

**CITY OF LOS BANOS
PLANNING COMMISSION REGULAR MEETING MINUTES
OCTOBER 10, 2018**

***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 McCoy.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Brett Jones, Palmer McCoy, Tom Spada, and Susan Toscano; David Dees absent.

STAFF MEMBERS PRESENT: Community & Economic Development Director Elms, Associate Planner Rudy Luquin, Planning Technician Sandra Benetti, and City Attorney William A. Vaughn.

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

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF SEPTEMBER 26, 2018. Motion by Spada, seconded by Jones to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Dees 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. No one came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER SITE PLAN REVIEW #2018-02 FOR THE DEVELOPMENT OF A SHOPPING CENTER CONSISTING OF THREE COMMERCIAL STRUCTURES TOTALING TO 10,195 SQUARE FEET, TENTATIVE PARCEL MAP #2018-01 DIVIDING A 10.87 ACRE PARCEL INTO THREE (3)

PARCELS AND A REMAINDER PARCEL, A CONDITIONAL USE PERMIT #2018-10 FOR AN ABC TYPE 20 OFF-SALE BEER AND WINE LICENSE FOR A PROPOSED CONVENIENCE STORE WITHIN THE PROPOSED SHOPPING CENTER AND A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15332, IN-FILL DEVELOPMENT PROJECTS LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT AT THE SOUTHEAST CORNER OF MERCY SPRINGS RD. AND OVERLAND AVE., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 424-120-017. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and noted that there were revisions to the Conditions of Approval.

Commissioner McCoy commented that it was noted that there were changes to Conditions of Approval and inquired what those changes were.

Associate Planner Luquin stated that he needed to run back to his office to retrieve them.

Associate Planner Luquin left his seat at the staff table in the Council Chambers at 7:17 p.m. to retrieve the revised Conditions of Approval.

Associate Planner Luquin returned to the Council Chambers and his seat at 7:20 p.m. and supplied copies to each Planning Commissioner. The Planning Commission took some time to review the revised conditions.

Commissioner McCoy inquired why staff is proposing to allow them to record easements on maps instead of deeds, spoke of how that makes things difficult, and inquired if there was a hardship.

Community & Economic Development Director Elms responded that the Subdivision Map Act says what can qualify as a waiver as well as the City's ordinance, how all requirements have been met, how it will be recorded with a record of survey instead of a final map, and how the lots would be created that way.

Chairperson Cates opened the public hearing.

JIM HALFERTY, Halferty Development Company LLC, spoke of being grateful to the City for the non-difficult entitlement process, being hopeful that the Planning Commission approve this project, how this is an excellent piece of property to develop, and how he is present to answer questions.

GOON PATTANUMOTANA, representing Mi Barrio business owner, spoke in opposition to the project due to no consideration of crime report, increase of traffic, concern regarding illegal left turns on Mercy Springs Rd., how they would like to see a raised median on Mercy Springs Rd., concern regarding increased alcohol sales and consumption if 7-11 takes up tenancy in this location, and stated that he will forward the comment letter to the Planning Commission Secretary via email.

Community & Economic Development Director Elms commented that this area was studied within a traffic study, an encroachment permit was approved and obtained from Caltrans which has granted this access, how the opposition letter is from the owners of Mi Barrio which is the fuel station caddy corner to this project site, how the argument of crime would be analyzed based on existing conditions relating to crime at Mi Barrio and Circle K since there is nothing currently existing at this location, noted that the owner, Mr. Udeyvir Virk, asked to remove the Conditional Use Permit restrictions on single sales of beer one year after it was approved and it was removed based on crime report that was presented to the City Council.

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

Motion by McCoy, seconded by Spada to adopt Planning Commission Resolution No. 2018-21 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332, In-Fill Development Projects and Approving Site Plan Review #2018-02 for the Development of a Shopping Center Consisting of Three Commercial Structures Totaling 10,195 Square Feet Located at the Southeast Corner of Mercey Springs Road and Overland Avenue, More Specifically Identified as Assessor's parcel Number: 424-120-017. The motion carried by the affirmative action of all Planning Commission Members present; Dees absent.

Motion by Spada, seconded by McCoy to adopt Planning Commission Resolution No. 2018-22 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15315, Minor Land Divisions and Approving the Southeast Corner of Mercey Springs Road and Overland Avenue Vesting Tentative Parcel Map #2018-01 for the Minor Subdivision of a 10.87 Acre Parcel into Three Parcels and a Remainder Parcel and a Request for Waiver of Final Map within the Highway Commercial Zoning District Located at the Southeast Corner of Mercey Springs Road and Overland Avenue, More Specifically Identified as Assessor's Parcel Number: 424-120-017. The motion carried by the affirmative action of all Planning Commission Members present; Dees absent.

Motion by McCoy, seconded by Spada to adopt Planning Commission Resolution No. 2018-23 – Finding the Proposed Project to Be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15332 and Recommending Approval of Conditional Use Permit #2018-10 to the Los Banos City Council to Allow for the Sale of Alcohol Under Type 20 Off-Sale of Beer and Wine License at Building 3 Located at the Southeast Corner of Mercey Springs Road and Overland Avenue, More Specifically Identified as Assessor's Parcel Number: 424-120-017. The motion carried by the affirmative action of all Planning Commission Members present; Dees absent.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 (EXISTING FACILITIES) TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND

WINE IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT FOR ROUND TABLE PIZZA LOCATED AT 1462 MERCY SPRINGS ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 083-130-038.

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

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

Motion by Spada, seconded by McCoy to adopt Planning Commission Resolution No. 2018-25 – Finding the Proposed Project to Be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301 and Recommending Approval of Conditional Use Permit #2018-12 to the Los Banos City Council to Allow for the Sale of Alcohol Under Type 41 On-Sale of Beer and Wine License at Round Table Pizza Located at 1462 S. Mercy Springs Road, More Specifically Identified as Assessor's Parcel Number 083-130-038. The motion carried by the affirmative action of all Planning Commission Members present; Dees absent.

Chairperson Cates recused himself from the next public hearing item due to a conflict in having a business relationship with the applicant and left his seat at the dais at 7:40 p.m.

Commissioner Spada took the Chairperson's seat at the dais to conduct the next public hearing.

PUBLIC HEARING – TO CONSIDER A REVISION TO CONDITIONAL USE PERMIT #2016-01 TO ALLOW THE EXPANSION OF THE USE OF A TYPE 23 ALCOHOL LICENSE FOR A SMALL BEER MANUFACTURER ONSITE TASTING ROOM TO THE EXPANDED FLOOR AREA OF THE BUILDING FOR PARAISO BREWERY LOCATED AT 80 WEST G STREET, SUITES C AND D, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 081-190-008 AND 081-190-009.

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and noted that he will provide the Planning Commission Secretary with the revised resolutions.

Commissioner Spada opened the public hearing. ERIKA JAUREZ, representative for Paraiso Brewery, spoke of Paraiso Brewery serving food now and she is present to answer any questions.

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

Motion by McCoy, seconded by Jones to adopt Planning Commission Resolution No. 2018-24 – Finding the Proposed Project to Be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301 (A) and Recommending Approval of the Revision of Conditional Use Permit #2016-01 to the Los Banos City Council to Allow for Expansion of the Sale of Alcohol Under a Type 23 Small Beer Manufacturer

for Paraiso Brewery Located at 80 West G Street, Suites C & D, More Specifically Identified as Assessor's Parcel Numbers: 083-190-008 and 081-190-009. The motion carried by the affirmative action of all Planning Commission Members present; Cates and Dees absent.

City Attorney Vaughn stated that he has a business relationship with the applicant for the next two items and will excuse himself from the meeting for the night and left his seat and the Council Chambers at 7:48 p.m.

Chairperson Cates returned to his seat at the dais at 7:48 p.m. and Commissioner Spada returned to his regular seat at the dais at 7:48 p.m.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF FOUR RESIDENTIAL STRUCTURES CONSISTING OF ONE (1) TWO-STORY TRIPLEX, TWO (2) TWO-STORY DUPLEXES, AND ONE (1) SINGLE-STORY SINGLE FAMILY STRUCTURE FOR SUNSET HILLS DEVELOPMENT, LLC, LOCATED AT 649 E STREET AND 661 E STREET IN THE MEDIUM-DENSITY RESIDENTIAL (R-2) ZONING DISTRICT.

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Joe Rocha, Sunset Hills Development LLC, was present to answer any questions.

There were comments among Commissioners, staff, and the applicant regarding architecture including suggestions to use trellis to break up the T1-11 siding, adding glazing to the exterior walls that are facing each other, addition of a belly band, and concern about parking for guests because it may clog up the streets.

Commissioner Toscano commented that we desperately need low-income housing, what he is doing is fabulous, and how this area is blighted.

Community & Economic Development Director Elms stated that Mr. Rocha has been purchasing blighted multifamily projects and rehabbing them and making them nice projects, how he will be applying for a density bonus which will require him to designate certain units with a deed restriction as affordable housing, and how the City appreciates his willingness to step up to do this.

There were comments among Commissioners, staff, and the applicant regarding landscaping including existing trees, how one tree will be replaced, and how he will be dressing up the existing landscaping.

Commissioner Spada inquired about location of power poles on the property.

Community & Economic Development Director Elms commented that the City requires underground utilities for new development so it will be required for his property, the only exception is if it's too high of a voltage, stated that most likely he will have to move the

poles to be on opposite sides of the lot, how he could possibly defer, but the Project Review Board will have to review this.

Commissioner Toscano commented that this requirement should be waived.

Commissioner McCoy spoke of his concern if the vegetation isn't taken care of then it could block visibility.

Community & Economic Development Director Elms stated that they can add a Condition of Approval that vegetation shall not grow higher than 3 feet.

There were comments among Commissioners, staff, and the applicant regarding lighting including the suggestion to use LED, lighting on the building, and possibly adding a lighting bollard or two along the walkway.

Chairperson Cates thanked Mr. Rocha for his infill projects.

Informational item only; no action taken.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT A TWO-STORY STRUCTURE WITH COMMERCIAL USE DESIGNATED FOR THE LOWER FLOOR AND TWO RESIDENTIAL UNITS ON THE SECOND FLOOR FOR SUNSET HILLS DEVELOPMENT, LLC, LOCATED AT 652 K STREET IN THE MIXED-USE (M-X) ZONING DISTRICT. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Joe Rocha, Sunset Hills Development LLC, was present to answer any questions.

There were comments among Commissioners, staff, and the applicant regarding architecture including roofing materials probably being presidential comp, parking requirements, parking area at adjacent business encroaching on property line, the high curb, concern regarding the power poles locations but will be reviewed by the Project Review Board, and bike racks.

There were no comments among Commissioners, staff, and the applicant regarding landscaping.

There were comments among Commissioners, staff, and the applicant regarding lighting including LED and security lighting which will be on the building.

Informational item only; no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

Community & Economic Development Director Elms reported that there will be the Business 2 Business Networking Event at the Community Center tomorrow from 9:00 a.m. to 12:00 p.m. co-hosted by Valley Sierra SBDC and the City of Los Banos and how

the City will also be hosting ACE10 event on October 24, 2018 at 9:15 AM at the Community Center to showcase Los Banos as an agricultural region.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked staff for the hard work, this was a big agenda, and stated that he commuted for 23 years to Silicon Valley and it is a tough commute.

DEES: Absent.

JONES: Stated that a landscape buffer is designed to keep water from running onto sidewalks and inquired where the water goes if it runs onto the sidewalk.

Community & Economic Development Director Elms responded that it percolates back into the earth, otherwise it goes into the storm water drains.

Commissioner Jones spoke of how he did read the newspaper article regarding Los Banos residents having the longest commute and commented that he has a tenant who commuted from Clovis to San Jose and now commutes from Los Banos to San Jose and is now thrilled to find a home here and have that commute.

McCOY: Commented that we previously spoke during the drought about vegetation.

Community & Economic Development Director Elms added that the Water Efficiency Landscape Ordinance came forward last year and was adopted by the City Council, how it was implemented in new development mostly, there is a 2 foot buffer where turf cannot touch the concrete, and how it applies to new commercial development too like with the new O'Reilly's.

Commissioner McCoy inquired if the stuff we saw today will meet that ordinance.

Community & Economic Development Director Elms responded that Halferty does meet these requirements, how Mr. Rocha has existing landscaping but the new landscaping will have to meet these requirements, and how it will be enforced with the improvement plans.

Commissioner McCoy spoke of how the new residential development by Oliveira Park is still fenced but the sidewalks are open and dirt is covering much of it with uncovered holes,

Community & Economic Development Director Elms stated that she will let the developer know to block the access.

Commissioner McCoy spoke of being a grandparent and getting to wake up and feed his grandchild who lives in his home and how he was watching CBS47 who showed that

the City of Sanger is modeling some things after Los Banos as far as how to grow the community, and stated that the world is taking note of us.

Commissioner McCoy inquired about an update on the business park.

Community & Economic Development Director Elms responded that it will be part of the General Plan Update.

SPADA: Reported that many Los Banos folks have a dismal commute to work and how an article was published in the Los Banos Enterprise and commended the Commission on making this an earlier than anticipated ending to the meeting.

Commissioner Spada spoke of how he would like to take a look at the plans for Harbor Freight Tools and how they are storing and unloading trailers without tractors for unloading, how there is no screening, he wants to find out if that area was shown to be receiving, and how we need to bring this project back and discuss this.

Community & Economic Development Director Elms responded that staff would need to review the Conditions of Approval for this project.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 8:51 p.m.

APPROVED:

/s/ John Cates
John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician