

**CITY OF LOS BANOS
PLANNING COMMISSION REGULAR MEETING MINUTES
MAY 24, 2017**

***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 Cates 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 Toscano.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, David Dees, Brett Jones, Erik Limon, Palmer McCoy (arrived at 7:03 p.m), and Susan Toscano; Refugio Llamas absent.

STAFF MEMBERS PRESENT: Community & Economic Development Director Elms, City Attorney Vaughn, and Deputy City Clerk/Administrative Clerk I Sara Huff.

Commissioner McCoy arrived at 7:03 p.m. and took his seat at the dais.

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

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MAY 10, 2017. Motion by Limon, seconded by Dees to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE PLANNING COMMISSION 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 Cates opened the public forum. KATHY BALLARD, Los Banos, had a few questions regarding the new Savemart and its shopping carts, she heard the carts were going to be stored inside and wanted to know if that was correct, wanted to know if their carts were going to be like the carts at Walmart and Food 4 Less to where the carts cannot leave their parking lots; City Attorney Vaughn stated the issue is not on the agenda but if a very brief answer could be given then it could be answered and if not then it would need to be discussed at a later time; Community & Economic Development Director

Elms stated the discussion was that the carts would be stored inside but there ended up not being room inside the vestibule to store them so they would be stored outside. She will look into the issue further and provide a better answer at a later time.

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

PUBLIC HEARING – TO CONSIDER SITE PLAN REVIEW #2017-04 AND CEQA EXEMPTION FOR THE REMODEL AND EXPANSION OF AN EXISTING 2,905 SQUARE FOOT BURGER KING RESTAURANT BY 330 SQUARE FEET LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT AT 525 PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 026-063-021. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation. She noted that one resident inquired about the project but left no comments.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, would like clarification in regards to parking, if it's twenty-two (22) spots for Burger King and twenty-two (22) spots for Mountain Mike's and there's only thirty-seven (37) spots, how does that work; Community & Economic Development Director Elms stated there is nothing that allots twenty-two (22) spaces for Mountain Mike's and that there is a formula in the Municipal Code that goes by square footage and it's divided up per the space between the dining area and the back of the kitchen (non-customer area), it's a certain ratio, both Burger King and Mountain Mike's have a sufficient amount of parking, there is a reciprocal easement agreement between the two that is also shared with Wendy's as they all sort of share parking together which creates more flexibility in circulation for that particular area.

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

Motion by Dees, seconded by Toscano to approve Planning Commission Resolution No. 2017-17 – Approving Site Plan #2017-04 for the Remodel and Expansion of Burger King Restaurant by 330 Square Feet Located at 525 Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 026-063-021. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

PUBLIC HEARING – TO CONSIDER A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO AMEND THE SPECIAL EVENTS ORDINANCE. Community & Economic Development Director Elms presented the staff report.

Commissioner Limon inquired about item D and asked if the after-event billing won't happen anymore for which Community & Economic Development Director Elms stated it will continue for minor events and only the major events are having their fees waived.

Commissioner Dees asked why this item is having to come back to the Planning Commission and Community & Economic Development Director Elms stated it is because it must go through the proper process because any time something changes

with the Zoning Code it must first get recommendation from the Planning Commission. It is a text amendment to the existing Ordinance that lies within the City's Municipal Code; Commissioner Dees inquired about the Portuguese festa/parade, how it is a big event in town and wonders why it wasn't considered as one of the few events that will have the departmental fees waived for which Community & Economic Development Director Elms stated it wouldn't meet the criteria because it is a religious event; Commissioner Dees inquired as to what the fees are and Community & Economic Development Director Elms stated that between those three events (May Day Parade, Christmas Parade, and Veterans Day Parade) the City normally absorbs around \$6,700 in fees.

Commissioner McCoy inquired as to insurance issues for which Community & Economic Development Director Elms stated that these three major events would still need to have a permit and that only the departmental service fees would be waived. An application fee would still be applied and insurance and indemnification is still required. City Attorney Vaughn noted that the City is not sponsoring any of those three events but that it is just waiving the departmental fees for the applicants.

Commissioner Dees asked what the fees are for smaller events that come through town for which Community & Economic Development Director Elms stated they charge an application fee of \$60 and approximately \$167 in departmental charges for things like the 24-hour "No Parking" signs, the barricades, and any of the City's staff time to pre-plan the event and pick up after the event.

Commissioner Cates opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion by Limon, seconded by Dees to approve Planning Commission Resolution No. 2017-18 – Recommending Adoption to the City Council an Amendment to the Special Events Ordinance Relating to Departmental Service Charge. The motion passed by the following roll call vote: Ayes: Cates, Dees, Jones, Limon, and Toscano; Noes: McCoy; Absent: Llamas.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

Community & Economic Development Director Elms apologized for her 'bum' appearance as she just got in from Las Vegas since Sunday with City Manager Terrazas and Mayor Villalta, how it was a very productive retail conference of the industry, they walked ten miles in one day, the Las Vegas convention center is huge, 39,000 registered attendees were all there in the convention center, was pretty overwhelming and amazing at the same time, as a team of three they were able to pitch about the City, retailers stereotype Los Banos of being a typical San Joaquin County city, but she told the City's story and it was apparent that they caught their attention, there were promising leads but it takes about three (3) years to see the fruits of labor from attending the International Council of Shopping Centers (ICSC).

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked the staff and welcomed Community & Economic Development Director Elms back looks forward to seeing things come to town.

DEES: No report.

JONES: No report.

LIMON: Gave blessings to Bernice Schnorf for her passing and he will miss her.

LLAMAS: Absent.

McCOY: Thanked Community & Economic Development Director Elms for taking the time to do that stuff with the conference, having two bosses there must have been a lot of pressure, he has attended a few of them, spoke to the American Legion and VFW and their fundraiser for the new Savemart shopping spree which will take place some time in July.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 7:37p.m.

APPROVED:

/s/ John Cates
John Cates, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician