

**CITY OF LOS BANOS  
PLANNING COMMISSION REGULAR MEETING MINUTES  
MAY 10, 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 Dees.

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

**STAFF MEMBERS PRESENT:** Community & Economic Development Director Stacy Elms, Planning Technician Sandra Benetti, and City Attorney William A. Vaughn.

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

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF APRIL 26, 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, McCoy, 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 Cates opened the public forum. No one came forward to speak and the public forum was closed.

**PUBLIC HEARING – TO CONSIDER MOBILE VENDOR PERMIT #2017-01 TO ALLOW THE OPERATION OF A MOBILE FOOD TRUCK FOR ROSA OROZCO, DBA: TACO FACE TO VEND ON PRIVATE PROPERTY LOCATED AT 310 W. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-152-039.** Community & Economic Development Director Elms presented the report, read two comment letters that were received into the record, noting that the applicant was present to answer question.

Commissioner Dees inquired if there were complaints received by the City on this location.

Community & Economic Development Director Elms responded that the City is aware of the ongoing issue with the request for speed bumps on Arizona Avenue and that is within the jurisdiction of the Traffic Safety Committee.

Commissioner Dees inquired if Rooney's Liquor has addressed any of the issues in the letter.

Community & Economic Development Director Elms responded that they haven't changed their operations although ownership has changed hands a few years ago and they have been operating at status quo.

Chairperson Cates opened the public hearing. DAVE JONES, resident on Arizona Avenue, spoke on behalf of residents on Arizona Avenue in opposition of taco truck at this location due to increasing traffic problems on Arizona Avenue, spoke of how garbage does blow into their yards, puzzled why nobody listens to his concerns, this compounds his problems, spoke of his frustration and asked the commission to listen to their concerns; BECKY JONES, resident on Arizona Avenue, spoke of a different taco truck that was located at the tire shop nearby in which customers had littered which accumulated in the yards of residents on Arizona Avenue, spoke of speeding traffic down this street, many of which are customers of Rooney's Liquor or the tire shop; NINIVE VILLAGOMEZ, applicant's representative, spoke of how customers will not be allowed to eat at the property site, how they don't anticipate more traffic than what is existing, and spoke of there being opportunity with the town growing.

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

Commissioner Limon inquired about the Commission's charge on traffic issues.

Community & Economic Development Director Elms responded that the Commission needs to ensure that the applicant meets the code's requirements.

Commissioner Limon inquired if the applicant will clean up trash related to their business.

Ms. Villagomez responded that they would.

Community & Economic Development Director Elms spoke of conditions that will require signage to be posted and how the unit is parked.

Commissioner Jones inquired how the applicant decided on that location.

Ms. Villagomez responded that being located on highway with better access was ideal.

Commissioner Jones inquired why they chose the northern location on the parcel.

Community & Economic Development Director Elms stated that they have to be located on pavement but they wanted to separate themselves from the commercial business.

Commissioner Jones suggested that they can locate on the southwest corner of the parcel.

Ms. Villagomez responded that they can move closer to Pacheco and can adjust time to close at 8:00 p.m.

Commissioner Jones stated that this operation may be a nuisance closer to residential side of parcel.

Ms. Villagomez stated that they have lived here for more than 20 years and spoke of how her mom and aunt have dreamt to have a business here and would like this opportunity.

City Attorney Vaughn stated that this conflict between residential and Highway Commercial is not new, how they City has been dealing with it, reminded that commercial uses are permitted in Highway Commercial, cautioned on singling out a single business but not singling out other businesses, giving direction to properly condition the use is okay, cautioned against picking out certain businesses that are permitted in that zone without heavy evidence of detrimental effects, how the answer is to properly condition the operation to mitigate issues, how the Community & Economic Development Department is taking over business licensing as part of City operations, will look at it as much more of a regulatory process, how if operations change or new come in then we will condition them for problematic businesses, how the idea of moving truck closer to Pacheco may significantly mitigate things, how the Commission's decisions can be challenged so be careful, how they can't mitigate traffic impact with conditions, this is part of being located in Highway Commercial zoning district, and pointed out that he has noticed that Rooney's Liquor is looking kind of tired these days since ownership changed.

Chairperson Cates stated that he has empathy for nearby residents, spoke of how they are tasked with whether the applicant has met requirements, and how the majority of issues brought up by Mr. Jones is prevalent because of Rooney's Liquor being there.

City Attorney Vaughn stated that significant traffic studies have been done on Arizona Avenue, how residents are not being ignored, how the Traffic Safety Committee is aware of issues, and stated that he is unsure of their new policy on speed bumps and if the street qualifies.

Chairperson Cates spoke of the need to focus on whether they meet permitting requirements, agrees with Commissioner Jones that they should located closer to Pacheco Boulevard, and asked that the applicant make sure that customers are asked to be respectful of the neighborhood.

Commissioner Dees spoke of his understanding of the meaning to have a dream, how the applicant needs to understand residents' dreams too, wants applicant to be successful, spoke of his concern about location on the parcel being far from Pacheco, and would like assurances that trash will be picked up from customers.

Community & Economic Development Director Elms pointed out Conditions of Approval #7L regarding refuse containers, suggested that they can expand the 25 foot radius in the condition, and can add a condition to require them to be located in a specific parking stall closer to Pacheco.

Chairperson Cates thanked the applicant for their flexibility.

Motion by Dees, seconded by Limon to adopt Planning Commission Resolution No. 2017-15 – Approving Mobile Vendor Permit #2017-01 for the Operation of a Mobile Taco Truck on Private Commercial Property Located at 310 W. Pacheco Boulevard with the amendment of Condition 7L to pick up all litter on the lot before terminating business for the day and adding a condition that the unit locate in a parking stall as close to Pacheco Boulevard as possible without impeding traffic. The motion carried by the affirmative action of all Planning Commission Members present; Llamas, McCoy, and Toscano absent.

**PUBLIC HEARING – TO CONSIDER SITE PLAN REVIEW #2017-01 FOR THE CONSTRUCTION OF A NEW 1,514 SQUARE FOOT SONIC DRIVE-IN RESTAURANT AND ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR THE COLLEGE PLAZA SHOPPING CENTER LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT AT 2180 PACHECO BOULEVARD; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-160-022.**

Community & Economic Development Director Elms presented the report.

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

Motion by Dees, seconded by Limon to adopt Planning Commission Resolution No. 2017-16 – approving Site Plan #2017-01 for the Development of a 1,514 Square Foot Sonic Drive-In Restaurant Located at 2180 Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 428-160-022. The motion carried by the affirmative action of all Planning Commission Members present; Llamas, McCoy, and Toscano absent.

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.** Community & Economic Development Director Elms reported that the Community & Economic Development and Building Departments will close at 4:00 p.m. to the public each Friday to be able to do a reorganization and handle tasks, temporary until further notice, how staff will be in the office if they need us, and how she will be attending ICSC RECon conference in Las Vegas to market the City for retail development.

**PLANNING COMMISSION MEMBER REPORTS.**

**CATES:** Inquired about further development on Savemart driveway easement from Pacheco Boulevard.

Community & Economic Development Director Elm responded that there is no news yet, how they will be opening in the next couple of weeks, how the property owner is trying to work with the various agencies involved, just a matter of lining it all up, how the City is providing support and doing what we can but it's a private property matter right now that needs to be negotiated.

Chairperson Cates thanked staff and City Attorney Vaughn and spoke of looking forward to a new planner joining the department.

Community & Economic Development Director Elm stated that the City opened recruitment back in February, held two rounds of interviews, hopes to have an announcement soon.

**DEES:** Inquired about items coming forward to the May 24<sup>th</sup> meeting.

Community & Economic Development Director Elm responded that the special events ordinance revision will come forward that night as well as the public hearing for Burger King's Site Plan Review.

**JONES:** No report.

**LIMON:** No report.

**LLAMAS:** Absent.

**McCOY:** Absent.

**TOSCANO:** Absent.

**ADJOURNMENT:** The meeting was adjourned at the hour of 8:19 p.m.

APPROVED:

*/s/ John Cates*  
John Cates, Chairperson

ATTEST:

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