

**CITY OF LOS BANOS  
PLANNING COMMISSION REGULAR MEETING MINUTES  
JANUARY 25, 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.** 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 Limon.

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Planning Commission Members John Cates, David Dees, Brett Jones, Erik Limon, Palmer McCoy (arrived at 7:04 p.m.), 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 Limon, seconded by Toscano to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and McCoy absent.

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JANUARY 11, 2017.** Motion by Limon, seconded by Dees to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and McCoy 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 Cates opened the public forum. No one came forward to speak and the public forum was closed.

Commissioner McCoy arrived and took his seat at the dais at 7:04 p.m.

**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 DECEMBER 13, 2016 AND CONTINUE TO FEBRUARY 22, 2017).** Senior Planner Elms noted that the applicant has requested to continue the public hearing to the Planning Commission meeting on February 22, 2017.

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

Motion by McCoy, seconded by Limon 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 to February 22, 2017. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

**PUBLIC HEARING – TO CONSIDER A CEQA CATEGORICAL EXEMPTION AND CONDITIONAL USE PERMIT 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 LAS PALMAS RESTAURANT LOCATED AT 502 PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 026-044-035.** Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noting that the applicant was present.

Commissioner Dees inquired about the barrier.

Senior Planner Elms responded that it would be located where the stained concrete lip is located, would be at least 3 feet tall, and the condition states that the barrier approval is up to the discretion of the Community & Economic Development Director.

Chairperson Cates opened the public hearing.

Commissioner Toscano inquired if the applicant would allow customers to drink alcohol in the outside seating area.

Lazaro Arreola and Antonia Arreola, applicants, introduced themselves, and Mr. Arreola responded that they have thought about it and would do so if it is allowed and the barrier is installed.

Commissioner Toscano inquired about who approves the wall and spoke of her concern about visibility for drivers.

Senior Planner Elms stated that she would approve the barrier after consulting with other departments, they would be looking at things like line of sight, and stated that it would be three feet tall, could be opaque, could be iron fencing, has to be material of good composition, and reiterated that without the barrier the applicant can only serve alcohol inside the premises.

Kathy Ballard, Los Banos, inquired what “undue proliferation” would entail.

Senior Planner Elms responded that a nuisance in the area due to the use would count as undue proliferation.

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

Commissioner McCoy inquired about Condition of Approval #14 and liability of the City if Senior Planner Elms’ discretion on the barrier leads to an issue.

City Attorney Vaughn responded that there would be no liability for the City there.

Commissioner McCoy inquired if the Police Department could change condition wording about video and audio recording once the resolution is adopted.

City Attorney Vaughn responded that it could not be changed by the Police Department and he would have concern with the City requiring audio recordings.

Chairperson Cates inquired if the City would be required to primarily enforce the requirements for outside serving of alcohol.

Senior Planner Elms responded that the City is the local and primary but that doesn’t stop the state or the Department of Alcoholic Beverage Control (ABC) from doing their investigations.

Motion by McCoy, seconded by Limon to adopt Planning Commission Resolution No. 2017-05 – Recommending Approval of Conditional Use Permit #2016-21 to the Los Banos City Council for the Use of a Type 41 Alcohol License for the On-Sale of General Alcohol in Conjunction with an Eating Place for Las Palmas Taqueria Y Mariscos Located at 502 Pacheco Boulevard. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

**PRESENTATION AND TRAINING REGARDING THE RALPH M. BROWN ACT.** City Attorney Vaughn presented a PowerPoint presentation.

Commissioner McCoy inquired if sharing Facebook posts are a violation of the Brown Act.

City Attorney Vaughn responded that sharing a post is okay but adding comments along with other Commissioners is not okay, added that the same idea applies to emails, and asked the Commissioners to just reply to staff and not “reply all”.

Toscano left the dais at 7:55 p.m.

Commissioner Dees commented that the deterrent seems to be that the Brown Act could require a reversal on any decision that is made when a violation occurs and not really huge fines.

City Attorney Vaughn spoke of how he could look up any violations that may have resulted in a fine but how it is really a deterrent, how the City doesn't want the perception that things are being done behind the scenes, wants to ensure government remains open, how labor negotiations is an example of when it could be an issue, commented that the Commission shouldn't come close to a violation in the position they are all in, and how he will do an ethics training at next Planning Commission meeting in February.

Commissioner Dees inquired about filling out Form 700.

City Attorney Vaughn responded that it is financial document that could be shared with the public, it being a tool to help staff ensure the Commission isn't stepping into a conflict, and a tool for the Commission to use to self-police and make sure they aren't stepping into a conflict.

Informational item only, no action taken.

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.** Senior Planner Elms reported that there are six Commissioners who have requested to attend the Planning Commissioners Academy and is hoping to work that out with the Finance Department and announced that Sonic Drive-In has submitted plans for a Site Plan Review at the College Plaza Shopping Center.

Commissioner McCoy inquired about how the 99 Cents Only Store has shopping carts all over despite their Condition of Approval to require that they be maintained and kept onsite.

Senior Planner Elms responded that it's cyclical and Code Enforcement goes out there every so often to talk to Management who then fixes the issue.

Commissioner McCoy inquired if staff can look at the area they are storing the shopping carts because it was not approved in the Site Plan.

Senior Planner Elms responded that staff could look at that.

Commissioner McCoy inquired about the status of the La Michoacana project.

Senior Planner Elms responded that they are still working through their revisions and where they are now is a big improvement from what was originally submitted.

Commissioner McCoy inquired about the retail place by Quizno's and Espana's.

Senior Planner Elms responded that they are revising their site plan, they had an old traffic study that Caltrans said needed to be revised, how they were approached by a different tenant that changed their site plan, and once they are ready they will come back to Planning Commission.

Commissioner McCoy inquired about the status of Caltrans with the new Savemart encroachment.

Senior Planner Elms responded that the negotiations are ongoing still.

Commissioner McCoy stated that he saw people inside the former Hollywood Video and asked if there is anything going on with that.

Senior Planner Elms responded that no planning applications have been received yet, and she isn't aware of anything coming forward.

Commissioner McCoy inquired about the possibility of a new police station by the new courthouse.

Senior Planner Elms responded that City Council is in closed session negotiations regarding that.

### **PLANNING COMMISSION MEMBER REPORTS.**

**CATES:** Congratulated Senior Elms on the reorganization of the Community & Economic Development Department, thanked staff for the nametags, and spoke of looking forward to the Community & Economic Development Department's horizons expanding.

**DEES:** No report.

**JONES:** No report.

**LIMON:** Thanked staff for the nametags, congratulated Senior Planner Elms for the Community & Economic Development Department reorganization.

**LLAMAS:** Absent.

**McCOY:** Apologized for arriving late, spoke of how he had to come from Bakersfield for work, congratulated Senior Planner Elms on the Community & Economic Development

Department reorganization, inquired when the Commission would know if the Finance Department approves for all of them to attend the Planning Commissioners Academy.

Senior Planner Elms responded that staff should know by February 1<sup>st</sup>.

**TOSCANO:** Absent (left at 7:55 p.m.)

**ADJOURNMENT:** The meeting was adjourned at the hour of 8:10 p.m.

APPROVED:

*/s/ John Cates*  
John Cates, Chairperson

ATTEST:

*/s/ Sandra Benetti*  
Sandra Benetti, Planning Technician