquired about Mr. Andrew Meza's property and when it was annexed into the City when he purchased home if he was told about losing frontage.

Senior Planner Elms responded that the area plan is the guiding document for development which was adopted at the time of annexation and shows Center Avenue and how it was to be built, how this was part of the annexation approval, and how the Mezas did protest at Planning Commission and LAFCo.

Mr. Andrew Meza stated that he was not given a voice, was told what was going to happen after the fact and could not even try to stop it, and now the issue is getting bigger.

Motion by McCoy, seconded by Cates to continue Public Hearing – to Consider Vesting Tentative Tract Map #2016-01, Final Development Plan #2016-01, East Center Area Plan Amendment, and Associated Mitigated Negative Declaration 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 the Planning Commission meeting on August 10, 2016. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

Chairperson Spada called a 5 minutes recess at 9:06 p.m.

City Attorney Vaughn returned to his seat in the Council Chambers at 9:14 p.m.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND ASSOCIATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EATING PLACE FOR WINGSTOP LOCATED AT 1989 E. PACHECO BOULEVARD, SUITE K, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 083-140-028. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

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

Motion by McCoy, seconded by Limon to adopt Planning Commission Resolution No. 2016-36 – Recommending Approval of Conditional Use Permit #2016-15 to the Los Banos City Council for the Use of a Type 41 Alcohol License for the On-sale of Beer and Wine in Conjunction with an Eating Place for Wingstop Located at 1989 E. Pacheco Boulevard, Suite K. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND ASSOCIATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION TO ALLOW THE USE OF A TYPE 21 ALCOHOL LICENSE FOR THE OFF-SALE OF GENERAL ALCOHOL AND TYPE 86 ALCOHOL LICENSE FOR INSTRUCTIONAL TASTING OF ALCOHOL FOR SAVE MART SUPERMARKETS LOCATED AT 1400 S. MERCY SPRINGS ROAD, SUITE B, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 083-130-040. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Commissioner McCoy inquired if Savemart has to ask if they want to move alcohol displays.

Senior Planner Elms responded that staff requires that of all big box stores including grocery stores, how the floor plan is where they are approved to have their displays, and they would need approval to move or change.

Chairperson Spada opened the public hearing.

JEFF WELLS, Senior Manager for Compliance for Savemart, spoke of the company being excited about moving to the larger footprint location, this being a refreshed look, looking forward to adding type 86 license as well, and how this helps to commit to the community and alcohol beverage partners.

KATHY BALLARD, Los Banos, inquired about CEQA and people loitering.

Senior Planner Elms responded that Savemart is an active property owner and ensures panhandlers move off their property, and how they work with law enforcement to do so.

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

Motion by Limon, seconded by Faktorovich to adopt Planning Commission Resolution No. 2016-37 – Recommending Approval of Conditional Use Permit #2016-14 to the Los Banos City Council for the Use of a Type 21 Alcohol License, “Off-sale General Alcohol” and Type 86 Alcohol License, “Instructional Tasting”, for Save Mart Supermarkets

Located at 1400 South Mercey Springs Road, Suite B. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

PUBLIC HEARING – TO CONSIDER COTTAGE FOOD OPERATION #2016-01 AND ASSOCIATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION AT THE RESIDENCE OF 695 CHINABERRY COURT FOR SARAH VANLOBENSELS LOCATED WITHIN THE LOW RESIDENTIAL ZONING DISTRICT (R-1) AND MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 431-060-016. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Commissioner Limon inquired how she will advertise.

Senior Planner Elms responded that the applicant was clear about no customers or employees at home and no advertisements.

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

Motion by McCoy, seconded by Toscano to adopt Planning Commission Resolution No. 2016-35 – Approving Cottage Food Operation Permit #2016-01 for 695 Chinaberry Court, More Specifically Identified as Assessor’s Parcel Number: 431-060-016. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

DESIGN REVIEW STUDY SESSION – THE CONSTRUCTION OF A NEW 9,536 SQUARE FOOT MULTI-TENANT RETAIL BUILDING WITH A DRIVE-THRU ON 1.22 ACRES AT 1420 E. PACHECO BOULEVARD IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT. Senior Planner Elms presented the revisions, which included a PowerPoint presentation, and noted that Jonathan Lee with the Orosco Group was present to answer any questions.

There was discussion among commissioners, staff, and the applicant regarding the project including an arcaded walkway behind the posts on the southern elevation.

Commissioner McCoy spoke of the north elevation facing a parking lot and suggested putting something there to break it up.

Senior Planner Elms responded that it can be part of the landscape plan to add trellises.

Mr. Lee responded that they can add the trellises.

Senior Planner Elms stated that hopefully this will come back in about a month at public hearing after staff hears from the applicant on the traffic study.

Initial feedback provided to applicant, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms had no report.

PLANNING COMMISSION MEMBER REPORTS.

CATES: No report.

FAKTOROVICH: No report.

LIMON: No report.

LLAMAS: Absent.

McCOY: Inquired what will be coming forth to the Planning Commission on August 10th.

Senior Planner Elms responded that it depends on what is provided by applicant, how it can be the same plan or map with different conditions, how the compromise seems to be custom-built homes with conditions to provide a buffer and compromise with residents.

SPADA: Thanked everyone for their participation in the meeting, stated that this is important, and commended the Commission.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 9:51 p.m.

APPROVED:

/s/ Tom Spada
Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician