

**CITY OF LOS BANOS
PLANNING COMMISSION REGULAR MEETING MINUTES
JANUARY 11, 2017**

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. Vice Chairperson Cates 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 Dees.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, David Dees, Brett Jones, Erik Limon, Refugio Llamas, Palmer McCoy, and Susan Toscano.

STAFF MEMBERS PRESENT: Senior Planner Stacy Elms, Planning Technician Sandra Benetti, and City Attorney William Vaughn.

REORGANIZATION OF PLANNING COMMISSION – SELECTION OF NEW CHAIRPERSON AND VICE CHAIRPERSON.

Motion by Limon, seconded by Dees to nominate Commissioner Cates as Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Toscano, seconded by Dees to nominate Commissioner McCoy as Vice Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

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.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE SPECIAL PLANNING COMMISSION MEETING OF DECEMBER 13, 2016. Motion by McCoy, seconded by Limon to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

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

PUBLIC HEARING – TO CONSIDER A CEQA CATEGORICAL EXEMPTION AND A CONDITIONAL USE PERMIT FOR AN INCREASE IN MAXIMUM DISPLAY AREA FOR WALL SIGNAGE AND ONE EXISTING FREE STANDING SIGN FOR HARBOR FREIGHT TOOLS LOCATED AT 1301 W. PACHECO BOULEVARD, SUITE A, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 430-010-019.

Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noting that the applicant’s representative was present.

Commissioner Toscano stated that the freestanding sign seems to be same size as Target, spoke of her concern that Fitness Evolution has a much smaller sign, and the need to understand that granting this will make it so other tenants can come back and say they want a variation from the sign code as well.

Senior Planner Elms responded that it is done on a case-by-case basis and stated that not all cases are identical.

Commissioner Limon responded that he had no problem with the request in size.

City Attorney Vaughn cautioned the Commissioners not to give their position until after the public comment is received and the public hearing is closed, spoke of how this portion of the public hearing is for questions for staff only, spoke of how back when this was created in the zoning code small signs could be done administratively, how this was just a process to oversee and approve larger signs and look at them individually, the need to make sure it fits the surroundings and shopping center, how it was created to control the look and size of signs, how dimensions were purposely designed to be small so people would have to come before the Planning Commission to approve the larger requests.

Commissioner Dees inquired who owns the freestanding sign.

Senior Planner Elms responded that the freestanding sign is located in the common area, spoke of how CCRs govern that common area in the shopping center, how approvals are required by property owners first, and spoke of how signage is a joint use in the common area.

City Attorney Vaughn stated that signage is a fixture, spoke of how a commercial lease would address that issue and it depends what their lease says, and how this is a result of the Lowe’s building being divided into multitenant space.

Commissioner Dees inquired if there are other properties that will need space on the freestanding sign.

City Attorney Vaughn stated that there is other signage on the frontage for other businesses.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, spoke of how she would rather not have a sign underneath the freestanding sign and suggested changing up how things are dedicated to each monument sign; Senior Planner Elms spoke of how leases are signed and include locations of signage; Commissioner Dees inquired if any other options were considered besides this proposal; Scott Croft, Sign Designs, stated that this is the only proposal he has seen and it is in lieu of the other two signs consolidated into this elevation; Senior Planner Elms stated that she evaluated the sign with the applicant, pointed out that page 6 shows the configurations, spoke of how she was more concerned about scale and size of wall signage and massing with the building, how she was satisfied with the ratio, and how she saw their conceptual image for the pylon and it was reasonable.

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

Commissioner McCoy commented that compared to nearby signage it looks very big.

Senior Planner Elms stated that this is their signage plan and they are bound by it, how the Commission is considering the signage based on what they have presented in their plan, and how they are bound by this entitlement.

City Attorney Vaughn commented that the Commission can add a condition to not allow any additional signage on east and south elevations.

Motion by Limon, seconded by Llamas to adopt Planning Commission Resolution No. 2017-01 – Approving Conditional Use Permit #2016-22 to Allow an Increase in Maximum Wall Sign Display Area and One Freestanding Sign Maximum Display Area for the Property Located at 1301 W. Pacheco Boulevard, Suite A. The motion carried by the affirmative action of all Planning Commission Members present.

Commissioner McCoy inquired to legal counsel if his personal friendship with applicant for next item creates a conflict.

City Attorney Vaughn responded that it would not create a conflict unless he thinks it would create a bias in his vote.

PUBLIC HEARING – TO CONSIDER A CEQA CATEGORICAL EXEMPTION AND A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A HOME OCCUPATION BUSINESS LICENSE WITH EMPLOYEES FOR JULIE SELLIN DBA: PEACE AT HOME CAREGIVERS LOCATED AT 2712 SWAN LANE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 084-223-006.

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

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

Commissioner Toscano inquired where the applicant will train her staff.

Julie Sellin, applicant, responded that the state requires that she can only hire home health aides or Certified Nursing Assistants.

Commissioner McCoy inquired the applicant conducts interviews.

Ms. Sellin responded that it can take place anywhere and gave Starbucks as an example.

Commissioner Dees inquired how the applicant would pay her employees.

Ms. Sellin responded that direct deposit would be utilized.

Motion by Limon, seconded by McCoy to adopt Planning Commission Resolution No. 2017-02 – Approving Conditional Use Permit #2016-20 for the Use of a Home Occupation Business License with Employees in the Low Density Residential (R-1) Zoning District Located at 2712 Swan Lane. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC HEARING – TO CONSIDER A CEQA CATEGORICAL EXEMPTION AND A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A GYMNASTICS AND FITNESS FACILITY IN THE GENERAL INDUSTRIAL (I) ZONING DISTRICT LOCATED AT 115 W. G STREET, SUITE C, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 081-110-037. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noting that the applicant was present.

Commissioner Dees spoke of his concern regarding lighting and inquired if the usage is compatible with the existing lighting.

Senior Planner Elms responded that the building has industrial lighting to illuminate the building, how conditions are there to limit activity to indoors, and how the wall mounted industrial lighting is a one to one candlelight ratio per city standards.

Commissioner Dees spoke of being more concerned about crime and safety.

Senior Planner Elms stated that there is lighting in the parking lot that meets City standards in which both commercial standards and industrial standards are equal.

Commissioner Limon responded that this area is pretty well lit speaking from Republic Services’ standpoint.

City Attorney Vaughn stated that lighting would be relevant depending on use but doesn't think its an issue here because industrial standards aren't different than commercial.

Commissioner Dees stated that his concern in industrial is that the foot traffic isn't same as commercial and that this is about crime.

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

Commissioner McCoy inquired if the applicant plans on using outside area for any of their activities.

Elvira Grimes, applicant, responded that they will not do activities outdoors.

Motion by Limon, seconded by McCoy to adopt Planning Commission Resolution No. 2017-03 – Approving Conditional Use Permit #2016-23 for The Academy of Performing Arts and Fitness at 115 W. G Street, Suite C, More Specifically Identified as Assessor's Parcel Number: 081-110-037. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC HEARING – TO CONSIDER A CEQA CATEGORICAL EXEMPTION AND SITE PLAN REVIEW #2016-12 FOR THE CONSTRUCTION OF A NEW 2,450 SQUARE FOOT AUTOMOTIVE REPAIR BUILDING FOR HUNT ENTERPRISES LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT ON ROMERO STREET, APPROXIMATELY 140 FEET WEST OF MERCY SPRINGS ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 025-133-009.

Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noted that one comment was received from neighboring property owner Mr. Joe Vieira, read his five concerns, and noted that applicant was present.

Commissioner Dees inquired about grade.

Senior Planner Elms responded that there is a condition that would apply in which the City Engineer has to approve.

Commissioner Dees spoke of his concern about allergies to one of the tree species and suggested replacing it with a different species.

Senior Planner Elms responded that there is a tree list and these species are on the list and it meets City standards.

Commissioner Dees stated that he would like to change the species to accommodate those with allergies.

Chairperson Cates responded that he understands the concern but the pollen will likely disperse before reaching residential uses.

Commissioner Dees spoke of his concern regarding auto repair being done outside the building.

Senior Planner Elms responded that the Commission can add a condition in addition to what's required by the zoning code that if they are in violation of conditions or zoning code then the City can halt construction or use.

Chairperson Cates inquired about the comment letter and how many are civil concerns.

Senior Planner Elms spoke of how she felt the driveway was a valid concern but noted that there is 23 feet between the two driveways, how this was reviewed at Project Review Board and staff had no concerns regarding driveways because it was not a high traffic use, how parking meets the code and the bays provide additional parking, how the building is small in comparison to the lot which will be paved, how the curb/drainage issue will be addressed by City Engineer's requirements, how the issue of trash will also be addressed and meet City standards, and suggested that if the Commission wants to add condition regarding repairs inside the building then they can do so.

Chairperson Cates suggested that perhaps the applicant and neighbor can work out the screening issue civilly.

City Attorney Vaughn stated that the Commission can require a wall but they have to have a reason behind it.

Commissioner Dees inquired about staff's finding regarding encroachment.

Senior Planner Elms responded that it is false and the apron of driveway and truncated domes are on City property and City has jurisdiction and how the applicant will be putting it in on their own cost.

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

Chairperson Cates spoke of his appreciation for the applicant accommodating the Commission's suggestions during design review.

Motion by McCoy, seconded by Llamas to adopt Planning Commission Resolution No. 2017-04 – Approving Site Plan Review #2016-12 for the Construction of a 2,450 Square Foot Automotive Repair Building Located on Romero Street, More Specifically Identified as Assessor's Parcel Number: 025-133-009. The motion carried by the affirmative action of all Planning Commission Members present.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms wished all a happy new year, congratulated the newly appointed and reappointed Commissioners, invited the Commissioners to attend the League of California Cities Planning Commissioners Academy March 1st-3rd in Los Angeles, and stated that Commissioners would need to let staff know if they will be attending by January 31st, and announced that Harbor Freight Tools will be the newest business to enter into old Lowe's building.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Welcomed the new commissioners, welcomed Commissioner Llamas back from active military duty, thanked staff for their work, spoke of his excitement about growth, wished all a happy new year, thanked the Commission for his appointment as Chairperson, spoke of looking forward to great work ahead, how he is interested in attending the Planning Commissioners Academy but will let staff know, and thanked City Council Member Daronica Johnson-Santos for attending this meeting.

DEES: Stated that it is good to be here and thanked staff for their patience with his questions.

JONES: Thanked everyone for the warm welcome to the Commission and spoke of looking forward to serving the community.

LIMON: Welcomed Commissioners Dees and Jones, welcomed Commissioner Llamas back from active military duty, and spoke of the growth occurring in the community.

LLAMAS: Spoke of being glad to be back and thanked staff for holding his seat.

McCOY: Stated that he will attend the Planning Commissioners Academy but if it's a budget issue then he will be okay with letting new commissioners attend in his place and inquired when the Conflict of Interest presentation will take place.

City Attorney Vaughn responded that it will come forward to the Planning Commission meeting on January 25th.

Commissioner McCoy thanked City Council Member Daronica Johnson-Santos for reappointment to Commission and welcomed the new commissioners.

TOSCANO: Stated that she will not be attending the Planning Commissioners Academy due to the upcoming arrival of her first grandbaby around that time.

ADJOURNMENT: The meeting was adjourned at the hour of 8:47 p.m.

APPROVED:

/s/ John Cates
John Cates, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician