

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JUNE 13, 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: Chairman 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 Norm Donovan; Vice Chair Valerie Osborn absent.

STAFF MEMBERS PRESENT: Administrative Assistant/Deputy City Clerk Sousa, City Attorney Vaughn, Planning Manager LeVan, Assistant Planner Farinha, and Public Works Director/City Engineer Chisam.

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

CONSIDER APPROVAL OF ACTION MINUTES: Motion by Anderson, seconded by Lewis to approve the May 23, 2007 minutes as submitted. The motion carried by the affirmative vote of all Commission Members present; Osborn absent.

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. Public Works Director/City Engineer Dwayne Chisam introduced Mario Jimenez as the City's newly hired Associate Civil Engineer. Chisam stated that in addition to his engineering experience, Jimenez was also experienced in accounting and computers. No one else came forward to speak and the public hearing was closed.

CONSIDER APPROVAL – TENTATIVE PARCEL MAP #2006-03, VANTI PROPERTIES FOR PROPERTY LOCATED AT 820 WEST PACHECO BLVD. (CORNER OF WEST PACHECO BLVD. – HIGHWAY 152 AND MARYLAND AVE.) ASSESSOR PARCEL NUMBER: 027-130-018, RESOLUTION NO. 2007-26.

Assistant Planner Farinha presented the report noting that the Resolution contained in the staff report was numbered incorrectly and should be #2007-26.

There were questions regarding additional improvements to the building, the inclusion of a common maintenance agreement, and the importance of clearly designating traffic flow within the project

Richard Delapaz, project manager, stated that he was available to answer any questions from the commission. Delapaz reported that the plan for the existing building within the project was to bring the building up to code and meet the architectural standards along with the addition of a common landscaping maintenance agreement.

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

Motion by Anderson, seconded by Lewis to adopt Resolution No. 2007-26 with the additional condition of a common maintenance agreement for parcel map #2006-03 subject to the findings and conditions of approval. The motion carried by the affirmative vote of all Commission Members present; Osborn absent.

CONSIDER APPROVAL – ZONE CHANGE #2007-01 AND TENTATIVE TRACT MAP #2007-03 FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF FIRST AND F STREET. ASSESSOR PARCEL NUMBER: 025-042-001, RESOLUTION NO. 2007-27 AND 2007-28. Assistant Planner Farinha presented the report noting that a public hearing notice was mailed on June 1, 2007 and no responses were received.

There was commission member discussion regarding the fencing for the project. Public Works Director/City Engineer Chisam stated that the project includes a combination of block walls to the west frontage in order to separate residential from industrial, and that a new wood fence would be constructed along the south property line.

There were concerns regarding privacy of the residents within the project and Assistant Planner Farinha stated that no windows were facing each other.

There was a concern regarding walls being adjacent to each other and the use of special insulation material. Public Works Director/City Engineer Chisam reported that material used for insulation would be consistent with appropriate sound and fire rating.

Gabriel Torres, project manager for Community Housing Improvement Systems and Planning Association (CHISPA), thanked the commissioners for reviewing the project. Stated that the property is a collaboration between CHISPA and the City of Los Banos Redevelopment Agency in order to utilize vacant lots within the City. Torres stated that the new homes would be marketed to residents of the City of Los Banos at an affordable price.

Chairman Donovan opened the public hearing.

Paul Alderete, Los Banos Unified School District Superintendent, submitted a document into the record (on file with the Los Banos Planning Department) which included a recommendation that the Planning Commission continue the public hearing until an initial study is prepared and distributed for review, and that the appropriate environmental documentation is prepared. Alderete noted that the Los Banos Unified School District opposes the project.

Chairman Donovan closed the public hearing.

There was commission member discussion regarding the California Environmental Quality Act (CEQA) exemptions that applied to the project. Planning Manager LeVan provided the sections that were used to determine exemption for the project.

City Attorney Vaughn recommended changes to the title of Resolution No. 2007-27 noting that the Planning Commission is not the approving body; therefore, the resolution title should state recommending.

City Attorney Vaughn also noted that the Planning Commission is the approving body with regards to Resolution 2007-28; however, he suggested that the Planning Commission add a condition that the approval of the Tentative Tract Map be subject to approval by the City Council of the recommended Zone Change as set forth in Resolution 2007-27, and subject to approval of a General Development Plan to be approved by the City Council.

Motion by Lewis, seconded by Anderson to adopt Resolution No. 2007-27 and Resolution 2007-28 replacing the word approving with the word recommending to the title of Resolution No. 2007-27, adding the following conditions of approval: The Tentative Tract Map be subject to approval by the City Council of the recommended Zone Change as set forth in Resolution 2007-27, and subject to approval of a General Development Plan to be approved by the City Council. The motion carried by the affirmative vote of all Commission Members present; Osborn absent.

CONSIDER APPROVAL – VESTING TENTATIVE PARCEL MAP #2007-07 FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HIGHWAY 152 AND ORTIGALITA ROAD. ASSESSOR PARCEL NUMBER: 083-030-046. RESOLUTION NO. 2007-29. Assistant Planner LeVan presented the report noting that no public comments were received by adjacent property owners.

There was a concern regarding traffic mitigating measures. Public Works Director/City Engineer Chisam stated that traffic mitigating measures would be required as a condition of development, and developer is in concurrence with city staff.

There was question regarding a common maintenance agreement for the project. Public Works Director/City Engineer Chisam reported a maintenance agreement is fairly common for corporate projects.

Chairman Donovan opened the public hearing, no one came forward to speak and the public hearing was closed.

Motion by Anderson, seconded by Lewis to adopt Resolution No. 2007-29 subject to findings and conditions of approval. The motion carried by the affirmative vote of all Commission Members present; Osborn absent.

CONSIDER APPROVAL – ORDINANCE AMENDMENT NO. 2007-01 TO THE LOS BANOS MUNICIPAL CODE. RESOLUTION NO. 2007-30. Planning Manager LeVan gave a detailed PowerPoint presentation noting that the City Council/Redevelopment Agency Meeting minutes for May 2, 2007 were not included in the staff report as originally stated.

There was commission member discussion regarding the following: allowable cord length for the cart; hours of operation; allowable size of the cart; inclusion of tents and trailers that may be allowed to operate 365 days a year under the ordinance; requesting that vendors operate only in commercial areas and not residential, near churches or hospitals; how the approval process would work; getting pre-approval of downtown residents before allowing a mobile vendor in their areas; how the ordinance would affect operation of the farmer's market in Los Banos; clarity of the ordinance – it should read easy for anyone applying as a mobile vendor.

It was stated that the recent adoption of a City of Los Banos Ordinance was handled by using major bullet points that the City Council would like to see included in the ordinance.

There was suggestion of appointing a committee to decide the ordinance revisions, or just adopting the ordinance making only the change to the operating days per year.

Chairman Donovan opened the public hearing.

Shirley Napolitano, Los Banos, stated that she recently attended a fund-raiser event where an ice cream vendor parked for 10 minutes, drove a few feet, and parked another 10 minutes while constant music played bothering everyone present. Napolitano urged the commission to handle the issue at hand and then form a committee later to deal with any other issues. Dave Anderson, Los Banos, stated that in his opinion, it is fine for mobile vendors to operate 365 days a year. Anderson stated he would not like to see mobile vendors in city parks unless there is a specific event being held.

Chairman Donovan closed the public hearing.

Planning Manager LeVan stated that he would address the commission's comments and add the requested changes to the ordinance. LeVan stated that the revisions would be brought back to the Planning Commission within the next two meetings.

Motion by Lewis, seconded by Anderson to continue the public hearing to July 25, 2007 with the recommendation that staff make changes to the ordinance as suggested by the

Planning Commission. The motion carried by the affirmative vote of all Commission Members present; Osborn absent.

COMMISSIONERS REPORTS:

ARACELI ANDERSON: No report.

STEPHEN HAMMOND: Thanked staff for assisting with the trash can situation that he discussed at the prior Planning Commission meeting. Stated that he will be absent from the next Planning Commission meeting.

VALERIE OSBORN: Absent.

DEBORAH LEWIS: Asked if there was a date scheduled for the traffic signal installation at the intersection of Pacheco Blvd. and Ortigalita Road. Public Works Director/City Engineer Chisam reported that a requirement was in place for Stonecreek Properties to provide regular updates to the Planning Commission. Chisam suggested that Planning Manager LeVan contact Stonecreek Properties to give a progress report at the next Planning Commission meeting.

NORM DONOVAN: No report.

PLANNING MANAGERS REPORT: No report.

MISCELLANEOUS INFORMATION IN PLANNING COMMISSION PACKET, NO ACTION NECESSARY.

ADJOURNMENT. The meeting was adjourned at the hour of 8:47 p.m.

APPROVED:

/ s / Norm Donovan
Norm Donovan, Chairman

ATTEST:

/ s / Jana R. Sousa
Jana R. Sousa, Deputy City Clerk