

**CITY OF LOS BANOS  
PLANNING COMMISSION MEETING MINUTES  
FEBRUARY 26, 2020**

***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, Thomas Higby III, Rob Robinson, Susan Toscano, and Katherine Uhley.

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

**REORGANIZATION OF PLANNING COMMISSION – SELECTION OF NEW CHAIRPERSON AND VICE CHAIRPERSON.**

Commissioner Uhley moved to nominate Commissioner Cates as Chairperson.

Motion by Uhley seconded by Higby to close nominations for Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Uhley seconded by Higby to nominate Commissioner Cates as Chairperson. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano, Uhley.

Commissioner Higby moved to nominate Commissioner Toscano as Vice Chairperson.

Motion by Higby to close nominations for Vice Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Higby to nominate Commissioner Toscano as Vice Chairperson. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano, Uhley.

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

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JANUARY 8, 2020.** Motion by Uhley, seconded by Higby to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

**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 CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) AND APPROVING SITE PLAN REVIEW #2019-04 FOR THE DEVELOPMENT OF AN UNMANNED TELECOMMUNICATIONS FACILITY WHICH INCLUDES ONE (1) 70’ TALL DISGUISED MONOPOLE AND VARIOUS GROUND EQUIPMENT INCLUDING PERIMETER FENCING OF A 600 SQUARE FOOT PORTION OF LEASED PRIVATE PROPERTY WITHIN THE GENERAL INDUSTRIAL ZONING DISTRICT LOCATED AT 220 WILLMOTT AVENUE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 081-110-055.** Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

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

Motion by Uhley, seconded by Higby to adopt Planning Commission Resolution No. 2020-05 – Approving a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15303 (New Construction or Conversion of Small Structures) and Approving Site Plan Review #2019-04 for the Development of an Unmanned Telecommunications Facility which Includes One (1) 70’ Tall Disguised Monopole and Various Ground Equipment to Be Fenced within a 600 Square Foot Portion of Leased Private Property within the General-Industrial Zoning District Located at 220 Willmott Avenue, More Specifically Identified as Assessor’s Parcel Number: 081-110-055. The motion carried by the affirmative action of all Planning Commission Members present.

**PUBLIC HEARING – TO CONSIDER A STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) (GENERAL RULE) AND TO CONSIDER A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADD ARTICLE 46 TO CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO REASONABLE**

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

Commissioner Higby inquired if any requests have been brought to the City at this point.

Community & Economic Development Director Elms responded that the City has not received requests thus far.

Commissioner Higby inquired how the City could verify if there truly is a disability.

Community & Economic Development Director Elms stated that there are confinements within the law, how staff has not had any requests and this wouldn't be very common, and the request for the accommodation is typically only necessary with a certain disability.

Commissioner Higby stated that this seems like it could be easily abused and inquired if there is a way to minimize that possibility.

City Attorney Vaughn responded that the application will ask the applicant to divulge information and sign under penalty of perjury, spoke of how staff won't investigate every single claim made on every single application, how this shouldn't be a big concern, the severity of the variance in terms of impact on the neighborhood will drive the need to investigate, how he doesn't believe there will be a systemic problem with abuse of this ordinance, this is a required ordinance by our Housing Element, and the City has limited discretion in how its set up.

Commissioner Uhley inquired if there will be a cost incurred by the City at all.

City Attorney Vaughn stated that the cost for administrative review would be recovered through the application fee.

Community & Economic Development Director Elms clarified further that the cost of the building permit would be paid by the applicant.

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

Motion by Toscano, seconded by Uhley to adopt Planning Commission Resolution No. 2020-04 – Recommending to the City Council Adoption of an Ordinance of the City Council of the City of Los Banos Adding Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Reasonable Accommodation. The motion carried by the affirmative action of all Planning Commission Members present.

**PUBLIC HEARING – TO CONSIDER A STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) (GENERAL RULE) AND TO CONSIDER A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO AMEND CHAPTER 3 OF TITLE 9 OF THE**

**MUNICIPAL CODE AS IT RELATES TO REMOVING BARRIERS FOR DEVELOPMENT OF SUPPORTIVE AND TRANSITIONAL HOUSING, EMERGENCY SHELTERS, AND SINGLE ROOM OCCUPANCIES IN ACCORDANCE WITH STATE HOUSING ELEMENT LAW.** City Attorney Vaughn presented the staff report, which included a PowerPoint presentation.

Commissioner Uhley commented that the industrial zone is a brilliant place for a homeless shelter and inquired if there a developer currently looking to build here.

City Attorney Vaughn responded that staff is not aware if there is current interest but there is state funding ready to go to help developers fund these projects.

Community & Economic Development Director Elms commented that grant funding was awarded thru the continuum of care to secure two bridge houses and a respite care house so there will now be some beds available, how the issue is finding landlords willing to lease to those types of facilities, there is also one existing permanent supportive housing for those folks receiving support from the Mercey County Behavioral Health Department, and how bridge housing falls under transitional housing while they wait for permanent housing and are getting services.

Commissioner Uhley commented that our City is fortunate in regards to some of these pressing homeless issues.

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

Motion by Uhley, seconded by Higby to adopt Planning Commission Resolution No. 2020-06 – Recommending to the City Council Adoption of an Ordinance of the City Council of the City of Los Banos Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Emergency Shelters, Supportive and Transitional Housing, and Single Room Occupancy Units. The motion carried by the affirmative action of all Planning Commission Members present.

**DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF TWO (2) COMMERCIAL STRUCTURES TOTALING 3,300 SQUARE FEET LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1420 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 428-140-030.**

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

KERRY ROHRMEIER, Tectonics Design Group, spoke of doing several Dutch Bros projects in the northwest, proposing two small scale buildings, both Dutch Bros and Chipotle are modern in their thinking and approach to business, asked to consider the modern architectural characteristics like the existing Les Schwab building nearby, and spoke of how they want to provide something to the community that still represents the brand and is attractive for the company.

MATT NOHR, Orosco Group, spoke of the design aesthetic and design elements trying to achieve, handed out renderings and photos of these building developed in other jurisdictions, and spoke of the modern look of the existing nearby Les Schwab building.

There was discussion among commissioners, staff, and the applicant regarding architecture including the color of the building and the need to address the flat walls.

Community & Economic Development Director Elms suggested that the Planning Commission can ask to bring in beige or white tones with the red rather than the gray or fog colors, suggested wall trellises on the building massing, a tower on the drive thru elevation for the Dutch Bros building and wherever there is a flat wall, and stated this is an opportunity to ensure a complementary style for both buildings.

Mr. Nohr responded that they can add trellises and ficus plants to soften the façade as well.

Commissioner Robinson suggesting that the applicant compromise with the City and tie the two in as far as color as staff has suggested and how he supports this project.

Commissioner Uhley commented that they two buildings should complement each other and stated that the last two images on the handouts versus what was on the site plan elevations would be more favorable.

Chairperson Cates spoke of supporting branding but there is a need to compliment the area as far as color and architecture, how he doesn't want to make things too restrictive but would like a compromise.

Commissioner Robinson stated that he would like to see the color palate blend in more.

Commissioner Uhley stated that red is too bold for the area and how she would not like to use the Les Schwab building as an example for architecture and color.

There was agreement among Commissioners that the metal look would be fine, but the bright red color is too bold.

Commissioner Toscano stated that she completely supports branding but would like to go with the consensus of the Commission.

Mr. Nohr stated that Dutch Bros will be first project to come forward for development and Chipotle will follow right after.

Commissioner Uhley stated that she does not like the blue banding around the Dutch Bros building.

Ms. Rohrmeier stated that Dutch Bros is very dedicated to the blue and gray colors, how the canopy breaks up the vertical height, and how she will bring the feedback back to her team, but can't offer very much variation.

There was discussion among commissioners, staff, and the application regarding landscaping including the current vegetation.

Michael Amabile, Espana's Restaurant Owner, spoke in favor of this project, the importance to tie the two driveways together, and how he is willing to get rid of the oleanders on the highway side.

Community & Economic Development Director Elms commented that hopefully there could be a reciprocal easement.

Mr. Nohr stated that it would have to be a business term between the two property owners.

Mr. Amabile spoke of the aged water line and how it runs right under the building.

There was discussion among commissioners, staff, and the application regarding lighting including how the area is relatively well lit already.

Feedback given to applicant only, no action taken.

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

Motion by Toscano, seconded by Higby to appoint Commissioner Uhley to the Traffic Safety Committee. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Toscano, seconded by Higby to appoint Commissioner Cates as an alternate to the Traffic Safety Committee. The motion carried by the affirmative action of all Planning Commission Members present.

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

Community & Economic Development Director Elms reported that the Planning Commission Academy is coming up next week and will departing on Wednesday and returning on Friday.

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

**CATES:** Thanked staff for their hard work and efforts and welcomed Commissioner Robinson to the Commission.

**HIGBY:** No report.

**ROBINSON:** No Report.

**TOSCANO:** No Report.

**UHLEY:** No report.

**ADJOURNMENT:** The meeting was adjourned at the hour of 9:18 p.m.

APPROVED:

*/s/ John Cates*

John Cates, Planning Commission Chairperson

ATTEST:

*/s/ Sandra Benetti*

Sandra Benetti, Planning Technician