CALL TO ORDER. 7:00 PM

PLEDGE OF ALLEGIANCE.

ROLL CALL. (Planning Commission Members)

Donovan __, Hammond __, Lee __, McCauley __, Mello __, Napolitano __, Chairman Viveros __
4. APPROVAL OF AGENDA.

Recommendation: Approve the agenda as submitted.


Recommendation: Approve the minutes as submitted.

6. PUBLIC FORUM: Members of the public may address the Commission on any item of public interest that is within the jurisdiction of the Commission, including agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation.

7. PUBLIC HEARINGS: If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.

A. Public Hearing – Consider Approval of Use Permit #2010-02 to Allow an Increase in Maximum Exterior Wall Signage for Baskin Robbins Located at 325 W Pacheco Boulevard.

1) Planning Commission Resolution No. 2010-15 – Approving Use Permit #2010-02 to Allow an Increase in Exterior Wall Signage to Two Square Feet of Sign Display Area for each Lineal Foot of Building Frontage to which the Sign is Attached for Baskin Robbins Located at 325 W Pacheco Boulevard.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2010-15 as submitted.

8. PLANNING DEPARTMENT REPORT.

9. COMMISSIONERS REPORTS.

A. Donovan
B. Hammond
C. Lee
D. McCauley
E. Mello
F. Napolitano
G. Viveros
APPEAL RIGHTS AND FILING PROCEDURES

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filling written notice with the Planning Commission Secretary not later than five (5) business days (excluding holidays) after the day on which the act or determination was made. An appeal must state the act or determination which is being appealed, the identity of the applicant and his/her interest in the matter, and set forth in concise statement(s) the reasons which render the Commission's decision unjustified or inappropriate. (Los Banos Municipal Code Section 9-3.2226)

Concerning an action taken by the Planning Commission related to Chapter 2 Articles 1 through 17 of the Los Banos Municipal Code "Subdivisions", if a subdivider or other affected property owner is dissatisfied with any action of the Commission with respect to a tentative map or the nature and extent of improvements recommended or required he/she may within fifteen (15) days after such action appeal to the Planning Commission Secretary for a public hearing on the matter. An appeal must state the action being appealed, identify the agenda item by agency number or project title, and set forth in concise statement(s) the reasons for the appeal. (Los Banos Municipal Code Sections 9-2.807)

Appeals must be in writing and include the appellant's name and address and original signature. A filing fee of $150.00 must accompany the notice of appeal.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

Norma Fuentes, Planning Commission Secretary
Dated this 20th day of August, 2010
ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the City Council. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

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

PLEDGE OF ALLEGIANCE. Planning Commissioner Lee led the Pledge of Allegiance.


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

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Donovan, seconded by Lee to approve the agenda as submitted. The motion carried by the affirmative action of all Commission Members present. Absent: Ann McCauley and Erasmo Viveros.

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF JULY 28, 2010: Motion by Lee, seconded by Donovan to approve the minutes as submitted. The motion carried by the affirmative action of all Commission Members present. Absent: Ann McCauley and Erasmo Viveros.

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. Bhupinder Singh Sohal, Los Banos Resident; requests that ice cream vendors be allowed to vend within city limits for one year instead of the limited 6 months (180 days).

PUBLIC HEARING – CONSIDER RECOMMENDING APPROVAL OF THE ZONING ORDINANCE AND ZONING MAP AND RECOMMEND CERTIFICATION OF THE NEGATIVE DECLARATION. Planning Director Fitzgerald presented the staff report.

Commissioner Napolitano; referring to parking, are bakery trucks allowed to park in the neighborhoods, Planning Director Fitzgerald; if under 10,101 lbs (5 tons); 1/3 of the size; Commissioner Napolitano; based on protecting the roads and streets; Planning Director Fitzgerald; from the California Vehicle Code, feels it is, staff has utilized it to keep it from becoming a potential nuisance within the neighborhoods, Commissioner Napolitano; any recreational parking (on-street) for an extended period of time; Assistant Planner Souza; according to Article 32, this is already an existing part of the code; it is pre-existing; boats would be considered a “recreational vehicle” so it would not be allowed; Planning Director Fitzgerald, it is on page 188 of the redline version.
Commissioner Hammond, wanted to commend staff for the work they have put in to getting the Zoning Code in order.

Vice Chair Mello opened up the public hearing; no one came forward and the public hearing was closed.

Motion by Donovan, seconded by Hammond to adopt Planning Commission Resolution No. 2010-14 – Approval of the comprehensive update to Section 9.3 of the Municipal Code (Zoning Ordinance) and Zoning Map and recommending certification of the Negative Declaration (SCH #2010051025). The motion carried by the affirmative action of all Commission Members present. Absent: Ann McCauley and Erasmo Viveros.

PLANNING DEPARTMENT REPORT. Staff completed the review of the Administrative Draft of the Wal-mart EIR; reviewing the Stonecreek North area plan; reviewing the Presidential Estates EIR.

PLANNING COMMISSION MEMBER REPORTS.

NORM DONOVAN: asked for clarification on the number of residential permits pulled to date; requested clarification with regard to the comment made by a resident at the public forum regarding ice cream vendors.

STEPHEN HAMMOND: Nothing to report.

CHANDRA LEE: Nothing to report.

ANN McCauley: Absent.

TOM MELLO: Nothing to report.

SHIRLEY NAPOLITANO: Attended the NAACP dinner at the new Los Banos Community Center; it was great; informed the Commission of a possible measure that may possibly come up on the November ballot (mentioned at the NAACP dinner by Cathleen Galgiani); it would be a memoriam on new housing until we lower our stock on vacant homes.

ERASMO VIVEROS: Absent.

ADJOURNMENT. The meeting was adjourned at the hour of 7:21 p.m

APPROVED:

Tom Mello, Vice Chair

ATTEST:

Norma Fuentes, Planning Commission Secretary
TO: CHAIR VIVEROS AND COMMISSIONERS
FROM: STACY SOUZA, ASSISTANT PLANNER
THROUGH: PAULA FITZGERALD, AICP, PLANNING DIRECTOR
FOR: PLANNING COMMISSION MEETING OF AUGUST 25, 2010
SUBJECT: USE PERMIT #2010-02

RECOMMENDATION:

1. That the Planning Commission considers approving Use Permit #2010-02 to allow an increase in maximum exterior wall signage for Baskin Robbins located at 325 W Pacheco Blvd.

PROJECT: Use Permit #2010-02
APN: 027-161-044
APPLICANT: Walter & Kathy Ballard
CEQA: Exempt

PROJECT BACKGROUND/DESCRIPTION:
The proposed use permit is for the allowance of additional exterior wall signage beyond what is permitted in the Highway Commercial zoning district under Section 9-3.2835 of the Los Banos Municipal Code. The applicant is requesting two square feet of signage per each lineal foot of frontage where there would normally be just one square foot allowed per lineal foot.

The applicant is requesting this additional allowance for the existing Baskin Robbins store in order to comply with franchise requirements, which are requiring older stores to comply with the new franchise logo. The original signage has
never been replaced and the proposed signage will be much more efficient for the project site.

LOCATION:
The project site is located at 325 W Pacheco Blvd., more specifically identified as Assessor's Parcel Number 027-161-044.

EXISTING LAND USE:

<table>
<thead>
<tr>
<th>Property</th>
<th>Land Use</th>
<th>Zone</th>
<th>General Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Site</td>
<td>Commercial</td>
<td>H-C</td>
<td>Commercial</td>
</tr>
<tr>
<td>North</td>
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<tr>
<td>South</td>
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</tr>
<tr>
<td>West</td>
<td>Commercial</td>
<td>H-C</td>
<td>Commercial</td>
</tr>
</tbody>
</table>

H-C = Highway Commercial

ENVIRONMENTAL ASSESSMENT:
Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA – Article 5, Section 15061 (b)(3) – no significant effect on the environment.

ANALYSIS:

*Use Permit Code Requirements*
Section 9-3.2835 (b)(1) of the Los Banos Municipal Code states that wall signs shall not exceed one square foot of aggregate sign display area for each lineal
foot of building frontage to which the sign is attached. For example if a building frontage measures 100 lineal feet in the Highway Commercial District, they are allowed 100 square feet of wall signage.

The applicant is requesting to have two square feet of aggregate sign display area for each lineal foot of building frontage for exterior wall signage. This change in maximum wall signage would allow the applicant to comply with franchise requirements.

Staff believes that the proposed use permit is a reasonable request as the increase in wall signage will allow the business to comply with franchise requirements and will be a modern improvement from the existing old signage on site. The proposed signage, as drawn to scale on Attachment 2 shows the practicality of the increase in signage.

PUBLIC COMMENT:
A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within 300 foot radius of the subject property on August 13, 2010. As of the date of this staff report no comments have been received.

CONCLUSION:
The permitted allowance for extra signage is a reasonable request as the location of the extra signage is appropriate and allows the applicant to comply with franchise standards. Staff believes that the use permit request is reasonable and will be a beneficial upgrade from the existing old signage.

APPLICABLE ORDINANCES/ POLICIES:
Los Banos General Plan - LU 11

Los Banos Municipal Code – 9-3.2835

RECOMMENDATION:
1 That the Planning Commission considers approving Use Permit #2010-02 to allow an increase in maximum exterior wall signage for Baskin Robbins located at 325 W Pacheco Blvd.

ATTACHMENTS:
1. Resolution 2010-15 approving Use Permit #2010-02
   Exhibit A CEQA Findings
   Exhibit B Project Findings
   Exhibit C Conditions of Approval

2. Signage Plan
   a. Site Plan
   b. Signage Elevations

3. Site Specific Map
RESOLUTION No. 2010-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING USE PERMIT 2010-02 TO ALLOW AN INCREASE IN EXTERIOR WALL SIGNAGE TO TWO SQUARE FEET OF SIGN DISPLAY AREA FOR EACH LINEAL FOOT OF BUILDING FRONTAGE TO WHICH THE SIGN IS ATTACHED FOR BASKIN ROBBINS LOCATED AT 325 W. PACHECO BLVD.

PROJECT NAME AND NUMBER:
Baskin Robbins - Use Permit #2010-02

PROJECT DESCRIPTION:
A Request to allow an increase in maximum exterior wall signage for Baskin Robbins

LOCATION:
The project site is located at 325 W Pacheco Blvd.; more specifically identified as Assessor’s Parcel Number· 027-161-044

PROJECT APPLICANT:
Walter and Kathy Ballard, Brain Freeze Inc.

WHEREAS, the applicant has requested that the City of Los Banos consider an allowance in additional exterior wall signage for Baskin Robbins located at 325 W Pacheco Blvd., further identified as Assessor’s Parcel Number· 027-161-044, and

WHEREAS, the Los Banos Municipal Code Section 9-3.2843 requires the request of variations of the sign standards to be done through a use permit; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on August 13, 2010 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, this project was evaluated under Article 5, Section 15061 as having no significant effects on the environment and found to be exempt from the provisions of CEQA, and
WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Los Banos Municipal Code; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Use Permit #2010-02 to permit an increase of maximum exterior wall signage to two square feet of sign display area for each lineal foot of building frontage to which the sign is attached for Baskin Robbins located at 325 W Pacheco Blvd., subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 25th day of August 2010 by Planning Commissioner_______ who moved its adoption, which motion was duly seconded by Planning Commissioner_______, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT

APPROVED:

________________________________________

Erasmo Viveros, Chairman

ATTEST

________________________________________

Norma Fuentes, Commission Secretary
EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR USE PERMIT #2010-02 – BASKIN ROBBINS

Pursuant to the requirements of California Public Resources Code Section 21000 et seq (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City of Los Banos as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows.

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, the project was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 5, Section 15061 – No significant environmental effects.

2. Use Permit #2010-02 was adequately noticed in the Los Banos Enterprise on August 13, 2010 to be considered at a public meeting on August 25, 2010.

3. No further environmental documentation is required as the Use Permit was contemplated and adequately analyzed in the initial review.

4. The proposal is consistent with the Los Banos General Plan as it meets the use and standards specified within.

5. The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use and development standards specified within.
EXHIBIT B

PROJECT FINDINGS OF APPROVAL FOR USE PERMIT #2010-02 – BASKIN ROBBINS

The City of Los Banos Planning Commission hereby finds as follows:

1. The Los Banos General Plan was adopted by the City on May 19, 1999 and the project was prepared pursuant to the goals and policies of the General Plan;

2. The requested variation from the sign standards as conditioned will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhoods of such proposed use in that the proposal of the use permit characteristically will create better visibility for business and will provide a modern update with new signage which will benefit the surrounding area.

3. The requested variation from the sign standards as conditioned is compatible with the adjacent uses, properties, and neighborhoods, and will not be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City in that the signage will only compliment the adjacent properties and the operational characteristics of the facility will not be changed due to the requested Use Permit.
EXHIBIT C

CONDITIONS OF APPROVAL FOR USE PERMIT #2010-02 – BASKIN ROBBINS

Planning:

1. The Use Permit is for Baskin Robbins located at 325 W Pacheco Blvd., more specifically identified as Assessor's Parcel Number 027-161-044 and the use shall expire after one (1) year unless implemented. The City for cause may revoke this Use Permit.

2. The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.

3. The maximum allowed wall signage shall not exceed two (2) square feet per each lineal foot of wall frontage as submitted in the use permit application. All other signage shall be in conformance with the Municipal Code.

4. All signs shall comply with the requirements of the Public Utilities Commission of the State, the Uniform Sign Code as adopted by the City, the regulations of the Building Department of the City and all other relevant Federal, California State, and local laws and regulations.

5. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.

6. All signs shall be maintained in a good structural condition in compliance with all building and electrical codes, and in conformance with the Los Banos Municipal Code, at all times.

7. All signs shall be designed in a neat and orderly manner, and all signs, including supporting structures, shall be kept in a presentable condition at all times. All painted signs and all supporting structures of signs shall be repaired to keep them in good condition whenever such action is requested in writing by the Building Official or Planning Director.

8. Lighting for illuminated signs shall be so arranged that it does not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises. No artificial light of whatever type or nature used in conjunction with, or for the purpose of lighting, any sign shall be so located or constructed, nor any substance or material capable of reflecting light on or into any adjoining or nearby lot, structure, or public right-of-way Where
spotlights or floodlights are use to illuminate a sign, the reflector shall be provided with proper shields or glass lenses concentrating the illumination upon the area of the sign so as to prevent flare upon the street or adjacent property.

9. The Planning Commission reserves the right to review and/or revoke Use Permit #2010-02 should the City receive complaints or should the applicant not adhere to the Conditions of Approval.

10. The developer agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
SITE PLAN

PACHECO BLVD

Baskin Robbins

JOB INFO

JOB #: 000
CLIENT: BASKIN ROBBINS
CONTACT
DATE: 5-17-10
PROJECT LOCATION: 325 PACHECO BLVD
LODI, CA

SALESPERSON: ANDY SOARES
DRAWN BY: BAM
PAGE 1 OF 5

FILE NAME:
BASKIN ROBBINS

FILE NOTED:
BASKIN ROBBINS

REVOLUTIONS:
S: 1-15-10 5-16-10

SCALE:
120 Volt
277 Volt

FILE:
Other

SPECIFICATIONS

See Drawing for Specifications
Signs A & B: Led Illuminated P/C Signs / Scale 1/2"=1'-0"
white acrylic faces with vinyl decoration, 3630-1091 Pink & 3630-8508 Blue
6" deep white aluminum returns with 3/4" white trimcap, ul approved white Led illumination, flush mount sign to bldg fascia

Photo Elevation (front)

Photo Elevation (back)

Photo Elevation (front)

Photo Elevation (back)
Sign F: Led Illuminated P/C Sign / Scale 1/2"=1'-0"
- White acrylic faces with vinyl decoration, #3630-1091 Pink & #3630-8508 Blue
- 5" deep white aluminum returns with 3/4" white trimcap, UL approved white LED illumination
- Flush mount sign to building fascia

Sign G: Led Illuminated P/C Sign Balloon
- Scale 1/2"=1'-0"
- White acrylic panels with blue #3630-8508 vinyl decoration
- 5" deep white aluminum returns with 3/4" white trimcap, UL approved white LED illumination
- Flush mount sign to building fascia
Sign D: (reface) D/F Illuminated Multi-tenant Sign
Scale 3/8"=1'-0"
- cabinet: existing @ site - repaint white (also relamp cabinet)
- sign face: white lexan faces with vinyl decoration;
  Pink #3630-1091 & Blue #3630-8508

Sign E: (new)
D/F Illuminated Directional Sign
Scale 1 1/2"=1'-0"
- cabinet: aluminum construction paint white
- sign face: white lexan faces with vinyl decoration;
  Pink #3630-1091 & Blue #3630-8508
- support column: 2" sq. tube paint white
Sign C: Illuminated Awning
Scale 1/2"=1'-0"

aluminum frame awning with pink skin (match pms# 239C) VT 9167
vinyl decoration; pink #3630-1091, blue #3630-8508 & white
typ. fluorescent lamp illumination

Awning Detail

#12 x 5/8" self tapping screws w/rubber washers

nylon cord sewn into material & inserted into
awning frame track

50'-5" (avail. fascia)

Photo Elevation (side)

Specifications:
1) existing fascia (varies)
2) 1" pitch from rear of awning
3) 1" x 1" x .125" alum. sq. tube awning frame with natural finish (wire brush oil wiped)
4) "Arbor" vivid green #2000-165, Product-Eradicolor, Signrite ref. 4-296
5) egg-crate bottom
6) fluorescent lamps
7) disconnect switch
8) flex conduit to j-box

Fluorescent lamps UL Approved aluminum wireways per length of awning (varies)
30 amp circuit req'd for every 30' length of awning, amp total per awning (varies)
all signs require outdoor
grounded & bonded per NEC 250 all components of approved use (1) 5 amp in-line fuse per ballast