

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JUNE 12, 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: Commissioner Toscano 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 Giuliani.

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

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MAY 8, 2019. Motion by Dees, seconded by Higby to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Cates, Limon, and Spada absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE ADJOURNED JOINT CITY COUNCIL/ PLANNING COMMISSION MEETING OF MAY 22, 2019. Motion by Dees, seconded by Higby to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Cates, Limon, and Spada 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.

Commissioner Toscano opened the public forum. No one came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND MOBILE FOOD VENDOR PERMIT #2019-02 TO ALLOW THE OPERATION OF A MOBILE FOOD VENDING VEHICLE ON PRIVATE PROPERTY FOR JAIDEL PEREZ DBA EL GRULLENSE JAL #6 LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1301 WEST PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 430-010-019. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Giuliani inquired about the significance of the Mobile Food Vendor and the specific location highlighted in the presentation.

Associate Planner Luquin responded that the highlighted location is where the Mobile Food Vendor’s employees are permitted to use the restroom and wash their hands.

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

Motion by Giuliani, seconded by Higby to adopt Planning Commission Resolution No. 2019-10 – Approving the Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2019-02 for the Operation of a Mobile Food Vending Unit to Vend on Private Commercial Property Located at 1301 West Pacheco Boulevard, Suite B, More Specifically Identified as Assessor’s Parcel Number: 430-010-019. The motion carried by the affirmative action of all Planning Commission Members present; Cates, Limon, and Spada absent.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT #2019-02 TO ALLOW THE USE OF A TYPE 40 ALCOHOL LICENSE FOR THE ON-SALE OF BEER IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT FOR LA ESPERANZA FOOD CENTER LOCATED AT 937 WEST PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 431-020-002. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Higby inquired if there are requirements for the cameras.

Associate Planner Luquin responded that there are requirements as well as an existing camera system.

Commissioner Giuliani spoke of her love for the taqueria, thinks it a great to keep the onsite beer consumption in the taqueria area, and how the hours are reasonable.

Commissioner Dees inquired if the Police Chief has inspected the cameras since they have been in place for a long time.

Associate Planner Luquin responded that there are Conditions of Approval within the resolution that the camera system must be to the satisfaction of the Police Chief.

Commissioner Dees stated that he wasn't aware that there was a taqueria inside the grocery store and is pleasantly surprised to find this out.

Commissioner Toscano 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. 2019-11 – 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 #2019-02 to the Los Banos City Council to Allow for the Sale of Alcohol Under a Type 40 On-Sale Beer License at La Esperanza Food Center Located at 937 West Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 431-020-002. The motion carried by the affirmative action of all Planning Commission Members present; Cates, Limon, and Spada absent.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15332, IN-FILL DEVELOPMENT PROJECTS, AND SITE PLAN REVIEW #2019-01 FOR THE DEVELOPMENT OF ONE (1) 1,800 SQUARE FOOT COMMERCIAL STRUCTURE WITH SITE IMPROVEMENTS WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT LOCATED AT 1419 PLACE ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 083-130-030. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Dees inquired if there was mention of lighting on the exterior of the building.

Associate Planner Luquin responded that it wasn't included in the application.

Commissioner Dees inquired if that was also the case for cameras.

Associate Planner Luquin responded that the applicant is not currently proposing the use of alcohol, but there are Conditions of Approval for a camera system.

Commissioner Dees commented that it looks nice and congratulated the applicant on doing a good job.

Commissioner Giuliani inquired if sidewalk improvements will be directly in front of the restaurant only.

Associate Planner Luquin confirmed that would be the case.

Commissioner Higby inquired about indications for a driveway to access the property.

Associate Planner Luquin responded that there would be indication that there will be a driveway for patrons to enter the property.

Commissioner Toscano opened the public hearing. DAVID AND SAM WALLACE, Los Banos, spoke of how they own the parcel north of this property, how there is a small irregularly shaped parcel located adjacent to their parcel, how they feel that the small parcel is located in the backyards of the four homes on Place Road, their concern to ensure that parcel is marked and not part of his backyard, how they don't know for sure where the corners of the applicant's parcel are exactly located, and inquired about how much parking will be there.

Community & Economic Development Director Elms responded that Condition of Approval #65 requires a specific note be provided on the improvement plans that the contractor will be responsible to protect and preserve the survey monuments and markers, how the owner can only develop on their own property, these will be preserved and inspected by the Engineering Division, how this is a civil issue between property owners, and encouraged the Wallaces to arrange that with the property owner who is present tonight.

Commissioner Giuliani thanked Mr. Wallace for his comments.

Associate Planner Luquin stated that 14 parking stalls are required and they have proposed 15, how the parking area will be fenced off so there will be privacy for the neighbors, and how the lighting fixtures won't be an issue either.

Commissioner Toscano asked applicant to come to the podium.

JOE LYONS, spoke on behalf of the applicant, and stated that the business hours will be 10:00 a.m. to 10:00 p.m., how they tried to have the property surveyed but was told that Caltrans removed the markers when they resurfaced the highway and can't be done until the markers are restored.

Associate Planner Elms stated that this would be an issue with the Engineering Division and not for the Planning Commission.

Commissioner Giuliani inquired if the applicant planned to serve alcohol.

Mr. Lyons responded that they do not plan on doing so at this time but perhaps just beer and wine with food in the future.

ADAM KISSELHOFF, Los Banos, spoke of how a stop light would be necessary and how there is only one exit to Pacheco Boulevard.

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

Motion by Giuliani, seconded by Dees to adopt Planning Commission Resolution No. 2019-09 – Approving Site Plan Review #2019-01 for the Development of One (1) 1,800 Square Foot Commercial Structure with Site Improvements within the Highway-

Commercial Zoning District and a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332, In-Fill Development Projects, Located at 1419 Place Road, More Specifically Identified as Assessor's Parcel Number: 083-130-030. The motion carried by the affirmative action of all Planning Commission Members present; Cates, Limon, and Spada absent.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF TWO (2) COMMERCIAL STRUCTURES TOTALLING 4,662 SQUARE FEET FOR A CAR WASH FOR RAINFLOW DEVELOPMENTS LLC LOCATED IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT SOUTH OF 1415 BADGER FLAT ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 430-010-014. Associate Planner

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

JOHN SCHUPE, licensed surveyor, spoke of doing a boundary and topographic survey, and is present for questions.

GURBIR SINGH, applicant, was present to answer any questions.

There was discussion among Commissioners and staff regarding architecture including the trash enclosure size and location.

Commissioner Toscano commented that these are well rendered drawings.

Commissioner Dees spoke of his concern about noise.

Mr. Singh responded that the vacuum motors are located indoors.

Commissioner Giuliani inquired about water recycling.

Mr. Singh responded that the underground water tanks will clean 75% of water to be reused.

Commissioner Higby inquired if the entrance and exit will be the same right.

Mr. Singh confirmed that the entrance and exit would be the same.

Commissioner Giuliani commented on the great drawings being well done.

There was discussion among Commissioners and staff regarding landscaping including landscaping surrounding the trash enclosure and the 50% shade tree canopy standard.

Commissioner Giuliani inquired about the hours of operation.

Mr. Singh responded that it will operated from 8:00 a.m. – 8:00 p.m.

Associate Planner Luquin commented that lighting has not been specified yet and how there is existing parking lot lighting where Denny's is located which will be equivalent or slightly exceeding standards.

Commissioner Giuliani thanked the applicants for coming forward with their project in our community.

Feedback was given to the applicant only; no action was taken.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms thanked the commissioners that attended the joint study session with the City Council regarding the General Plan legislative updates, how further workshops with Planning Commission will be scheduled at a later date, at the end of month will hold a community wide meeting, how the Police facility needs assessment meeting will be held at a joint Planning Commission/City Council meeting on Thursday, July 25th at 6:00 p.m. at the Los Banos Community Center.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Absent.

DEES: No report.

GIULIANI: Spoke of how she appreciates everyone's input during the meeting.

HIGBY: No report.

LIMON: Absent.

SPADA: Absent.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 8:15 p.m.

APPROVED:

/s/ John Cates

John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti

Sandra Benetti, Planning Technician