

**CITY OF LOS BANOS  
PLANNING COMMISSION MEETING MINUTES  
DECEMBER 12, 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 Toscano.

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

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE ADJOURNED PLANNING COMMISSION MEETING OF NOVEMBER 27, 2018.** Motion by Spada, seconded by Dees to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; McCoy 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 APPROVAL OF SITE PLAN REVIEW #2018-06 FOR THE DEVELOPMENT OF A COMMERCIAL STRUCTURE WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT CONSISTING OF ONE (1) 4,200 SQUARE FOOT COMMERCIAL STRUCTURE LOCATED AT 1153 WEST PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL**

**NUMBER: 431-141-021.** Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, inquired about the landscaping and if it includes the strip along Pacheco Boulevard. Community & Economic Development Director Elms confirmed that it does include that area.

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

Motion by Spada, seconded by Dees to adopt Planning Commission Resolution No. 2018-39 – Approving Site Plan Review #2018-06 for the Development of One (1) 4,200 Square Foot Commercial Structure Located at 1153 West Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 431-141-021. The motion carried by the affirmative action of all Planning Commission Members present; McCoy absent.

City Attorney Vaughn stated that the applicant for the next two items is his client and he would be excusing himself from the Council Chambers during the presentation and deliberations of those two items. City Attorney Vaughn left the Council Chambers at 7:11 p.m.

**PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15332 (INFILL DEVELOPMENT PROJECTS) AND SITE PLAN REVIEW #2018-04 FOR THE DEVELOPMENT OF FOUR (4) RESIDENTIAL STRUCTURES TOTALING 12,124 SQUARE FEET WITHIN THE MEDIUM-DENSITY RESIDENTIAL ZONING DISTRICT LOCATED AT 649 AND 661 E STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 025-063-018 AND 025-063-019.**

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

Commissioner Spada inquired about the power pole at this location and what the Project Review Board recommended as far as utilities goes.

Associate Planner Luquin stated that the Project Review Board wanted to require undergrounding the utilities but could look at working with the applicant to make it easier on him.

Community & Economic Development Director Elms clarified that a deferred improvement agreement is a possibility depending on the development occurring.

Commissioner Spada spoke of how the Planning Commission had asked to cut some T1-11 siding and put belly bands on the façade but didn't see it in the plans.

Community & Economic Development Director Elms suggested including that wording in the motion so it's memorialized into the record.

Chairperson Cates opened the public hearing. JOE ROCHA, applicant, stated that it was his understanding that his assistant had electronically sent the revised plans with

the siding and lighting and thanked the Community & Economic Development Department and Building Department for working with him.

Community & Economic Development Director Elms responded that our email server limits the size of attachments and it's possible that occurred and prevented staff from receiving the plans.

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

Community & Economic Development Director Elms pointed out that the applicant would be receiving a density bonus which allows more units for the developer and how it also helps the City with eligibility in federal and state funding to meet the state's requirements.

Commissioner Spada spoke of how the state is coming down on cities as far as low-income housing inventory and thanked Mr. Rocha for providing this type of housing for the community.

Commissioner Dees inquired about parking and traffic studies done for this project.

Associate Planner Luquin responded that there is onsite parking with driveways and how it complies with off-street parking requirements in the Los Banos Municipal Code.

Mr. Rocha offered to put additional parking instead of some landscaping.

Community & Economic Development Director Elms declined the offer stating that the landscaping meets the Los Banos Municipal Code requirements and staff prefers to keep that as it is in the plans.

Motion by Dees, seconded by Spada to adopt Planning Commission Resolution No. 2018-37 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332 (Infill Development Projects) and Approving Site Plan Review #2018-04 for the Development of Four (4) Residential Structures Totaling 12,124 Square Feet Located at 649 and 661 E Street, More Specifically Identified as Assessor's Parcel Numbers: 025-063-018 and 025-063-019 with the addition of a Condition of Approval to cutting some T1-11 siding and putting belly bands. The motion carried by the affirmative action of all Planning Commission Members present; McCoy absent.

**PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15332 (INFILL DEVELOPMENT PROJECTS) AND SITE PLAN REVIEW #2018-05 FOR THE DEVELOPMENT OF A MIXED-USE STRUCTURE WITHIN THE MIXED-USE ZONING DISTRICT CONSISTING OF TWO (2) RESIDENTIAL UNITS ON THE SECOND FLOOR AND OFFICE SPACE ON THE FIRST FLOOR TOTALING 3,192 SQUARE FEET LOCATED AT 652 K STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 026-053-020.** Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Dees inquired why there are so many cars parked near the project site on the aerial image.

Associate Planner Luquin responded regarding the number of parking stalls that will be created onsite as well as how the applicant will have a reciprocal easement between this lot and adjacent lot which Mr. Rocha owns.

Community & Economic Development Director Elms responded that there are two schools near this project site, how the schools create an impact to the downtown at no fault to the applicant, how the applicant is improving the parking area by creating off-street parking, the need to understand the peak traffic hours in the morning and afternoon due to student pick up and drop off, and how the applicant would have designated parking stalls onsite for those that live in the residential units.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, inquired about Lighting & Landscape Districts for infill projects in the downtown.

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

Community & Economic Development Director Elms responded to Ms. Ballard and stated that there is a Condition of Approval that does require Mr. Rocha to agree to join a Landscape & Lighting District and Community Facilities District although there aren't currently these districts in this area, how the downtown wants benefits of a more cohesive district and are looking at ways to create a district to assess themselves, and how if there were City districts to be formed in the future then Mr. Rocha would be required to join at that time.

Motion by Spada, seconded by Toscano to adopt Planning Commission Resolution No. 2018-38 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332 (Infill Development Projects) and Approving Site Plan Review #2018-05 for the Development of a Two (2) Story Mixed-Use Structure with Two (2) Residential Units on the Second Floor and Office Space on the First Floor Totaling 3,192 Square Feet Located At 652 K Street, More Specifically Identified as Assessor's Parcel Number: 026-053-020. The motion carried by the affirmative action of all Planning Commission Members present; McCoy absent.

City Attorney Vaughn returned to his seat in the Council Chambers at 7:49 p.m.

**PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15311 (ACCESSORY STRUCTURES) AND CONDITIONAL USE PERMIT #2018-15 TO ALLOW FOR THE USE OF FIVE (5) BILLBOARDS WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT LOCATED AT 3400 EAST PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 084-010-077.** Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and noted that the public hearing notice originally

quoted the wrong section of CEQA for the categorical exemption and stated that it should have quoted Section 15304 (Minor Alterations to Land).

Commissioner Spada stated for the record that he will support the project because the applicant is within his rights; however, he believes that the number of billboards is excessive.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, inquired about illumination.

JOVAN GRANADOS, on behalf of Hostetler Outdoor LLC, spoke of how these billboards are not digital signs, how the illumination is lighting from above the board to illuminate the display in the evening time, how they are located within 1,000 feet from commercial activities, Holt Brothers located on one side and Amerigas on the other side, how Caltrans requires that the billboards be within 1,000 feet from commercial activity, and stated that they are requesting a twenty foot variance to be on the safe side.

Commissioner Dees stated that the applicant has the right but inquired why, spoke of how he wants the county to look nice, and asked the applicant to explain her intentions behind these signs.

Mrs. Granados responded that it is the applicant's objective to give back to the City and invest in development and improve the aesthetics within the community, how the applicant has already improved entrances at the northern, southern, and western boundaries, how this is a chance to improve at the eastern entrance to the City, how there is old wood with dry rot, inconsistent sizes, how they are trying to provide consistent looks by replacing five signs on the western side of the sixth sign, and how this would look cleaner and be more consistent and aesthetically appealing.

Commissioner Spada inquired if these be on metal poles.

Mrs. Granados responded that the City requires a single pole for the billboards.

Chairperson Cates stated that these billboards are in bad shape and he has no problem with improving these.

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

Motion by Dees, seconded by Toscano to adopt Planning Commission Resolution No. 2018-40 – Approving a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15311 (Accessory Structures and Approving Conditional Use Permit #2018-15 to Allow the Modification and Use of Five (5) Billboards Located at 3400 East Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 084-010-077. The motion carried by the affirmative action of all Planning Commission Members present; McCoy absent.

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.**

Community & Economic Development Director Elms reported that the next Planning Commission meeting on December 26, 2018 will be cancelled due to the Christmas holiday, wished all a Merry Christmas, and spoke of how the Planning Commission interviews will be held sometime this month and new members will be seated in January.

Chairperson Cates inquired if there are any new tenants that can be announced for vacant locations.

Community & Economic Development Director Elms responded that staff hopes that we can announce names for the Save Mart Center soon.

**PLANNING COMMISSION MEMBER REPORTS.**

**CATES:** Wished everyone a Merry Christmas, thanked staff, spoke of how wonderful the Christmas Parade was this year, and gave a shoutout to the Police and Public Works Departments for their help with the parade.

**DEES:** No report.

**McCOY:** Absent.

**SPADA:** Wished everyone a Merry Christmas and thanked staff.

**TOSCANO:** No report.

**ADJOURNMENT:** The meeting was adjourned at the hour of 8:09 p.m.

APPROVED:

*/s/ John Cates*  
John Cates, Planning Commission Chairperson

ATTEST:

*/s/ Sandra Benetti*  
Sandra Benetti, Planning Technician