

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
AUGUST 10, 2016**

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 Spada 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 Faktorovich.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Arkady Faktorovich, Erik Limon, Palmer McCoy, Tom Spada, and Susan Toscano; Refugio Llamas absent.

STAFF MEMBERS PRESENT: Senior Planner Stacy Elms, Planning Technician Sandra Benetti, and City Attorney William Vaughn.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by McCoy, seconded by Cates to approve the agenda with the removal of the minutes for the Planning Commission meeting of May 11, 2016. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL 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 Spada opened the public forum. No one came forward to speak and the public forum was closed.

City Attorney Vaughn left the Council Chambers at 7:03 p.m. due to a conflict for the following agenda item.

PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2016-01, FINAL DEVELOPMENT PLAN #2016-01, EAST CENTER AREA PLAN AMENDMENT, AND ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR THE VILLAS CONSISTING OF THE SUBDIVISION OF APPROXIMATELY 58.8 ACRES INTO 378 SINGLE-FAMILY RESIDENTIAL LOTS RANGING FROM CUSTOM AND SEMI-CUSTOM HOMES TO PRODUCTION HOMES; APPROXIMATELY 51 ACRES OF THE PROJECT SITE WILL BE CONTAINED WITHIN A PRIVATE

GATED-COMMUNITY WITH A FOUR ACRE PARK/DETENTION BASIN; THE FINAL DEVELOPMENT PLAN CONSISTS OF SITE DESIGN AND CONCEPTUAL ARCHITECTURE TO IMPLEMENT THE PLANNED DEVELOPMENT ZONING; THE PROJECT SITE IS LOCATED EAST OF CENTER AVENUE, SOUTH OF THE CRESTHILLS #1 SUBDIVISION, WEST OF CRESTHILLS #2 SUBDIVISION, AND NORTH OF PIONEER ROAD AND THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 431-270-010 AND 431-270-004 (CONTINUED FROM JULY 27, 2016). Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noted that staff received a comment letter from the Bluff Drive residents in addition to the previously received letters from Central California Irrigation District (CCID) and Los Banos Unified School District (LBUSD) that were read into the record on May 11, 2016, and stated that Mr. Dan Cucchi was present for legal counsel.

Chairperson Spada opened the public hearing. JEFF ROBERTS, Granville Homes, spoke of being a partner with Mr. Greg Hostetler on this project, thanked staff for their recommendation, how they have worked hard on this issue, how the applicant went back to the neighborhood to meet with residents, how Mr. Hostetler and project engineer Randy O'Dell are also present to answer any questions, how they disagree with the one story limitation on the custom homes, this being a beautifully gated project, how they will be true custom lots abutting the existing neighborhood to the north, how this is consistent with the density envisioned in the area plan, how they do not have one hundred percent agreement with the residents along Bluff Drive, this is a project that was partially approved several years ago but was never implemented by a tract map, the wording for Conditions of Approval #18, how Conditions of Approval #19 refers to traffic calming measures that had to be incorporated regarding Cardoza Road, how these types of conditions aren't needed for private streets and were clearly conditions that would be part of a public street, how this solution is more attractive and more appropriate, large lots with larger setbacks required in rear yard, how their only concern is the one story restriction along the back of Bluff Drive, and stated that they would appreciate the Planning Commission's support in recommending approval to the City Council.

MARTIN MILOSEVICH, Bluff Court resident, read a letter to the Planning Commission from the Bluff Drive residents and clarified that there were originally no houses proposed to be built along the back of the Bluff Drive homes.

JOHN JORDAN, 419 Bluff Court, spoke of Mr. Hostetler's proposal for homes along the back of the Bluff Drive homes, how residents want a buffer in order to see the foothills still, residents would like the greenbelt along the back of Bluff Drive, if they don't get their greenbelt then some residents would like an additional ten feet of property added to their properties, how there are different fences along the rear property lines and perhaps a masonry fence could be added but inquired as to what would happen to the existing fences, and spoke of his concern for where funeral customers will park.

TOM NEEB, 503 Bluff Drive, spoke of being present at the Planning Commission meeting in May, how Commissioners made comments that neighbors on Bluff Drive were promised a buffer ten years ago and they should have it which made him feel he had their support at that time, how he is wondering if the Commission is still in line with what they publicly said; Commissioner Faktorovich thanked him for his comments, responded that he was under the impression that a promise was made in black and white in writing, how he found out the City Council didn't vote on that issue and there was no decision in black and white, how when this project expired the train left the station, how a person purchased the property in good faith and followed the plan with certain alterations; Mr. Neeb responded that promises were made back to residents in which the promises are no longer standing due to lack of a written promise.

ANDREW MEZA, 1858 Center Avenue, spoke of how he is still very concerned with how this project affects him and the properties behind him, how he believes there is something going wrong, how his front yard concerns him with the lane going through, how close this road will be to his front yard and front door, how another issue is that he was annexed into the City a decade ago and hadn't yet received any services and now he would have to pay to tie into the City's water and shut down his well, inquired who is in charge of buying his land, how nobody has contacted him regarding any of these issues, the impacts to the schools, how there are nearly 11,000 students going to school in Los Banos, requested for someone to answer his questions, and spoke of his concern for where the funeral chapel customers will park.

MATT BUFFUNO, 507 Bluff Drive, spoke of being high school agricultural teacher, his disappointment to hear that this project would be taking away prime agricultural land, spoke of a paragraph from the Future Farmers of America (FFA) creed, how he teaches his students those words, and how if we believe in those words then we can make students better in the public and City they live in.

JOYCE MEZA, 1862 Center Avenue, spoke of being a small fish in this pond, how this land means a lot and is special to those who have come to her place, how she is not in business anymore and does not charge anymore but still very viable and meaningful to many people, how there are students at the charter school on her property as well, how she would like to request no two story houses to be built on the labyrinth side and playground side of her property, thanked the Planning Commission for listening to her, her concern about her water well and City hook up and animals, and asked the Commission to consider some of the things that have been mentioned.

TOM BATES, 423 Bluff Court, spoke of how he met with Mr. Hostetler's group twice, how they talked about the ten foot extension of property, some kind of masonry wall to separate the properties, how Mr. Hostetler said he would go back and run numbers, and wants to know if there is any information to present regarding this.

Mr. Roberts, Granville Homes, commented on some statements, spoke of this being a large piece of property adjacent to agricultural land, how what was envisioned ten years ago was almost 700 units and they have reduced density, how the greenbelt has been

spoken about, how any development here would change the view of the foothills whether its development of this project or something else, how this pattern of the circulation plan is very close to what we presented in our map, how the Los Banos Unified School District has one of the highest school fees in state of California and they supported the project and have an agreement in place with the applicant, how it is typical to develop agricultural land in the valley, their concern regarding the two story-one story home restriction, how they would like to build one or two stories, how they are willing to put in certain types of fencing in there was consensus how they have run some numbers regarding lot line adjustments of 10 feet and can talk about that if that's what the consensus of neighborhood wants, how only some residents were in favor, how the applicant doesn't want a property line that jogs, and how residents didn't all agree with the necessary details for that.

Mr. Milosevich spoke of how lot line adjustments can be done but never got resolution on that.

GREG HOSTETLER, 923 Pacheco Boulevard, spoke of how he didn't own the land ten years ago, how they never promised to build there because they didn't have the authority to do so, how they now own that parcel and this project will be a great amenity to the community, how the lot line adjustments are an idea but no consensus among the 11 out of 17 of the group that he spoke to, how there is a logistics issue and the challenges it poses, and how they didn't promise anything because they didn't own that property at that time.

Commissioner Toscano inquired if the applicant would put up a masonry wall against the whole project.

Mr. Hostetler responded that he met with a few residents and said he would seriously consider that and how they obtained the cost on that today.

Chairperson Spada inquired if it would be a CMU wall and how tall it would be.

Mr. Roberts responded that it would be a masonry fence.

Mr. Hostetler responded that it would be seven feet tall.

Chairperson Spada stated that he would support a 25 foot setback, masonry wall, and one story restriction.

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

Chairperson Spada spoke of the need to find the medium.

Senior Planner Elms addressed the Meza family regarding left turn lane along frontage of the development, how it would be a double striped turn lane which would be in front of Meza property with no median, how both Meza properties could still use their water

wells as long as they want and can use septic until it fails, how when the well fails the City would expect them to connect to City services as long as its within 200 feet of City connection, how the right of way would be dedicated thru final map to the City, how the property owner would agree to a price and it would be purchased by the applicant, and in regards to the use of farm animals she spoke of how the property is grandfathered and can be used for eternity that way until that use is discontinued at which time they will be required to conform to City land use code.

Mr. Milosevich inquired about the shelf life of a development agreement.

Senior Planner Elms spoke of the life of development agreements and tentative maps, the Subdivision Map Act, how the development agreement extends the life of tentative maps, and how the applicant has not yet agreed to a development agreement but staff anticipates that they will in the future.

Commissioner McCoy inquired about Mr. Meza's concern about his front yard.

Senior Planner Elms responded that 15 feet of right of way would need to be dedicated.

Commissioner Toscano inquired about the width of the bike path.

Senior Planner Elms spoke of how the circulation plan states that on Center Avenue there is a five foot sidewalk and park strip where there is a class 2 bike line, how there is a separate dedication for sidewalk then landscaping then wall, how the legal right of way is 60 feet and needs to be 75 feet so an 15 feet of dedication is needed for right of way.

Commissioner McCoy inquired if the construction of Center Avenue will be done before approval of the map.

Senior Planner Elms responded that occupancy is given when the permit is finalled not when residents necessarily move in and how the City would be accepting all public improvements in that tentative map.

Commissioner Cates spoke of his belief that a government body does not have right to constitute what a private property owner does as long as they meet requirements, how the developer should be able to build two story homes, and inquired about the legal ramifications.

Mr. Dan Cucchi, legal counsel, spoke of this being a fundamental policy question, how the reason the Planning Commission has a little more latitude is because of request to amend the area plan, how ultimately the City has no obligation to approve the amendment, and in the end it's a policy question for the Planning Commission to decide if this is an issue they want to get into.

Commissioner Faktorovich spoke of how the company takes an enormous risk on this project, empathizes with this person, how this is private property, the need to be kind to one another and understand everyone's position, and how this is a dangerous attitude.

Commissioner Limon how this is a tough decision, how their decisions are based on staff time and information as well, how the applicant substantially conforms to requirements, understanding the concerns of residents, how this is a good opportunity for Los Banos, and how Mr. Hostetler has been part of this community for a long time.

Commissioner McCoy spoke of his hope that everyone would come to an agreement, how he doesn't necessarily agree with the Commission, asking to change the condition, how Mr. Hostetler knew and was involved when it was going on several years ago, how residents knew that at some time there was going to be houses there, at one point this was all cattle land and now is becoming houses, how the Commission is put here to give guidance and give recommendation, how he got appointed to be a voice for the community and being asked to change something that was done in the past, how this is a substantially different project that what was originally proposed, how residents will not be happy with a greenbelt in the end, not in favor of limiting the one story versus two story homes, how ten years ago this town was growing at a remarkable rate, the need for growth today, and the need to understand that the Planning Commission does make recommendations on private property and be mindful of it.

Mr. Hostetler spoke of how when he was aware of the area plan he didn't own it and didn't endorse it and how he would agree to not build two stories behind property as long as there is no change of ownership.

Senior Planner Elms suggested that perhaps any lot that is a two story in which is more than 50 percent of lot then a two story can be built.

Mr. Hostetler stated that he has been developing since 1976 and has never had a two story restriction.

Mr. Roberts spoke of Senior Planner Elms' idea of allowing two stories to be built along lots in which 50 percent or more of the lot is backing up to older single family homes, being in support of that providing ownership doesn't change, willing to do 25 foot setback, and being fine with the masonry fence.

Motion by McCoy, seconded by Cates to adopt Planning Commission Resolution No. 2016-39 – Recommending Approval to the Los Banos City Council of Revised Villas Area Plan Annexation (ANX #2001-05) Previously Adopted by City Council Resolution No. 4680 on January 18, 2006 with the amendment that only single family homes could be built on lots 4, 5, 10, and 11 abutting up to single story homes and amend Conditions of Approval #18 to require a 25 foot rear setback for the lots that abutting the older lots on Bluff Drive. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

Motion by McCoy, seconded by Limon to adopt Planning Commission Resolution No. 2016-40 – Approving the Villas Vesting Tentative Tract Map No. 2016-01 for the Subdivision of Approximately 58.8 Acres into 231 Single-Family Residential Lots Located Generally East of Center Avenue, South of the Cresthills #1 Subdivision, West of the Cresthills #2 Subdivision, and North of Pioneer Road and the City Limit Line; More Specifically Identified as Assessor's Parcel Numbers: 431-270-004 AND 431-270-010 as amended with the provision of adding a seven foot continuous masonry wall to be built along Bluff Drive lots. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

Motion by Faktorovich, seconded by Cates to adopt Planning Commission Resolution No. 2016-41 – Recommending Approval to the Los Banos City Council of Final Development Plan #2016-01 for the Villas as amended with the provision of adding a seven foot continuous masonry wall to be built along Bluff Drive lots and amending Conditions of Approval #4 to require a 25 foot rear setback for the custom built lots abutting the Bluff Drive lots. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

Chairperson Spada called for a five minute recess at 9:10 p.m.

City Attorney Vaughn returned to his seat in the Council Chambers and Chairperson Spada resumed the meeting at 9:19 p.m.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND ASSOCIATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION TO ALLOW THE OPERATION OF A SPRAY BOOTH FOR AUTOMOTIVE REPAIR AND RESTORATION AT FABIAN'S AUTO BODY LOCATED AT 1434 WARD ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 084-030-006. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noting that the applicant was present to answer any questions.

Chairperson Spada opened the public hearing.

Commissioner McCoy inquired if repairs are only done inside the building.

Mr. Bidgon Fabian, applicant, responded that repairs are in the shop and the painting is done in the booth.

Senior Planner Elms responded that all repairs have to be inside the building and the painting must be done in the paint booth.

Commissioner McCoy inquired why those requirements were in place.

Senior Planner Elms responded that it was in regards to the storing of vehicles, how the Planning Commission has the ability to waive that requirement because its in the Light

Industrial zoning district, and the requirement is part of the Highway-Commercial zoning district.

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

Motion by McCoy, seconded by Limon to adopt Planning Commission Resolution No. 2016-38 – Approving Conditional Use Permit #2016-16 to Allow the Operation of an Auto Body Shop and Automotive Paint Spray Booth for Fabian's Auto Body Located at 1434 Ward Road with amendment to Conditions of Approval #27 to allow repairs outside but out of public view inside the fenced area. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

DESIGN REVIEW STUDY SESSION – CONSTRUCTION OF A 3,000 SQUARE FOOT MODULAR BUILDING TO BE UTILIZED AS A TRAINING CENTER FOR WAL-MART AT 1575 W. PACHECO BOULEVARD. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Jacob Glaze, Kimley-Horne & Associates, was present on behalf of the applicant to answer questions.

There was discussion among Commissioners regarding the architecture including this being a modular building that will be there at least 5-7 years, how there is nothing in the code to prohibit modular buildings in this zoning district, and how they would like to see it look more like the supercenter.

Chairperson Spada spoke of his concern regarding how this may be setting a precedence.

Commissioner Cates suggested window treatments that would make it look less like a square modular building, something to match up to the supercenter, and suggested changing the roofline to mirror Walmart.

Mr. Glaze spoke of doing these all across the state, how their general intent is to stick with this building and dress it up, working on improving the modular building proposal in Santa Clarita, how this is a good program for Walmart employees, and how it is their desire we would like to make this building appealing to the Commission and his clients.

There was further discussion among Commissioners regarding the architecture including how future housing will be facing this project to the south, screening the air conditioning units, suggestion of planting trees along the south elevation, and adding window treatments.

There was discussion among Commissioners regarding the landscaping including the suggestion of a planter to be incorporated like the existing store has and using drought tolerant plants.

Initial feedback provided to applicant, no action taken.

City Attorney excused himself from the meeting at 9:57 p.m. due to having a client relationship with the project applicant for the next item.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT AND RE-SUBDIVISION OF SEVEN (7) EXISTING LOTS INTO ELEVEN (11) LOTS FOR SINGLE-FAMILY RESIDENTIAL HOMES. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Joe Rocha, applicant, was present to answer questions.

Commissioner Limon thanked Mr. Rocha for bringing this project forward.

Commissioner Faktorovich inquired about floor plan and size of bedrooms.

Mr. Rocha responded that the smallest bedroom is around 10x10.

Commissioner Faktorovich suggested making them larger and doing 3 bedrooms instead of 4 bedrooms so it might be more of an economical benefit.

Mr. Rocha stated that he wanted to keep the properties for a while, how he thinks the size is suitable, trying to keep it simple, and how it is a decent floor plan and flows well.

Senior Planner Elms suggested a railing on some porches.

Mr. Rocha stated that he was not opposed to that but the problem is that kids will hang all over the place and with it being a rental that might not be a good idea and how he is trying to do all stucco with less maintenance.

Senior Planner Elms stated that electroliers will be required as mentioned at Project Review Board and wall sconces will be added.

Initial feedback provided to applicant, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms reported that City is working on community video for economic development purposes, updating the old video, how the videographer was here last week and shot scenes of Los Banos to highlight aspects of life here, how when it comes out for public review she will do a presentation, how the bowling alley opened last week, and how Hobby Lobby will have a grand opening on October 17th.

Chairperson Spada inquired about the 99 Cent Only Store debacle.

Senior Planner Elms responded that they only have temporary occupancy and the contractor will not receive last payment until they conform to conditions, how they have

requested to come back to Planning Commission to revise the Conditions of Approval but she has refused, and how there is an injustice there.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Spoke of it being good to see the former K-Mart building getting work done, how the bowling alley is phenomenal, and asked if staff has asked to talk to Harbor Freight Tools.

Senior Planner Elms responded that staff has not spoken with a live person but will keep plugging and said it is helpful when residents email these companies.

FAKTOROVICH: No report.

LIMON: Thanked staff for their hard work and dedication, spoke of how Republic Services will be sponsoring the Christmas Parade and other events this year, how the Fall Cleanup event will be on September 24th at Fairgrounds parking lot.

LLAMAS: Absent.

McCOY: No report.

SPADA: Spoke of how he will not be here on August 24th and would like Commissioner McCoy to be Chairperson at that meeting, his concern about opening Pandora's box with the modular unit for Walmart and how it sets a bad precedence for our town, and thanked everyone for working so hard on the Villas project.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 10:31 p.m.

APPROVED:

/s/ Tom Spada
Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician