

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
APRIL 22, 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 4:01 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 (microphone malfunction), and Katherine Uhley were present remotely via the GoToMeeting web based application.

STAFF MEMBERS PRESENT: City Attorney William A. Vaughn, Community & Economic Development Director Stacy Elms, Planning Commission Secretary Sandra Benetti, and Associate Planner Rudy Luquin were present remotely via the GoToMeeting web based application.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Uhley, seconded by Higby to approve the agenda as submitted. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano (microphone malfunction), Uhley; NOES: none; ABSENT: none.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF FEBRUARY 26, 2020. Motion by Uhley, seconded by Higby to approve the minutes as submitted. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano (microphone malfunction), Uhley; NOES: none; ABSENT: none.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MARCH 11, 2020. Motion by Uhley, seconded by Higby to approve the minutes as submitted. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano (microphone malfunction), Uhley; NOES: none; ABSENT: none.

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. Secretary Benetti confirmed that no public comments were received, and Chairperson Cates closed the public forum.

PUBLIC HEARING – TO CONSIDER A NEGATIVE DECLARATION (SCH #2020020445) FOR OA HOLDINGS NO. 1, LLC & MMCG DBR LOS BANOS, LLC FOR TENTATIVE PARCEL MAP #2020-01 TO DIVIDE A 1.22 ACRE PARCEL INTO TWO (2) PARCELS WITH PARCEL A TOTALING 0.69 ACRES AND PARCEL B TOTALING 0.53 ACRES; SITE PLAN REVIEW #2016-06 FOR THE DEVELOPMENT OF TWO (2) COMMERCIAL RETAIL STRUCTURES: A 2,500 SQUARE FOOT COMMERCIAL STRUCTURE TO SERVE AS A QUICK SERVE RESTAURANT WITH A DRIVE THROUGH WINDOW (PARCEL A) AND AN 800 SQUARE FOOT STRUCTURE TO SERVE AS A QUICK SERVE RESTAURANT WITH A DRIVE-THROUGH WINDOW (PARCEL B); AND CONDITIONAL USE PERMIT #2020-01 FOR THE ALLOWANCE OF THE ON-SALE AND ON-SITE CONSUMPTION OF ALCOHOL THROUGH A TYPE 41 BEER AND WINE ABC LICENSE IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT AND FOR A PROPOSED FREESTANDING SIGN TO BE TWENTY-FIVE (25') FEET TALL LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT (H-C) AT 1420 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR PARCEL NUMBER: 428-140-030. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, noting that Resolution No. 2020-09 was revised at the request of the applicant and distributed today.

There was discussion among Commissioners and staff regarding the purpose of signage being reviewed by the Planning Commission for approval, current sign standards, and other instances of increase of signage approved by Conditional Use Permit.

Community & Economic Development Director Elms commended Dutch Bros and Chipotle for working with staff and the Planning Commission to implement the suggestions made at the Design Review Study Session.

Chairperson Cates echoed the commendation to the applicant, spoke of his appreciation for the Dutch Bros and Chipotle representatives meeting the Commission halfway, and inquired about the difference between the traffic study that was done and the comment letter that was included with staff report.

Community & Economic Development Director Elms stated that the comment letter from Caltrans was in response to part of the CEQA process for the 30 day review period, how it is a non-issue letter which is what staff likes to receive, and stated that an encroachment permit is required regardless and as a Condition of Approval as well.

Chairperson Cates inquired if lighting will be a nuisance for the residential neighborhood in the rear along the north facing elevation.

Associate Planner Luquin stated that a concrete masonry wall will extend along northern property line which will mitigate potential glare and noise.

Dan Dover, representing Dutch Bros, stated that he and Matt Nohr, representing Chipotle, are on the call to answer any questions, thanked Community & Economic Development Director Elms for her guidance for the project, commented that they look forward to being part of the community.

Matt Nohr, The Orosco Group, commented on the pleasure it has been to work with staff, the prior design review meeting, there has been a great partnership and dialogue to work thru design matters, how they had previously obtained Conditional Use Permit #2017-27 for increase in maximum signage size but the approval lapsed since then and had to apply for new Conditional Use Permit, stated that the lighting photometric plan ensures no light pollution will affect the residential neighborhood and adheres to the Los Banos Municipal Code, and thanked staff and the Planning Commission for their consideration.

Chairperson Cates recessed the meeting at the hour of 4:35 p.m. for five minutes to receive public comment via email.

The meeting resumed at 4:42 p.m.

Chairperson Cates opened the public hearing.

Secretary Benetti confirmed that one public comment was received for this public hearing item. MICHAEL AMABILE, adjacent property owner, submitted the following written comment: *Hello Commissioners and city staff, I am Michael Amabile, adjacent land owner to the east. Is there still a plan to connect parking lots between Espana's and the new project? I am not seeing the connection on the new plan.*

Mr. Nohr responded to the comment confirming that the connection was incorporated and the site plan was modified accordingly.

Community & Economic Development Director Elms stated that staff was pleased that the applicant was able to work this out.

No other comments were received, and Chairperson Cates closed the public hearing.

Commissioner Robinson stated that he was impressed to see the applicant bring it all together and thanked them.

Commissioner Uhley spoke of being pleased that the applicant took the Planning Commission's suggestions and commented that the buildings look very nice.

Motion by Uhley, seconded by Higby to adopt Planning Commission Resolution No. 2020-08 – Recommending to the Los Banos City Council Certification of Negative Declaration (SCH#2020020445) for Commercial Project for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC Located at 1420 E. Pacheco Blvd., More Specifically Identified as Assessor's Parcel Number: 428-140-030. The motion carried by the following roll call

vote: AYES: Cates, Higby, Robinson, Toscano (microphone malfunction), Uhley; NOES: none; ABSENT: none.

Motion by Uhley, seconded by Higby to adopt Planning Commission Resolution No. 2020-09 – Approving Tentative Parcel Map #2020-01 for the Minor Subdivision of a 1.22 Acre Parcel into Two Parcels for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC Located within the Highway-Commercial Zoning District at 1420 E. Pacheco Blvd., More Specifically Identified as Assessor’s Parcel Number: 428-140-030. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano (microphone malfunction), Uhley; NOES: none; ABSENT: none.

Motion by Higby, seconded by Uhley to adopt Planning Commission Resolution No. 2020-10 – Approving Site Plan Review #2016-06 for the Development of Two Commercial Structures Totaling 3,300 Square Feet for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC Located at 1420 E. Pacheco Blvd., More Specifically Identified as Assessor’s Parcel Number: 428-140-030. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano (microphone malfunction), Uhley; NOES: none; ABSENT: none.

Motion by Uhley, seconded by Higby to adopt Planning Commission Resolution No. 2020-11 – Approving Conditional Use Permit #2020-01 to Allow the Variation of the Highway-Commercial Zoning District Sign Standards for a Freestanding Sign for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC Located within the Highway-Commercial Zoning District at 1420 E. Pacheco Blvd., More Specifically Identified as Assessor’s Parcel Number: 428-140-030. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano (microphone malfunction), Uhley; NOES: none; ABSENT: none.

Motion by Higby, seconded by Uhley to adopt Planning Commission Resolution No. 2020-12 – Recommending Approval of Conditional Use Permit #2020-02 to the Los Banos City Council to Allow for the Sale of Alcohol Under a Type 41 On-Sale of Beer and Wine License for a Restaurant to Be Located at 1420 E. Pacheco Blvd., More Specifically Identified as Assessor’s Parcel Number: 428-140-030. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano (microphone malfunction), Uhley; NOES: none; ABSENT: none.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND MOBILE FOOD VENDOR PERMIT #2020-02 TO ALLOW THE OPERATION OF A MOBILE FOOD VENDING VEHICLE ON PRIVATE PROPERTY FOR SERGIO BUENROSTRO SOSA DBA TACOS Y BIRRIA LA PERLA LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 849 W. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 027-181-011. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Chairperson Cates recessed the meeting at the hour of 5:01 p.m. for five minutes to receive public comment via email.

The meeting resumed at 5:07 p.m.

Chairperson Cates opened the public hearing. No comments were received, and the public hearing was closed.

Motion by Higby, seconded by Uhley to adopt Planning Commission Resolution No. 2020-13 – Approving a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2020-02 for the Operation of a Mobile Food Vending Unit to Vend on Private Property Located at 849 W. Pacheco Blvd., More Specifically Identified as Assessor's Parcel Number: 027-181-011. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano (microphone malfunction), Uhley; NOES: none; ABSENT: none.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms thanked the Commissioners for participating virtually in this unusual time and for their patience and cooperation, spoke of how our department is working full-time and maintaining social distancing, and encouraged folks to reach out to staff if anything is needed.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked staff for their work, spoke of how he is really encouraged to see Chipotle and Dutch Bros coming to our community, how this virtual meeting worked out really well, his wishes that everyone stays well and continues with social distancing, and is looking forward to seeing all in person sooner rather than later.

HIGBY: Thanked staff for putting this virtual meeting together, encouraged everyone to stay safe, and commented about looking forward to when this pandemic is over.

ROBINSON: Thanked staff for hard work, spoke of how it was his first time going thru project documents electronically, thanked fellow commissioners, and commented that this first virtual meeting went pretty smoothly.

TOSCANO: No report.

UHLEY: Thanked staff for getting this meeting going virtually and commended everyone on doing a great job.

ADJOURNMENT: The meeting was adjourned at the hour of 5:14 p.m.

APPROVED:

/s/ John Cates

John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti

Sandra Benetti, Planning Technician