

**CITY OF LOS BANOS
PLANNING COMMISSION SPECIAL MEETING MINUTES
DECEMBER 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.

CALL TO ORDER. Chairperson Spada called the Planning Commission Special Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE. The pledge of allegiance was led by Chairperson Spada.

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 OCTOBER 26, 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.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF NOVEMBER 9, 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 THE SAN LUIS ESTATES MITIGATED NEGATIVE DECLARATION (SCH #2016101002) AND ASSOCIATED VESTING TENTATIVE TRACT MAP #2015-03 FOR THE SUBDIVISION OF APPROXIMATELY 5.5 ACRES INTO 25 SINGLE-FAMILY RESIDENTIAL LOTS RANGING FROM 6,000 SQUARE FEET TO 9,519 SQUARE FEET LOCATED ON THE SOUTH SIDE OF SAN LUIS STREET BETWEEN JEFFREY ROAD AND MILLER LANE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 428-121-012 (CONTINUED FROM NOVEMBER 9, 2016). Senior Planner Elms noted the applicant had requested to continue the item once again to work out a real estate negotiation and asked the Planning Commission to continue the public hearing to January 25, 2017 at 7:00 p.m.

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

Motion by McCoy, seconded by Cates to continue Public Hearing – to Consider the San Luis Estates Mitigated Negative Declaration (SCH #2016101002) and Associated Vesting Tentative Tract Map #2015-03 for the Subdivision of Approximately 5.5 Acres into 25 Single-Family Residential Lots Ranging from 6,000 Square Feet to 9,519 Square Feet Located on the South Side of San Luis Street Between Jeffrey Road and Miller Lane, More Specifically Identified as Assessor’s Parcel Number: 428-121-012 (Continued from November 9, 2016) to January 25, 2017. 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 A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A TYPE 47 ALCOHOL LICENSE FOR THE ON-SALE OF GENERAL ALCOHOL IN CONJUNCTION WITH AN EATING PLACE FOR TACOS CAMPESINOS LOCATED AT 651 I STREET, MORE SPECIFICALLY DESCRIBED AS ASSESSOR’S PARCEL NUMBER: 025-231-007. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

There was discussion among Commissioners and staff regarding residential habitation in the second story units, how City Council and Planning Commission can revisit the conditions in the event that staff receives complaints, and how the noise ordinance would apply.

Chairperson Spada spoke of how mixed use has become more common, balance of having residential and commercial uses together so how fair can we be, and the need to be careful with folks that live above commercial uses, and the need for balance.

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

Commissioner McCoy inquired about who would make the determination that exterior premise has been lit to a certain standard in Conditions of Approval #9.

Senior Planner Elms responded that the Police Department would make that determination and commented that this condition was on their previous permit as well.

Commissioner McCoy inquired if the audio section of Condition of Approval #16 is new.

Senior Planner Elms responded that it's a requirement for convenience stores and since this is general alcohol in the downtown, staff wanted to apply the condition and only require it in the dining area where patrons will be.

Commissioner McCoy stated that he will support a 10:00 p.m. alcohol cutoff time under Condition of Approval #10 but would not support 11:00 a.m. start time, spoke of his concern that Planning Commission shouldn't dictate that and spoke of how he would not be supportive of audio recordings in Condition of Approval #16.

Chairperson Spada stated the he also would not support audio recordings in the restaurant due to patron's privacy and agreed with Commissioner McCoy regarding the hours of serving alcohol.

Commissioner Limon spoke of how audio is somewhat indirect and doesn't think hearing personal conversations is relevant.

Commissioner Cates spoke of being open to extending alcohol serving hours, this being a balancing act, agreed with Commissioner McCoy regarding audio, would like to know specifics of placement of cameras and Police Chief Brizzee's thoughts.

Senior Planner Elms stated that she didn't think it would be a deal breaker for the Police Chief.

Commissioner Faktorovich spoke of his concern for audio recordings invading privacy of patrons and asked legal counsel about the legality.

City Attorney Vaughn stated that this is the first time he had seen this, how there are some expectations of privacy, and how this condition can be of concern.

Commissioner Faktorovich spoke of his concern about noise issue for the residential units above the restaurant, how they shouldn't restrict selling the alcohol an hour earlier, how it is not customary to consume alcohol in the morning, and how the owners have a right to serve alcohol whenever they are open.

Motion by Faktorovich, seconded by McCoy to adopt Planning Commission Resolution No. 2016-54 – Recommending Approval of Conditional Use Permit #2016-19 to the Los Banos City Council for the Use of a Type 47 Alcohol License for the On-sale of General Alcohol in Conjunction with an Eating Place for Tacos Campesinos Located at 651 I

Street with the amendment of Condition of Approval #10 to modify the serving of alcohol commencement time from 11: 00 a.m. to 7:00 a.m. and amendment of Condition of Approval #16 to remove the audio recording requirement. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and Toscano absent.

City Attorney Vaughn stated that he thinks Police Chief Brizzee's intent was to record audio near the cash register in case of robbery and not to record patron's conversations.

Senior Planner Elms stated that the condition was taken from Mr. Windecker's Conditional Use Permit for Chevron, how it covered what he needed, and how Police Chief Brizzee was in concurrence with conditions.

DESIGN REVIEW STUDY SESSION – THE DEVELOPMENT OF A 57 UNIT SUBDIVISION AT THE NORTHEAST CORNER OF WILLMOTT AVENUE AND NORTH STREET FOR STONEFIELD HOMES HARVEST GROVE. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noting that applicant's representative was present to answer any questions.

Chairperson Spada inquired if there was a two story to two story requirement.

Senior Planner Elms responded that this was not required on the tentative map.

Dana Howell, Stonefield Homes, was present on behalf of the applicant.

Chairperson Spada spoke of there being a good variety of elevations and plans, how the price points will be very attractive, and inquired about the fencing around the subdivision.

Mr. Howell responded that there will be a six foot tall cedar wood standard fence.

Senior Planner Elms asked if the Commission could break for a few minutes so she could meet with legal counsel.

Chairperson Spada called five-minute break at 8:02 p.m.

The Commission returned to the dais and resumed the meeting at 8:14 p.m.

Senior Planner Elms stated that staff is looking for a motion, how there is a Condition of Approval, not attached to a site plan, the review of architecture in Condition of Approval #66, adding the wording in the motion to approve without modifications the architectural renderings as submitted within the Stonefield Homes Silver Series at Harvest Grove binder and color renderings and any modifications will require Planning Commission approval.

Motion by Cates, seconded by McCoy to approve without modifications the architectural renderings as submitted within the Stonefield Homes Silver Series at Harvest Grove binder and color renderings and any modifications will require Planning Commission approval. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and Toscano absent.

DESIGN REVIEW STUDY SESSION – THE CONSTRUCTION OF A NEW 2,450 SQUARE FOOT AUTOMOTIVE REPAIR BUILDING ON 0.22 ACRES LOCATED ON ROMERO STREET, APPROXIMATELY 140 FEET WEST OF MERCEY SPRINGS ROAD IN THE HIGHWAY COMMERCIAL ZONING DISTRICT.

Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noting that applicant was present to answer any questions.

Tom Hunt, owner, was present.

Tom O’Keefe, general contractor for the applicant, was present.

There was discussion among Commissioners, staff, and the applicant regarding architecture including the incorporation of more than just stone veneer, finding a balance in this area, perhaps stone veneer strip around the building, addition of wainscoting, the addition of an awning over the man door or a trellis, a deeper tone and color scheme to be closer to Premier Cinemas, and material samples.

There was discussion among Commissioners, staff, and the applicant regarding landscaping including how staff will require a maintenance plan on file with Public Works who will be doing annual inspections to ensure compliance.

There was discussion among Commissioners, staff, and the applicant regarding lighting including the need for something more than just an industrial lighting set up and the need for something more architecturally pleasing.

City Attorney Vaughn suggested that the Commission perhaps take another look at the design review ordinance to brush up on their charge and commended the commission for their work.

Mr. O’Keefe commended Senior Planner Elms who has been great to work with.

Initial feedback provided to applicant; no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

Senior Planner Elms thanked everyone to come out on a Tuesday evening to accommodate my vacation plans, thanked Commissioner Cates for coming to sign our call for special meeting, how there won’t be any meetings on December 14th or December 28th, how the regular meeting schedule will resume on January 11th, wished all a Merry Christmas and a happy new year, thanked Commissioners Faktorovich and Spada for their work

as outgoing Commissioners, and thanked the Commission for their hard work and partnership.

Commissioner McCoy inquired about the metal storage building on Westside of town being for sale.

Senior Planner Elms stated that they haven't indicated that they are stopping.

Commissioner McCoy inquired why the mattress store has lease sign.

Senior Planner Elms clarified that it was Sleep Train which was sold to Mattress Firm.

Commissioner McCoy inquired about the property west of Espana's by Quizno's.

Senior Planner Elms stated that they are still moving forward and obtaining new traffic analysis per Caltrans comments.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Spoke of it being tough to lose Commissioners Spada and Faktorovich, how he has learned a lot, it's very beneficial to have people with their experience on the commission, how it has been a pleasure working with them, thanked staff for their work, and wished all a Merry Christmas and happy new year.

FAKTOROVICH: Wished all a merry Christmas and happy new year, spoke of having fun during the last six years on this commission, and thanked staff and legal counsel.

City Attorney Vaughn spoke of his appreciation for Commissioner Faktorovich and his comments over the years.

LIMON: Spoke of how great it has been to work with Commissioners Spada and Faktorovich and wished them the best.

LLAMAS: Absent.

McCOY: Spoke of appreciation of Commissioners Spada and Faktorovich and wished all a Merry Christmas.

Commissioner McCoy inquired about Commissioners' duties to vote as precincts have voted.

City Attorney Vaughn encouraged Commissioners to use their own independent judgment, how considering constituency is just one of the factors, and how they are in a legislative role and not bound by electoral vote.

Commissioner McCoy spoke of the disconnect and lack of interaction with City Council.

City Attorney Vaughn reminded the Commission that it is not their charge to take temperature of City Council, how they are an independent body of the City of Los Banos, how he doesn't see that disconnect, and how staff and legal counsel have a pretty good sense on what is within the City Council's comfort level.

SPADA: Spoke of why he chose not to reapply to commission, how his wife is doing well, going to travel a little and will return when he is finished travelling and hopes to be appointed at that time, and how great it has been working with staff and legal counsel.

TOSCANO: Absent.

ADJOURNMENT: The meeting was adjourned at the hour of 9:19 p.m.

APPROVED:

/s/ Tom Spada
Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician