

**CITY OF LOS BANOS
PLANNING COMMISSION REGULAR MEETING MINUTES
JULY 11, 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: Vice Chairperson Spada 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 David Dees, Brett Jones, Erik Limon, Tom Spada, and Susan Toscano (arrived at 7:01 p.m.); John Cates and Palmer McCoy 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 Dees, seconded by Jones to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Cates, McCoy, and Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JUNE 13, 2018. 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; Cates, McCoy, and Toscano absent.

Commissioner Toscano arrived at 7:01 p.m. and took her seat at the dais.

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.

Vice Chairperson Spada opened the public forum. PAUL VILLAREAL, Los Banos, spoke of his concern regarding the approvals for Wienerschnitzel and how the City and Planning Commission shouldn't hold up the process because of the aesthetics and color scheme.

Vice Chairperson Spada suggested he speak with the Community & Economic Development Director after the meeting concludes to get information about this project.

Community & Economic Development Director Elms clarified that the Planning Commission did review the color scheme and made a recommendation to the applicant within the realm of their jurisdiction, the reason the business hasn't opened has nothing to do with the exterior paint color, the issue of paint color was between the tenant and property owner, and how the delay is due to non-finalled building permits and other items out of control of the Planning Commission.

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

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 (EXISTING FACILITIES) TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT FOR QUAIL WINE BISTRO LOCATED AT 639 NINTH STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 025-112-012. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Dees inquired if any comments were received.

Associate Planner Luquin responded that no comments had been received.

Vice Chairperson Spada opened the public hearing. MICHAEL NEU, Los Banos, stated that he is the managing member of Quail Wine Bistro LLC and was present for any questions or concerns.

Vice Chairperson Spada welcomed the variety to the community.

Mr. Neu thanked staff for their help and assistance with getting this project going forward.

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

Motion by Dees, seconded by Limon to adopt Planning Commission Resolution No. 2018-13 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301 and Recommending Approval of Conditional Use Permit #2018-06 to the Los Banos City Council to Allow for the Sale of Alcohol Under Type 41 On-Sale of Beer and Wine License at Quail Wine Bistro Located at 639 Ninth Street, APN: 025-112-012. The motion carried by the affirmative action of all Planning Commission Members present; Cates and McCoy absent.

PUBLIC HEARING – TO CONSIDER A STATUTORY EXEMPTION FROM CEQA PURSUANT TO SECTION 15268 (MINISTERIAL PROJECT) AND TO CONSIDER A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT AN ORDINANCE TO ESTABLISH THE REGULATION AND PROCESSING OF ACCESSORY BUILDINGS AND STRUCTURES (SHADE CANOPIES, PATIO COVERS, SHEDS, CARPORTS, AND OTHER OUTBUILDINGS OR STRUCTURES) IN THE LOW DENSITY AND MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS (R-1 AND R-2). Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation, noting that the only public comment received was from Dave Jones in February 2018 who opposed the relief given to those with shade canopy structures.

There was discussion among Commissioners, staff, and legal counsel regarding lot coverage including how other cities have these coverage setbacks, how Los Banos does not have those regulations or standards, this being based on an analysis of other cities, and how there are already standards for fences in the zoning code.

City Attorney Vaughn stated that staff looked at 20-30 other cities throughout the valley and state regarding open space around the home, how every ordinance he read has lot coverage criteria beyond the primary structure, how these are living documents so if it is found that it seems too restrictive, we can adjust this, how swimming pools are accessory structures but are open space and not included in lot coverage calculations, the intent being to maintain the integrity of the residential neighborhood and protect the aesthetics of the neighborhood, maintain and protect property values, and how the intent was to develop criteria and provide guidance.

There was further discussion among Commissioners, staff, and legal counsel regarding the registration requirement process for shade canopies, the removal of such structures upon transfer of property, difference between shade canopies and carports, standards, appeals, and enforcement.

City Attorney Vaughn spoke of how the zoning code doesn't allow structures within the 20 foot front setback, how the City was very lenient and didn't enforce that in the code, trying to allow within the reason the currently existing shade structures and develop reasonable criteria that it won't be a nuisance to the neighborhood, how most cities don't allow shade structures in the front yard at all, and how staff is trying to give relief to the folks that have them but once they move away then the structure will have to be removed.

Vice Chairperson Spada opened the public hearing. OBIE O'BRIEN, Los Banos, spoke regarding having a canopy structure for about 18 years and never had any issues, his is only 28 inches from front property line so he would have to remove his based on this proposed ordinance, his house was built in 1961 with a one car garage that already contains laundry machines, the City needs to accommodate and take care of their people, asked staff to take this into consideration, understands the process but asked to be liberal, and stated that he will not remove his structure.

City Attorney Vaughn suggested that one solution would be to modify the criteria to say 24 inches as long as it doesn't encroach into the vision triangle, how this may help alleviate Mr. O'Brien's issue, we don't want to spend a lot of effort on these types of things, and how this part of the criteria can be adjusted and meet the intent of the ordinance.

JULIAN MEZZINA, Los Banos, asked to see a diagram of a vision triangle for clarification, property line setbacks for shade canopy structures would make it so everyone has to tear down their carports since they are mostly within 12-18 inches of the sidewalk, how busy bodies from somewhere else are complaining about people with carports, concerns regarding limits with shed sizes and heights, and how the City is trying to get rid of all carports.

Vice Chairperson Spada inquired if staff has taken measurements.

City Attorney Vaughn spoke of how staff proposed a five feet as a setback at the meeting in January, how it was reduced due to it being a concern to be a visual hazard, how staff is trying to come up with criteria that will make sense, and stated that staff did not measure all 60 structures that we viewed.

Vice Chairperson Spada spoke of his concern about this being a hardship for some folks.

City Attorney Vaughn spoke of how staff can look at it like a hardship, how staff has clear direction from the City Council and we are trying to address it, how most people meet this criteria but there may be some who can't meet this criteria, can maybe build something into this ordinance to deal with that, most cities in the valley do not allow these at all, we want to ensure we are in the norm with what other cities are doing, it is relevant to what we do, if Planning Commission wants staff to build in a hardship process for shade canopy structures then you can suggest that in motion to the City Council, this ordinance isn't saying you can't have a shed, it's just saying that the taller the shed then the further from the property line that it needs to be, and how this ordinance allows for what a typical homeowner wants to do in their front and back yards.

GODINA VILLA, 372 Chestnut Street, spoke of living here since 1995, how he received a warning from Code Enforcement, content to see that Planning Commission is taking into consideration residents' desires, has several drivers in his home, wants to protect his vehicles using a shade canopy, how his structure is 18 inches from sidewalk but seems to not qualify under this criteria, suggested taking those into consideration who can't meet the setback requirement, there has to be some empathy since it wasn't enforced for years, hoping to grandfather those who are showing up to the meetings, and thanked staff for trying to help.

City Attorney Vaughn spoke of how the worst case scenario may be that you would have to move it forward closer to your house, 18 inches is the setback between the house and the shade canopy structure, and we are now proposing that the Planning Commission considers some type of hardship process for shade canopy structures.

Mr. Villa stated that he would like to be notified of the meeting at the City Council level.

TONY TURANGO, 327 Chestnut Street, suggested keeping the criteria general and if the structure is aesthetically fine and in good repair, and maybe make it easier on others.

No one else came forward to speak.

Vice Chairperson Spada spoke of how Los Banos does have its own feel and it's a community we are proud of, agreed with the folks who are here tonight, how our town will change to some degree as it grows, staff should do something to make it clean and clear to those coming in, we want to try to accommodate you as best we can, suggested modifying the front setback requirement for shade canopy structures to 12" and abiding by the vision triangle requirement and also adding a hardship criteria.

Commissioner Dees commented that the rule should be 3 feet, how it should be considered a hardship, and we shouldn't back off from the setback.

City Attorney Vaughn suggested that maybe the alternative is to ask staff to resolve this part of the ordinance and bring it back to the Planning Commission with language for a hardship process and give more thought and analysis with alternatives to hopefully meet the needs of those who have these.

Commissioner Toscano spoke of her discontent with infringing on private property rights, how Los Banos demographics have changed a lot, don't like the way it has changed, how her job is to put standards in, and how people should have pride in maintaining their property.

Community & Economic Development Director Elms asked the Planning Commission to give staff time to bring something back to the Planning Commission on August 8th.

Motion by Jones, seconded by Limon to continue the Public Hearing – to Consider a Statutory Exemption from CEQA Pursuant to Section 15268 (Ministerial Project) and to Consider a Recommendation to the Los Banos City Council to Adopt an Ordinance to Establish the Regulation and Processing of Accessory Buildings and Structures (Shade Canopies, Patio Covers, Sheds, Carports, and Other Outbuildings or Structures) in the Low Density and Medium Density Residential Zoning Districts (R-1 and R-2) to the Planning Commission Meeting on August 8, 2018. The motion carried by the affirmative action of all Planning Commission Members present; Cates and McCoy absent.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

Community & Economic Development Director Elms reported that there will be a joint Planning Commission and City Council meeting on July 25th at 6:00 p.m. at the Police Annex for Planning Design facilitated by PlaceWorks regarding residential neighborhood designs.

Community & Economic Development Director Elms sent condolences on behalf of the City and Planning Commission to Commissioner McCoy for the loss of his family member.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Absent.

DEES: No report.

JONES: No report.

LIMON: No report.

McCOY: Absent.

SPADA: No report.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 9:40 p.m. to Conduct a Joint Study Session with the City Council regarding Planning Design at 6:00 p.m., Wednesday, July 25, 2018 at the Los Banos Police Annex located at 535 J Street, Los Banos, California.

APPROVED:

/s/ John Cates

John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti

Sandra Benetti, Planning Technician