



City of Los Banos

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AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

MARCH 23, 2016

If you require special assistance to attend or participate in this meeting, please call the Planning Secretary @ (209) 827-7000 extension 118 at least 48 hours prior to the meeting.

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Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the meeting and in the Planning Department's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

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Cualquier escritura o los documentos proporcionaron a una mayoría del Departamento de Planificación con respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina del Secretaria del Departamento de Planificación del City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la Ciudad en www.losbanos.org.

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (Planning Commission Members)
Cates __, Faktorovich __, Limon __, Llamas __, McCoy __, Spada __,
Toscano __

4. APPROVAL OF AGENDA.

Recommendation: Approve the agenda as submitted.

5. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MARCH 9, 2016.

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. DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF A NEW 4,728 SQUARE FOOT CONVENIENCE STORE, 5,400 SQUARE FOOT FUEL STATION, AND CAR WASH ON A 1.20 ACRE LOT LOCATED AT 2270 PACHECO BOULEVARD IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT.

Recommendation: Receive staff report and provide initial feedback to the applicant.

8. PRESENTATION AND TRAINING REGARDING THE RALPH M. BROWN ACT.

Recommendation: Informational item, no action to be taken.

9. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

10. COMMISSIONER REPORTS.

- A. Cates
- B. Faktorovich
- C. Limon
- D. Llamas
- E. McCoy
- F. Spada
- G. Toscano

11. ADJOURNMENT.

APPEAL RIGHTS AND FILING PROCEDURES

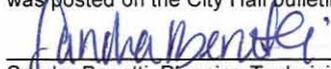
Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filing written notice with the Planning

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 9-3.2326)

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.


Sandra Benetti, Planning Technician

Dated this 18th day of March 2016

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
MARCH 9, 2016**

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 7:00 p.m.

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

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Arkady Faktorovich, Erik Limon, Palmer McCoy, and Tom Spada; Refugio Llamas and Susan Toscano absent.

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

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Limon, seconded by Faktorovich to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF FEBRUARY 24, 2016. Motion by McCoy, seconded by Cates to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and 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.

Commissioner Cates recused himself from the dais at 7:03 p.m. for the following public hearing item due to having a personal relationship with the applicant and having done business with her in the last twelve months.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT INCLUDING CEQA EXEMPTION TO ALLOW THE OPERATION OF A FITNESS FACILITY IN THE GENERAL INDUSTRIAL ZONING DISTRICT (I) LOCATED AT 115 W. G STREET, SUITE B, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 081-110-037.

Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Commissioner Limon inquired if this business was a branch off of the original facility.

Lorinda Sanchez, Applicant, responded that it is a whole different crossfit.

Chairperson Spada opened up the public hearing.

Commissioner McCoy inquired that since activities can't be done outside the facility if it would be a problem.

LORINDA SANCHEZ, Applicant, stated that they normally do have activities done outside but if they cannot then they wouldn't.

City Attorney Vaughn stated that it falls into a gray area, the concern is when things are conducted in a parking lot when its made for parking and outside activities are not wanted.

Senior Planner Elms stated that the industrial district is intended for heavy users and we don't want to mix heavy equipment with pedestrians.

City Attorney Vaughn stated that typically tire flipping would be prohibited in the common area and how jogging on the sidewalk isn't quite crossing the line.

MARIO CORNEJO, Los Banos, spoke in conjunction with the Applicant regarding a road located behind the building that can be used for running, spoke of how any running they do wouldn't be done in the front or parking lot, and how they would be using the back access road.

Senior Planner Elms clarified that the back access road is a drive aisle on the private property.

City Attorney Vaughn stated that the Commission can consider limiting the outside space and limit the actual activities themselves, suggesting making sure the property owner is in agreement as well, and spoke of how they can entertain some reasonable restrictions.

Mr. Cornejo stated that flipping tires and sled running would be done inside where there is astro turf and spoke of how they have already informed the property owner of their anticipated activities and no concerns have been raised.

Commissioner Faktorovich inquired if the back drive aisle was fenced off.

Mr. Cornejo stated that there is no fence between the parcel north of this property and the building that Los Banos Crossfit will occupy.

City Attorney Vaughn stated that he thinks the City would prefer activities to be limited to private property and not public rights-of-way, spoke of how the City can't ban people from running on the sidewalk but can regulate groups of people running, stated that reasonable restrictions on using the back drive aisle, doesn't think limiting hours is a big thing, can require permission of the landowner, can rescind the approval if there are complaints, can condition not to use public right-of-way for these activities, can change condition to limit outside activities to the north access road only and require written consent of property owner, can prohibit activity in public right-of-way, and limit only non-equipment activities.

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

Motion by McCoy, seconded by Faktorovich to Adopt Planning Commission Resolution No. 2016-09 – Approving Conditional Use Permit #2016-04 for Los Banos Crossfit Located at 115 W. G Street, Suite D, More Specifically Identified as Assessor's Parcel Number: 081-110-037 with the amendment to Condition of Approval #10 to allow non-equipment outdoor activities that shall be limited to the northern access road with consent of the property owner and prohibit activities in the public right-of-way. The motion carried by the affirmative action of all Planning Commission Members present; Llamas and Toscano absent; Cates recused.

Commissioner Cates returned to the dais at 7:31 p.m.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms spoke of attending the Planning Commissioners Academy last week and the great information that was received, wished Commissioner Faktorovich a happy birthday, and spoke of the next Planning Commissioners Academy being May 1-3, 2017 in Los Angeles and would like to see this be an annual or every other year event that we attend.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked staff for their support in attending the Planning Commissioners Academy and enjoyed the experience and wished Commissioner Faktorovich a happy birthday.

FAKTOROVICH: No report.

LIMON: Spoke of the great experience in attending the Planning Commissioners Academy and being grateful for being part of this process.

LLAMAS: Absent.

McCOY: Wished Commissioner Faktorovich a happy birthday, spoke of the great experience of attending the Planning Commissioners Academy, how he would like to see this be an event that is offered annually to the Commissioners, and inquired how the City would respond if someone asked for the data off a Commissioner's phone per the City of San Jose's current case.

City Attorney Vaughn stated that we would resist it unless it was a City owned device, spoke of how he has been trying to push for a policy on email retention, spoke of how it opens up a Pandora's box like who maintains the records, how is it logged, how do we search it, cautioned Commissioners not to do City business on personal devices, and doesn't believe any of the Council have City issued devices either.

Commissioner McCoy stated that was a good legal answer and indicated he may not want a electronic copy of packet then.

City Attorney Vaughn stated that he could prepare something to show the City's position, how we can do a refresher on what the state of the current law is, and how its changing all the time.

Commissioner McCoy stated that he will be gone first meeting in April.

Senior Planner Elms stated that staff will be cancelling the meeting on April 13th.

SPADA: Spoke of the Planning Commissioners Academy being a good experience, thanked staff for putting it together, spoke of how it makes the Commission more professional, noticed that some had business cards and name tags and would like to see that, and stated that it would be a good idea over the next month if people know they will be gone during the next eight or nine months to let staff know so that the Commission can have a quorum.

TOSCANO: Absent.

ADJOURNMENT. The meeting was adjourned at the hour of 7:46 p.m.

APPROVED:

Tom Spada, Chairperson

ATTEST:

Sandra Benetti, Planning Technician



DESIGN REVIEW STUDY SESSION

TO: Chairman Spada and Planning Commissioners

FROM: Stacy Souza Elms, Senior Planner *se*

DATE: March 23, 2016

SUBJECT: Windecker Convenience Store and Fuel Station
2270 Pacheco Blvd. (College Plaza)

Project Description

The Applicant, Windecker Fuel, Inc., is proposing to construct a new 4,728 square foot convenience store, 5,400 square foot fuel station, and car wash on 1.20 acres. The project is located at 2270 Pacheco Blvd. on the northwest corner of Ward Rd. and Pacheco Blvd in the College Plaza. The proposed convenience store would be operated by Fresh Fill and would also consist of a drive-thru window. The College Plaza currently consists of various retailers such as Food 4 Less, Dollar Tree, Panda Express, Verizon Wireless, CostU Less Insurance, H&R Block, Big 5 Sporting Goods, In Shape City, California Beauty Supply, Modern Cuts, KK Nails, Leslie's Pool Supply, Pizza Factory, Aaron's Rent to Own, Village Liquor, and Sherwin Williams Paints. The proposed buildings would cover approximately 21.4% of the existing parcel.



The Community and Economic Development Department has referred the project to the Planning Commission for a study session on the aesthetic aspects related to the proposed project pursuant to Section 9-3.2318(a) of the Design Review Ordinance. The proposed project will require final site plan approval by the Planning Commission through a public hearing at a later date.

Planning Commission Project Study Session Review

Pursuant to Section 9-3.2318(a) of the Design Review Ordinance, the purpose of the study session is to provide the applicant with feedback from the Planning Commission early on in the design process, before becoming overly invested in a design. The review is in the nature of a discussion between the Planning Commission and the applicant concerning the aesthetic aspects of a proposal, and does not constitute a final decision by the Planning Commission concerning the proposed development.

Pursuant to Section 9-3.2318(b) of the Design Review Ordinance, the Planning Commission's scope during the study session is to review, consider, and provide feedback on the following design aspects of the proposed project in light of the City's General Plan and applicable policies:

- Architecture;
- Landscaping; and
- Lighting.

Architecture

Pursuant to Section 9-3.2318(c) of the Design Review Ordinance, the Planning Commission shall evaluate and provide feedback on the following architectural elements:

- Architectural style and consistency;
- Height;
- Bulk;
- Area;
- Color of buildings;
- Types of construction materials;
- Physical and architectural relationships with existing and proposed structures;
- Materials and variations of boundary walls;
- Fences;
- Exterior elevations of all sides of the buildings or structures; and
- Methods used to screen mechanical equipment from public view.

The preferred style along Pacheco Boulevard is Spanish/Mission and the existing shopping center has characteristics of this style throughout the College Plaza. The project's architect has tried to create consistency with the existing architectural elements of the College Plaza to provide continuity with the existing shopping center buildings. The applicant has also expressed that they would like to keep a similar style used on their existing Chevron location located at 1164 Pacheco Blvd.

Some of the characteristics of the Community Design Standards incorporated in the elevations include an enhanced entrance tower and parapet gable roofline. In addition to the Community Design Standards, the applicant has incorporated varied roof heights, stone veneer, and wood panel accents wrapped around the southeast corner of the convenience store. The stone veneer will wrap around the entire building on all elevation sides and will also wrap around each side of the carwash.

The building has a 360-degree design which provides consistent architectural design and enhancements on all sides of the building. The height of the proposed convenience store is in keeping with the surrounding area with a general height of 19' and the highest tower being 26'. The proposed building will have complete visibility from Pacheco Blvd. and Ward Road and will be complimentary to the existing shopping center. There will be no boundary wall or fencing around the perimeter of the project site.

A moderate use of contrasting colors is proposed on different surfaces to provide visual interest and to further articulate the building's mass. The rooftop equipment will be screened by the parapet roof and the downspouts have been integrated into the building's architecture. The proposed building will be using similar colors and materials to complement the existing shopping center buildings.

Landscaping

Pursuant to Section 9-3.2318(c) of the Design Review Ordinance, the Planning Commission shall evaluate and provide feedback on the following landscaping and site treatment elements:

- Types of planting and vegetation;
- Rock groupings; and
- Topography and location of landscaping areas.

The proposed landscape plan shows planting areas with various tree, shrub, vine, and ground cover species. The main planting areas are along Pacheco Blvd. and Ward Rd. The applicant is proposing to provide drought tolerant xeriscape which is a water conserving technique that utilizes drought tolerant plants, mulch, and efficient irrigation. The planter along Pacheco Blvd. will consist of lily of the Nile shrubs, Australian willow trees, periwinkle ground cover, and grey river stoves.

The proposed landscape plan will meet the City minimum standard of 4% gross landscape area and the 50% shade tree canopy ordinance. Landscaping will be required to be irrigated in a manner that focuses on water conservation, with properly designed and installed low-volume irrigation.

Lighting

Pursuant to Section 9-3.2318(c) of the Design Review Ordinance, the Planning Commission shall evaluate and provide feedback on the following lighting elements:

- Aesthetics of exterior lighting

The project proposes to utilize the same parking lot lighting fixtures in the shopping center. In addition, the building will consist of decorative wall mounted accent light

fixtures at the entrance of the convenience store. All lighting will be directed downward and shielded.

Project Review Board

The proposed project will be reviewed by the Project Review Board (PRB) for these aspects:

- Building layout;
- Location;
- Orientation of all new and existing structures and the relationship to one another and surrounding properties
- Methods of landscape irrigation;
- Location and design of facilities for physically disabled persons;
- Location of fencing and other screening;
- Location and screening of refuse facilities;
- Traffic circulation on-site and off-site;
- Pedestrian and bicycle circulation and safety;
- Arrangement of off-street parking and loading facilities;
- Location and intensity of all onsite lighting; and
- Provision of municipal and public services.

The PRB will be providing a formal recommendation to the Planning Commission concerning the scope of their review during the Site Plan Review process.

Recommendation

Staff is requesting that the Planning Commission evaluate the architectural considerations, landscape and site treatment, and lighting elements as described above and provides initial feedback to the applicant on the proposed design. No formal action will be taken at this time.

Attachments

Site Plan
Shopping Center Photos

SP1
DRAWING

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DRAWN BY: SCS
DATE: 02-22-10
SCALE: 1/20

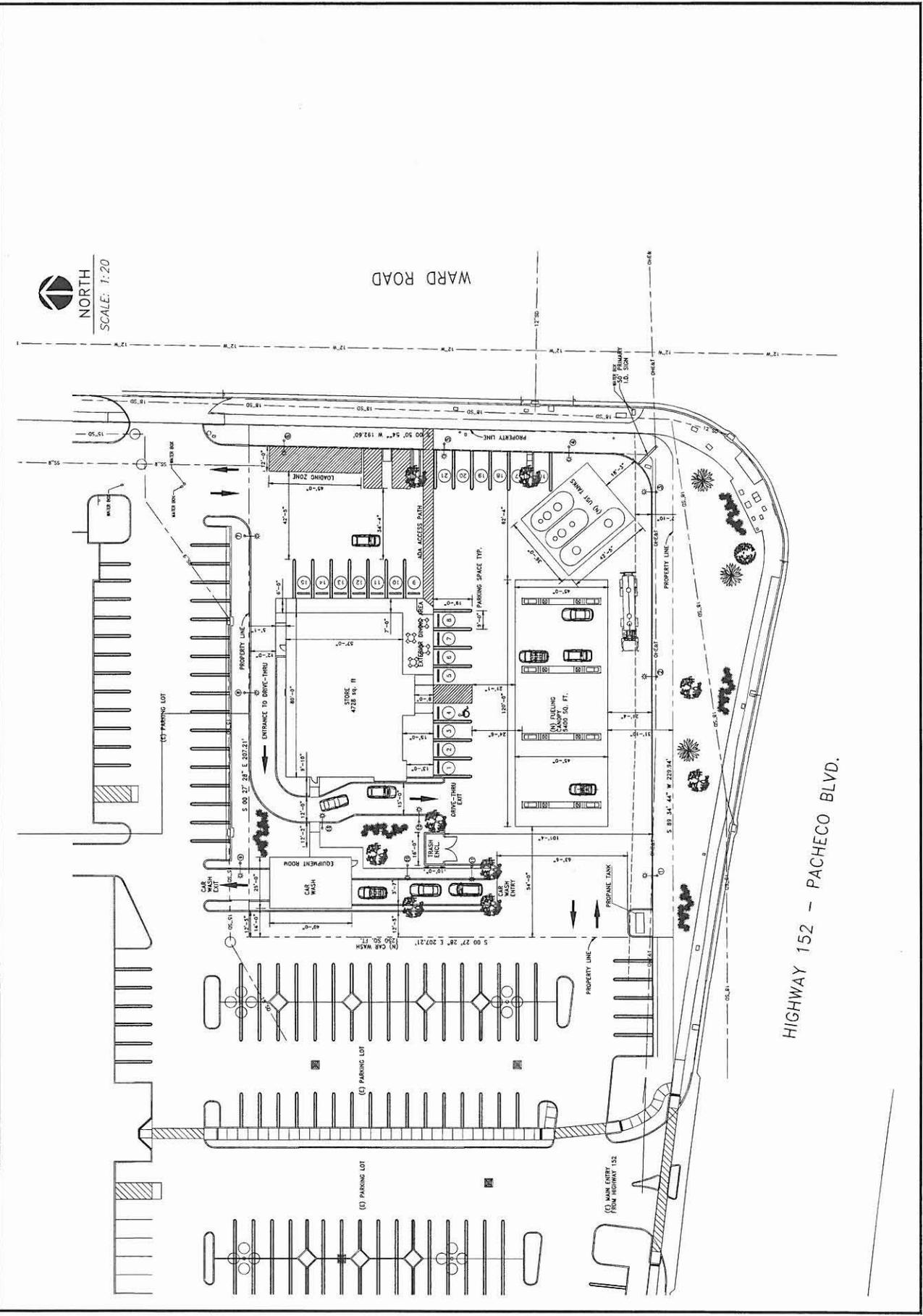
Comments prepared by Heady Design and Associates. The drawings are prepared for the project and are not to be used for any other project. The drawings are prepared for the project and are not to be used for any other project. The drawings are prepared for the project and are not to be used for any other project.

Rev. #	Date	Revision Description

FRESH FILL CONVENIENCE STORE
HIGHWAY 152 AND WARD ROAD
LOS BANOS, CA



H D A
HEADY DESIGN & ASSOCIATES
7365 Carleian Ave Suite #239
Rancho Cucamonga, California 91730
Phone (909) 581-1202
email: theady@headydesign.com



Small text at the bottom of the page, likely containing project details or legal disclaimers.

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 Rancho Cucamonga, California 91730
 Phone (909) 581-1202
 email: rheady@headydesign.com



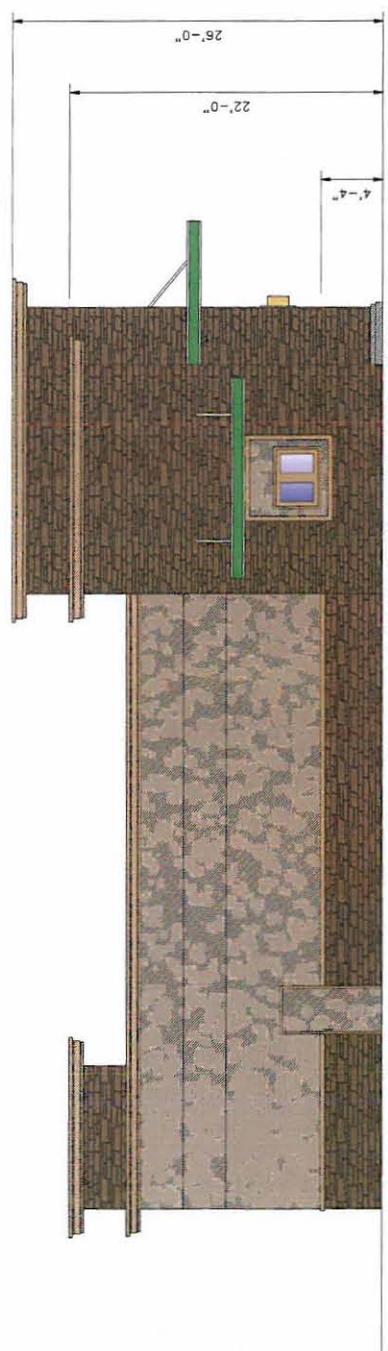
STORE EXTERIOR ELEVATIONS
 2270 PACHECO BLVD
 LOS BANOS, CA 93835

Rev #	Date	Revision Description

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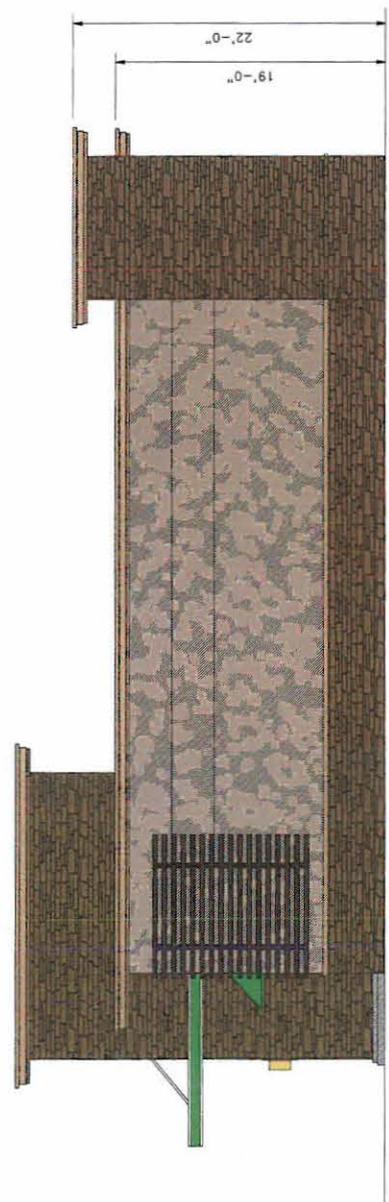
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DRAWINGS:
A03.2



SCALE 1/4"=1'-0"

WEST ELEVATION



SCALE 1/4"=1'-0"

EAST ELEVATION

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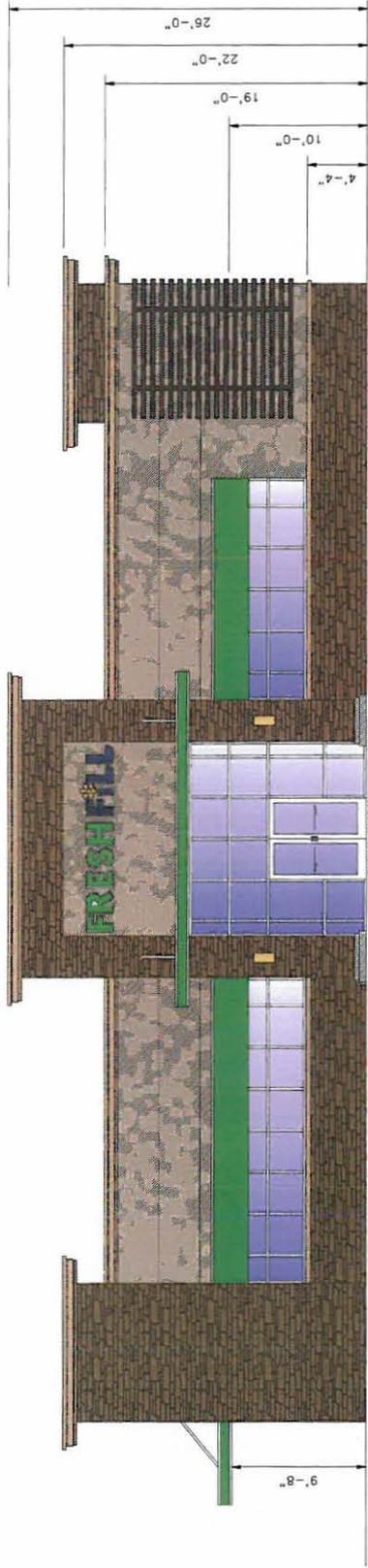
ELEVATIONS
STORE EXTERIOR
 2270 PACHECO BLVD
 LOS BANOS, CA 93835

Rev #	DA	DM	Revision Description

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DRAWN BY: SGG
DATE: 3/17/2018
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DRAWINGS:
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A
 SCALE 1/4"=1'

SOUTH ELEVATION



B
 SCALE 1/4"=1'

NORTH ELEVATION

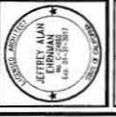
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Rev. #	Chg	Revision Description

2270 PACHECO BLVD
LOS BANOS, CA 93835
ELEVATIONS
CAR WASH EXT.

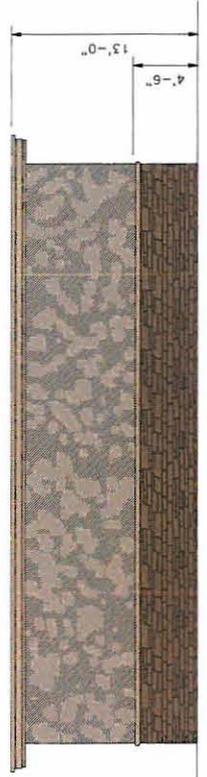


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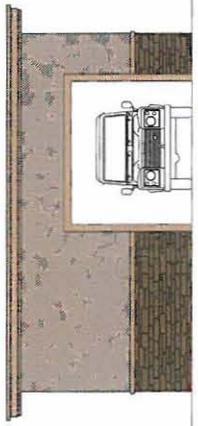
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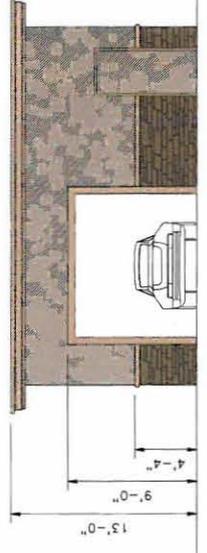
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NORTH ELEVATION
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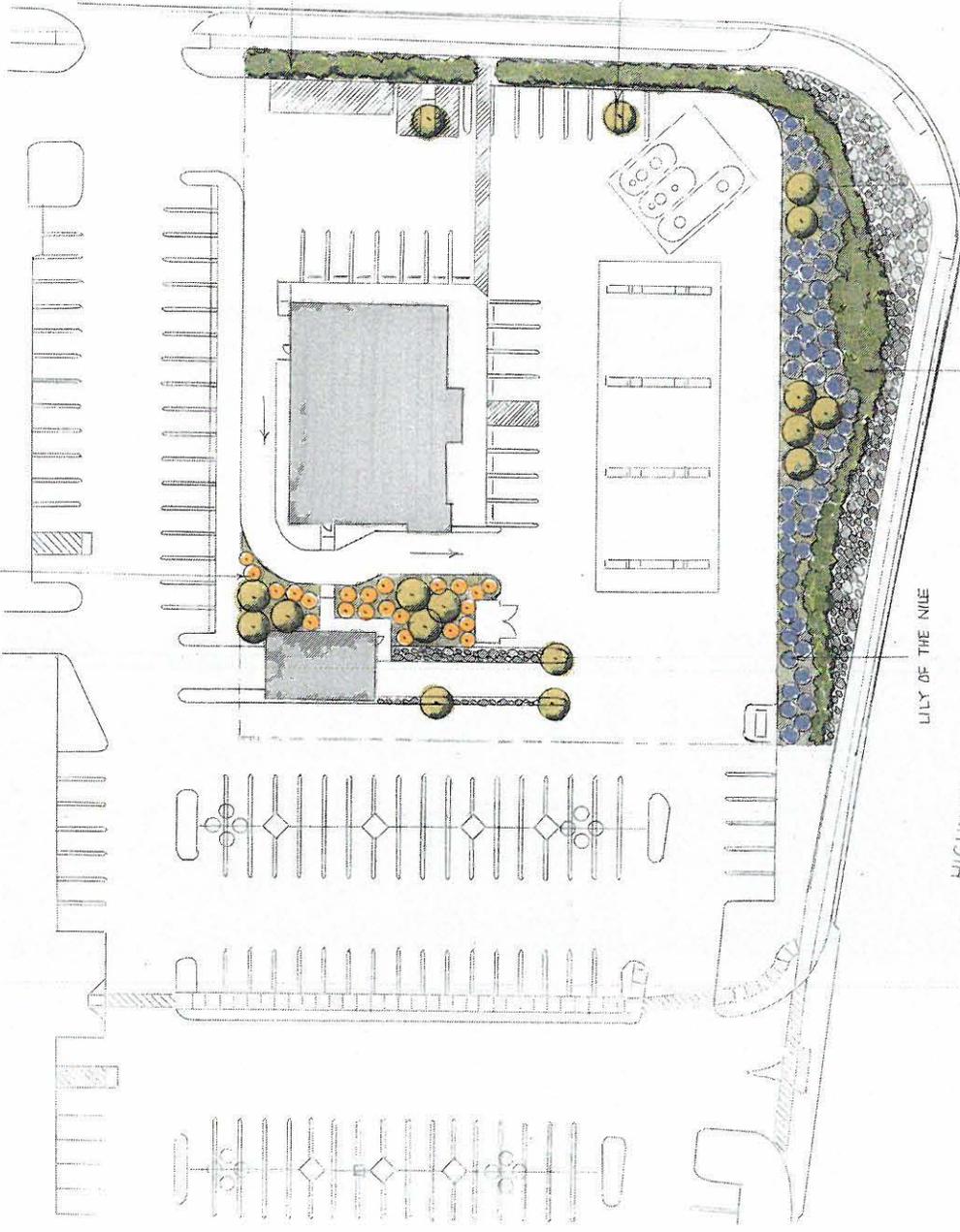


SOUTH ELEVATION
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NORTH
SCALE: 1:20

DAY LILIES
(STELLA D'ORO)



RANDOM RIVER STONES
PERUVIAN GROUND COVER

WARD ROAD

AUSTRALIAN WILLOW

LANDSCAPE PLAN
CHEVROLET STATION/COMMERCIAL SITE
HIGHWAY 152 & WARD ROAD
LOS BANOS, CALIFORNIA
WWW.CONCEPTALDESIGNING.COM
714 842-4657
HUNTINGTON BEACH, CALIF. 92647
MARCH 18, 2016
SCALE: 1:20

PERUVIAN GROUND COVER
AUSTRALIAN WILLOW

LILY OF THE NILE

HIGHWAY 152 - PACHECO BLVD.









