

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
OCTOBER 26, 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 Faktorovich.

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

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF SEPTEMBER 28, 2016. Motion by Cates, seconded by Faktorovich to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF OCTOBER 12, 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; Llamas 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 SITE PLAN REVIEW #2016-10 FOR THE CONSTRUCTION OF A NEW 5,690 SQUARE FOOT MULTI-TENANT RESTAURANT BUILDING FOR LRG INVESTORS, LLC AND ALSO CONSIDER A MITIGATED NEGATIVE DECLARATION FOR THE PROJECT SITE LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT IN THE STONECREEK PLAZA AT 1335 W. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 430-010-043. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noting that the applicant’s representative was present to answer any questions.

Commissioner Limon left his seat at the dais at 7:05 p.m. to close the door to the lobby and returned to his seat.

Chairperson Spada opened the public hearing. KATHY BALLARD, Los Banos, inquired about a Condition of Approval on ADA compliance for Ward Road; Senior Planner Elms responded that it should say Pacheco Boulevard; Mrs. Ballard inquired if it is required to have cameras inside and out on all structures; Senior Planner Elms responded that it is a standard boiler plate condition and how security cameras are required for exterior and interior; Mrs. Ballard spoke of her concern for the video retention for most surveillance systems.

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. 2016-50 – Approving Site Plan approving Site Plan #2016-10 for the Development of a 5,690 Square Foot Building for Two (2) Restaurants with One Drive Thru Located at 1335 W. Pacheco Boulevard, More Specifically Identified as Assessor’s Parcel Number: 430-010-043. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and Toscano absent.

PUBLIC HEARING – TO CONSIDER A CEQA CATEGORICAL EXEMPTION AND CONDITIONAL USE PERMIT TO ALLOW THE USE OF A COMMERCIAL STORAGE CONTAINER FOR ZOOMY’S/7-ELEVEN, INC. LOCATED AT 140 W. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 027-154-019. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that she received phone call from a property owner of a residence on Pacheco Boulevard who spoke of his concern for the unsightliness of the storage container but after Senior Planner Elms discussed the conditions he was satisfied that the City would ensure mitigation measures were in place.

Jerry Bettencourt, applicant, was present for Commission questions.

Commissioner Cates stated that he would like to see the full backside of the property screened, not just the container.

Chairperson Spada opened the public hearing. JERRY BETTENCOURT, applicant's representative with West Coast Construction Services, stated that his client is happy to screen the container and asked if the Planning Commission wants to see a property line fence.

Commissioner Cates responded that he would like to see a fence along the property line.

Mr. Bettencourt spoke of perhaps doing a six foot tall privacy fence with slats.

Senior Planner Elms spoke of how staff would like to see it start at three feet then gradually go to six feet to prevent visibility issues for traffic and asked that the Planning Commission include "property line fence along the northern boundary" in the condition.

Mr. Bettencourt asked if the Planning Commission can specify if the property line fence is a privacy fence with slats.

Chairperson Spada asked to add vegetation like ivy because slats will be a target for graffiti.

Mr. Bettencourt stated that they can put vegetation as well.

Mrs. Ballard added that irrigation will be necessary if they will be putting vegetation.

Mr. Bettencourt stated that there is a solar panel there now and inquired if that was okay.

Senior Planner Elms responded that it would be okay as long as it is just for lighting.

Mr. Bettencourt spoke of the pleasant experience of working with Senior Planner Elms.

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

Commissioner McCoy spoke of how he understands the need to place a privacy fence around the container but he has concern about fencing the entire property line, and how he would vote no on adding that condition.

Commissioner Faktorovich spoke in agreement with Commissioner McCoy, how this would be an additional expense for them and is not what the Planning Commission should do, and stated that he didn't want to force them to do it if they weren't okay with it.

Commissioner Cates stated that its not a deal breaker, how they are here to represent the citizens' health, safety, and welfare, and how this is an eyesore for the residents on Nevada Avenue.

City Attorney Vaughn spoke of how the definition of a reasonable condition has to relate to the project at hand, how aesthetics of this is reasonably connected to have a storage unit that is not allowed by right, its not out of bounds, if the applicant is agreeable then it should be a condition, how they should only have heartburn over it if the applicant was rejecting it, how the container does affect the who streetscape from the back of the property, having a pleasant looking barrier at the rear of the property isn't too far from what the application is originally doing, essentially they are altering the look of the back of the property with a nonconforming container, if this is made a condition then be clear about where the fence line is, be clear on placement of the fence, this doesn't appear that the applicant is challenging this condition, how this is a discretionary permit, they are asking for a discretionary decision on something they are not entitled to do, and how back of the building is fair game.

Motion by Cates, seconded by Limon to adopt Planning Commission Resolution No. 2016-49 – Approving Conditional Use Permit #2016-18 for the use of a Commercial Storage Container for 7 Eleven, Inc. (dba Zoomy's) Located at 140 W. Pacheco Boulevard with the addition of a condition to require that the applicant install a privacy fence at the northern property line running east to west and tapering from three feet to six feet along the public right-of-way with drought tolerant plants and irrigation. The motion carried by the following roll call vote: AYES: Cates, Faktorovich, Limon, Spada; NOES: McCoy; ABSENT: Llamas and Toscano.

DESIGN REVIEW STUDY SESSION – THE CONSTRUCTION OF A NEW 55,180 SQUARE FOOT BUILDING FOR USE AS A WAREHOUSE WITH THREE (3) LOADING DOCKS FOR KAGOME IN THE INDUSTRIAL ZONING DISTRICT. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noting that the applicant's representatives were present to answer any questions.

Mell Moseley, Environmental Compliance for Kagome, Inc., and Tim Coppedge, Modern Steel Structures, were present on behalf of the applicant.

There was discussion among Commissioners, staff, and the applicant regarding architecture including this being a very typical structure, how longevity is good, and how it mimics the existing building in design and color.

There were no comments regarding landscaping or lighting.

Senior Planner Elms stated that the project will return for public hearing on November 9th.

Initial feedback provided to applicant, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms reported that the department has been busy, building code will be changing at beginning of the year, developers are submitting applications for permits so they can stay under current codes, how staff will call a Special Meeting on Tuesday,

December 13th at 7:00 p.m. and will cancel the meetings on November 23rd, December 14th, and December 28th.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Spoke of an upcoming Fear Factory event done by Los Banos Chamber of Commerce, thanked Commissioner Limon for the donation of a 55" flat screen television that will be a prize for the best costume, and inquired if staff has received confirmation on tenants for LRG Investors project.

Senior Planner Elms stated that staff does know who they are but has not received permission to share who the tenant will be and will share that information on the department's Facebook page when permission is received.

FAKTOROVICH: No report.

LIMON: Inquired about the number of building permits issued for residential.

Senior Planner Elms stated that the count is up to 230 right now but anticipating to get to 300 by the end of the year, how they will not be given occupancy yet though, how this is just a strategy to get permits because of new code changes coming in January, how this is not tell tale of the market changing or how we see economic development for the time being.

Commissioner Limon congratulated Mrs. Ballard on her 2nd anniversary for Togo's.

LLAMAS: Absent.

McCOY: Complimented staff for all their work.

SPADA: Recognized staff and City Attorney Vaughn for all their work, a heavy workload, and how great it is to hear from the public how it is to work with staff.

TOSCANO: Absent.

ADJOURNMENT: The meeting was adjourned at the hour of 8:03 p.m.

APPROVED:

/s/ Tom Spada

Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti

Sandra Benetti, Planning Technician