

**CITY OF LOS BANOS
PLANNING COMMISSION REGULAR MEETING MINUTES
APRIL 26, 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, Refugio Llamas, Palmer McCoy; Susan Toscano absent.

STAFF MEMBERS PRESENT: Community & Economic Development Director Stacy Elms, Planning Technician Sandra Benetti, Public Works Director/City Engineer Mark Fachin and City Attorney William A. Vaughn.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by McCoy, seconded by Dees to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF APRIL 12, 2017. 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; 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 Cates opened the public forum. No one came forward to speak and the public forum was closed.

DESIGN REVIEW STUDY SESSION – THE REMODEL AND MINOR EXPANSION OF THE EXISTING BURGER KING RESTAURANT LOCATED AT 525 PACHECO BOULEVARD IN THE HIGHWAY COMMERCIAL ZONING DISTRICT. Community & Economic Development Director Elms presented the report, noting that the applicant's representative was present to answer any questions.

Russ Marlow and Steven King, applicant's representatives were present to answer questions.

Commissioner Limon asked if the applicant could modify that trash enclosure to accommodate the two recycling bins that are exposed.

Community & Economic Development Director Elms stated that it would need to double in size and will be placed as a Condition of Approval and feels removal of driveway on Washington Avenue will allow applicant to pick up additional parking spaces.

Mr. Marlow inquired about that size needed.

Commissioner Limon stated that he could forward something to staff so they can accommodate requirements.

Commissioner Jones inquired if there will be any improvements to be made to the driveway approach.

Mr. Marlow responded that there are plans for improvements and to meet ADA standards as well.

Community & Economic Development Director Elms stated that this will go to intergovernmental review with Caltrans and approved with conditions from them as well.

Commissioner Dees inquired if the applicant will be keeping the patio.

Mr. King responded that the applicant intends to do so for the time being.

Mr. King stated that all lighting associated with the project will be upgraded to LED.

Commissioner Dees inquired as to what type of video surveillance they plan to have and spoke of his concern about lighting on the Washington Avenue side.

Mr. King responded that the franchise doesn't typically do surveillance.

Community & Economic Development Director Elms responded that there is a standard Condition of Approval to require interior and exterior surveillance and asked the representatives to let the applicant know.

Kathy Ballard, Los Banos, inquired about driveway on Washington Avenue.

Community & Economic Development Director Elms responded that the plans show a driveway and we are eliminating that.

Ms. Ballard spoke of her concerned about sufficient parking.

Commissioner McCoy inquired about proximity to new O'Reilly's building.

Community & Economic Development Director Elms stated that O'Reilly's is located northeast of this project, how it compliments brick on Wendy's, stone veneer on Dr. Carter's Office, and ties in well with neighborhood.

Mr. Marlow spoke of how they tried to tie in features on Pacheco Boulevard and the owner is very proactive in keeping up the look of the restaurant.

Community & Economic Development Director Elms stated that this item will come forward for public hearing on May 24th.

Initial feedback provided to applicant, no action taken.

PUBLIC HEARING –TO CONSIDER AND MAKE A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT A NEW UPDATE TO THE WATER EFFICIENT LANDSCAPE ORDINANCE LOCATED IN THE LOS BANOS MUNICIPAL CODE. Community & Economic Development Director Elms presented the report, noting that Public Works Director/City Engineer Fachin and City Attorney Vaughn were present to answer questions as well.

There was discussion among commissioners, staff, and legal counsel regarding the state ordinance, how the City's ordinance contains more technical stuff regarding meters and watering days, how the water budget is based on square footage of landscape area, eliminates turf in commercial, reduces turf area of residences to 25% of landscape area, there is a list of water saving plants and water hogging plants, making sure to meet the water saving budget, how the complicated part will be the auditing, how fines don't come close to cover, how staff will be fining the fines in the future, the state has removed drought restrictions but conservation is a way of life and the City must report that to the state, how water runoff onto the curb will be fined, fine amounts will stay the same, watering days will be at two days a week and not return to three days per week, how water wasting is only part of this ordinance, more focused on planning and design of efficient landscaping, how 90% of this ordinance is in the states model, only about 10% was catered to be about Los Banos, we will have to get used to ground covers that are drought tolerant and no longer view turf as part of commercial landscaping.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, inquired about residential and what would flag new requirements for them; Community & Economic Development Director Elms responded that it would require rehabbing landscaping and meet the 2500 square foot threshold; Ms. Ballard stated that there are a lot of old commercial areas and inquired if they will be asked to bring it up to date; Community & Economic Development Director Elms responded that no, not unless they are coming forward with some kind of changes; City Attorney Vaughn added that a site plan review does significant changes to the property and could trigger this.

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

There was further discussion among commissioners and staff regarding limitation for overhead sprinkle, City's ponding being efficient, and how the City falls into the medium to high category for water suppliers.

Motion by Limon, seconded by Dees to adopt Planning Commission Resolution No. 2017-14 – Recommending to the City Council Adoption of an Amendment to the Los Banos Water Efficiency Landscape Ordinance. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Community & Economic Development Director Elms thanked Public Works Director/City Engineer Fachin for being here tonight to help answer questions, spoke of how today is Denim Day and staff is supporting the Valley Crisis Center, the Merced County Spring Fair is next week and City will have an informational booth, being a way for City staff to engage with the community, will have some exercises to engage and have information and prizes as well, have a variety of employees representing the City booth, and invited the Commission to come check it out.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked Public Works Director/City Engineer Fachin for his work and being here, thanked staff for their work, spoke of how he will be running the Chamber of Commerce's beer booth at the fair, thanked Ms. Ballard for coming out to the meetings, and spoke of how he would like to see more people in the audience as we conduct our business.

DEES: Spoke of his happiness for commercial interest in the City.

JONES: No report.

LIMON: Spoke of the HERO program which helps with energy efficiency, how he is contemplating putting in dry landscaping to do his part on water conservation, and encouraged all to support the FFA kids during the fair.

LLAMAS: No report.

McCoy: Thanked Public Works Director/City Engineer Fachin for being at the High Speed Rail meeting.

TOSCANO: Absent.

ADJOURNMENT: The meeting was adjourned at the hour of 8:24 p.m.

APPROVED:

/s/ John Cates
John Cates, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician