

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
MAY 26, 2010**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the City Council. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

CALL TO ORDER: Chairman Viveros called the Planning Commission Meeting to order at the hour of 7:02 p.m.

PLEDGE OF ALLEGIANCE. Planning Commissioner Hammond led the Pledge of Allegiance.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Norm Donovan, Stephen Hammond, Chandra Lee, Ann McCauley, Tom Mello, and Shirley Napolitano. Absent: Erasmo Viveros.

STAFF MEMBERS PRESENT: City Attorney Vaughn, Planning Director Fitzgerald, Assistant Planner Souza and Planning Secretary Fuentes.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Donovan, seconded by Hammond to approve the agenda as submitted. The motion carried by the affirmative action of all Commission Members present. Absent: Erasmo Viveros.

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF MAY 12, 2010: Motion by Lee, seconded by Donovan to approve the minutes as submitted. The motion carried by the affirmative action of all Commission Members present. Absent: Erasmo Viveros.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE COMMISSION; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. No one came forward and the public forum was closed.

Chairman Viveros arrived to the meeting at 7:06 p.m.

PUBLIC HEARING – CONSIDER APPROVING THE MODIFICATION TO CONDITION NO. 1 IN EXHIBIT C OF PLANNING COMMISSION RESOLUTION NO. 2008-10 FOR THE APPROVED RITE AID PHARMACY SITE PLAN LOCATED ON THE NORTHEAST CORNER OF OVERLAND AVENUE AND MERCY SPRINGS ROAD. Assistant Planner Souza presented the staff report.

Commissioner Donovan; will the condition be waived completely; doing it for 36 months; Assistant Planner Souza; correct; should the economy continue in its current state after the 36 months, then the applicant will request another extension of 36 months.

Commissioner Napolitano; should City policies and procedures change after the 36 months will the applicant have to abide by the new regulations; should they come before the Commission again; Assistant Planner Souza; yes, that is correct; this was done primarily for an environmental reason to ensure that this project is within the guidelines.

Chairman Viveros opened up the public hearing; **Chris Peto, Director of Development – Halferty Development Company, LCC (applicant representative)**; thanked staff for everything that has been done for this project; the reason for requesting the modification to condition #1 is financing.

Commissioner McCauley; feels this store will be an asset to the City; appreciates the interest that the applicant is putting into this project.

Chairman Viveros closed the public hearing.

Motion by Donovan, seconded by Mello to adopt Planning Commission Resolution No. 2010-11 – Approving an amendment to Condition No. 1 of Site Plan Review #2007-16 for the development of a Rite Aid Pharmacy as submitted. The motion carried by the affirmative action of all Commission Members present.

PUBLIC HEARING – CONSIDER APPROVING SITE PLAN REVIEW #2010-01 AND ASSOCIATED MITIGATED NEGATIVE DECLARATION (SCH #2010041025) AND RECOMMENDING APPROVAL OF USE PERMIT #2010-01 FOR THE DEVELOPMENT OF A NEW 13,969 SQUARE FOOT RETAIL STORE ON APPROXIMATELY 1.22 ACRES AND THE USE OF A TYPE 20 ALCOHOL LICENSE FOR THE OFF-SALE OF BEER AND WINE FOR FRESH AND EASY NEIGHBORHOOD MARKET LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT AT 1420 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 428-140-030. (CONTINUED FROM MAY 12, 2010) Assistant Planner Souza presented the staff report which included a power point presentation.

Commissioner Hammond; concerning the alcohol license, there are only two listed within this tract but the applicants will be right next to Walgreen’s, Rite Aid, Savemart and Kmart; Assistant Planner Souza; Rite Aid and Savemart are in a completely different tract; Mercey Springs separates the tract.

Commissioner Napolitano; feels the applicants have gone far beyond what they need to do to be environmental and would like to commend the applicants for their work on this project.

Commissioner McCauley; very pleased with this project; always concerned with how close developers are towards meeting LEED standards; feels the applicants have met these standards.

Chairman Viveros opened up the public hearing; no one came forward and the public hearing was closed.

Motion by Lee, seconded by McCauley to adopt Planning Commission Resolution No. 2010-09 – Recommending Certifying Mitigated Negative Declaration (SCH #2010041025) and approve Site Plan Review #2010-01 for the development of a 13,969 square foot retail store for Fresh and Easy Neighborhood Market located at 1420 E. Pacheco Blvd., more specifically identified as Assessor’s Parcel Number: 428-140-030. The motion carried by the affirmative action of all Commission Members present.

Motion by Donovan, seconded by McCauley to adopt Planning Commission Resolution No. 2010-10 – Recommending approval of Use Permit #2010-01 to the Los Banos City Council for the use of a Type 20 alcohol license for the off-sale of beer and wine at 1420 E. Pacheco Blvd., more specifically identified as Assessor’s Parcel Number: 428-140-030. The motion carried by the affirmative action of all Commission Members present.

PLANNING DEPARTMENT REPORT. Zoning Ordinance will be coming before the Commission on June 9, 2010; staff started looking at the Planning fees to revamp and update.

PLANNING COMMISSION MEMBER REPORTS.

NORM DONOVAN: Will not be in attendance for the June 9, 2010 and June 23, 2010 meetings; Memorial Service at 9:00 am on Monday, May 31, 2010 at the Los Banos Cemetery; put on by the VFW.

STEPHEN HAMMOND: Baccalaureate service for the high school went well.

CHANDRA LEE: Nothing to report.

ANN McCAULEY: Will not be in attendance for the June 9, 2010 meeting.

TOM MELLO: Will not be in attendance for the June 9, 2010 meeting.

SHIRLEY NAPOLITANO: Nothing to report.

ERASMO VIVEROS: Nothing to report.

ADJOURNMENT. The meeting was adjourned at the hour of 7:33 p.m.

APPROVED:

/s/ Erasmo Viveros
Erasmo Viveros, Chairman

ATTEST:

/s/ Norma Fuentes
Norma Fuentes, Planning Commission Secretary