



City Council Chambers * 535 J Street * Los Banos, California 93635

PLANNING COMMISSION

ACTION MINUTES for the Regular Meeting of Wednesday, May 25, 2005

I. CALL TO ORDER

Pledge of Allegiance was led by Lewis.

II. ROLL CALL

Commissioners Present: Donovan, Lewis, Osborn (*arrived at 7:05*), Pruitt and Chairman Giesel
Commissioners Absent: None
Staff Present: Director Blais, Planner James, Planner Silva, City Attorney Vaughn,
Secretary Solano

III. APPROVAL OF AGENDA

On Motion by Lewis, seconded by Donovan, it carried by a 4-0 vote to approve the agenda for May 25, 2005 as submitted.

IV. APPROVAL OF ACTION MINUTES

On Motion by Lewis, seconded by Donovan, it carried by a 4-0 vote to approve the Action Minutes of the Regular meeting of May 11, 2005 as written.

V. PUBLIC FORUM

Berg Moosekian General Manager for Azhderian Packing commented that he has had informal meetings with the City Manager. **Moosekian** stated that he has been assured that they will be grandfathered in and will be allowed to continue with their business. They do not oppose the project just want to make sure that they can either stay at their location or be assisted with relocating. **Moosekian** stated that if they are allowed to remain they want some assurance that the business will be allowed to continue in operation. They also want to be able to do construction or remodeling without being told at a later date that it's not allowed. He wants his business to be able to be competitive.

Paul Alderete, LBUSD stated that he was addressing Items 6B and 6C. Alderete stated that the School District has already stated verbally and in writing their opposition to these two projects. They are still opposed to this and any other housing projects and will continue to do so until all these projects have an agreement with the School District.

VI. PUBLIC HEARINGS

A. **2ND UNIT ORDINANCE, CITY OF LOS BANOS, CITY WIDE, RESOLUTION NO. 2005-13**

To consider an ordinance that would allow ministerial review of second units in the City.
RECOMMENDATION: TO ADOPT RESOLUTION NO. 2005-13 RECOMMENDING APPROVAL OF SAID ORDINANCE TO THE CITY COUNCIL.

Planner James presented the project referring to the staff report that was prepared for the Commissions review. Giesel asked if stacked parking is allowed. James answered in the negative and elaborated on parking situations. Giesel stated that some of the new homes have detached garages will those homes fall into the same standards? James stated that it would depend on how the driveways are structured; but each request would be looked at on an individual basis. Giesel asked if the utilities would be separated? James answered in the affirmative. Lewis asked how the City would differentiate renters from owners. James stated that tandem parking is not allowed in the R1. Blais reminded everyone that tandem parking is not allowed by code and that is not changing. She also mentioned that not everyone is going to be allowed to have 2nd units because that would change the intent of the R1 zone districts. Blais stated that the whole intent of this ordinance to give people that really need a 2nd unit a chance to get one. Lewis stated that she wants to make sure that whatever is built fits in with the theme of a neighborhood. Blais stated that all request would go through the planning process. Blais explained that people that have converted their garages would not be eligible for a 2nd unit.

The Public Hearing was opened, no one came forward to speak therefore the Public Hearing was closed.

On Motion by Donovan, seconded by Lewis it carried by a 5-0 vote to adopt Planning Commission Resolution No. 2005-13 recommending approval to the City Council of the 2nd Unit Ordinance with the Findings and Conditions of Approval as stated in said Resolution.

B. **COURT OF FOUNTAINS, FINAL DEVELOPMENT PLAN #2005-03, BRIAN PFLIEGER'S, APN: 082-240-014. RESOLUTION NO. 2005-17**

To approve the final site design for a multi-family development in a PD zone district. This proposal includes 34 units, a recreation room, swimming pool and common area on approximately 2.73 acres. The project is located on the east side of Mercey Springs Road directly abutting the Casa Mobile Home Park. *RECOMMENDATION: ADOPT THE FINDINGS PURSUANT TO CEQA AND THE CITY OF LOS BANOS ENVIRONMENTAL GUIDELINES; APPROVE THE FINAL DEVELOPMENT PLAN (FDP #2005-03) SUBJECT TO THE CONDITIONS OF APPROVAL IN ABOVE STATED RESOLUTION.*

Planner Silva presented the project referring to the staff report that was prepared for the Commissions review.

The Public Hearing was opened. **Theo Bloom** the architect for the project spoke; he commented that when they received the alignment for Hwy 165 they lost two units, which is the reason for the change in number of units. He also mentioned that there would be street lighting within the project. Lewis asked if there would be cobblestone at the entry. Bloom stated that the entrance would be stamped concrete. No one else came forward to speak therefore the Public Hearing was closed.

Pruitt asked if the units would be condos? Blais answered in the negative.

On Motion by Pruitt, seconded by Osborn, it carried by a 5-0 vote to adopt Planning Commission Resolution No. 2005-17 recommending approval to the City Council with Findings and Conditions of Approval as stated in said Resolution.

C. GENERAL PLAN AMENDMENT #2004-02 AND ZONE CHANGE #2005-02, CITY OF LOS BANOS REDEVELOPMENT DEPARTMENT, RESOLUTION NO. 2005-18

To consider a General Plan Amendment and Zone Change for the area known as the Los Banos Rail Corridor Master Plan Area (total 66 acres). *RECOMMENDATION: TO CONSIDER AN EIR FOR THE GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR THE RAIL CORRIDOR MASTER PLAN AREA AND APPROVAL, DISAPPROVAL OR MODIFICATION OF THE PROPOSAL.*

Planner James presented the project referring to the staff report that was prepared for the Commissions review.

Giesel stated letters were received from Roy and Jack Maffei and AR Whitehurst. Pruitt stated that he does not understand why the City is rezoning areas where there are existing businesses. Blais explained that this is not an overnight process. It is being done to slowly fade out the industrial uses and bring some less intense businesses to the area. Pruitt commented if the City is trying to phase out the industrial uses in the area why was Mr. Moosekian promised grandfathering. Pruitt asked if those businesses would be allowed to continue business as usual. Blais answered in the affirmative but explained that they would not be allowed to expand. Lewis asked about the traffic and circulation and the pedestrian crossing in the area. Blais stated that there is a plan to make the pedestrian crossings safe. Donovan asked if the new Taco Bell would have to move? Blais answered in the negative. Donovan asked if Azhderian would be grand-fathered in? Blais answered in the affirmative.

The Public Hearing was opened. **John Windecker** came forward to speak, he stated that he is not opposed to the project but wants to be guaranteed that he can continue to do business as usual. He also wants to be able to upgrade as needed. He doesn't believe the City is doing the right thing. **Sig Sanchez** stated that he is in favor of the project. **Anthony Whitehurst** asked that the City look into rezoning some of the properties across from the Rail Corridor on G Street between 8th and 9th Streets. Blais stated that the area in question would need to be done separately. No one else came forward to speak therefore the Public Hearing was closed.

On Motion by Pruitt, seconded by Lewis to adopt Planning Commission Resolution No. 2005-18 recommending approval of General Plan Amendment #2004-02 and Zone Change #2005-02 to the City Council with Finding and Conditions of Approval and EIR which Motion failed by the following vote:

Roll Call Vote:

Ayes: Lewis, Pruitt
 Noes: Donovan, Osborn, Giesel

On Motion by Pruitt, seconded by Lewis it carried by a 5-0 vote to continue the item and the Public Hearing to the Planning Commission meeting of June 22, 2005, directing staff to meet with the business owners in the area.

Roll Call Vote:

Ayes: Donovan, Lewis, Osborn, Pruitt, Giesel
 Noes: None

VII. GENERAL BUSINESS – None

VIII. COMMISSION REPORTS

Donovan: No report.
 Lewis: No report.
 Osborn: No report.
 Pruitt: No report.
 Giesel: No report.

IX. DIRECTOR'S REPORT

X. ADJOURNMENT

The Planning Commission meeting of May 25, 2005 was adjourned at the hour of 9:04 PM.

Respectfully submitted,

RACHEL M. SOLANO
PLANNING COMMISSION SECRETARY

APPROVED BY THE PLANNING COMMISSION ON:

APPROVED BY:

MARY BLAIS
COMMUNITY DEVELOPMENT DIRECTOR

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 audiotapes kept as permanent record.*

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