

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 9, 2015**

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. Chairperson Spada called the Planning Commission Meeting to order at the hour of 7:01 p.m.

PLEDGE OF ALLEGIANCE. The pledge of allegiance was led by Commissioner Hammond.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Arkady Faktorovich, Stephen Hammond, Palmer McCoy (arrived at 7:19 p.m.), and Tom Spada; Todd Baker and Susan Toscano absent.

STAFF MEMBERS PRESENT: Senior Planner Stacy Elms, Planning Technician Sandra Benetti, City Attorney William Vaughn.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Cates, seconded by Hammond to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Baker, McCoy, Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF AUGUST 26, 2015. Motion by Hammond, seconded by Cates to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Baker, McCoy, Toscano absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Chairperson Spada opened the public forum. No one came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER MOBILE VENDOR PERMIT #2015-01 TO ALLOW THE OPERATION OF A MOBILE TACO TRUCK FOR CHRISTIAN MENDOZA DBA: TACOS EL JEFE TO VEND ON PRIVATE PROPERTY LOCATED

AT 1155 I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 026-152-003. Senior Planner Elms presented the staff report.

Chairperson Spada inquired if restrooms were accessible at all times.

Senior Planner Elms stated that it's a requirement of their health permit and a part of their lease.

Chairperson Spada opened up the public hearing. No one came forward to speak and the public hearing was closed.

Motion by Faktorovich, seconded by Cates to adopt Planning Commission Resolution No. 2015-34 – Approving Mobile Vendor Permit #2015-01 for the Operation of a Mobile Taco Truck on Private Commercial Property Located at 1155 I Street. The motion carried by the affirmative action of all Planning Commission Members present; Baker, McCoy, Toscano absent.

PUBLIC HEARING – TO CONSIDER AND MAKE A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT A PROPOSED ORDINANCE TO REGULATE AND CREATE A PROCESS FOR TEMPORARY USES ON PRIVATE (NON-RESIDENTIAL) PROPERTY, LOCATED IN TITLE 9, CHAPTER 3, ARTICLE 38 OF THE LOS BANOS MUNICIPAL CODE (CONTINUED FROM AUGUST 26, 2015).

Senior Planner Elms presented the staff report, noting the changes that were made to the proposed ordinance based on the discussion at the previous Planning Commission meeting.

Commissioner McCoy arrived and took his seat at the dais at 7:19 p.m.

Chairperson Spada spoke of how he would like to see a change to accommodate temporary portable moving containers.

Senior Planner Elms stated that the placement of those containers is the concern of staff and pointed out that there may not be room for two in a driveway.

Commissioner Hammond inquired as to whom monitors garage sales.

Senior Planner Elms stated that neighbors tend to monitor and let the City know, how the Code Enforcement Officer will receive complaints and if it is in excess then they document it.

Chairperson Spada spoke of waste containers, how most roll offs are put into the street because driveways cannot hold that weight, the need to talk about the placement of these waste containers, and how if it's a permitted job then it could be part of the permitted requirements.

City Attorney Vaughn spoke of getting into liability issues when using the public right of way, especially when putting a waste container in the street for the life of a building permit, bringing up issues including taking up curbside parking, talked about limiting it to 90 days and several Commissioners didn't like that, limited it to the length of time of the building permit, and how there would be a need for a temporary use permit so it can be reviewed by staff.

Commissioner Cates inquired if they could add wording regarding storage for the temporary portable moving containers.

City Attorney Vaughn responded that he would prefer it to say "household storage".

City Attorney Vaughn stated that there really isn't a way to control or monitor it until someone complains so at that time staff would turn to the Municipal Code where there currently isn't anything that addresses it, so adding "household storage" would be fine.

There was discussion among commissioners, staff, and counsel regarding curb distance and building codes that allow for tool sheds in backyards.

Chairperson Spada opened the continued public hearing. ERIK LIMON, Republic Services, spoke regarding waste containers, agreed with comments by City Attorney Vaughn, spoke of the typical time duration used for containers, fees associated with it, and how they won't place the containers in driveways if it impedes foot traffic; Chairperson Spada inquired where they can be placed if it can't be in the street; City Attorney Vaughn stated that the applicant would need a temporary use permit that would go through Senior Planner Elms and Republic Services; Mr. Limon stated that the containers do take up a portion of the street, prefers them in an industrial setting, and how the turnaround time is typically a week; City Attorney Vaughn suggested that staff can make an exception if the box is utilized by our contracted waste hauler, although if different then the applicant would need a temporary use permit.

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

Motion by Cates, seconded by Faktorovich to adopt Planning Commission Resolution No. 2015-33 – Recommending to the City Council Adoption of an Ordinance for Temporary Use Permits as Set forth in Title 9, Chapter 3, Article 38 of the Los Banos Municipal Code with the additional words to address temporary portable moving containers along with household storage containers and construction waste containers associated with the City's contracted licensed waste hauler. The motion carried by the affirmative action of all Planning Commission Members present; Baker and Toscano absent.

DESIGN REVIEW STUDY SESSION – EXPANSION OF AN EXISTING COMMERCIAL BUILDING BY AN ADDITIONAL 1,832 SQUARE FEET LOCATED AT 403 N. MERCY SPRINGS ROAD. Senior Planner Elms presented the staff report, which

included a PowerPoint presentation and noted that the applicant, Jay Virk, was present to answer any questions.

Commissioner Faktorovich spoke of a discrepancy on the south elevation.

Mr. Virk spoke of adding to the north, how the ceiling floor will be higher and with that they are trying to make it as close to the same height as possible.

Commissioner Faktorovich suggested enhancing the flat wall.

Senior Planner Elms stated that the wall could be enhanced that with contrasting paint colors.

Chairperson Spada inquired about the taco truck that's currently located on the property.

Mr. Virk spoke of how he will have his own food service inside the store so the taco truck would not be located there after the expansion.

Chairperson Spada spoke of how he loves the project and inquired if the sign would be obstructed once the canopy is built.

Mr. Virk responded that it would not be obstructed.

Commissioner Cates stated that it will compliment that side of the street and congratulated Mr. Virk.

Senior Planner Elms spoke of staff's recommendation that the applicant does not move the driveway on Mercey Springs Road.

Commissioner McCoy inquired where the tanks will go for gas under the new canopy.

Mr. Virk stated that will be located north where the new parking is and where the asphalt meets the concrete.

Feedback given to applicant only, no action taken.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF A 4,000 SQUARE FOOT COMMERCIAL BUILDING LOCATED AT 1357 W. PACHECO BOULEVARD IN THE STONECREEK PLAZA. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noting that the architect was present to answer any questions.

Tom Wilson, TWA Architect and representing the applicant, spoke of the balance of making the project look good and penciling out its feasibility.

Chairperson Spada inquired about the delivery areas.

Mr. Wilson spoke of the site, how there won't be a lot of deliveries because it will be more of a showroom, and how the delivery trucks won't be as large as semis.

Commissioner Faktorovich spoke of his admiration of the building.

Commissioner McCoy inquired if there was a monument sign that part of the plan for the plaza.

Senior Planner Elms spoke of how that would have been arranged with the property owner of the shopping center, how it was probably a deal point for Sleep Train to locate there, how she doesn't believe there is room on the freestanding monument on Ortigalita Road, and explained that due to the large frontage it does meet code requirements.

Chairperson Spada spoke of appropriate spacing and accommodation.

Feedback given to applicant only, no action taken.

PLANNING UPDATE PRESENTATION (CONTINUED FROM AUGUST 26, 2015).

Senior Planner Elms presented the Community & Economic Development update, which included a PowerPoint presentation.

Informational item only, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms reported that she will be on maternity leave for six weeks and trying to get the projects through the pipeline before she goes on leave.

PLANNING COMMISSION MEMBER REPORTS.

BAKER: Absent.

GATES: Spoke of how he will be doing karaoke at Espana's on Saturday night and encouraged people to come out.

FAKTOROVICH: No report.

HAMMOND: No report.

McCOY: Apologized for being late and explained he was driving back home from Texas.

SPADA: No report.

TOSCANO: Absent.

ADJOURNMENT. The meeting was adjourned at the hour of 8:57 p.m.

APPROVED:

/s/ Tom Spada
Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician