

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JUNE 11, 2008**

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 (audiotapes) kept as a permanent record.

CALL TO ORDER: Chairman Hammond called the Planning Commission Meeting to order at the hour of 7:01 p.m.

PLEDGE OF ALLEGIANCE. Commissioner Mello led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Donovan, McCauley, Mello, Napolitano, and Chairman Hammond. Absent: Manzo and Viveros

STAFF MEMBERS PRESENT: City Attorney Vaughn, Planning Director Fitzgerald, Public Works Director/City Engineer Chisam, Assistant Planner Souza, and Planning Commission Secretary Fuentes.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Donovan, seconded by McCauley to approve the agenda as submitted. The motion carried by the affirmative vote of all Planning Commission Members present. Absent: Manzo, Viveros

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF MAY 28, 2008: Motion by Donovan, seconded by Napolitano to approve the minutes as submitted. The motion carried by the following vote: AYES: Donovan, McCauley, Mello, Napolitano, and Hammond; NOES: None; ABSENT: Manzo, Viveros

CONSIDERATION OF APPROVAL OF THE ADJOURNED MINUTES OF MAY 29, 2008: Motion by Donovan, seconded by McCauley to approve the minutes as submitted. The motion carried by the following vote: AYES: Donovan, McCauley, Mello, Napolitano, and Hammond; NOES: None; ABSENT: Manzo, Viveros

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE PLANNING COMMISSION; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION.

DJ Barcellos – Los Banos Resident (also spokesperson for 805 Miller Lane – Barcellos Family Trust); requested to have 10 minutes of speaking time on public hearing item #C – Assisted Living.

No one else came forward and public forum was closed.

PUBLIC HEARING - CONSIDERATION TO APPROVE THE REVISED CONDITION NO. 28 LANGUAGE AS OUTLINED IN THE STAFF REPORT FOR THE APPROVED TARGET STORE LOCATED AT 1405 WEST PACHECO BOULEVARD (CONTINUED FROM MAY 28, 2008). Planning Director Fitzgerald presented the staff report.

Commissioner Donovan; if completed within the twelve month period, when will applicant obtain the encroachment permit; Planning Director Fitzgerald; working on obtaining encroachment permit; not aware of an exact timeline; Commissioner Donovan; was given 6 months extension to complete and it took applicant 21 months to complete; is there a date that applicant has been given to complete; Public Works Director/City Engineer Chisam; not agreeing with giving applicant “an open book” timeline; encroachment permit is the first that city council has directed staff to be the applicant; staff understands and is aware of the timelines involved in the process; there has been significant movement in obtaining encroachment permit; encroachment permit is in plan check with Caltrans; may need to be revised if successful with appeal; if not, will proceed forward.

Commissioner McCauley; if developer has not completed the project within the twelve (12) months given, how long would it take for bids to be received if project changes hands; would the new developer be given the twelve (12) month period also or receive less time; Public Works Director/City Engineer Chisam; during the twelve (12) month period, once the encroachment permit has been issued, if work is not complete, city can take that bond and go out for public bid; assume it would be a six (6) month or so type of project; would be done within a 2 year period.

Chairman Hammond opened public hearing; **Applicant - Raymond Desa, Stonecreek Properties**; present to answer any questions the commission and/or public may have concerning the project.

Keith Snow - Los Banos Resident; concerned about the project not being completed; asked what if the applicant would not be able to complete the project and it was not done; why would the city hire someone else to complete the project; feels that the applicant is liable and responsible; also feels it would be a waste of money.

No one else came forward and public hearing was closed.

Motion by Mello, seconded by Napolitano to approve the revised Condition No. 28 Language as outlined in the staff report for the approved Target Store located at 1405 West Pacheco Boulevard. The motion carried by the affirmative vote of all Planning Commission Members present. ABSENT: Manzo, Viveros

PUBLIC HEARING - CONSIDERATION TO MODIFY CONDITION NO. 16 OF THE VILLAGE GREEN SUBDIVISION TO ALLOW THE CONSTRUCTION OF THE NEIGHBORHOOD PARK TO BE DEFERRED TO THE 11TH BUILDING PERMIT, BUT THE LINEAR OPEN SPACE STRIP ALONG THE ENTRANCE SHOULD BE COMPLETED AS ORIGINALLY ENVISIONED. Planning Director Fitzgerald presented the staff report.

Chairman Hammond opened the public hearing; **Keith Snow - Los Banos Resident**; feels that the applicant should complete a project; complete the project or don't do it at all; feels that the city is enabling applicants to leave jobs unfinished; feels it is not right. No one else came forward and public hearing was closed.

Commissioner McCauley; agrees with modification suggested by staff; 20 units is too many houses to wait on before a park is built; need to provide something for the residents in that area.

Motion by McCauley, seconded by Donovan to modify Condition No. 16 of the Village Green Subdivision to allow the construction of the neighborhood park to be deferred to the 11th building permit, but the linear open space strip along the entrance should be completed as originally envisioned. The motion carried by the affirmative vote of all Planning Commission Members present. ABSENT: Manzo, Viveros

PUBLIC HEARING - CONSIDERATION OF A SITE PLAN FOR THE DEVELOPMENT OF A SENIOR CARE FACILITY INCLUDING ASSISTED AND INDEPENDENT LIVING FOR SENIORS AND ALZHEIMER PATIENTS. THE PROJECT SITE IS LOCATED ON THE SOUTHWEST CORNER OF MILLER LANE AND SAN LUIS STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-121-013. Assistant Planner Souza presented the staff report; she stated that this is Final Development Plan No. 2008-02 and Master Signage Plan No. 2008-05.

Commissioner Napolitano; when was recent traffic study done when: what is the size of the signage; Assistant Planner Souza; applicant will need to submit for a formal sign review; will be given a sign permit thru building department.; will be thoroughly reviewed at that time; all is conforming to the Municipal Code; Commissioner Napolitano; when was traffic study done; Assistant Planner Souza; approximately in May of 2008; Commissioner Napolitano; what grade was it; Assistant Planner Souza; it will not change the level of service on Miller Lane or Pacheco Boulevard or Mercey Springs Road; would not impact any of the major intersections; Commissioner Napolitano; main entrance is off of San Luis; side entrance is off of Miller Lane; impact on San Luis will not change; Assistant Planner Souza; according to traffic analysis, it is stated in the staff

report that less than 5% of the occupants of the facility will have their vehicles there; as stated on applicants operational statement they're anticipating maybe 20 to 30 visitors per day at most; according to traffic study, may be less; very minimal; there will be some slight increase in traffic but no major impact on area due to this project specifically; Commissioner Napolitano; there would be one (1) to two (2) delivery trucks a week; Assistant Planner Souza; yes, twice a week as stated in the staff report.

Commissioner McCauley; curious as to what rating this facility has as far as LEED, which is the environmental principals to the area; would it rate a "silver" rating; concerns are the exterior wood; some materials may look like wood but do not require the same upkeep as wood; landscaping designed for 50% shade; curious if landscaping will be irrigated with reclaimed or grey water; did not see it listed on staff report; Assistant Planner Souza; regarding the architecture to specific material used, will defer question to the applicant who can give the specifics on materials being used; regarding the grading and irrigation, will defer question to Public Works Director/City Engineer Chisam who can best answer those questions; these are specifics that are being looked at in the improvement plan, civil plan stage and will have to be designed to City standards; Public Works Director/City Engineer Chisam; regarding grey water issue, there is nothing in the Municipal Code that requires a facility to institute a grey water irrigation system; there are some issues with this type of system with regards to public health; the City does not have a supplemental reuse water program; with regards to water reuse, we have installed ground water wells at those locations and had them irrigate to the parks; Commissioner McCauley; with regards to the city codes that are in place, are there plans to incorporate more of the LEED standards; Planning Director Fitzgerald; this is in the general plan; to promote more green building; when we get more into the zoning and subdivision updates it can be incorporated there also; Public Works Director/City Engineer Chisam; informed commission that Planning Director Fitzgerald is currently studying to take her exam to be a LEED Certifier.

Commissioner Mello; in reference to the site plan it shows one elevator in the building; Assistant Planner Souza; will defer question to the applicant who can better explain the site.

Chairman Hammond opened the public hearing; **Applicant – Eric Barsted, Pacific Western Builders**; answer to the siding question, planning on using a hardy plank; fiberglass type board to prevent warping; (showing picture); answer to the landscape question, will be using native plants; drought resistant type plant; answer to the grey question, applicant has \$500,000 in the budget for a solar system; looking into other type products; there are three (3) elevators; also have Civil Engineer and management company present to answer any questions.

Commissioner Napolitano; applicant has three (3) stories in project; problem finding exit and entrance areas; they looked like they were all on one side of the building; **Applicant – Eric Barsted, Pacific Western Builders**; there is one Westside center and one right side; center of the building; there are 15 units; bottom floor has 54 units; middle floor has 75 units; Commissioner Napolitano; where are elevator exits located; **Applicant – Eric Barsted, Pacific Western Builders**; (showing where elevators are on board); Commissioner Napolitano; concern is with taking patients out of the building if there was a need to; **Applicant – Eric Barsted, Pacific Western Builders**; confirmed that there are three (3) elevators; Alzheimer's wing is on the first floor; Commissioner Napolitano; is the Alzheimer wing a lock down; **Applicant – Eric Barsted, Pacific Western Builders**; stated that the Alzheimer's wing is a lock down.

Commissioner Viveros arrived at 7:33 p.m.

Commissioner Donovan; will be gated all the way around; **Applicant – Eric Barsted, Pacific Western Builders**; the Alzheimer wing will be fenced; the parking area (showing board) will have 6 foot masonry fence; Commissioner Donovan; asked if it will be wrought iron; **Applicant – Eric Barsted, Pacific Western Builders**; short wall around the parking area with gates; with regards on the signage it is 8 ft by 24 inches, (showing board); the parking area is harder to fence off; more of landscape, aesthetic looking; proposing Masonry fencing.

Commissioner Viveros; referring back to the elevator question; this would be a full size elevator; **Applicant – Eric Barsted, Pacific Western Builders**; no specifics on elevator size; would be able to fit a gurney in the elevator.

Commissioner McCauley; elevators will have opening on both ends; **Applicant - Michelle Morris, Barso & Associates**; elevators need to be built to the State Department of Social Services standards so that a gurney can get in and out of the elevator with ease; Commissioner McCauley; if there is an emergency, how will they get down stairwells if they don't fit in elevators; **Applicant - Michelle Morris, Barso & Associates**; with this project building, when licensed, it will be licensed for non-ambulatory residents; in the event of an evacuation, fire department and emergency crews will be aware of the situation.

Commissioner Napolitano; how tall is it going to be; total build out; heighting; **Applicant – Eric Barsted, Pacific Western Builders**; first floor, ten (10) feet; two (2) foot section in the middle; second floor, nine (9) feet; and third floor, 9 feet; roughly 35 feet; Commissioner Napolitano; most of the area consists of buildings that are one story; is the building next to something to similar size; **Applicant – Eric Barsted, Pacific Western Builders**; small section in the middle will be approximately nine (9) feet higher than a two story building in the area; first two floors will basically be the same height as a two story building; this will be 15 units; Assistant Planner Souza; staff is reiterating that the three stories will be in the center of the building; very large area, 4.22 acres; has residential on one side; two story apartments on southwest side; medium density across the street to the east; low density across from the parking lot; **Applicant – Eric Barsted, Pacific Western Builders**; (showing board); Commissioner Napolitano; feels it is a massive structure for that area when adding a three story building; Assistant Planner Souza – height of the proposed facility is 15 feet lower than the maximum height in the Planned Development district; **Applicant – Eric Barsted, Pacific Western Builders**; will be using the finest materials; working with management group to complete the project.

Public Works Director/City Engineer Chisam; one aspect to buffer zones to neighboring property; buildings are fairly close to Miller Lane and San Luis as they are oriented onto the property; to the east will be parking lots and entrance; will have a good 25 to 30-40 feet before running into the property line; entrance way on the south that will keep buildings away from neighboring property lines.

Chairman Hammond opened the public hearing; before resident began speaking, Chairman Hammond confirmed with City Attorney Vaughn that the resident would be allowed to speak on the public hearing item for 10 minutes; City Attorney Vaughn; confirmed that the resident would be allowed to speak for more than the 5 minutes allowed on a public hearing item; **DJ Barcellos – Los Banos Resident (also spokesperson for 805 Miller Lane – Barcellos Family Trust)**; a two story would have been fine; a three story building is a little overwhelming for the area; stated she did not receive notification or did not see it in the newspaper; feels the developer did not take into consideration the neighborhood; concerned about the light structure; how will lighting be on the building; she has no complaints on two story; concerns with the traffic report; at what point does it get to the end; stated we are controlled by Caltrans; when you add up all of the projects that are being presented to the City Council, residents cannot get in and out of their driveways now, with all of the traffic; this is a problem; taking it individually, compartmentalizing; not looking at the big picture; reconsider the look of the building and keep the third story out.

Keith Snow - Los Banos Resident; feels the commission should consider the opinions of the residents who live near the area; feels the security of the people have not been taken into consideration; will there be a security guard at the front of the building; feels the applicant needs to think about the children in the area.

Public Works Director/City Engineer Chisam; address the cumulative traffic impact issue; stated that the resident is correct with regards to the cumulative traffic impact issue; City is addressing this through a comprehensive traffic study that has been done for the entire community; there is a traffic fee that is required to be paid; some intersections have been identified as needing improvement; there are roughly 60 to 70 intersections that will have to be altered as time goes on; there will be a fee program for the improvement of these intersections; Caltrans is proceeding with installation of traffic

signal on Miller Street as well as the one on H Street; highest priority within community is San Luis Street, connecting with 165 highway; this is high on the priority list; reassuring resident that staff is taking it into consideration; **Applicant – Eric Barsted, Pacific Western Builders**; addressing the lighting issue; speaking directly to residents in audience (showing board); there are 150 units and only 15 to accommodate the independent living; asking resident where they live (what part of area); (showing board) residents commented yes; City Attorney Vaughn; point of order; informed people at the podium that they must direct all questions and comments to the dias and commission can direct questions to the appropriate people; cannot have an exchange of conversation between the podium and the audience; Assistant Planner Souza; staff has an appropriate idea that may help to mitigate this issue; planting Italian Cypress trees around the perimeter of the property; at 24 gallons they start at 15 feet; they are drought resistant and can grow to a maximum of 40 feet; Chairman Hammond; asked staff if this is already in the staff report; Assistant Planner Souza; can add this in as a condition of approval if the applicant agrees to it.

Commissioner Napolitano; not sure the trees are going to be very appropriate; concern is more with the large 3 story building being built there; Assistant Planner Souza; the trees grow at 3 feet a year; would have some sort of mitigation by the time they grow out; they would be 5 feet in diameter.

Commissioner McCauley; comment on traffic just in and out of the facility; feels it would be greater than one or two deliveries a week; feels that the traffic study that staff is working on is good; feels it would be greater than 20 to 30 cars a day; Assistant Planner Souza; traffic analysis is not based on the applicants operational statement; it is based on factual numbers and research that has been done, according to traffic engineering.

No one else came forward and public hearing was closed.

Chairman Hammond; commented that he feels this is a great project; has seen it from personal experience with family member; cannot see the building from the side of where there are one story residents living; not just saying to go build what you want; will follow state laws that govern this type of project.

Motions by Viveros, seconded by McCauley to recommend approval of Final Development Plan No. 2008-02 to the Los Banos City Council, approve Master Signage Plan No. 2008-05, and adopt Planning Commission Resolution No. 2008-22 for the development of a Senior Care Facility including Assisted and Independent Living for Seniors and Alzheimer patients. The project site is located on the Southwest Corner of Miller Lane and San Luis Street, more specifically identified as Assessor's Parcel Number: 428-121-013. To include the condition of approval to add the 24 gallon Italian Cypress Trees around the perimeter of the property. The motion carried by the affirmative vote of all Planning Commission Members present. NOES: Napolitano; ABSENT: Manzo

PLANNING MANAGER'S REPORT: Planning Director Fitzgerald; nothing to report.

COMMISSIONERS REPORTS:

ERASMO VIVEROS: Nothing to report.

JOSE MANZO: Absent.

ANN McCAULEY: Nothing to report.

TOM MELLO: Nothing to report.

SHIRLEY NAPOLITANO: Wished Commissioner Donovan "Happy Birthday."

VICE CHAIR NORM DONOVAN: Nothing to report.

CHAIRMAN HAMMOND: Thanked Elks on their presentation on "Flag Day."

ADJOURNMENT. The meeting was adjourned at the hour of 8:13 p.m.

APPROVED:

/s/ Stephen Hammond
Stephen Hammond, Chairman

ATTEST:

/s/ Norma Fuentes
Norma Fuentes, Planning Commission Secretary