

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 11, 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 Dees.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, David Dees, Mona Giuliani, and Thomas Higby III; Susan Toscano absent.

STAFF MEMBERS PRESENT: City Attorney William A. Vaughn (arrived at 7:31 p.m.), Community & Economic Development Director Stacy Elms, Associate Planner Rudy Luquin, and Planning Technician Sandra Benetti.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Giuliani, seconded by Dees 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 AUGUST 28, 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; 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.

Chairperson Cates announced that City Attorney Vaughn has recused himself from the upcoming public hearing item due to a conflict of interest and will return to the Council Chambers for the final public hearing item.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND A MOBILE FOOD VENDOR PERMIT #2019-07 TO ALLOW THE OPERATION OF A MOBILE FOOD VENDING VEHICLE ON PRIVATE COMMERCIAL PROPERTY FOR JANA NAIRN DBA THE TRI-TIPERY LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1155 PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 026-280-007. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and noted that one comment letter of opposition was received which was distributed to the Commissioners and read into the record.

Commissioner Dees inquired if it is normal to have vague wording regarding the hours of operation.

Associate Planner Luquin stated that he reached out to the applicant regarding their hours of operation and they weren't able to specify particular hours/days at this time.

Commissioner Dees suggested adding a Condition of Approval to limit operations to one day a week.

Community & Economic Development Director Elms cautioned the Commission on limiting operational hours because that limitation would need to be justifiable, how she doesn't think it's reasonable to put those restrictions because it would prohibit them from expanding their operations, and stated that the existing Conditions of Approval will require them to operate within their operational statement.

Commissioner Giuliani spoke of this parking lot and inquired if this vendor would be a floating vendor going to different locations.

Associate Planner Luquin responded that the applicant hasn't disclosed how the business will operate or expand.

Community & Economic Development Director Elms stated that the applicant has a restaurant in Atwater, spoke of how they travel to other cities, and this location is just in addition to their other locations.

Commissioner Higby inquired how we can assure that litter won't be an issue per the comment letter.

Associate Planner Luquin responded that there is a Condition of Approval on the permit which addresses litter.

Chairperson Cates empathizes with the resident who submitted the comment letter, stated that this property is adjacent to commercial property, how there was no evidence presented to back up the resident's listed concerns, and how his concern might be traffic but just operating occasionally wouldn't be much of a concern.

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

Motion by Higby, seconded by Giuliani to adopt Planning Commission Resolution No. 2019-18 – Approving the Project to be Categorically Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2019-07 for the Operation of a Mobile Food Vending Unit to Vend on Private Commercial Property Located at 1155 Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 026-280-007. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

City Attorney Vaughn arrived at 7:31 p.m. and took his seat at the staff table.

PUBLIC HEARING – TO CONSIDER AND MAKE A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO AMEND CHAPTER 3, TITLE 9, ARTICLE 34 OF THE LOS BANOS MUNICIPAL CODE RELATED TO DENSITY BONUS. ASSOCIATE PLANNER LUQUIN PRESENTED THE STAFF REPORT, WHICH INCLUDED A POWERPOINT PRESENTATION, AND NOTED THAT ONE COMMENT LETTER WAS RECEIVED. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Commissioner Dees inquired if this is project based and if it is approved by the Planning Commission.

Community & Economic Development Director Elms responded that the ordinance and law is clear that it is a case-by-case basis.

Commissioner Dees inquired if each project would come to the Planning Commission on a case-by-case basis.

City Attorney Vaughn responded that the developer chooses the concession they want, they back it up by the cost reduction, the underlying entitlement would come forward with the density bonus, if the Planning Commission is the approving body for the underlying entitlement then the Planning Commission is the approving body on the concession or density bonus, and the same goes for the City Council, the discretion is very narrow on denial and specific findings have to be made, and stated that associated fees will need to be studied and adopted at a later time.

There was discussion among Commissioners and staff regarding how income levels are defined.

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. 2019-19 – Recommending to the City Council Adoption of an Ordinance of the City

Council of the City of Los Banos Amending and Restating Article 34 Chapter 3 of Title 9 of the Los Banos Municipal Code Regarding Density Bonuses and Other Affordable Housing Development Incentives. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms thanked the Commission for being present so we can hold this meeting, spoke of how an item was discussed regarding Planning Commission attendance and terms during the last City Council meeting, how the City Council directed staff to reduced seats from 7 to 5 seats, how staff is currently drafting the ordinance language, how there will be district representation as 4 year terms and run concurrent with the appointing City Council Member, how the Commissioners expiring in 2019 will have terms extended to 2020 to run with the election, how there will be a more specific absence policy as well, how there was a retail recruitment presentation at the last City Council meeting, how Marshalls opened last week as well, how we have some great retail matches that will be coming forward for new commercial development, and how there are a several folks doing their due diligence for upcoming construction projects.

Chairperson Cates inquired if there was any news on the parking easement with Union Pacific and the Savemart Center parking lot.

Community & Economic Development Director Elms did not have an update on the status, but stated that this property just sold and believes that it will still happen.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked staff and counsel for putting together this ordinance.

DEES: Spoke of how the Rotary Club will have a fundraiser breakfast during the street fair on Saturday morning and how Nana Steph will be at the street fair as well.

GIULIANI: Thanked staff and counsel for their great work and commented how new housing standards will be good for our City.

HIGBY: Thanked staff and counsel for the work done and spoke of the upcoming street fair.

TOSCANO: Absent.

ADJOURNMENT: The meeting was adjourned at the hour of 8:37 p.m. to 5:00 p.m., Wednesday, September 25, 2019 at the Los Banos Community Center located at 645 Seventh Street, Los Banos, California to Conduct a Joint Study Session with the City Council Regarding Los Banos Downtown Strategic Plan.

APPROVED:

/s/ John Cates

John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti

Sandra Benetti, Planning Technician