

**CITY OF LOS BANOS  
PLANNING COMMISSION REGULAR MEETING MINUTES  
JANUARY 24, 2018**

***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, Erik Limon, Palmer McCoy, Tom Spada, and Susan Toscano.

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

**REORGANIZATION OF PLANNING COMMISSION – SELECTION OF NEW CHAIRPERSON AND VICE CHAIRPERSON.**

Commissioner Dees moved to nominate Commissioner Cates as Chairperson.

Motion by Spada, seconded by Limon to close nominations for Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Dees, seconded by Spada to nominate Commissioner Cates as Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

Commissioner Limon moved to nominate Commissioner Spada as Vice Chairperson.

Motion by McCoy, seconded by Dees to close nominations for Vice Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Dees, seconded by McCoy to nominate Commissioner Spada as Vice Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by McCoy, seconded by Spada 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 DECEMBER 13, 2017.** Motion by McCoy, seconded by Spada to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE ADJOURNED CITY COUNCIL/REGULAR PLANNING COMMISSION MEETING OF JANUARY 10, 2018.** Motion by Dees, seconded by McCoy 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. JOHN FULTON, Los Banos, inquired if the Bike Plan has been available for the public to review.

Community & Economic Development Director Elms responded that the Planning Commission will be making a recommendation to the City Council, how the staff report was available for public review, and the City held a public workshop which she will discuss later on the agenda.

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

**PUBLIC HEARING – TO CONSIDER RECOMMENDING TO THE LOS BANOS CITY COUNCIL A GENERAL PLAN (TEXT) AMENDMENT #2017-02 AND ASSOCIATED NEGATIVE DECLARATION (SCH#201712060) TO AMEND THE FLOOR AREA RATIO TEXT TO 70 PERCENT FROM THE CURRENT 35 PERCENT MAXIMUM IN GENERAL INDUSTRIAL ZONING DISTRICT AND APPROVAL OF SITE PLAN REVIEW #2017-05 FOR PARADISE TOMATO KITCHEN WAREHOUSE EXPANSION FOR A 175,034 SQUARE FOOT EXPANSION OF THE CURRENT 134,800 SQUARE FOOT WAREHOUSE LOCATED ON A CUMULATIVE 12.57 ACRES OF TWO ADJOINING PARCELS AT 149 G STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 081-110-012 AND 081-110-040.** Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and noted that two comment letters were received from Chevron Environmental and Caltrans.

Commissioner Dees inquired if we are looking at changing this city wide for ever.

Community & Economic Development Director Elms responded that the City is looking to amend the general plan text and this would be relevant here on out for all industrial projects, how the 35 percent is extremely low and there isn't good support for why it was that low, how typically you would see 70-80 percent, this may have been an error in the last general plan update, the current general plan does not separate the general industrial versus light industrial as far as floor area ratio, and how staff feels this change is necessary for not just this project but also for economic development and industrial growth.

Commissioner Spada inquired about the traffic study being requested and if the applicant was aware.

Community & Economic Development Director Elms responded that staff discussed it with the applicant and their traffic engineer and how the comment letter received was unusual because it's not on state route highway system.

Commissioner Spada inquired if a traffic study is part of their requirement.

Community & Economic Development Director Elms responded that it already is but it may require an additional analysis at these intersections.

Commissioner McCoy spoke of the traffic impact study and inquired if we are restricting how and where the trucks may leave, and commented that Overland/Johnson and Overland/H weren't analyzed.

Community & Economic Development Director Elms commented that the trucks that are outbound are primarily going to the west, heading down Badger Flat Road to I-5.

Commissioner McCoy inquired if the City can require them to use Badger Flat Road.

Community & Economic Development Director Elms commented that we have a truck route and we have classifications of roadways where they can drive, spoke of how Willmott Avenue is not a truck route but Overland Avenue is, and how they have to follow the truck route per the highway system.

There was discussion among Commissioners and staff regarding truck movement and truck routes and the circulation element of the general plan update.

City Attorney Vaughn spoke of how the school district has placed two elementary schools on truck routes, how they did their own Mitigated Negative Declaration with no Environmental Impact Report and very little background information.

Chairperson Cates opened the public hearing. JOHN FULTON, Los Banos, spoke of how this all ties into the bike plan, his concern about development of some intersections discussed tonight, and how it sounds like the City is not connected with the school

district on this issue; REX RAMSEY, VR Design, spoke on behalf of the applicant, thanked the Commissioners and staff for their work and efforts.

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

Motion by Limon, seconded by Spada to adopt Planning Commission Resolution No. 2018-01 – Recommending to the Los Banos City Council Certification of Negative Declaration (SCH#2017121060) for Paradise Tomato Kitchen Warehouse Expansion Located at 149 G Street, More Specifically Identified as Assessor's Parcel Numbers: 081-110-012 and 081-110-040. The motion carried by the affirmative action of all of the Planning Commission Members present.

Motion by McCoy, seconded by Dees to adopt Planning Commission Resolution No. 2018-02 – Recommending to the Los Banos City Council Approval of General Plan Text Amendment #2017-02 for Paradise Tomato Kitchen Warehouse Expansion Located at 149 G Street, More Specifically Identified as Assessor's Parcel Numbers: 081-110-012 and 081-110-040. The motion carried by the affirmative action of all of the Planning Commission Members present.

Motion by Spada, seconded by McCoy to adopt Planning Commission Resolution No. 2018-03 – Approving Site Plan Review #2017-05 for the Addition of a New 175,034 Square Foot Warehouse Expansion for Paradise Tomato Kitchen Warehouse Expansion Located at 149 G Street, More Specifically Identified as Assessor's Parcel Numbers: 081-110-012 and 081-110-040. The motion carried by the affirmative action of all of the Planning Commission Members present.

**PUBLIC HEARING – TO CONSIDER A CEQA CATEGORICAL EXEMPTION AND CONDITIONAL USE PERMIT #2017-07 TO ALLOW THE OPERATION OF A LARGE FAMILY DAY CARE FACILITY FOR LISSETTE RIOJAS-REYNA IN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT AT 2440 ROCK CREEK DRIVE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 084-311-011.**

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Spada inquired about the early drop off time at 5:00 a.m. and spoke of his concern for noise at that time.

Community & Economic Development Director Elms spoke of how the state regulates this and how the operation times are not part of the four areas that we are charged with reviewing and regulating.

LISSETTE REYNA, applicant, spoke of being flexible and providing early services for commuters, and how she has just two families that come between 5:00-6:00 a.m.

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

Commissioner Limon commented that his wife runs a daycare and kids are not typically loud at that early hour.

Commissioner McCoy commended the applicant for accommodating commuters.

Motion by Dees, seconded by McCoy to adopt Planning Commission Resolution No. 2018-04 – Approving Conditional Use Permit #2017-07 to Operate a Large Family Daycare within the Low-Density Residential (R-1) Zoning District Located at 2440 Rock Creek Drive, More Specifically Identified as Assessor's Parcel Number: 084-311-011. The motion carried by the affirmative action of all of the Planning Commission Members present.

**CONSIDERATION OF RECOMMENDATION OF APPROVAL OF THE LOS BANOS BICYCLE-PEDESTRIAN PLAN TO THE LOS BANOS CITY COUNCIL.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Community & Economic Development Director Elms spoke to Mr. Fulton's previous comments and informed that the plan is also online on the City's website as well.

Commissioner McCoy commented on the existing/proposed bikeways map and inquired about a Class III bike lane on Mercey Springs Road.

Community & Economic Development Director Elms responded that there not enough room there, but not as much traffic as Pacheco, how Caltrans has a plan and this is in accordance with their plan, how its up to them really to allow it, how this is a plan not by ordinance, how we are bound by the ordinance to follow for development, and this being a vision that we'll strive to attain.

Commissioner Dees spoke of how there are many funding sources available, especially with Measure V.

Chairperson Cates inquired if it is the City's responsibility to build these out.

Community & Economic Development Director Elms spoke of how once plan is in place, we can go after the funds and then build the infrastructure.

Chairperson Cates inquired about how much cooperation we will have with the County and Caltrans.

Community & Economic Development Director Elms responded that the City anticipates full cooperation, modeled after Caltrans standards, how District 10 is excited that we are updating this, and how we have also been working with MCAG on this so we know we have cooperation.

Chairperson Cates inquired about the timeline to see the first product come to fruition.

Community & Economic Development Director Elms responded that would be a hard question to answer but perhaps within the next couple years and how there are different sources of funding there so it can happen.

Chairperson Cates inquired if the highways have been conceptualized in the crossings.

Community & Economic Development Director Elms responded that at the college it will most likely be a bridge, how it will be a bridge over the creek, and how it will be contemplated at each segment of the project.

Chairperson Cates opened the forum for public comment.

JOHN FULTON, Los Banos, spoke of the three foot requirement, all that's needed for class 3 is just signs, how legislature says bike plans should have continuity, class 3 provides that, truck traffic on Overland Avenue and the need to coordinate how to get the bikes around that, how a class 2 is useless, and the need to pay attention to detail and can save money.

Chairperson Cates closed the forum for public comment.

Motion by Spada, seconded by Dees to recommend approval of the Los Banos Bicycle-Pedestrian Plan to the Los Banos City Council. The motion carried by the affirmative action of all of the Planning Commission Members present.

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

Community & Economic Development Director Elms thanked all for participating in the General Plan Update workshop discussion at the joint meeting with City Council, spoke of the upcoming Planning Commissioners Academy, the need to budget and may need to alternate folks to accommodate the budget, working on various ordinances, business licenses are part of our department now, how the massage regulation ordinance is in process and the business license ordinance will be coming up as well.

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

**CATES:** Thanked staff for their work, excited to get started with this new group, thanked commission for appointment as Chairperson.

**DEES:** Thanked staff for the work on this Bike Plan.

**JONES:** No report.

**LIMON:** Welcomed Commissioner Spada back to the Commission.

**McCOY:** No report.

**SPADA:** Thanked the Commission for nomination of vice chairperson.

**TOSCANO:** No report.

**ADJOURNMENT:** The meeting was adjourned at the hour of 9:00 p.m.

APPROVED:

*/s/ John Cates*  
John Cates, Planning Commission Chairperson

ATTEST:

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