

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JULY 28, 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 7:00 p.m.

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

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

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

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Lee, seconded by Hammond to approve the agenda as submitted. The motion carried by the affirmative action of all Commission Members present. Absent: Ann McCauley and Tom Mello.

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF JUNE 23, 2010: Motion by Hammond, seconded by Lee to approve the minutes as submitted. The motion carried by the affirmative action of all Commission Members present. Absent: Ann McCauley and Tom Mello.

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. Keith Snow, Los Banos Resident; does not agree with his election signs being removed from the park areas; no one else came forward and the public forum was closed.

PUBLIC HEARING – CONSIDER APPROVING VENDOR PERMIT #2010-05 FOR THE OPERATION OF A MOBILE TACO TRUCK TO VEND ON PRIVATE COMMERCIAL PROPERTY AT 531 MERCY SPRINGS ROAD. Assistant Planner Souza presented the staff report.

Commissioner Hammond; applicant did not provide a site plan as to where the truck will be parked; Assistant Planner Souza; on the photos provided, an “X” has been placed in the area of where the truck will be parked; will be located on the side of the building; Commissioner Hammond; asked if there will be flags on the truck; Assistant Planner Souza; no.

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

Commissioner Donovan; when will vendors be required to acquire identification cards from the Police department; Assistant Planner; when vendors renew their permits.

Commissioner Napolitano; this will mean that some vendors will not have identification cards for a year until they renew their permit; Assistant Planner Souza; correct.

Motion by Donovan, seconded by Lee to adopt Planning Commission Resolution No. 2010-13 – Approving mobile vendor permit #2010-05 for the operation of a mobile taco truck on private commercial property located at 531 Mercy Springs Road. The motion

carried by the affirmative action of all Commission Members present. Absent: Ann McCauley and Tom Mello.

PUBLIC HEARING – CONSIDER RECOMMENDATIONS FROM THE SIGN COMMITTEE REGARDING ARTICLE 28 AND CONSIDER RECOMMENDING APPROVAL OF A COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP UPDATE TO THE LOS BANOS CITY COUNCIL. Planning Director Fitzgerald presented the staff report.

Commissioner Donovan; has an issue that highway commercial does not have height limits for “A” and “I” frame signs; Planning Director Fitzgerald; highway commercial businesses are typically set back away from the highway; staff does not see an issue with having a larger sign to be seen from the highway, i.e. Lowe’s; Commissioner Donovan; for example, what if the Taco Bell on Pacheco decides to put up a 7 foot sign, how does the City control the height limit when it is left wide open with the “no exception” rule; Planning Director Fitzgerald; the sign would still be required to have a 4 foot clearance on the sidewalk, therefore, chances are extra height would probably not work in the location stated.

Commissioner Napolitano; as being a part of the committee, the committee came to a compromise on this issue.

Chairman Viveros; is setting some sort of restriction something that can be done by staff; Planning Director Fitzgerald; previously there were no restrictions at all; the sign committee put restrictions in; staff feels that it is appropriate for the “A” and “I” frames height limit; most cities do not have a restriction at all.

Commissioner Donovan; follow up with the status on hand made signs in the windows; thought that something would be put into the ordinance with regard to these types of signs; Planning Director Fitzgerald; staff put in the proposed ordinance that no more than 2/3 of the window can be covered.

Commissioner Napolitano; asked if sections of the ordinance can be changed if the Commission feels it needs to be changed after it’s adoption; Planning Director Fitzgerald; correct.

Chairman Viveros opened up the public hearing; **Keith Snow, Los Banos Resident;** was on the sign committee; felt that it was a good compromise and everyone worked as a team; commented that staff and the sign committee did a good job in putting the ordinance together.

No one else came forward.

Motion by Donovan, seconded by Lee to continue the public hearing item to the August 11, 2010 meeting. The motion carried by the affirmative action of all Commission Members present. Absent: Ann McCauley and Tom Mello.

PLANNING DEPARTMENT REPORT. Staff recently received the Wal-Mart Administrative Draft EIR and is currently reviewing it; Stonecreek North is working on a project of a 400 + acre development with quite a bit of residential; primarily commercial with a small senior housing component; also working on Presidential Estates Mitigated Negative Declaration.

PLANNING COMMISSION MEMBER REPORTS.

NORM DONOVAN: Nothing to report.

STEPHEN HAMMOND: Nothing to report.

CHANDRA LEE: Nothing to report.

ANN McCAULEY: Absent.

TOM MELLO: Absent.

SHIRLEY NAPOLITANO: Read into the record the comments submitted by Commissioner Mello with regard to the Sign Ordinance.

ERASMO VIVEROS: Nothing to report.

ADJOURNMENT. The meeting was adjourned at the hour of 7:30 p.m.

APPROVED:

/s/ **Erasm** **Viveros**
Erasm Viveros, Chairman

ATTEST:

/s/ **Norma Fuentes**
Norma Fuentes, Planning Commission Secretary