

**CITY OF LOS BANOS  
PLANNING COMMISSION MEETING MINUTES  
FEBRUARY 27, 2019**

***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 Higby.

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

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF DECEMBER 12, 2018.** Motion by Giuliani, seconded by Spada to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE SPECIAL PLANNING COMMISSION MEETING OF FEBRUARY 5, 2019.** 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; Toscano 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 A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT AN ORDINANCE TO ESTABLISH THE REGULATION AND PROCESSING OF ACCESSORY DWELLING UNITS.**

Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Commissioner Dees inquired about the definition of an efficiency unit.

Community & Economic Development Director Elms responded that it is defined in the definitions under Los Banos Municipal Code Section 9-3.3002 but refers to the California Health & Safety Code.

City Attorney Vaughn spoke of size, bathroom, and kitchen requirements for efficiency units.

Commissioner Spada inquired about staff's sense on garage conversions and parking.

Community & Economic Development Director Elms responded that the state has prohibited us from legislating parking as a barrier and the state's position is that a covered garage is not necessary.

City Attorney Vaughn spoke of garage conversions needing to replace the lost spaces and non-garage conversions have to provide at least 1 off-street parking space.

Commissioner Dees inquired if permitted on-street parking would be considered.

City Attorney Vaughn responded that staff is not considering permitted on-street parking, how staff is not anticipating huge demand of this type of housing, how Los Banos typically has smaller lots with larger houses so that restricts many of these types of opportunities from arising, and the state has pronounced what cities can do in regards to parking.

City Attorney Vaughn suggested that "efficiency unit" be defined instead of referring to Health & Safety Code.

Community & Economic Development Director Elms spoke of how casitas are going to become more standard in newer development in the future.

There was discussion among Commissioners and staff regarding the difference between accessory structures and accessory dwelling units.

Commissioner Higby inquired if detached ADUs must exist in perpetuity.

City Attorney Vaughn responded that an owner can demo or turn it into a different accessory structure if codes allow for it.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, spoke of existing secondary living units in the College Greens area, stated that they didn't have

kitchens, and inquired if there are Building requirements to follow if owners want to change that.

Community & Economic Development Director Elms confirmed there are Building requirements to follow to add kitchens to ADUs.

Ms. Ballard inquired if a property owner can rent it out.

Community & Economic Development Director Elms responded that it can be rented out as long as the property owner lives in one of the units.

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

Motion by Spada, seconded by Limon to adopt Planning Commission Resolution No. 2019-03 – Recommending to the City Council Adoption of an Ordinance of the City Council of the City of Los Banos Amending Article 30 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Accessory Dwelling Units with the addition of the definition of an efficiency unit. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

#### **CONSIDERATION OF APPOINTMENT OF A PLANNING COMMISSIONER AND AN ALTERNATE TO THE TRAFFIC SAFETY COMMITTEE.**

Motion by Dees to appoint Commissioner Limon to the Traffic Safety Committee. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

Motion by Limon to appoint Commissioner Spada as an alternate to the Traffic Safety Committee. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

#### **COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.**

Community & Economic Development Director Elms reported that the Planning Commissioners Academy will take place in Long Beach next week with lots of new and exciting sessions.

#### **PLANNING COMMISSION MEMBER REPORTS.**

**CATES:** Thanked staff, spoke of how he is looking forward to the Planning Commissioners Academy, welcomed the new Planning Commissioners, and thanked the City Council and Finance Director for allowing the department to budget this conference for Commissioners.

**DEES:** No report.

**GIULIANI:** Spoke of it being nice to see folks working together.

**HIGBY:** No report.

**LIMON:** Spoke of being happy to be back serving on the Planning Commission and welcomed the newest Planning Commissioners.

**SPADA:** Thanked staff for the work on the ordinance and welcomed the newly appointed and reappointed commissioners.

**TOSCANO:** Absent.

**ADJOURNMENT:** The meeting was adjourned at the hour of 7:52 p.m.

APPROVED:

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

ATTEST:

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