

**CITY OF LOS BANOS
PLANNING COMMISSION REGULAR MEETING MINUTES
JUNE 13, 2018**

***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 Spada.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, David Dees (arrived at 7:00 p.m. after the meeting was called to order during roll call), Brett Jones, Palmer McCoy, Tom Spada, and Susan Toscano; Erik Limon absent.

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

CONSIDERATION OF APPROVAL OF AGENDA. Motion by McCoy, seconded by Spada to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Limon absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MAY 23, 2018. Motion by McCoy, seconded by Spada to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Limon 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.

Commissioner Jones recused himself from item 7A due to a financial conflict and left his seat at the dais and out of the Council Chambers at 7:02 p.m.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 (EXISTING FACILITIES) TO ALLOW THE USE OF A TYPE 47 ALCOHOL LICENSE FOR THE ON-SALE OF GENERAL ALCOHOL IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT FOR DOUBLE R GRILL LOCATED AT 1451 WEST PACHECO BOULEVARD, SUITE G, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 430-010-046. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Community & Economic Development Director Elms clarified that Evangelical Free Church recently moved out of the San Luis Plaza so there is no place of worship in the general vicinity of this project site.

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

Motion by Dees, seconded by McCoy to adopt Planning Commission Resolution No. 2018-11 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301 and Recommending Approval of Conditional Use Permit #2018-05 to the Los Banos City Council to Allow for the Sale of Alcohol Under Type 47 On-Sale General Alcohol License at Double R Grill Located at 1451 W. Pacheco Boulevard, Suite G, APN: 430-010-046. The motion carried by the affirmative action of all Planning Commission Members present; Jones and Limon absent.

Commissioner Jones returned to his seat at the dais at 7:17 p.m.

PUBLIC HEARING – TO CONSIDER REVISIONS TO THE FINAL DEVELOPMENT PLAN #2015-01 FOR VESTING TENTATIVE TRACT MAP #2015-01 FOR SOUTHPOINTE AT REGENCY PARK FOR THE SUBDIVISION OF 109 ACRES INTO 510 SINGLE-FAMILY RESIDENTIAL LOTS, SITE DESIGN AND CONCEPTUAL ARCHITECTURE TO IMPLEMENT THE PLANNED DEVELOPMENT ZONING, APPROXIMATELY 2.59 ACRES OF OPEN SPACE, AND A 10 ACRE DETENTION BASIN LOCATED EAST OF PLACE ROAD, NORTH OF THE VERONA ESTATES, AND WEST OF WARD ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 424-120-009 AND 073-220-015. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation, noting that the item before the Commission tonight is for an addendum to the previously approved Final Development Plan related to additional architectural elevations and also noted that the applicant has requested a time extension on the Vesting Tentative Tract Map which will go before the City Council soon.

Chairperson Cates opened the public hearing. JEFF ROBERTS, Granville Homes, spoke on behalf of the applicant, thanked staff for the staff report, spoke of this strictly

being the addition of floor plan opportunities to stay attractive in the market today, and how the roofing is presidential comp type which is very common and high quality.

Commissioner Spada commented that presidential comp roofing is not equal to tile, especially in regards to dealing with the heat, spoke of how he worked in construction for over 30 years, how the elevations are wonderful but the concern is that comp roof will weather and wear in 30 years which is not how tile would hold up, and how he would rather see this with a tile roof.

Mr. Roberts responded that Granville Homes builds several hundred homes a year, they build with a combo of tile and presidential comp roofs, how it's a matter of opinion, they feel it works well and is high quality, how the purpose of the hearing is to add 10 floor plans with 3 elevations each, and how they want to give house hunters options.

Commissioner Jones spoke of how he has never had issues with comp tiles while property managing and maintenance and how he is a big fan of comp roofing.

Commissioner Dees inquired if he as a homebuyer would have a choice of the type of roof.

Mr. Roberts confirmed.

Commissioner Dees stated that many people are going solar and inquired if comp roofing is better.

Mr. Roberts responded that solar will be required one day and how solar on comp roofing is easier install.

Commissioner Toscano spoke of seeing very bad comp roofs in town but also seeing nice roofing like the presidential comp, how there are pros and cons for both types but should be up to the homebuyer to decide what they want.

KATHY BALLARD, Los Banos, inquired if a tract map expires and its two years old and then standards change, what happens when they go to build out.

Community & Economic Development Director Elms spoke of there being two types of maps: tentative tract maps and vesting tentative tract maps, how vesting maps have rights that are carried on, how this map is a vesting map, not much has changed since 2016, they would still need to meet today's building codes, but if the City changed street width requirements then they would be able to go by previous standards at the time of map approval.

CHARLENE BUCHANAN, Los Banos, will City give consideration for crowding near schools.

Community & Economic Development Director Elms responded that our General Plan has growth management policies, how we are at 2% growth rate right now and the General Plan allows for 3-5% annual growth, how the General Plan encourages a higher percentage, and the rate is very manageable right now.

Ms. Buchanan spoke of her concern regarding Police Department staffing and inquired if there has been any consideration about staffing.

Community & Economic Development Director Elms responded that this subdivision will be paying a tax for police and fire which helps with personnel and equipment needs and how the City is always looking at various ways to bring in revenue and reduce expenditures.

Ms. Buchanan inquired when is it collected.

Community & Economic Development Director Elms responded that it's collected annually on property taxes.

Commissioner Dees spoke of how some concerns voiced are not things that are within the jurisdiction of the Planning Commission and how the Traffic Safety Committee is more appropriate for traffic issues.

Community & Economic Development Director Elms spoke of how this subdivision helps with improvements on Ward Road and Overland Avenue for improvements that are desperately needed and how it helps with circulation.

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

Commissioner Dees spoke of how he wasn't on the Planning Commission in 2016, how bicycle paths and Measure V have come since then, how he is sure the commission did a great job then, curious about the placement of the streets, and inquired about the size of the streets.

Community & Economic Development Director Elms spoke of there being a linear trail along the canal, how Overland Avenue and Ward Road have bike lanes, a park basin on Ward Road, and the need to bring focus back to item at hand.

Commissioner McCoy inquired if this is what connects Dove Street across Mercey Springs.

Community & Economic Development Director Elms responded that he is referring to the Northpointe subdivision which was originally called Villa Burano, and that this will connect Overland Avenue.

Commissioner Spada spoke of his concerns about street size.

Commissioner Toscano stated that it sounds like concerns would need to be addressed by changing City standards.

Motion by Toscano, seconded by Jones to adopt Planning Commission Resolution No. 2018-12 – Recommending Approval of Final Development Plan #2015-01 for Southpointe at Regency Park Architectural Addendum. The motion carried by the affirmative action of all Planning Commission Members present; Limon absent.

PUBLIC HEARING – TO CONSIDER REVISIONS TO THE CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2015-04 FOR THE SUBDIVISION OF APPROXIMATELY 3 ACRES INTO 14 RESIDENTIAL LOTS IN THE MEDIUM DENSITY ZONING DISTRICT LOCATED AT THE NORTHWEST CORNER OF RACQUET CLUB DRIVE AND SAN LUIS STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 428-030-019.

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

Commissioner Dees responded that this is pretty complicated and inquired what it’s really about.

Associate Planner Luquin responded that the applicant wants to maintain the existing stucco fence and keep it around the perimeter, wants to keep the median in the bulb as it is, wants to apply the sand slurry seal after the City accepts the public improvements.

Community & Economic Development Director Elms stated that the applicant is asking to change the City’s previously approved Condition of Approval that was discussed in 2016, how staff received a complaint from a neighbor last week saying the fence with graffiti is a nuisance, how the wall needed to be removed because it was a canvas for graffiti, it’s on private property and not being maintained, how the new standard is a concrete cmu wall, how it adds uniformity and helps as a noise buffer, how parts of the current stucco fence is failing, this is a reason why maps expire, this is an opportunity to look at it with fresh eyes and see if it meets standards today, how staff is standing by those conditions, how the median was a requirement in 1995, and how the new Fire Chief wanted it removed because a fire truck can’t safely get through there.

Commissioner Jones inquired what the framework material is for the stucco wall.

Community & Economic Development Director Elms stated that the applicant can answer that.

Commissioner Spada spoke of how the stucco wall won’t last like cmu and how sand slurry seal is done beforehand so they can approve a finished project.

Community & Economic Development Director Elms spoke of how it will be a City street to maintain so it needs to meet City standards today.

Commissioner Toscano inquired when they plan on building.

Community & Economic Development Director Elms responded that they are not ready to record yet, that's why they are here tonight, there is a financial hardship on some of these conditions, and how financial hardships are not considered when it comes to Conditions of Approval.

City Attorney Vaughn stated that the tentative tract map has a life of 2 years with some extensions, how they cannot sell lots until improvements are made, then you can sell legal lots, otherwise the map will expire and everything happens all over again, that's what happened here, they never finalled the work they did, the Conditions of Approval from 2016 were to bring them up to City's standards in 2016, now the applicant is asking to change condition on median, the wall, and the sand slurry seal, how these are conditions that were put on to ensure they need to meet standards in order for the City to accept the improvements, we are not looking to add Conditions of Approval tonight, how we are looking to defend the Conditions of Approval that were issued in 2016, how there is an appeal process which wasn't done, these aren't new conditions, how staff wants the Planning Commission to listen to their side too, but understand these are existing conditions which they have known about for two years.

Commissioner Dees commented that this is a medium density area so roads will be used more than roads in lower density developments.

Community & Economic Development Director Elms stated that the improvement hasn't been there for 23 years, only maybe around 10-14 years, and how the City Engineer has reviewed the condition of the asphalt and crafted that condition language.

Chairperson Cates opened the public hearing. HASSAN AHMADI, applicant, came forward and read from a prepared statement in which he discussed his plans to build and finish his project soon, his reasons for his request to revise a couple of Condition of Approval, spoke of the previous approved tentative tract maps, how he didn't receive the staff report from 2015 in a timely manner and not enough timely notice, how he originally proposed the bulb with no median curb but the City Engineer insisted and required a median bulb, and asked the Planning Commission to consider his request.

Commissioner Spada spoke of being on the Planning Commission in 2016 and how it they required the CMU wall, and inquired why the applicant was waiting until now to ask for these two exemptions.

Mr. Ahmadi responded that there was a lawsuit that was holding up the property of this project, had to finalize that before spending money on the project, lawsuit was settled in February 2017 so he jumped on it and did what he could, and is requesting to keep previously approved conditions.

Commissioner Dees stated that he was not here in 2016, his appreciation for the applicant's diligence in pursuing this project, and inquired how much area this bulb contains.

Mr. Ahmadi responded that the whole project is 3 acres, the bulb is 2100 square feet, how it could be nice landscaping area in the future, and how he is only proposing to put green cover that looks like grass in the mean time.

Commissioner Jones thanked the applicant for being here and commented that the stucco wall heavy weight masonry on wood posts was supposed to be on steel vertical posts, and inquired how long ago the fence was installed.

Mr. Ahmadi responded that it was done in 2006.

Commissioner Jones responded that it will rot out and fall over, how he would rather see a new wood fence, how it is not a high impact street on Racquet Club Drive, how the existing fence will be dangerous and water will get inside of it, not sure if the city will allow that there though, would rather see the barrier between the commercial side and residential side, can see why the median bulb was there in the beginning, how anything with landscaping requires maintenance, how this is a safety issue, and inquired how many structures are at the back side of the bulb.

Mr. Ahmadi responded that five driveways face the bulb.

Community & Economic Development Director Elms spoke of when model homes were done at a different location there was a bulb with a fountain, how the bulb was not to be permanent, and when it was accepted by the City the bulb was removed before.

Commissioner Jones stated that the lots are zoned for 12 duplexes and 2 triplexes, how this area will have double the traffic than R-1 lots and will need all the space, there are some issues with keeping that bulb there, how he would make recommendation to remove bulb for sake of traffic flow and safety issues, how this will be a nightmare getting in and out of that street.

Mr. Ahmadi spoke of how the median and safety of no direction in the bulb is really the point, access of big trucks is very possible with a 24 feet wide street, they are compromising safety of so many drivers of different ages, and how accidents would happen without the bulb when people make left hand turns.

Community & Economic Development Director Elms spoke of the standard being that masonry walls are painted and how this area was required to have aggressive landscaping to discourage graffiti.

Mr. Ahmadi responded that landscaping wont deter gangs.

Commissioner Jones responded that vegetation will help deter graffiti, he would recommend removing the median in the bulb, and how they will have to go with today's standards and what's recommended.

Mr. Ahmadi spoke of the safety concern with removing the median bulb, the existing fence being made of strong concrete with pressure treated wood, how the graffiti on the wall is cleaned immediately after it's presence is noted, and asked to keep the existing wall as it is and if they can compromise on future walls between the residential and commercial uses.

Commissioner Jones responded that perhaps something can be done about permit costs.

Community & Economic Development Director Elms stated that the permit costs are minor and a drop in the bucket, how the main cost is the material, how staff wouldn't support a wooden fence due to consistency in the area, not singling out any developer over another, and this is the standard.

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

City Attorney Vaughn commented that the Commission might want to deal with the three issues separately, sounds like the applicant doesn't object to sand slurry, second condition is the concrete wall, final issue is the median whether it stays or goes, and recommended to form a motion to address all three.

Commissioner Spada spoke of how it's a shame that the applicant was directed one way several years ago and now it's different, but it was tentative and we have to go by current standards, standard being a CMU wall, and his opinion is to support staff's recommendation in denial.

Chairperson Cates spoke of his agreement with staff's recommendation as well, how no concerns were brought up to the Planning Commission from the applicant back in 2016, and how he cannot go back on his word but appreciates the applicant's passion.

Motion by Spada, seconded by Toscano to adopt Planning Commission Resolution No. 2018-10 – Denying the Revision for the Conditions of Approval for Approved vesting Tentative Tract Map #2015-04 for the Subdivision of Approximately 3.1 Acres into Fourteen (14) Medium Density Parcels Located at the Northwest Corner of San Luis Street and Racquet Club Drive, More Specifically Identified as Assessor's Parcel Number: 428-030-019. The motion carried by the affirmative action of all Planning Commission Members present; Limon absent.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

Community & Economic Development Director Elms reported that June 27th Planning Commission meeting will be cancelled due to lack of agenda items, how she attended the San Joaquin Valley Housing Policy workshop today regarding housing bills that

were recently signed this past year, how there are some with funding sources and some with stricter requirements, how it was a great opportunity to represent the City regarding affordable housing with so many requirements and no funding source, how there are stricter regulations if we don't provide affordable housing, and how it could affect our zoning code and how we review and approve projects.

Chairperson Cates inquired about any new businesses and status of opening.

Community & Economic Development Director Elms responded that she is curious to see the finished product for O'Reillys and how Weinerschnitzel is still working on their updates.

Commissioner McCoy inquired about census tracts used in determining concentration of alcohol licenses.

Community & Economic Development Director Elms responded that the census is federal and created on demographics, how the concentration number is adjusted with the census every 10 years, and how the the California Department of Alcoholic Beverage Control uses those census tracts to regulate.

PLANNING COMMISSION MEMBER REPORTS.

CATES: No report.

DEES: Spoke regarding his position as Chairperson of Merced County Measure V Citizens Oversight Committee, collected more than what was scheduled and will be distributed out, and inquired about the status of the carports ordinance.

City Attorney Vaughn spoke of how he is working on it right now, other projects have taken priority but is back on it again, will focus on all accessory structures in residential zones, will be calling them shade canopies because carports are permanent structures so the nomenclature will be clarifying the difference, will have to figure out grandfathering of illegal structures, will see it in next 60 days, and how Council Member Lewis wants to also look at concrete lot coverage as part of this.

Commissioner Dees inquired if staff will be looking at root causes, multiple families living in same house, and the ever present conversion of garages to living quarters.

City Attorney Vaughn spoke of there being conflict between people who don't want street parking and people who don't like so many cars parked on a residential lot, how some are using the front yard as a parking lot, how a building permit is not required to pour concrete, how we can change the zoning code to limit lot coverage in concrete in front yard and back yard, and the need for zoning clearance to make sure it is not exceeding the maximum.

Community & Economic Development Director Elms stated that it is tentatively scheduled for July 11th but could get pushed back.

Commissioner Dees spoke of his concern about parking regulations in the City and there being too many cars on the street.

City Attorney Vaughn responded that staff is trying to balance the two sides.

JONES: Commented that the property that was discussed tonight had been on the market years ago and several investors didn't pursue it due to the wall issue, the need for affordable housing, and would like to see more restrictions for parking on residential streets like in Teal Landing.

LIMON: Absent.

McCOY: Commented that the public hearing went long but didn't seem like we gave enough opportunity for others to speak.

SPADA: No report.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 9:34 p.m.

APPROVED:

/s/ John Cates

John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti

Sandra Benetti, Planning Technician