

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JUNE 22, 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 Faktorovich.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Arkady Faktorovich, Palmer McCoy, and Tom Spada; Erik Limon, 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 McCoy, seconded by Cates to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Limon, Llamas, and Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JUNE 8, 2016. Motion by Cates, seconded by McCoy to approve the minutes as revised. The motion carried by the affirmative action of all Planning Commission Members present; Limon, 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.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EATING PLACE FOR TAQUERIA 152 LOCATED AT 1041 W. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS

ASSESSOR'S PARCEL NUMBER: 026-182-003. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Chairperson Spada opened 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. 2016-29 – Recommending Approval of Conditional Use Permit #2016-12 to the Los Banos City Council for the Use of a Type 41 Alcohol License for the On-sale of Beer and Wine in Conjunction with an Eating Place for Taqueria 152 Located at 1041 Pacheco Boulevard. The motion carried by the affirmative action of all Planning Commission Members present; Limon, Llamas, and Toscano absent.

PUBLIC HEARING – TO CONSIDER CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A MORTUARY IN THE HIGHWAY COMMERCIAL ZONING DISTRICT (H-C) FOR WAYNE BYNUM (D.B.A. BYNUM'S LOS BANOS MORTUARY) LOCATED AT 285 MERCEY SPRINGS ROAD, SUITES C & D, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 025-121-025.

Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noting that the address is 285 Mercey Springs Road, Suites C&D.

Commissioner Cates inquired how bodies are transferred to and from the building.

Chairperson Spada opened the public hearing. Wayne Bynum, Bynum's Mortuary and applicant, responded that human remains will arrive in an unmarked panel van at the west side entrance in which there will be an awning cover, spoke of how there is no visibility of human remains being transported in and out, and handed out brochures to each Commissioner.

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

Senior Planner Elms asked that the Planning Commission add a condition that an awning be provided at the western entrance.

Motion by McCoy, seconded by Cates to adopt Planning Commission Resolution No. 2016-30 – Approving Conditional Use Permit #2016-13 for Bynum's Los Banos Mortuary Located at 285 Mercey Springs Road, Suites C&D, More Specifically Identified as Assessor's Parcel Number: 025-121-025 with the additional condition that an awning be provided at the western entrance. The motion carried by the affirmative action of all Planning Commission Members present; Limon, Llamas, and Toscano absent.

PUBLIC HEARING – TO CONSIDER SITE PLAN REVIEW #2016-05 FOR O'REILLY'S AUTO ENTERPRISES, LLC FOR THE CONSTRUCTION OF A NEW 8,712 SQUARE FOOT AUTO PARTS STORE ON 1.06 ACRES LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT AT THE NORTHWEST CORNER OF PACHECO BOULEVARD AND SIXTH STREET, MORE SPECIFICALLY

IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 026-044-041, 042, 043, AND 044 (CONTINUE TO JULY 13, 2016). Senior Planner Elms noted that the public hearing would need to be continued to the next meeting date.

Chairperson Spada opened the public hearing. No one came forward to speak.

Motion by Cates, seconded by McCoy to continue the Public Hearing – to Consider Site Plan Review #2016-05 for O'Reilly's Auto Enterprises, LLC for the Construction of a New 8,712 Square Foot Auto Parts Store on 1.06 Acres Located within the Highway Commercial Zoning District at the Northwest Corner of Pacheco Boulevard and Sixth Street, More Specifically Identified as Assessor's Parcel Numbers: 026-044-041, 042, 043, and 044 to July 13, 2016. The motion carried by the affirmative action of all Planning Commission Members present; Limon, Llamas, and Toscano absent.

DESIGN REVIEW STUDY SESSION – THE CONSTRUCTION OF A NEW 8,712 SQUARE FOOT AUTO PARTS STORE LOCATED AT THE NORTHWEST CORNER OF PACHECO BOULEVARD AND SIXTH STREET IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT (CONTINUED FROM JUNE 8, 2016). Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Justin Petersburg, Esterly Schneider & Associates, was present on behalf of the applicant.

Commissioner Faktorovich spoke of being critical of the design before, happy to see the Pacheco Boulevard elevation is more balanced, some improvement needed still for eastern elevation, how Los Banos has Sixth Street as a central hub to the City, understands the logistics but touchy about the looks at this location, and how this location requires more jazz and more thought to the building.

Mr. Petersburg stated that the second entrance suggestion was declined by the client, how a surface-applied option which would give an appearance of an additional storefront is an option, the client has used in the past, and if that is acceptable then he can propose that to the client.

Commissioner McCoy spoke have spending a lot of time reviewing this item, wanted to know what happened and why the changes weren't made, how the community has to live with the look of this building, the importance of the southern and eastern elevations, and his disappointment in seeing that it wasn't changed.

Commissioner Cates spoke of representing the citizens, how this would be perfect in a brand new commercial shopping center but this is located at the entrance to downtown and needs to be mindful of the characteristics of the historic downtown, and suggested that an inexpensive faux design on the east elevation would be suitable.

Chairperson Spada spoke of his disappointment in the revised plans, how Senior Planner didn't get to review the plans timely before the agenda was dispersed, how she

is a great resource for applicants, how this doesn't look like a building he would want at this location, this being one of the most important corners of the City, not concerned about the east elevation but it all has to match and bring out that feel of downtown Los Banos, and the need for it to blend in.

Mr. Petersburg stated that he would take these comments back to the applicant.

Senior Planner Elms asked that the Commission provide solutions and directions to the architect.

Chairperson Spada spoke of the need to reflect early 1900s mission style and how it needs to represent Los Banos.

Commissioner Faktorovich suggested that the colors were not good for that location, the thick columns can be further dressed up with Styrofoam, how this is not that expensive, the walls are higher but flat, the flat box is overdone in the City and not needed here at this location, and how very inexpensive flat pylons made out of Styrofoam are and can mimic columns.

Kathy Ballard, Los Banos, came forward and spoke of how this location cuts off downtown because of how the building is facing Pacheco Boulevard, how the location of the building is on Pacheco and not assimilated to downtown, its cut off from downtown, and how they are trying to make it look downtown but its more associated with Pacheco Boulevard.

Commissioner McCoy spoke of how it was mentioned at the last meeting about having the east elevation blend in and join more with the alleyway, that's a main traffic area on the alleyway, how whoever is designing this didn't walk around and take pictures of the area, and the need to look at what is around there.

Chairperson Spada suggested rotating the building or resizing to help get a design to work.

Commissioner Faktorovich stated that the Commission is not in the business of designing, how they spoke loud and clear and should let the applicant approach from a different angle, and how the Commission should not advise to rotate the building.

Mr. Petersburg stated the he would take this information back and work with the applicant.

Senior Planner Elms stated that a comment was made on the color palette, asked the architect if there was another color palette that could work with downtown, suggested that the brick can be done in more of a vintage color, and suggested addressing the awnings with the addition of timber or something natural.

Commissioner Cates stated that the Miller and Lux building is a great example to look at as well with marble and columns, the need to make sure that we are clear in what we would like to see, the need to understand everything verbatim in what they are asking to be considered, and how the changes were only about 2% of what was talked about.

Commissioner McCoy stated that the Commission previously spoke of the far east side in which there was a pretty wide area and adding river rock.

Senior Planner Elms responded that she didn't receive a revision for that but we would like to see that, how multispeed was initially planned for that location but due to drought restrictions our Public Works Department would not allow turf, and how it needs to be drought tolerant like decomposed granite or mulch.

Commissioner Cates suggested providing an actual transcript of the previous meeting to the applicant for their reference.

Senior Planner Elms stated that those minutes were approved and staff can make a copy of the audio for the applicant.

Initial feedback provided to applicant, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms reported that City Manager Alex Terrazas will be starting on July 1, 2016 and noted that he has an economic development background, spoke of working on several new projects, and how the Presidential East Annexation will come forward on July 13th.

Commissioner McCoy inquired about the former Lowe's building status.

Senior Planner Elms responded that no new tenants have been confirmed, how Fitness Evolution has opened, Hobby Lobby is looking to open around September or October, how the Savemart project at the former K-Mart building is also moving along well, no other tenant have been confirmed for that location either, how we have received an application for development of a multi-tenant commercial center just west of Espana's but no secured tenants, how staff gave them recommendations, and how they will work aggressively to secure tenants.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Spoke of the progress on the Sleep Train Mattress Store, how the Fitness Evolution parking lot was packed when he drove by, and how he is looking forward to seeing other construction projects come to life.

FAKTOROVICH: No report.

LIMON: Absent.

LLAMAS: Absent.

McCOY: Thanked staff for their quickness in responding to emails and inquired about Prime Shine.

Senior Planner Elms responded that the developer has a construction period and the project is in the next cue for permits, and they are hoping to start construction this fall.

Commissioner McCoy spoke of being happy the new courthouse is here and stated that hopefully that cement slab will be removed soon.

SPADA: Inquired about the Villas project.

Senior Planner Elms responded that it will come forward to the Planning Commission at the last meeting in July but staff is waiting on the submittal.

Chairperson Spada inquired about the Southpointe project.

Senior Planner Elms responded that the applicant hasn't moved forward yet,

Chairperson Spada inquired about the number of building permits issued for single-family residences so far this year.

Senior Planner Elms responded that about 130 have been issued thru the end of May.

Chairperson Spada thanked staff and the City Attorney.

TOSCANO: Absent.

ADJOURNMENT: The meeting was adjourned at the hour of 8:03 p.m.

APPROVED:

/s/ Tom Spada
Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician