

**CITY OF LOS BANOS  
PLANNING COMMISSION MEETING MINUTES  
July 13, 2011**

*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 (CD and/or audio) kept as a permanent record.*

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

**PLEDGE OF ALLEGIANCE:** Planning Commissioner Toscano led the Pledge of Allegiance.

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Arkady Faktorovich, Vern Hixson, Chandra Lee, Tom Mello, Tracey Rosin and Susan Toscano. Absent: Deborah Lewis.

**STAFF MEMBERS PRESENT:** Planning Director Fitzgerald, City Attorney Vaughn and Assistant Planner/Planning Secretary Souza.

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

**CONSIDER APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF JUNE 8, 2011:** Motion by Toscano, seconded by Lee to approve the minutes as submitted. The motion carried by the affirmative vote of all Commission Members present. Absent: Deborah Lewis.

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

**PUBLIC HEARING – CONSIDER APPROVAL OF SITE PLAN REVIEW #2011-01 FOR THE CONSTRUCTION OF A COMMUNITY BUILDING FOR THE LOS BANOS APARTMENTS COMPLEX TO BE USED BY THE TENANTS LOCATED AT 44 W. I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 027-060-009.** Planning Director Fitzgerald presented the staff report which included a power point presentation.

Chairman Mello; happy that the playground will remain; will the new community building be used exclusively by the tenants of the apartment complex; **Garbis Kataroyan, Architect for Los Banos Apartments**; correct.

Chairman Mello opened the public hearing; no one came forward and the public hearing was closed.

Commissioner Hixson; is there security measures in place for the computer room; **Garbis Kataroyan, Architect for Los Banos Apartments**; yes there will be security for the grounds and the computer room; Commissioner Faktorovich; the plans show new landscaping for the new building, will the existing buildings have more landscaping; **Garbis Kataroyan, Architect for Los Banos Apartments**; the priority of the project is health and safety according to the budget; if the budget allows, a drip irrigation method will be used to cut down on usage of water; Commissioner Faktorovich; so you are considering adding more landscaping to the existing site; **Garbis Kataroyan, Architect for Los Banos Apartments**; yes, we are considering; extra tax points are gained for minimizing the usage of water on the tax credit application; Commissioner Faktorovich; how about the improvement of lighting; **Garbis Kataroyan, Architect for Los Banos Apartments**; lighting will be looked at once the project and budget is approved; Commissioner Faktorovich; the area is not safe and more lighting will help;

Commissioner Rosin; do the tax credits encumber the property owner for a length of time into the ownership of the building; **Garbis Kataroyan, Architect for Los Banos Apartments**; the units would remain low income for 40 years; Commissioner Rosin; so the current property owner would have to remain the same; **Garbis Kataroyan, Architect for Los Banos Apartments**; the low income status is what remains for 40 years and transfers with the property; Chairman Mello; the Planning Commission's concern is the new building, not the rest of the site; Planning Director Fitzgerald; correct.

Motion by Rosin, seconded by Lee to adopt Planning Commission Resolution No. 2011-09 – approving Site Plan Review #2011-01 for a community building for the Los Banos Apartments located at 44 W. I Street. The motion carried by the affirmative action of all Commission Members present. Absent: Deborah Lewis.

**PUBLIC HEARING – CONSIDER APPROVAL OF SITE PLAN REVIEW #2011-02 FOR THE CONVERSION, REMODEL AND EXPANSION OF AN EXISTING RESTAURANT BUILDING TO ACCOMMODATE A NEW BLACK BEAR DINER LOCATED AT 955 W. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 431-020-001.** Planning Director Fitzgerald presented the staff report which included a power point presentation.

Chairman Mello opened the public hearing; no one came forward and the public hearing was closed.

Commissioner Faktorovich; enjoys Ryan's Restaurant and the historical pictures from the community and the military service men/women, will the pictures remain; **Bob Rose,**

**Applicant**; yes, the pictures will stay as the pictures are a big part of the restaurant and a big part of Los Banos; the restaurant is in need of repair; the Tulare restaurant was originally a Ryan's Restaurant and then converted into a Black Bear Diner and he requested that the Black Bear franchise allow him to keep the historical pictures, which they did; has already spoken to Black Bear about Los Banos' pictures; Commissioner Faktorovich; is the special stool at the bar with the plaque going to stay; **Bob Rose, Applicant**; all the counter stools will be changed; however, the special stool will stay; Commissioner Rosin; commends the owner for remaining and supporting the economy and the community; will there be additional jobs; **Bob Rose, Applicant**; yes, jobs will be added; does not know the exact amount; Commissioner Hixson; parking lot is in need of being fixed; **Bob Rose, Applicant**; agrees with the Commissioner and will speak with the property owner's representative regarding fixing the parking lot; it is the responsibility of the property owner to fix the shopping center; the restrooms will be expanded to accommodate ADA standards.

Motion by Toscano, seconded by Lee to adopt Planning Commission Resolution No. 2011-10 – approving Site Plan Review #2011-02 for the remodel and expansion of an existing restaurant for conversion to a Black Bear Diner located at 955 W. Pacheco Blvd. The motion carried by the affirmative action of all Commission Members present. Absent: Deborah Lewis.

**PUBLIC HEARING – CONSIDER RECOMMENDING APPROVAL OF USE PERMIT #2011-03 TO THE LOS BANOS CITY COUNCIL FOR THE USE OF A TYPE 21 ALCOHOL LICENSE FOR THE OFF-SALE OF GENERAL ALCOHOL AT TARGET LOCATED AT 1405 W. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 430-010-020.** Planning Director Fitzgerald presented the staff report which included a power point presentation.

Commissioner Faktorovich; what is the difference between a Type 20 license and a Type 21 license; Planning Director Fitzgerald; Type 20 is beer and wine and Type 21 is off-sale general alcohol; Commissioner Rosin; thanked the Planning Director for a clear and concise staff report; Chairman Mello; has any other Type 20 licenses been recovered as businesses go out; Planning Director Fitzgerald; all the active licenses are listed on ABC's website and are broken down by census area; the website does show the licenses that have been surrendered and the licenses that are on hold;

Chairman Mello opened the public hearing; **Beth Aboulafia, Target Representative**; Target has been operating with the sales of beer and wine since its opening in 2008 without any problems or adverse affects on the community; this request is in conjunction with the expansion of the grocery area that is underway; extensive security is in place in the store; as indicated theft prevention devices will be placed on all distilled spirit bottles; applicant fully agrees with all conditions proposed by staff; Chairman Mello; is Target's weekly ads available online; **Beth Aboulafia, Target Representative**; yes, they are online.

No one else came forward and the public hearing was closed.

Motion by Lee, seconded by Faktorovich to adopt Planning Commission Resolution No. 2011-11 – recommending approval of Conditional Use Permit #2011-03 to the Los Banos City Council for the use of a Type 21 Alcohol License for the off-sale of general alcohol for Target located at 1405 W. Pacheco Blvd. The motion carried by the affirmative action of all Commission Members present. Absent: Deborah Lewis.

**PLANNING DEPARTMENT REPORT:** Nothing to report.

**PLANNING COMMISSION MEMBER REPORTS:**

**ARKADY FAKTOROVICH:** Nothing to report.

**VERN HIXSON:** Nothing to report.

**CHANDRA LEE:** Nothing to report.

**DEBORAH LEWIS:** Absent.

**TOM MELLO:** Nothing to report.

**TRACEY ROSIN:** Mercey Springs Foundation will be holding a benefit to support Jaime Brown who is battling bone cancer.

**SUSAN TOSCANO:** Mercey Springs Foundation is a non-profit organization that is doing everything legally within their parameters for the Jaime Brown benefit.

**ADJOURNMENT.** The meeting was adjourned at the hour of 7:48 p.m.

APPROVED:

**/s/Tom Mello**  
Tom Mello, Chairman

ATTEST:

**/s/Stacy Souza**  
Stacy Souza, Planning Commission Secretary