

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
AUGUST 8, 2007**

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.

The Planning Commission of the City of Los Banos met on the above given date.

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

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Araceli Anderson, Stephen Hammond, Deborah Lewis, and Chairman Donovan.

STAFF MEMBERS PRESENT: Assistant City Clerk/Human Resources Technician Sousa, City Attorney Vaughn, Planning Manager LeVan, Assistant Planner Souza, Administrative Assistant Fast, and Assistant Public Works Director Hutsell.

APPOINTMENT OF VICE CHAIR: Motion by Anderson, seconded by Lewis to appoint Stephen Hammond as Vice Chair. The motion carried by the affirmative vote of all Commission Members present.

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

CONSIDER APPROVAL OF ACTION MINUTES: Motion by Hammond, seconded by Lewis to approve the July 25, 2007 minutes as submitted. The motion carried by the affirmative vote of all Commission Members present.

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.

CONSIDERATION OF APPROVAL SITE PLAN REVIEW #2006-15, VANTI PROPERTIES FOR PROPERTY LOCATED AT 828 WEST PACHECO BLVD; ASSESSOR PARCEL NUMBER: 027-130-009, RESOLUTION NO. 2007-39. APPROVAL WOULD ALLOW THE CONSTRUCTION OF A 4956 SQ. FT. PROFESSIONAL/COMMERCIAL BUILDING IN THE HIGHWAY COMMERCIAL ZONE DISTRICT. Planning Manager LeVan presented the report by PowerPoint.

There was commission member discussion regarding the angled parking shown, and the confusion it may cause if drivers were traveling against normally parked vehicles. There was concern regarding the location of the trash enclosure and it was stated that wooden doors are not typically approved. Planning Manager LeVan stated that currently the trash enclosure is behind the older building; however, the applicant was agreeable to moving the trash enclosure to the new building. There was concern regarding landscaping condition number fifteen, and it was requested that it read the same as all previous conditions in regards to the replacement of landscaping. It was requested that downspouts be integrated as an architectural feature of the building. There was concern regarding the size of the monument sign, and Planning Manager LeVan stated that the applicant is allowed a monument sign or a pole sign. It was stated that the current design standards indicate that there should be a breakup of the rooflines.

Chairman Donovan opened the public hearing.

Richard Delapaz, project applicant, stated that he provided an abundance of parking so the tenant would have sufficient parking for their customers. Delapaz stated that he would meet the sign standards, and the trash enclosure would have metal gates. Delapaz also stated that the plan was to develop a one-way parking lot exit and that is what shows on the map.

Commissioner Lewis provided the applicant and commission with photos that she took including Food-4Less, Walmart, Statefarm Insurance, and Me&Eds Pizza. Lewis stated that she had concerns that the design of the building would not meet the downtown standards. It was recommended that the applicant provide colorful landscape to the property facing Pacheco Boulevard in order to enhance the building.

Delapaz stated that he is bringing in thirty new trees taken from the city's new guidelines and is fine with adding groundcover and shrubbery to enhance the building. Delapaz stated that he currently has a building in plan check and he can use the same design for this project.

It was requested by the commission to add a condition that the Planning Commission has the right to require the applicant to add additional fencing to the project.

Dave Anderson, Los Banos, stated that he worked at this location in the late nineties and knows the property and welcomes the improvements. Anderson questioned the current sign standards with regards to monument signs stating that the signs cut visibility of vehicular traffic and pedestrian traffic. Anderson recommended that the commission keep as few fences as possible as this allows easier flow of vehicular and pedestrian traffic. Anderson stated that he feels the city should move towards early Californian style such as in cities like Turlock and Dos Palos.

Donovan closed the public hearing.

It was requested by the commission that the following changes be made to the conditions of approval: under Planning, add a condition stating that the earth tone color should be used as a paint choice for the buildings; add a condition stating that a trash enclosure should be moved to a more centrally located position to accommodate both buildings; add a condition stating that downspouts shall be incorporated in the building wall or as an architectural feature of the exterior; add a condition stating that articulation in the parapet should be added to alleviate the straight-line effect and add a decorative feature to the north side wall; add a condition stating that the articulation of the west side of the wall near the door should be tapered down; add language to Public Works condition number 15 stating that if any landscaping materials die, they shall be replaced with like materials of same size; add language to Public Works condition number 2 stating that the landscaping on the north side of the building should have various color/heights added to the landscaping; add language to Public Works condition number 3 stating that in addition to submitting Covenants, Conditions and Restrictions (CC&R's), the City shall check to ensure the applicant meets the standards; since the applicant is in control of the adjacent property, the fence shall be left open; however, the Big-O Tires side shall be fenced.

A five minute break was taken at this time to confer with the City Attorney.

It was stated that as a result of discussion with staff, the commission, and the City Attorney, the commission was requesting a condition be added as follows: "Prior to the issuance of the building permit for the additional proposed building at 828 Pacheco Boulevard, architectural elements for the proposed building and the existing improvements to the existing building will need to be reviewed and approved by the Planning Commission."

It was stated that because of the elimination of two parking spaces under Public Works condition number 2, the developer should add an additional ten feet of landscaping to meet the south side landscaping request.

It was stated that if the final map is not recorded to the extent that Tentative Map conditions 3 thru 9, as approved prior to this meeting by the Planning Commission are applicable, they will apply to the site plan.

Motion by Anderson, seconded Lewis to adopt Planning Commission Resolution #2007-39 approving Site Plan Review #2006-15 subject to the findings and conditions of approval and additional findings as established by the commission at this meeting.

CONSIDERATION OF APPROVAL OF CONDITIONAL USE PERMIT #2007-04, LARGE DAYCARE CENTER PROPOSED FOR PROPERTY LOCATED AT 636 SANTA BARBARA STREET; ASSESSOR PARCEL NUMBER: 082-310-033, RESOLUTION NO. 2007-37. APPROVAL WOULD PERMIT THE OPERATION OF A LARGE FAMILY DAYCARE CENTER IN THE R-1 RESIDENTIAL ZONE DISTRICT (CONTINUED FROM JULY 25, 2007). Planning Commission Manager LeVan presented the report by PowerPoint noting that the project was noticed to surrounding property owners and that one letter was received by an anonymous person who stated concerns with the project (on file with the Planning Department).

Chairman Donovan noted that two letters were received dated July 24, 2007, and August 8, 2007.

City Attorney Vaughn stated that this was different than the typical Conditional Use Permit and wanted to make sure that the commission understood the law properly. Vaughn read from a memo noting that the State of California allows the public agency a narrow swab of discretion to regulate family daycare homes; items that could be considered by the commission included noise, traffic, parking, and concentration.

There were commission member concerns regarding the following: amount of parking spaces needed, traffic in the area, hours of operation, drop-off times, number of children being attended to at a time, and the need for a side-yard fence.

Chairman Donovan opened the public hearing.

Fernando Marquez, Los Banos, stated that there would not always be fourteen children present and that there would be various drop-off times. Marquez stated that there was not a side yard fence in place; however, he was agreeable to installing one. Marquez stated that he would be willing to leave his driveway clear in order to accommodate an additional parking space, and would provide written notice to parents of that they are not allowed to park in front of anyone else's driveway approach.

There were commission member concerns regarding the applicant being able to meet the requirement of at least 1200 square feet in the rear yard play area.

Motion by Anderson, seconded by Lewis to adopt Planning Commission Resolution #2007-37 approving conditional use permit #2007-04, and adding that prior to issuance of the use permit, verification must occur showing that there is at least 1200 square feet of usable play yard for children; and if the usable space exists, fencing shall be placed on both sides of the home to separate the side yard from the rear yard.

PLANNING MANAGERS REPORT: Planning Manager LeVan introduced two new employees in the Planning Department: Stacy Souza, Assistant Planner, and Cinthia Fast, Administrative Assistant.

COMMISSIONERS REPORTS:

ARACELI ANDERSON: No report.

STEPHEN HAMMOND: Welcomed Stacy Souza and stated that he has known her since she was in high school. Stated that the corner at 4th & I street was vacated, the trash cans have been blown on their sides, and requested that code enforcement look into the situation.

DEBORAH LEWIS: No report.

NORM DONOVAN: No report.

ADJOURNMENT. The meeting was adjourned at the hour of 9:18 p.m.

APPROVED:

ATTEST:

Norm Donovan, Chairman

Jana R. Sousa, Assistant City Clerk