

**CITY OF LOS BANOS
PLANNING COMMISSION REGULAR MEETING MINUTES
SEPTEMBER 12, 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 Toscano.

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

STAFF MEMBERS PRESENT: Community & Economic Development Director Elms, Associate Planner Rudy Luquin, and Planning Technician Sandra Benetti.

Community & Economic Development Director Elm requested to remove item 8 - Design Review Study Session – Development of One 5,016 Square Foot Multi-tenant Commercial Building with a Drive Through, One 2,114 Square Foot Standalone Restaurant Structure with a Drive Through, and One 3,065 Square Foot Convenience Store with Gas Station for Halferty Development Company, Located at the Southeast Corner of Mercey Springs Road and Overland Avenue in the Highway-Commercial Zoning District from the agenda due to a delay in the applicant's travel itinerary.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Dees, seconded by Toscano to approve the agenda with the removal of item 8 as requested. The motion carried by the affirmative action of all Planning Commission Members present; McCoy absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF AUGUST 22, 2018. Motion by Spada, seconded by Dees to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; McCoy 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 A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND A MOBILE FOOD VENDOR PERMIT #2018-01 TO ALLOW THE OPERATION OF A MOBILE VENDING VEHICLE TO VEND ON PRIVATE PROPERTY FOR ROGER PIRES DBA A-1 WATER QUALITY LOCATED IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1248 EAST PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 026-171-021. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Community & Economic Development Director Elms added that this mobile unit is a temporary static operation while the business owner rehabs a new property investment for the relocation of his business.

Commissioner Spada inquired if we can put a time limit on this permit to keep it as a temporary location.

Community & Economic Development Department Director Elms suggested that the Planning Commission add a condition for a 24 month term that would require staff to bring this permit back to the Planning Commission for approval for a renewal.

Commissioner Dees inquired if the Planning Commission can hear from the applicant to see how he feels about this.

Chairperson Cates opened the public hearing. ROGER PIRES, Los Banos, introduced himself as the applicant and said he was okay with the 24 month term, spoke of his plans for a new brick and mortar building to house his business, how his project has been delayed a few times but looks forward to getting to that point, spoke of caring about techniques for treating water, and how they provide a great service for customers.

Commissioner Spada inquired about the type of signage that will be on this unit.

Mr. Pires responded that they will include their business name, phone number, permit number, and business license number as well as list what their services include.

Commissioner Dees inquired if the 24 month period was going to be sufficient for the applicant.

Mr. Pires responded that he does have a rental agreement with the property owner and thinks the 24 month period is acceptable for him.

KATHY BALLARD, Los Banos, spoke of her concern regarding traffic from the existing businesses and inquired if CEQA takes this into account.

Community & Economic Development Department Director Elms responded that CEQA does look at environmental factors but this project is exempt.

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

Chairperson Cates inquired if they can add a condition that if they open the new location then they have to vacate this permit.

Community & Economic Development Department Director Elms stated that the Planning Commission would need to add that language into the motion.

Motion by Spada, seconded by Dees to adopt Planning Commission Resolution No. 2018-18 – Approving Mobile Vendor Permit #2018-01 for the Operation of a Mobile Retail Water Vendor on Private Commercial Property Located at 1248 East Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 026-171-021 with an added conditions that the Mobile Vendor Permit will expire after 24 months and the applicant must vacate the Mobile Vendor Permit once the business has transferred to the new location at 1950 E. Pacheco Blvd. The motion carried by the affirmative action of all Planning Commission Members present; 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 REGULATING RESIDENTIAL ONSITE PARKING AND PAVED SURFACES. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation, noted that this will come forward to the Planning Commission for recommendation of approval to the City Council at the next Planning Commission meeting on September 26, 2018.

Commissioner Dees spoke of concern about the enforcement of these rules which means that the Code Enforcement Division would need to be more vibrant and able bodied to respond.

Commissioner Spada spoke of having an RV and stated that he would like to see the five foot setback changed to accommodate this issue for folks with RVs.

Commissioner Jones inquired about the 12'6" vehicle height limit.

Community & Economic Development Director Elms responded that height was already in the code but is the average height of RVs and how there is also a process to allow for certain adjustments that can be approved by the Community & Economic Development Director.

Commissioner Jones commented that staff can require developers to deliver a certain information as a disclosure of certain ordinances.

Community & Economic Development Department Director Elms confirmed that staff can add that as a condition for developers.

Commissioner Dees spoke of the need to normalize the setback for RVs to conform to the setback requirement for pergolas.

Commissioner Spada commented that some type of variance would be nice to change the setback from 5 feet to 3 or two and a half feet.

Chairperson Cates commented that moving vehicles is different from a stationary permanent structure.

Commissioner Dees stated that RVs can block views from neighboring lots.

Commissioner Spada responded that most of what is being discussed is side yards where the only view would be of the neighbor's stucco on their home.

Chairperson Cates suggested that we write a policy regarding non-conforming parking of RVs once ownership has changed.

Commissioner Dees spoke of how he would like to set a restriction that RVs be limited to parking in side yards only.

Commissioner Spada commented that this was discussed years ago and lots of input was received from the public.

Community & Economic Development Department Director Elms responded that she would need the consensus from the Planning Commission.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, spoke of how some folks use the handicap ramp at the corner of the sidewalk or use ramps to go over the sidewalk and inquired if those folks would be denied an encroachment permit if they applied; Community & Economic Development Department Director Elms responded that they could be denied and wouldn't be grandfathered.

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

Community & Economic Development Department Director Elms stated that she is hearing a consensus of the Planning Commission advising staff to move forward with disclosures for new subdivisions along with the CCRs, identifying non-conforming and putting them on notice, and how staff could bring back alternatives for setbacks.

Chairperson Cates asked Community & Economic Development Department Director Elms to bring a visual example of setbacks from other cities.

Informational item only; no action taken.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF A MINI STORAGE ON A VACANT PARCEL CONSISTING OF 5 STRUCTURES SIZED AT 3,600 SQUARE FEET, 4,500 SQUARE FEET, 2,400 SQUARE FEET, 2,000 SQUARE FEET, AND 1,800 SQUARE FEET FOR BRYCE HOWARD, LOCATED ON THE SOUTHSIDE OF H STREET BETWEEN NEVADA AVENUE AND SECOND STREET IN THE PROFESSIONAL-OFFICE ZONING DISTRICT. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and passed around a materials board to the commissioners.

Bryce Howard, applicant, stated he was present to answer any questions.

Commissioner Spada spoke of the exterior materials and suggested that an architect provide more detailed drawings.

Mr. Howard stated he has an architect and has more in depth plans including lighting stated the first building is wood framed.

Commissioner Spada spoke of his concern about wood being used since some flammables might be stored, the need to see more detail, and how these plans are too rough.

Community & Economic Development Department Director Elms inquired if the applicant can clarify the exterior materials being used.

Mr. Howard spoke of steel being very expensive, how he has a very unique set of skills and feels wood would be very nice with great craftsmanship, and how he dislikes the look of the other storage facilities in town.

Commissioner Dees commented that insurance is a factor, how fire systems should be in place, and how there could be great risks for the entire building.

Community & Economic Development Department Director Elms commented that there will not be required fire sprinklers but there will have to be fire hydrant system on site.

Mr. Howard stated that there is a fire hydrant on the street as well.

Chairperson Cates spoke in favor of infill projects, how this will be a nice thing to see, the architectural design could be a standard in this area, would like to see more detail in the plans, would like to see landscaping renderings, and commented that lighting was only briefly described.

Commissioner Spada requested that staff get him a sample of plans submitted as far as lighting and landscaping so he can have a better idea of what's expected and the need to see a minimal amount of information.

Community & Economic Development Department Director Elms commented that staff has already gone to Project Review Board with this project.

Commissioner Jones commented on the door trim and how this vacant lot being developed will be great.

Commissioner Toscano spoke of being very proud of the applicant, curious if his insurance will cover a wood structure for this, and suggested perhaps using a different draftsman who may be more familiar with our requirements.

Commissioner Dees gave a shoutout to Commissioner Toscano on a previous project in which saved an applicant a lot of money on lightweight concrete tile and wished success to the applicant.

Commissioner Jones commented that wood can bring in lots of pest problems as well and how insurance costs for wood over steel may be higher in the long run.

Informational item only; no action taken.

CONSIDERATION OF APPOINTMENT OF A PLANNING COMMISSIONER AND AN ALTERNATE TO THE TRAFFIC SAFETY COMMITTEE.

Community & Economic Development Director Elms explained that a new appointment is necessary given that one of the Commissioners who was appointed to this committee had resigned.

Commissioner Dees recommended Commissioner Jones for appointment to the Traffic Safety Committee.

Motion by Dees, seconded by Spada to nominate Commissioner Jones as the Primary Committee Member of the Traffic Safety Committee and Commissioner Dees as the alternate. The motion carried by affirmative action of all Planning Commission Members present; McCoy absent.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

Community & Economic Development Director Elms reported on the current downtown revitalization efforts.

Commissioner Toscano inquired about Wienerschnitzel and the color scheme.

Community & Economic Development Department Director Elms responded that they are still working on the building and are still in need of final inspections.

Commissioner Toscano inquired about the status of Sonic.

Community & Economic Development Department Director Elms responded that they have submitted civil plans to Public Works but have not submitted for building permit yet.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Spoke of how the Arts Council had grand opening of their pottery studio on I Street next to the old theater.

DEES: No report.

JONES: Reminded all about the Fall Downtown Street Fair this Saturday.

McCOY: Absent.

SPADA: Inquired of the latest information on the dog park.

Community & Economic Development Department Director Elms responded that funding was allocated for the design of that project, how Public Works is working on it, different locations were identified, and how a more centralized location would be nice.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 9:04 p.m.

APPROVED:

/s/ John Cates

John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti

Sandra Benetti, Planning Technician