

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JULY 10, 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, and Thomas Higby III; Tom Spada and Susan Toscano absent.

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

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

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JUNE 26, 2019. Motion by Higby, seconded by Giuliani to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Spada and 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 AND MAKE A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO AMEND CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE TO ALLOW CHILD DAY CARE CENTERS IN ALL ZONING DISTRICTS SUBJECT TO A CONDITIONAL USE PERMIT. Community & Economic Development Director Elms presented the staff report.

Commissioner Dees inquired as to which zones a family daycare center can currently operate.

City Attorney Vaughn responded that a Conditional Use Permit (CUP) is required for large family daycares, it's allowed in all residential zones in the City, there is not any framework within the code for daycare centers, and it is an institutional setting.

Commissioner Dees inquired how residents will be notified.

City Attorney Vaughn responded that notification would be done as they are now by a mailed public hearing notice, if no request for public hearing is requested then it will be administered administratively, if a daycare center is proposed then a CUP will be required with a public hearing no matter what.

Commissioner Dees inquired if a business license is required.

Community & Economic Development Director Elms responded that it will be required with the exception for small family daycares.

Commissioner Dees stated that we seem to let everything happen in every zone and inquired about the purpose of zoning districts if we'll still allow the uses thru a CUP.

City Attorney Vaughn responded that staff shouldn't look at zoning at completely exclusive, there are guidelines but you want to give people the opportunity to make their property profitable, and a CUP is an opportunity to look at it at a case-by-case basis.

There was discussion among commissioners, staff, and legal counsel regarding signage for daycare centers in residential zones and establishing rules for daycare centers.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, spoke of her concern allowing these centers in the H-C and C-N zoning districts.

City Attorney Vaughn responded that many daycare centers are in commercial areas, didn't want to eliminate an area that would be amenable for a good location, and if they are located where people work it can be ideal.

Ms. Ballard stated that she didn't read the criteria.

City Attorney Vaughn responded that the state requires many things including play areas, the City limits hours of operations and parking, schools and churches are located in all zones and they often run preschools and nurseries, didn't want to eliminate any current uses, the City is in contract to sell the child development center which is in a park zone and those centers are not currently allowed in park zones, and stated that the next agenda item will be to address this property's zoning and use.

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

Commissioner Dees thanked City Attorney Vaughn for enlightening the commissioners.

Motion by Giuliani, seconded by Dees to adopt Planning Commission Resolution No. 2019-14 – Recommending to the City Council Adoption of an Ordinance of the City Council of the City of Los Banos Amending Article 37 Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Child Day Care Facilities and Related Zoning Code Classifications and Definitions. The motion carried by the affirmative action of all Planning Commission Members present; Spada and Toscano absent.

PUBLIC HEARING – TO CONSIDER RECOMMENDING TO THE LOS BANOS CITY COUNCIL GENERAL PLAN AMENDMENT 2019-01, ZONE CHANGE #2019-01, AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 (EXISTING FACILITIES) FOR THE CHILD DEVELOPMENT CENTER TO REDESIGNATE CURRENT PARK GENERAL PLAN LAND USE DESIGNATION TO PROFESSIONAL OFFICE LAND USE DESIGNATION AND ZONE CHANGE FROM PARK ZONING DISTRICT TO PROFESSIONAL OFFICE (P-O) ZONING DISTRICT LOCATED AT 1624 SAN LUIS STREET, MORE SPECIFICALLY IDENTIFIED AS A PORTION OF ASSESSOR'S PARCEL NUMBER: 428-070-001. Community & Economic Development Director Elms presented the staff report.

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

Motion by Dees, seconded by Giuliani to adopt Planning Commission Resolution No. 2019-15 – Recommending Approval to the Los Banos City Council of General Plan Amendment #2019-01 and Zone Change #2019-01 of Approximately 1.33 Acres for the Child Development Center Facility Located at 1624 San Luis Street, More Specifically Identified as a Portion of Assessor's Parcel Number: 428-070-001 and Finding that the Disposition of the Property is Consistent with the City's General Plan. The motion carried by the affirmative action of all Planning Commission Members present; Spada and Toscano absent.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF ONE (1) COMMERCIAL STRUCTURE TOTALLING 5,156 SQUARE FEET FOR AN AUTOMOTIVE REPAIR SHOP AND RESTAURANT FOR JOSE TELLEZ LOCATED IN THE GENERAL-COMMERCIAL (C-1) ZONING DISTRICT AT 1101 F STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 025-152-009. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Jose Perez, architect, stated he was present on behalf of the applicant and available for questions.

There was discussion among Commissioners, staff, and the applicant regarding architecture.

Commissioner Dees observed that a food service is being proposed next to a smog service and inquired what the applicant has done in regards to air quality.

Mr. Perez responded that there is a 2 hour fire separation wall between the smog repair and the lobby waiting area and stated that the automotive side will be well-ventilated.

Commissioner Dees inquired if there will be some kind of purifier.

Mr. Perez responded that he approached a mechanical contractor about these concerns as well and it hasn't been resolved yet.

Commissioner Dees stated that he wants the business to be successful but has concerns about safety and hopes it can be resolved within the architecture.

Mr. Perez responded that it is up to the business owner, but they are addressing it once they receive approval from the Planning Commission.

Commissioner Dees commented that he is enthusiastic for this project.

Commissioner Higby spoke of his concern regarding the waiting area and inquired if there is there a secondary door between the uses.

Mr. Perez responded that they can look at adding a vestibule to create an additional way to control fumes coming into the eatery.

Community & Economic Development Director Elms suggested the consideration of addressing the large massing with the addition of trellises on the south elevation.

Chairperson Cates commented that he would like to see the massing broken up on the south and east elevations and spoke of how he appreciates how the applicant has taken Young's design and matched it.

Commissioner Giuliani inquired if the restaurant would be serving beer only.

Mr. Perez responded that the applicant does intend to serve just beer.

There was discussion among Commissioners, staff, and the applicant regarding lighting including how staff will require a photometric plan and it will have to meet City standards.

There was discussion among Commissioners, staff, and the applicant regarding landscaping including sidewalk that will be improved per City standards, proposed parking and easement for parking, and security cameras.

Commissioner Dees spoke of his concern about the storage area for automobiles.

Informational item only, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms thanked those who attended the Downtown Strategic Plan community workshop, spoke of the importance to guide development of downtown, upcoming community outreach event at Ranchwood Park, the Downtown Strategic Plan will be presented to Planning Commission at a future date, there will be a joint City Council/Planning Commission meeting on August 14th at 6:00 p.m. regarding the police facility needs at the Police Annex so the meeting will need to be adjourned to that date.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked staff for their work, expressed sorrow for Commissioner Limon's resignation, hopeful to have talent fill his shoes, how it was great to attend the Downtown Strategic Plan meeting the other night, and PlaceWorks is doing a great job.

DEES: No report.

GIULIANI: Thanked Mr. Perez for his drawings and Mr. Tellez for bringing this to the community.

HIGBY: No report.

SPADA: Absent.

TOSCANO: Absent.

ADJOURNMENT: The meeting was adjourned at the hour of 8:08 p.m. to 6:00 p.m., Wednesday, August 14, 2019 at the Police Annex located at 535 J Street, Los Banos, California to conduct a Joint Study Session with the City Council regarding the Police Facility Needs Assessment.

APPROVED:

/s/ John Cates
John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician