

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JULY 25, 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 7:01 p.m.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Stephen Hammond, Deborah Lewis, Vice Chair Valerie Osborn, and Chairman Donovan; Araceli Anderson absent.

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

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

CONSIDER APPROVAL OF ACTION MINUTES: Motion by Osborn, seconded by Hammond to approve the July 11, 2007 minutes as submitted. The motion carried by the affirmative vote of all Commission Members present; Anderson 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. The following former members of the Design Standards Committee requested to speak on item 7D: DJ Barcellos – Los Banos, Diana Ingram – Los Banos, Shirley Napolitano – Los Banos, Tim Marrison – Los Banos, Tony Ebner – Los Banos, Linda White – Los Banos, Tom Kaljian – Los Banos.

No one else came forward to speak, and the public forum was closed.

Chairman Donovan noted that item 7B was to be continued to the August 8, 2007 Planning Commission meeting. Donovan then requested that public hearing item 7D be heard first.

CONSIDERATION OF APPROVAL OR ORDINANCE AMENDMENT NO. 2007-02 TO THE LOS BANOS MUNICIPAL CODE, RESOLUTION NO. 2007-38. APPROVAL WOULD INCLUDE ADDITIONS TO THE LOS BANOS MUNICIPAL CODE REGARDING DOWNTOWN COMMERCIAL DESIGN STANDARDS.

Planning Manager LeVan presented the report by PowerPoint.

Chairman Donovan opened the public hearing.

Tom Kaljian, Los Banos, had concerns and suggestions for the following: A-56 on page S10 regarding off-street parking; B-1 on page S-13 – change the word shall so that situations could be looked at on a case by case basis; B-5 on page S-13 remove the word shall; B-13 on page S-14 remove the word shall. Kaljian was also concerned with downtown banks not being allowed to have drive-thrus. **Diana Ingram**, Los Banos, stated that many hours of time and researching were spent constructing the document, and that if the Planning Commission did not respect the document she felt it would be an insult to the committee. Stated that she was in agreement that the word “shall” could be changed to “should”; however, if too much wiggle room was given, the commission could be back were it started from. Ingram added that she is also in agreement with an addition of drive-thrus for downtown banks. **Tim Marrison**, Los Banos, stated that a lot of effort was put into the document. Stated that there would be times where buildings reached their lifespan and won't be salvageable due to life safety hazards. Marrison stated that the issue of structure stability should be addressed and he suggested adding language to the document addressing the issue. **Leslie Villalta**, Los Banos, stated that a lot of thought went into the document, and that there was always the possibility of a variance process. Stated she was concerned about the representation of colors presented in the PowerPoint and that this was the first time she had seen them. **Tony Ebner**, Los Banos, presented a document to the commission that read “Los Banos, California Downtown Development Report (on file with the Planning Department). Ebner stated that a lot of time and effort was put into the design standards. Questioned the color palette noting that she had never seen it. Stated that she feels the commission should initiate the design standards immediately. **DJ Barcellos**, Los Banos, stated during the committee process it was considered that the railroad corridor not allow drive-thrus due to the fact that it was a walkway. Stated she was concerned with the color palette presented, and that she provided a color system to city staff years ago. Stated that the design standards would at least set the motion for the commission to have authority to make decisions, and that it is important for the city to adopt these standards quickly. **Shirley Napolitano**, Los Banos, stated that she was in agreement with everyone that spoke. Stated that each demolition should be looked at in detail and brought to the public in order to preserve history. Napolitano was also concerned with the color palette presented. **Gerry Giesel**, Los Banos, stated that he served on the Design Standards Committee, and commended the business owners for cleaning up their buildings, but stated there are several more buildings to go. Stated that the standards could always be revised, but they were something to go by and should be adopted soon. **Dave Anderson**, Los Banos, stated that he was not involved in the Design Standards Committee; however, he did read through the document and it seemed pretty solid. Stated that by adopting these standards, our town can begin to

preserve and develop its character. Anderson encouraged the commission to adopt the standards quickly. **Linda White**, Los Banos, stated she would not like to see the document sit for another two years and not be implemented.

Planning Manager LeVan, stated that the color palettes have already been decided, and the color palette he provided was just to give ideas to the commission.

Chairman Donovan closed the public hearing.

Chairman Donovan re-opened the public hearing

Tim Marrison, Los Banos, provided wording that he felt should be used in the document to handle structurally unsound buildings downtown. Marrison stated the following wording should be added to the document: "When determined by a licensed Structural Engineer that a structure has deteriorated or been damaged beyond reasonable repair, the property owner shall provide the Planning Commission with supporting documentation from the Engineer that the structure is damaged beyond rehabilitation and request that the building be allowed to be demolished." **Leslie Villalta**, Los Banos, suggested that the commission be cautious regarding the wording for rehabilitation because it may have other ramifications than just the downtown. **DJ Barcellos**, Los Banos, stated that other cities have historical areas designated and downtown revitalization members that work with businesses before they come to the Planning Commission.

Chairman Donovan closed the public hearing.

Motion by Lewis, seconded by Osborn to adopt Planning Commission Resolution No. 2007-38 with added language to S-13, B-1 stated as follows: "When determined by a licensed Structural Engineer that a structure has deteriorated or been damaged beyond reasonable repair, the property owner shall provide the Planning Commission with supporting documentation from the Engineer that the structure is damaged beyond rehabilitation and request that the building be allowed to be demolished". It was also added that the Modesto Ash tree be removed from the landscaping condition.

Planning Manager LeVan stated that this item would not be brought back to the commission until the second meeting in August to allow staff time to change the language and additions to the document.

CONSIDERATION OF APPROVAL OF CONDITIONAL USE PERMIT #2007-05, CALIFORNIA REDEMPTION VALUE RECYCLING CENTER FOR PROPERTY LOCATED AT 937 PACHECO BLVD.; ASSESSOR PARCEL NUMBER: 083-050-001, RESOLUTION NO. 2007-36. APPROVAL WOULD PERMIT RECYCLING CONTAINERS TO BE USED AS A COLLECTION SITE IN PARKING LOT IN THE HIGHWAY COMMERCIAL ZONE DISTRICT. Planning Manager LeVan presented the report by PowerPoint.

There was commission member concern regarding how the applicant would keep the area clean, noise disrupting the residents, where the waste would be hauled to, the use of an A-frame sign, and parking spaces being occupied by the bin.

Chairman Donovan opened the public hearing.

John Pectorich, applicant, stated that he would tank in water and try to keep all solids and wastes off of the ground so that only liquids would be in the gutter. Spoke about possibly bringing in a roll-up carpet to handle any spills near the bin. Stated that the business would operate 9am – 6pm and that closing on holidays would be at his discretion. Stated that the A-frame sign was not necessary for him; however, the State of California requires him to post signage regarding amounts given, hours, ect. Stated that he had a common friend with the existing Market Manager who told him that he would be able to use the Markets water service. Stated that he would try his best to keep the noise and waste at a minimum. Stated that he currently has a bonus program in place for employees who keep his sites clean. **Jesse Molina Jr.**, stated that his family owns the current recycling center on F Street, questioned if a change was made to the current City Ordinance regarding recycling centers not being allowed to be one-hundred feet from residences. **Jesse Molina Sr.**, an owner of Independent Recycling, stated that recycling centers are very noisy, and he has looked for other sites within the city; however, he was always denied due to noise affecting the nearby residents. Stated he was told by city staff that the only designated area for recycling was near WalMart.

Chairman Donovan closed the public hearing.

Commission Members stated concerns including that the area could not be kept insect and smell free, no oil/grease separator was included for washing down containers in that area, no agreement was in place with the existing Market for the applicant to use their water service.

Motion by Lewis, seconded by Osborn to deny the project based on the findings that the health, safety and comfort of general persons residing in the area would be affected, including the project affecting the property values of others, and negative environmental impact on the area.

A five minute recess was taken.

Chairman Donovan stated that Valerie Osborn left the meeting and that his was her last Planning Commission 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.

Chairman Donovan stated that this item was to be continued to the August 8, 2007 Planning Commission meeting.

CONSIDERATION OF APPROVAL OF ORDINANCE AMENDMENT NO. 2007-01 TO THE LOS BANOS MUNICIPAL CODE, RESOLUTION NO. 2007-30. APPROVAL WOULD ALLOW MOBILE VENDORS TO OPERATE 365 DAYS PER YEAR AND WOULD APPLY CITY-WIDE WHERE RETAIL GOODS ARE ALLOWED TO BE SOLD. (CONTINUED FROM JUNE 13, 2007). Planning Commission Manager LeVan presented the report by PowerPoint.

Chairman Donovan opened the public hearing.

Dave Anderson, Los Banos, suggested the commission amend the ordinance to allow conditional use permits for 365 days of operation addressed by the Planning Commission on a case by case basis while the commission addresses rewriting the ordinance. Stated that the public hearing on item 7A was addressing the issue of a mobile vendor, and he would not have been allowed to operate 365 days a year under the current ordinance.

Chairman Donovan closed the public hearing.

There were many concerns commission member concerns regarding the current ordinance in place, and it was suggested that two Planning Commission members meet with the Planning Manager to share ideas and assist with re-writing the existing ordinance.

Motion by Lewis, seconded by Hammond to table the item and re-notice the public hearing once the Planning Manager has met with the two Planning Commissioners and has been given clear direction regarding the ordinance revision.

Chairman Donovan suggested Deborah Lewis and Aracelli Anderson be the commissioners to meet with the Planning Manager.

COMMISSIONERS REPORTS:

ARACELI ANDERSON: Absent.

STEPHEN HAMMOND: No report.

VALERIE OSBORN: Absent.

DEBORAH LEWIS: Requested a copy of the City's current sign standards. Stated that she enjoyed the Temptations at the Merced Fair.

NORM DONOVAN: Stated that he will miss working with Commissioner Osborn.

ASSISTANT PUBLIC WORKS DIRECTOR: 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 10:17 p.m.

APPROVED:

/s / Norm Donovan
Norm Donovan, Chairman

ATTEST:

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