

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
OCTOBER 9, 2019**

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 Higby.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, David Dees, Thomas Higby III, and Susan Toscano; Mona Giuliani absent.

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

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Higby, seconded by Dees to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Giuliani absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF SEPTEMBER 11, 2019. Motion by Higby, seconded by Dees to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Giuliani absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE ADJOURNED JOINT CITY COUNCIL/PLANNING COMMISSION MEETING OF SEPTEMBER 25, 2019. Motion by Dees, seconded by Toscano to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Giuliani 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 CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15332 IN-FILL DEVELOPMENT PROJECTS 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 LOCATED AT 1101 F STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER 025-152-009. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Dees inquired if it is normal to approve a Conditional Use Permit before the building has been built.

Associate Planner Luquin confirmed that it is typical and the permit won't be issued until the building is complete.

Commissioner Higby inquired about outside cameras.

Associate Planner Luquin responded that there were outside cameras conditioned as part of the Site Plan Review approval, how this Conditional Use Permit conditions interior cameras, and stated that the camera plan has to be approved by Police Chief as well.

Chairperson Cates spoke of his concern that patrons could congregate on sidewalk near the residential neighborhood.

Commissioner Toscano inquired about how long it would take to finish construction.

Juan Carlos Bustillos, applicant, responded that it will take them about a year to start construction.

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

Motion by Dees, seconded by Toscano to adopt Planning Commission Resolution No. 2019-21 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15332, In-Fill Development Projects, and Recommending Approval of Conditional Use Permit #2019-03 to the Los Banos City Council to Allow for the Sale of Alcohol Under a Type 41 On-Sale Beer and Wine License at a Proposed Restaurant to be Located at 1101 F Street, More Specifically Identified as APN: 025-152-009. The motion carried by the affirmative action of all Planning Commission Members present; Giuliani absent.

PUBLIC HEARING – TO CONSIDER A SITE PLAN REVIEW #2017-03 FOR THE INSTALLATION OF ONE (1) MODULAR STRUCTURE TOTALING 2,208 SQUARE AND A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL

QUALITY ACT PURSUANT TO SECTION 15311 ACCESSORY STRUCTURES LOCATED AT 809 D STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 025-092-001, 002, 003, AND 004. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

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

Commissioner Higby inquired if there were going to be any additional parking requirements.

Associate Planner Luquin responded that since this building is for social events for the church's congregation it's not anticipated that it would be rented out or in addition to regular service parking population, and stated that staff doesn't believe it's necessary to add additional parking requirements.

Motion by Dees, seconded by Higby to adopt Planning Commission Resolution No. 2019-20 – Approving Site Plan Review #2017-03 for the Placement of One (1) 2,208 Square Foot Modular Structure along with Site Improvements within the Low-Density Residential (R-1) Zoning District and a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15311, Accessory Structures, Located at 809 D Street, More Specifically Identified as Assessor's Parcel Numbers: 025-092-001,002,003, and 004. The motion carried by the affirmative action of all Planning Commission Members present; Giuliani absent.

DESIGN REVIEW STUDY SESSION – MODIFICATION OF THE EXTERIOR OF AN EXISTING MULTI-TENANT COMMERCIAL BUILDING TOTALLING APPROXIMATELY 3,540 SQUARE FEET LOCATED IN THE HIGHWAY-COMMERICAL (H-C) ZONING DISTRICT AT 25 W. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 026-061-018. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and distributed a revised color scheme prior to the start of the meeting which was received from the applicant today.

Joe Lyons, applicant's representative, spoke of how the building is currently a fire hazard and adding stucco to the building will reduce the fire hazard.

Chairperson Cates inquired if there has been thought to break up the massing facing traffic on the northside elevation.

Commissioner Toscano commented that there needs to be a little landscaping because there isn't any currently.

Mr. Lyons responded that he will let the property owner know.

Community & Economic Development Director Elms stated that staff supports the addition of landscaping and will want to see the applicant meet the 50% shade tree canopy as a current standard and suggested the addition of a belly band or stone veneer to break up the massing around at least the northern and eastern elevations.

Chairperson Cates stated that the northside elevation needs to be improved.

Mr. Lyons stated that they can add planters and trees around the property and can bring forward a landscaping plan at a future date.

Chairperson Cates stated that he would like schedule another review of this project.

Commissioner Dees inquired if the applicant was considering new signage.

Mr. Lyons responded that the property owner is not considering new signage.

Community & Economic Development Director Elms commented that signage is on each individual tenant, but suggested that the applicant relay this back to the tenants.

Commissioner Dees stated that he wants those tenants to be successful and updated signage would help.

Informational item only, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms reported that staff introduced a new ordinance at the last City Council meeting regarding Planning Commission seats and attendance, how the ordinance will reduce the Commission from 7 to 5 seats with representation of each City Council district and one member at large appointed by Mayor, how they will be 4 year terms in line with the appointing City Council member, how the Mayor's appointee will be 2 year term, how 3 consecutive absences would be an automatic forfeiture of the seat, how no more than 4 absences are allowed in rolling 12 month period, how this ordinance is scheduled to be adopted on November 6, 2019, proposing that the terms expiring in 2019 would carry forward to 2020 and Districts 1 & 4 would be appointed at that time, how the Property & Business Improvement District (PBID) was approved at the last City Council meeting as well where a resolution of formation was adopted, and how this should provide a positive sustainable funding source for the downtown.

Chairperson Cates inquired if staff knows what happened to Pizza Factory.

Community & Economic Development Director Elms responded that staff was informed today that they were no longer operating and a new pizza business is looking to occupy that space.

Commissioner Dees inquired about the source of funding for the PBID.

Community & Economic Development Director Elms responded that it is a self-assessment improvement district and explained the Prop 218 process for the formation of the PBID.

Chairperson Cates inquired if there will be a design review for the old crest theater.

Community & Economic Development Director Elms stated that staff has not received anything on changes to the building, how there is an approved color palette for downtown and they will be selecting colors from the palette, and stated that they are currently working to make sure its structurally sound and are weatherizing it.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked staff for their work.

DEES: Spoke of how the Friends of Library will hold an art show on October 17th from 5:00 p.m. - 8:00 p.m.

GIULIANI: Absent.

HIGBY: No report.

TOSCANO: Spoke of how the Best Western sign sticks out into the line of sight so it's hard to see oncoming traffic and inquired if is there a way to get that sign moved in further.

City Attorney Vaughn stated that she needs to contact the department directly to discuss this matter.

ADJOURNMENT: The meeting was adjourned at the hour of 7:49 p.m.

APPROVED:

/s/ John Cates

John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti

Sandra Benetti, Planning Technician