

**CITY OF LOS BANOS  
PLANNING COMMISSION REGULAR MEETING MINUTES  
DECEMBER 13, 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 7:03 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, Palmer McCoy, and Susan Toscano; Erik Limon and Refugio Llamas absent.

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

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

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF OCTOBER 11, 2017.** Motion by McCoy, seconded by Dees to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Limon and Llamas absent.

**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 and the public forum was closed.

**PUBLIC HEARING – TO CONSIDER CONDITIONAL USE PERMIT (CUP) #2017-06 TO ALLOW THE OPERATION OF A FITNESS/CHEER FACILITY OPERATED BY JOCELYN SULLIVAN IN THE GENERAL INDUSTRIAL ZONING DISTRICT AT 150 WEST G STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL**

**NUMBER: 081-110-013.** Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, noting some corrections to the staff report and to Condition of Approval #13 in the staff report, and that the applicant was present to answer any questions.

Commissioner Dees stated that there are lighting requirements in the Industrial zoning district and inquired if the same lighting requirements will apply as a previous CUP that was approved for a school.

Associate Planner Luquin responded that Condition of Approval #16 addresses lighting.

Commissioner Dees inquired about security cameras.

Associate Planner Luquin responded that cameras were part of the correction for Condition of Approval #13.

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

Commissioner McCoy inquired about the requirement for chaperones.

Community & Economic Development Director Elms responded that it was added as a condition with agreement and support from the applicant to ensure compatibility and noted that this is a building with other uses.

Commissioner McCoy inquired why a business would request more regulations and spoke of his disagreement in requiring this condition, and how we shouldn't force these types of regulations on businesses.

Community & Economic Development Director Elms responded that staff felt that the issue should be mitigated and wanted to ensure this reasonable condition as it pertains to safety.

City Attorney Vaughn stated that police powers goes to health, safety, and welfare for the community, how when it's a use that is not by right and compatible then its entirely appropriate for the City to condition a land use condition, how the City does conditions for all types of things for health, safety, and welfare, and how it is entirely appropriate.

Commissioner McCoy stated that he would like to know the qualifications for the chaperones.

City Attorney Vaughn responded that the condition isn't for the benefit of the Planning Commission, how its for the safety of the customers, and how the Planning Commission can define a chaperone but then the Commission would be doing what Commissioner McCoy has spoken against.

Commissioner Toscano inquired if we can require female chaperone like PAL softball.

Commissioner Jones stated that it would then eliminate a father taking his daughter to the restroom and how that type of discrimination would be opening up a large can of worms.

City Attorney Vaughn stated that the Commission can identify the number of chaperones for the type of activity or number of kids, how the Planning Commission can be more detailed if they choose, and how we can discuss with applicant and have her make suggestions.

Chairperson Cates suggested that the applicant define the term chaperone for their business and then add that as a condition and stated that it would relieve the City from defining it erroneously.

City Attorney Vaughn stated that this isn't a liability issue for the City, how this is a Condition of Approval for the business to operate due to particular land use conflict, and advised to leave the condition fairly general.

Jocelyn Sullivan, applicant, spoke of how her participants would be between the ages of 8-15, how they would generally be all female, how anyone in her facility will be livescanned, the facility will have sensor lights, children would be walked to restroom, would have bathroom breaks as a group, and how no children can leave without an adult or parent.

Commissioner McCoy inquired about how many children are instructed.

Ms. Sullivan responded that there would be about 20 who would like to participate now with 4 coaches.

Commissioner McCoy stated that he doesn't want to dictate these kinds of conditions for all CUPs and would like to remove the condition from the resolution.

City Attorney Vaughn stated that the issue is the shared restroom, how if it was a private restroom then this wouldn't be a discussion, the need to look at each situation separately, how this is the Commission's opportunity to exercise their police powers for the safety of the community, how the Commission can say "appropriate chaperon" in the condition, and how it would be up to the Commission.

Commissioner Dees stated that we all care about safety of kids and how the business owner is responsible for the children's safety.

Chairperson Cates suggested adding language to the Conditions of Approval per City Attorney Vaughn's advise of "appropriate chaperone" and asked for a motion.

Commissioner McCoy stated that the Commission would be overreaching by exercising these police powers, how it's on the business owner, and this is going too far.

Commissioner Dees spoke in agreement with Commissioner McCoy, stated that this rule doesn't make a lot of sense, and added that the procedures implemented by business owner is what makes it safe.

Commissioner Toscano reminded all that the applicant asked to add this condition.

Associate Planner Luquin stated that the applicant brought it up in a conceptual meeting with the property owner and staff.

City Attorney Vaughn stated that this is a reasonable condition from a legal standpoint, how the applicant supports it, this is an opportunity to regulate, this is a different circumstance with a shared restroom, and it puts the business on notice.

Motion by McCoy, seconded by Dees to adopt Planning Commission Resolution No. 2017-30 – Approving Conditional Use Permit #2017-06 for a Fitness/Cheer Facility at 150 W. G Street, Suite D, More Specifically Identified as Assessor's Parcel Number: 081-110-013 with the amendment to strike Condition of Approval #11 regarding the requirement of chaperones while children use the restroom. The motion carried by the following roll call vote: AYES: Dees, Jones, McCoy; NOES: Cates and Toscano; ABSENT: Limon and Llamas.

**DESIGN REVIEW STUDY SESSION – THE EXPANSION OF AN EXISTING WAREHOUSE BY 175,034 SQUARE FEET FOR PARADISE TOMATO KITCHEN, INC. LOCATED AT 149 G STREET IN THE GENERAL INDUSTRIAL ZONING DISTRICT.** Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, noting that the applicant was present to answer any questions.

There was discussion among Commissioners and staff regarding architecture including the removal of the planters by the loading docks because those wouldn't work well with big trucks going by.

Architect Rex Ramsey, VR Design, spoke of being receptive to making changes, asked for clarification on the request, how that is part of the employee parking lot, how there is a tree canopy shading requirement from the City, how the major docking will be on the north side, the existing drive way and new drive way will be primary entrance, and how 75% of traffic will come off Willmott Avenue.

Commissioner Dees inquired about any traffic issues.

Community & Economic Development Director Elms responded that the traffic study is being done and will be part of the CEQA document.

Commissioner McCoy inquired if there will be any changes to the existing building.

Mr. Ramsey responded that they will be enhancing landscaping but not a lot can be done.

Commissioner Toscano inquired about the building material.

Mr. Ramsey responded that it is a pre-engineered metal building, ribbed metal, and beige cream in color.

There was discussion among Commissioners and staff regarding landscaping including the addition of trees along Willmott Avenue and sidewalks going in along Willmott Avenue and G Street.

Feedback was given to the applicant; no action taken.

### **COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.**

Community & Economic Development Director Elms reported that the first Planning Commission meeting in January will be a joint study session with the City Council on the general plan update, how staff had a kickoff meeting with PlaceWorks this week for this project, wished everyone a Merry Christmas and happy New Year, reminded all the Commissioners Cates, Limon, and Llamas terms end this year and the City Clerk's Office will be doing interviews and City Council will make appointments in January, how City Hall will be closed on December 26<sup>th</sup> and January 2<sup>nd</sup>, thanked IT Director Rick Spalding for all his help on technology needs, and congratulated him on his retirement.

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

**CATES:** Thanked staff for a great year, how it makes the Commissioners' roles easier, and thanked Mr. Spalding for his IT help.

**DEES:** Thanked staff for their work and wished all a happy holiday.

**JONES:** No report.

**LIMON:** Absent.

**LLAMAS:** Absent.

**McCOY:** Thanked staff for their work and wished all a Merry Christmas.

**TOSCANO:** wished all a Merry Christmas.

**ADJOURNMENT:** The meeting was adjourned at the hour of 8:09 p.m.

APPROVED:

*/s/ John Cates*

John Cates, Planning Commission Chairperson

ATTEST:

*/s/ Sandra Benetti*

Sandra Benetti, Planning Technician