

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
FEBRUARY 27, 2008**

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 (audiotapes) kept as a permanent record.

CALL TO ORDER: Chairman Hammond called the Planning Commission Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE. Commissioner Viveros led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Anderson, Donovan, Viveros, and Chairman Hammond; Manzo absent.

STAFF MEMBERS PRESENT: City Attorney Vaughn, Administrative Assistant Fuentes, Public Works Director/City Engineer Chisam, and Assistant Planner Souza.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Donovan, seconded by Anderson to approve the agenda as submitted. The motion carried by the affirmative vote of all Planning Commission Members present.

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF FEBRUARY 13, 2008: Motion by Donovan, seconded by Viveros to approve the minutes as submitted. The motion carried by the following vote: AYES: Donovan, Viveros, Hammond; NOES: None; ABSTAIN: Anderson

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE PLANNING 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 to speak, and the public forum was closed.

PUBLIC HEARING - CONSIDERATION OF THE PROPOSED GENERAL PLAN UPDATE AND DRAFT ENVIRONMENTAL IMPACT REPORT. Dwayne Chisam, Public Works Director/City Engineer, introduced Michael Dyhett, City Consultant, of Dyhett & Bathia to present a PowerPoint presentation.

Michael Dyhett, Dyhett & Bathia, highlighted on the General Plan and then spoke on the EIR (Environmental Impact Report) and the public review process.

Public Works Director/City Engineer Chisam stated he will not be available for the two meetings in March; would like to schedule several briefings to go over the documents with the Commissioners, in a briefing type of format. These sessions would entail going over details, as an informational item; following sessions would have various proposals come back to the Commission for review; final authorized documents will move on to City Council with Planning Commission recommendations. This will be looked at within

the next 30-45 days. Chisam noted that no action will be required that night and the public hearing will not be closed. The public hearing will be re-noticed and come back at least 2 to 3 more meetings ahead. The item will be continued.

Commissioner Donovan, stated he sat in on some of the General Plan meetings and stated that Michael Dyett did a nice job of picking up the comments at the meetings. Commissioner Anderson, thanked the community members for working on the plan. As she is a member of the General Plan Advisory committee she would like to see the City establish it's own identity; feels it is important to maintain small town character; see the city growing in a balanced way to provide housing opportunities; see an economic development component to help facilitate the business sites in investing in the infrastructure. Commissioner Anderson also thanked Michael (Dyhett) for his patience in working with City staff.

Chairman Hammond opened the public hearing. **Norm Sories**, Bright Homes Development, stated they are in contract with the Zore properties; commended staff for a well-put document; requested the Commission consider extending the Urban Growth Boundary down to Copa Del Oro Road; would be difficult to farm amount of land; more acreage would be needed; is fine with the school site park acreage; currently putting together a specific plan for pre-annexation; asked the commission to consider these items. **Michael Dyhett**, in response to Mr. Sories, clarified that the diagram shows the sphere boundary going thru Copa Del Oro for clustered executive housing in this area; page 38 of General Plan. No one else came forward to speak and the public hearing was not closed.

Break: 7:48 pm

Called back to order 7:56 pm

PUBLIC HEARING - CONSIDERATION OF TENTATIVE PARCEL MAP #2008-01 TO DIVIDE A LOW DENSITY RESIDENTIAL PARCEL INTO TWO LOTS. THE PROJECT IS LOCATED AT 1879 COLUMBIA DRIVE, FURTHER IDENTIFIED AS ASSESSORS PARCEL NUMBER: 083-480-040. Assistant Planner Souza presented the staff report, which included a PowerPoint presentation.

Commissioner Anderson, wanted to know if parcel 1 is being considered as a corner lot due to the 65 feet requirement and if a variance would be required. Assist Planner Souza stated it would not be a corner lot; future development is planned; it would be an interior lot; stated the lots will be put back to their original state. Commissioner Anderson wanted to know what type of home would be built on the lot; would it be attached, continuous, or the two lots going to be connected; noticed there are no requirements listed in the conditions of approval in regards to fencing. Souza commented that the developer is proposing to put fencing, but during construction, the City is requesting from the applicant that the existing single-family residence be used for surveillance on the pool during construction of the new home. Commissioner Anderson would like to make sure a condition of approval would be added to state that there will be a fence between the two property lines, which will be similar to the other fences in the neighborhood. Chairman Hammond stated that he had a minor concern;

does parcel 1 meet the requirements for minimum lot size; with the pool already in existence would there be sufficient room for the footprint of the home. Assistant Planner Souza stated that the parcel map meets all zoning requirements for the district.

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

Motion by Anderson, seconded by Donovan to adopt Planning Commission Resolution No. 2008-12 – Recommending Approval of Tentative Parcel Map #2008-01 for the Re-subdivision of a Low Density Residential Parcel into Two Separate Lots on Assessors Parcel Number: 083-480-040, subject to the conditions of approval that the fence be erected between the two parcels that is in conformance with the neighborhood type fencing. The motion carried by the affirmative vote of the Planning Commission Members present.

CONSIDERATION OF REVISED LANDSCAPED PLANS AND FOUR-SIDED ARCHITECTURAL RENDERINGS FOR THE VILLAGES AT LOS BANOS. Public Works Director/City Engineer Chisam to present; state that the applicant returned with the changes in architecture renderings and landscaping for approval; condition of approval of the Vesting Tentative Map required the developer come back to the Commission for approval.

David Agee – K. Hovnanian Homes, Modesto, CA, presented the revised plans for the Commission's review.

There was Commission Member discussion regarding rear elevation visibility to the public and continuity of proposed landscape with existing common areas.

Motion by Donovan, seconded by Viveros to approve the Revised Landscaped Plans and Four-Sided Architectural Renderings for The Villages at Los Banos as submitted. The motion carried by the affirmative vote of all Planning Commission Members present.

PUBLIC HEARING - CONSIDERATION OF AN ORDINANCE AMENDMENT TO THE LOS BANOS MUNICIPAL CODE REGARDING MOBILE VENDORS. THE ORDINANCE AMENDMENT WOULD APPLY CITY-WIDE (CONTINUED FROM JANUARY 23, 2008). City Attorney Vaughn presented the staff report, which included an Overhead Projection presentation.

Chairman Hammond commented on the great job done by all City staff that worked on putting together the ordinance by addressing all concerns; suggested that it would be good to make any changes and/or additions to the document before it is presented again to the Planning Commission; asked if possible to designate a downtown zone. Commissioner Donovan stated he has heard more complaints about ice-cream vendors only – not much on food trucks that go to construction zones; stated that the Planning Commission was directed by Council to have mobile vendors for 365 days, now they want to change back to 180 days; Mobile Vendors in residential areas should be fine with the 180 days but should be restricted on the size of their mobile vending cart; City

Attorney Vaughn stated that photographs of unit be required and/or site plans. Commissioner Anderson stated that focus should be on the structure of mobile vendors instead of the number of days or the operational structure; stressed working within regulations put in affect and unanimously approved already; need to define vendor definitions. City Attorney Vaughn asked how to deal with vendors who have a catering truck but are in one location for 365 days; possibly craft restrictions based on operational statement of vendor. Commissioner Anderson stated again to focus on operational structure of units themselves, look at the main scenarios and then focus on defining them. Chairman Hammond stated to focus on three major classifications; Delivery truck drivers, catering trucks, stands (larger retailers); have others go to City Council to make decision if mobile vendor is providing convenience to our business patrons (of larger retailer); any that fall outside of the three major classifications would be bound by the 180 days. City Attorney Vaughn will research for next meeting.

Chairman Hammond opened the public hearing. **Dave Anderson**, Los Banos, commented the easiest solution would be to remove the 180 days; feels it is discriminating to certain vendors with limiting number of days; feels vendors in commercial zones are too long; limit to 45 minutes maximum; the biggest challenge will be defining what is and is not mobile to qualify for 180 or 365 days. **Debra Lewis**, Los Banos, feels lunch wagons staying in one place for 2 hours is too long; stated that we do not want to have catering trucks taking away from other businesses in the commercial areas; also stated that City Council questioned the 180 days versus 365 days, but did not change what was submitted initially; requested the Commission take into consideration the commercial zoning to be defined. No one else came forward to speak, and Chairman Hammond closed the public hearing.

City Attorney Vaughn, stated that the commercial zone should not be as restricted as the residential areas; will come back with suggestions on types of uses and locations; would like the Planning Commission to bring up other suggestions as well; item will be re-noticed; Chairman Hammond stated we would not close the public hearing. **(Continue to March 12, 2008 meeting)**

Motion by Donovan, seconded by Anderson to continue the ordinance amendment to the Los Banos municipal code regarding mobile vendors to the next meeting on March 12, 2008. The motion carried by the affirmative vote of all Planning Commission Members present.

PLANNING MANAGER'S REPORT: Public Works Director/City Engineer Chisam – nothing to report.

COMMISSIONERS REPORTS:

VICE CHAIR ARACELI ANDERSON: Nothing to report.

ERASMO VIVEROS: Thanked City Attorney for brief synopsis on Mobile Vendor Ordinance.

JOSE MANZO: Absent.

NORM DONOVAN: Questioned why Stonecreek has not presented a report on the progress with the traffic light at Ortigalita and Pacheco Boulevard. Public Works Director/City Engineer Chisam stated that he had anticipated the work on the traffic light would be done; will pass on the Commissioner's request to Stonecreek.

CHAIRMAN HAMMOND: Notified staff that he will not be present at the next Planning Commission meeting, to be held on March 12, 2008; Commissioner Anderson will sit in at this meeting; also stated that the next meeting would be Commissioner Anderson's last meeting.

ADJOURNMENT. The meeting was adjourned at the hour of 9:14 p.m.

APPROVED:

/s/ Stephen Hammond
Stephen Hammond, Chairman

ATTEST:

/s/ Norma Fuentes
Norma Fuentes, Administrative Assistant