

**CITY OF LOS BANOS  
PLANNING COMMISSION REGULAR MEETING MINUTES  
MARCH 22, 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 7:01 p.m.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by Commissioner Llamas.

**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:** Community & Economic Development Director Stacy Souza Elms and Deputy City Clerk Sara Huff. City Attorney William A. Vaughn was absent due to a conflict of interest he has with Joe Rocha, the applicant for the Sunset Hills Development item.

**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 REGULAR PLANNING COMMISSION MEETING OF MARCH 8, 2017.** Motion by McCoy, seconded by Llamas 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 PLANNING COMMISSION 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.

**DESIGN REVIEW STUDY SESSION – REMODEL AND EXPANSION OF AN EXISTING 2,184 SQUARE FOOT BUILDING BY 1,680 SQUARE FEET FOR A TOTAL BUILDING SQUARE FOOTAGE OF 3,864 SQUARE FEET LOCATED AT 820 W. PACHECO BOULEVARD.** Community & Economic Development Director Elms

presented the staff report, which included a PowerPoint presentation. She indicated this particular item was introduced last year and was asked to make some revisions.

The designer of this establishment, Steve Wooten of Valley Pro Contractors, came forward to explain the design of the building a bit more in depth to create a better visual for the commissioners, he presented a few posters with visuals of the building that were created by local artist Anne Whitehurst, spoke about the texture of the building, the tiles that would be used in the building and how those particular materials would make it easier to clean, spoke about the architecture of the building and the benefits.

Commissioner McCoy asked if there would be no outside eating for which Community & Economic Development Director Elms stated there would be eating outside but that area would be underneath the arch ways away from traffic on the east side of the building.

Commissioner Jones inquired as to the area where people park and whether there would be a sufficient amount of sidewalk to keep someone from going all the way forward and hitting the posts for which Mr. Wooten stated there will be curb stops.

Commissioner Jones asked about the backside of the building and if there were roll-up doors for deliveries for which Mr. Wooten said yes; Commissioner Jones inquired as to whether people would possibly sleep there overnight since it's out of the line of sight for which Mr. Wooten answered that he's not worried about that, it's pretty much an open-air concept. He spoke a bit more in depth about the deliveries and how the truck comes in for deliveries, they can back up into there and exit without any contact with public parking, 5.4 parking spaces per thousand square feet, there will be more parking than is required, this business thrives on weekends and he wants them to succeed without parking being an issue.

Commissioner McCoy stated that the west side of that building backs up to Big O Tires and wanted to know if there was some sort of vine or something that is going to be put in there for which Community & Economic Development Director Elms stated there is vegetation there and it is going to stay; Steve Wooten added that that area is going to encompass the equipment for the establishment; Community & Economic Development Director Elms said it is going to clean up the area more than what it currently is right now.

Commissioner Dees inquired about there being no walls on the outside on the street side and whether what we see is what we get for which Steve Wooten confirmed and said right now it's just a shell, they are giving it a Mediterranean look throughout the body of the building.

There was staff discussion about the appearance of the roof, the material of the roof and possibly using a metal material on the roof that resembles terracotta but would be much lighter and less expensive for which Mr. Wooten stated he would be open to that idea and agreed that would be beneficial to the budget for this project; Community &

Economic Development Director Elms stated that as long as the metal roof suggestion is in conformance and delivers the same look as the authentic terracotta would, then that would be okay and she would work on this issue further with Mr. Wooten.

Commissioner Toscano stated she likes the design and how far it has come from its last introduction to the Planning Commission.

Chairperson Cates feels the rendering is fantastic and believes it is going to look really nice and will draw more people to the establishment; Mr. Wooten added that this is why they need the extra parking, they are needing to expand to accommodate their clientele so they need to expand their parking in addition and also need to get those delivery trucks off the street and make it so that they are able to pull in to the back and make their delivery and take off without blocking that corner; Chairperson Cates asked if the chain link fence will be removed from that corner for which Community & Economic Development Director Elms and Mr. Wooten said yes, that that whole corner will be utilized for parking purposes, only 23 parking spaces are required but there will be 60+ parking spaces available.

Commissioner Jones asked how long the delivery trucks are and about how long it takes for them to unload the truck for which the applicant, Yasser Ibrahim, stated they are about 30 feet long and it takes about twenty minutes to unload the trucks; Commissioner Jones stated his concerns about one of the parking spots and how it could be very difficult to pull in and out of it due to its location for which Mr. Wooten stated it could be eliminated if need be; Community & Economic Development Director Elms added that the plans will need to go through engineering and other departments and they will determine whether that particular parking spot will be feasible or not; Commissioner Jones believes they are doing a great job with this building.

Community & Economic Development Director Elms continued her PowerPoint presentation focusing on lighting and landscaping for this project.

There was staff discussion in regards to the lighting as far as what type of lighting is to be used and where the light fixtures are to be placed on the building. Commissioner Toscano stressed the fact that she felt it necessary to have sufficient lighting on all sides of the building to deter any potential homeless to come and hang around or other people from doing things back there; She also inquired as to where the garbage area will be located for which Community & Economic Development Director Elms stated it will be in the back.

Commissioner Dees expressed his same concerns about the lighting situation and agreed with Commissioner Toscano on her stance.

Commissioner Toscano mentioned that she is friends with Anne Whitehurst and is glad she was chosen to do these drawings for them, she applauded the designer for going above and beyond with all this effort into bringing his idea to life.

Commissioner Limon thanked Mr. Wooten for the conceptual design and thanked the applicant for his investment in the community and for being a staple in the City for a long period of time.

Commissioner McCoy inquired as to where in the parking area will the bike racks be located for which Community & Economic Development Director Elms said they would be in the front by the entrance per code; Mr. Wooten added they will probably be towards the south where the barbecue pit is located.

Chairperson Cates said he appreciates the rendering and feels this will dress Pacheco Boulevard up a little bit.

**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 FEBRUARY 22, 2017).** Community & Economic Development Director Elms stated she would ask the Commission to open the public hearing and then close it due to the fact that the applicant is requesting an additional 30 days to finalize the agreement they have with the school board. She doesn’t want to continue it to another meeting, but instead would rather open the public hearing and close it then reissue a new public hearing notice so the residents in that 300 foot radius have another chance to submit any concerns or comments they may have pertaining to this item.

Motion by McCoy, seconded by Dees to continue and re-advertise the 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. The motion carried by the affirmative action of all Planning Commission Members present.

**PUBLIC HEARING – TO CONSIDER RECOMMENDING TO THE LOS BANOS CITY COUNCIL GENERAL PLAN AMENDMENT #2016-02, ZONE CHANGE #2016-02, AND MITIGATED NEGATIVE DECLARATION (SCH#2017021033) FOR THE AMENDMENT AND REZONE OF SEVEN (7) PARCELS CURRENTLY DESIGNATED PROFESSIONAL OFFICE (P-O) INTO MEDIUM DENSITY RESIDENTIAL (R-2) ON 1.2 ACRES AND TO CONSIDER TENTATIVE TRACT MAP #2016-03 AND SITE PLAN REVIEW #2016-07 FOR SUNSET HILLS DEVELOPMENT TO SUBDIVIDE SEVEN (7) EXISTING PARCELS INTO ELEVEN (11) PARCELS FOR THE DEVELOPMENT OF ELEVEN (11) DETACHED SINGLE-FAMILY RESIDENTIAL UNITS. THE PROJECT SITE IS LOCATED ON THE EAST SIDE OF DELAWARE**

**AVENUE BETWEEN PINE STREET AND MADRONE AVENUE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 027-214-001, -002, -003, -004, -005, -006, AND -007.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation. The applicant, Joe Rocha, was present to answer any questions.

Commissioner Dees requested Community & Economic Development Director Elms go over the mitigation steps that are to be taken for which she responded that the applicant will have to hire a consultant to do a Phase I Environmental for them showing there is no hazardous material before they are able to pull any building permits, she further stated she is confident there is no hazardous material in the area but they need to follow the procedures in the general plan.

Commissioner Jones wanted to know if there is a reason why these have to be single-family residences instead of duplexes for which Community & Economic Development Director Elms stated that the applicant is being conditioned to provide only single-family residences, he preferred townhomes but he was advised by elected officials to provide single-family residential because of the surrounding residences already being higher density, they felt a single-family residence would be a better transition than a townhome, they felt there was an overconcentration of high density residences in this area; Commissioner Jones feels that is the ideal area to have higher density residences because that is what is already there, we need more rental units that are lower on the price scale, single-family residences are at a much higher cost than higher density residences which defeats the purpose of affordable housing, he doesn't feel this was thought out too well by those elected officials but is glad to see something in the works.

Commissioner Dees has had people approach him looking for properties of higher density instead of single-family lots, he agrees that higher density residences would go well there but also understands that higher density results in higher crime rates, more use of our police, and comes at a higher cost to maintain.

Commissioner Llamas inquired as to the current landscaping and sidewalk and wanted to know whether those will be redone for which Community & Economic Development Director Elms stated there will be adjustments that need to be made to accommodate the eleven (11) lots and the curb and gutter will need to be revised, any cracks will need to be revised as well but it does meet today's standards.

Chairperson Cates opened up the public hearing. No one from the public came up to speak, and the public hearing was closed.

Commissioner Limon thanked the applicant for beautifying that area, it's a privilege to have someone willing to develop there but he does agree with Commissioners Jones and Dees about how things could've been adjusted there. He also asked whether it will be Section 8 housing for which Mr. Rocha said it could be, they take care of their units and they stay on top of the situation and don't discriminate.

Commissioner Jones appreciates the fill in for the lots that have been vacant a long time, he does wish more units would be put in that area; Mr. Rocha said they tried that but it didn't work; Commissioner Jones said there is a type of tenant in town that these units would be ideal for and we get a lot of corporations and doctors that are looking for something right next to the hospital, he advised Mr. Rocha not to overlook the professionals that work at the hospital.

Commissioner Dees said the messages the other Commissioners have received are consistent with some of the messages he has received from people as well, in particular Merced College has an abundance of young professionals with no place to put them, thanked the applicant for investing in the community.

Chairperson Cates thanked Mr. Rocha for his time and effort and appreciates the infield projects.

Commissioner McCoy spoke about the public services category of this item and how it talks about the schools and there is a notice in there from the school district talking about overbooking, not that he thinks Mr. Rocha should have to pick up the slack , but when will it become a big issue for which Community & Economic Development Director Elms stated that the two schools that will be accepting a larger amount of kids will actually alleviate Henry Miller Elementary as there are students who live on the other side of town who are having to come all the way over to Henry Miller, this project is minor in its impact to the school district but it will be paying the state required fees; Commissioner McCoy brought up the impact on parks and recreational facilities pointing out that there is no park near that area as it is, wants to know at what point is it time to do something about that, fees will be paid for these recreational facilities but these families are getting nothing out of that for which Community & Economic Development Director Elms stated they are paying a fee for the regional benefit of all the parks located in the city further noting that Big Page Park is within a quarter mile of the area in question; Commissioner McCoy understands the fees but feels it is not ideal for parents to have to get in the car and take these kids to the park as opposed to the kids taking themselves to a park that is close by, feels this issue needs to be addressed in the future.

Commissioner McCoy brought up the domestic watering plan and how it was last updated in 2008, there has been a big change in Los Banos from 2008 until now, with Chromium 6 and the water quality in general it is part of the Planning Commission's responsibility to make sure the water is safe for the safety of the public, wants to know at what point are we adding to the problem by allowing all the new housing without an understanding of a fix that is coming for the current problem we have, he understands they're working on it but wants to know at what point do we address this domestic water issue for which Community & Economic Director Elms stated that the City is on a 10-year plan and has no anticipation for a moratorium on development based on the Chromium 6 issue, the City is working with the State on its 10-year plan in providing a solution in compliance with those requirements with the State, until there is a prohibition on development, the Planning Commission and the City is obligated to consider these

development items, a prohibition on development would have to come straight from Council; Commissioner McCoy pointed out that if one commissioner or the Planning Commission as a whole feels that these dwellings should be higher density as opposed to single-family residences, then they can make their recommendation for which Community & Economic Development Director Elms confirmed that that is in within his purview as commissioner but also reminded that the Planning Commission is an advisory body and that the City Council would have the final say as to what goes.

Commissioner Dees agrees with Commissioner McCoy's comments concerning the water, however this is a City problem that it needs to address and doesn't think it's fair to hold up a particular project until the City has actually acted to solve it.

Chairperson Cates stated the Planning Commission is only an advisory board and has no legislative authority to prohibit development in any way, but it could bring it to the City Council's attention.

Motion by Limon, seconded by Dees to approve Planning Commission Resolution No. 2017-10 – Recommending to the Los Banos City Council Certification of Mitigated Negative Declaration (SCH#2017021033) and Mitigation Monitoring/Reporting Plan for Sunset Hills Development Located on the East Side of Delaware Avenue Between Pine Street and Madrone Street, More Specifically Identified as Assessor's Parcel Numbers: 027-214-001, -002, -003, -004, -005, -006 and -007. The motion passed with one abstention by Llamas.

Motion by Limon, seconded by Toscano to approve Planning Commission Resolution No. 2017-11 – Recommending to the Los Banos City Council of General Plan Amendment #2016-02 and Zone Change #2016-02 for Sunset Hills Development Located on Assessor's Parcel Numbers: 027-214-001, -002, -003, -004, -005, -006, and -007. The motion carried by the affirmative action of all Planning Commissioners present.

Motion by Limon, seconded by Dees to approve Planning Commission Resolution No. 2017-12 – Approving Tentative Tract Map #2016-03 for the Subdivision of Seven Parcels into Eleven Parcels and the Development of Eleven Detached Single-Family Residential Dwelling Units Located on the East Side of Delaware Avenue between Pine Street and Madrone Street, More Specifically Identified as Assessor's Parcel Numbers: 027-214-001, -002, -003, -004, -005, -006, and -007. The motion carried by the affirmative action of all Planning Commissioners present.

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.** Community & Economic Development Director Elms spoke about how last commission meeting she was preparing for ICSC (International Council of Shopping Centers), she had meetings with various retailers last week, was very positive experience, the most exciting part was that the City was already on the radar of many retailers, they were scheduling meetings with them as they were on the way to Monterey to attend ICSC, it was very encouraging; she's been working with Buxton (the City's retail recruiter) on various retail

matches and that's also exciting, from a staff perspective they're looking at raising the bar and taking it to a higher quality of retail; everything in the planning world comes before the Planning Commission and you don't always hear about the economic development perspective so she mentioned the County has hired a recruiter for industry and the City will be able to use this consultant on the local level, she provided a tour for this consultant that will be attracting development here in Los Banos specifically manufacturing which is pretty exciting; also working with UC Merced and the Vice President of the school on some cutting edge science, it has to do something with gene splicing and possibly getting that type of industry here maybe a lab of some sort here in town, the decisions made here in by the Planning Commission do contribute to the economic development in town.

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

**CATES:** No report.

**DEES:** No report.

**JONES:** Didn't know if this was the right platform to talk about this but he wanted to see about getting a variance in the building code involving smoke detectors, he has a twenty (20) foot ceiling in his house and it takes a huge ladder to change the battery when it goes dead, so a small \$2 battery actually turns into \$250 because you need a licensed professional to get up there and change it, he wanted to see about 10-year sealed battery where it would eliminate the hard wiring, he thinks this would be more ideal as you wouldn't have to worry about the battery going bad every year, it would be much more cost effective and safer to maintain, would like to find out how to get this discussion going and see if there's a variance on that building code for which Community & Economic Development Director Elms said she would speak to Fire Chief/Building Official Marrison on the subject.

**LIMON:** Wanted to know if there was any word in regards to the progress on the mortuary for which Community & Economic Development Director Elms said they were working on their tenant improvements and also obtaining their federal license for the location here in Los Banos.

**LLAMAS:** Apologized for being absent for the last meeting, he really enjoyed the Planning Commissioners Academy, it helped solidify certain things and gave him some confidence, he appreciates Community & Economic Development Director Elms for putting that together, you get to see the backbone that goes into the reports and the timeline pressures and all the work that is done with the applicants for certain projects, thanked Community & Economic Development Director Elms once again.

**McCOY:** Stated he has spoken to a lot of builders and architects and they have mentioned how great it was to work with Community & Economic Development Director Elms and the amount of detail she puts into her work, people don't expect to receive that type of service and detail when they deal with Los Banos, commended her for that;

He missed a couple traffic safety meetings and wasn't involved with the stop sign situation on I Street by the hospital but he feels it's pretty annoying to have to stop so much in that area since there are a couple crosswalks there as well, wonders if there is something the City can do to eliminate one of the walkways since it's so close to another one.

**TOSCANO:** Wanted to know what is going on with the Weinerschnitzel location, she sees people there all the time but isn't sure what the status is for which Community & Economic Development Director Elms stated they had a lot of interior work to do in terms of mechanical, electrical and plumbing; Commissioner Toscano asked if they got flooded down below for which Community & Economic Development Director Elms confirmed and said that set them back pretty far unfortunately; Commissioner Toscano wondered what is said to manufacturers to entice them to come to Los Banos for which Community & Economic Development Director Elms explained that when a site selector is looking they are particularly looking for existing buildings, they give certain criteria and ask for incentives as to why they should go to a particular city, one hurdle we have against us is there are no shovel-ready sites for large buildings to be put on, another hurdle we have is that our City's industrial areas are off the beaten path, one thing we are trying to do is to get these manufacturers to let us know what they need or want and we can make it happen, she believes the City's motto is "Tell us what you need, we'll make it happen."

There was further staff discussion about the high speed rail brought up by Commissioner McCoy. He stated he and Community & Economic Development Director Elms had attended a meeting in Gilroy pertaining to the high speed rail and it brought some earth-shattering news and he wanted to know whether there is anything we can do about it. Community & Economic Development Director Elms explained that the proposition that was adopted by the legislature noted that there shall never be a station on the valley floor between San Jose and Merced which eliminates Los Banos altogether and that it would take an act of God to get the State of California to change that condition. She further said that she along with other City staff have been completely irate about this since that proposition passed. The reason for this condition is so there would be no adverse affects on any environmental sanctuaries or environmental species in this area. She explained that Los Banos is at the top of the future priority list but that there are many groups working against the City using the fact that the proposition itself stated there shall never be a station on the valley floor. The City will not give up the fight for Los Banos to be reconsidered.

**ADJOURNMENT:** The meeting was adjourned at the hour of 8:45 p.m.

APPROVED:

*/s/ John Cates*

John Cates, Chairperson

ATTEST:

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