

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
MARCH 26, 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 Donovan led the pledge of allegiance.

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

STAFF MEMBERS PRESENT: Assistant Planner Souza, Administrative Assistant Fuentes, City Attorney Vaughn, and Public Works Assistant Director Hutsell.

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

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF MARCH 12, 2008: Motion by Donovan, seconded by Manzo to approve the minutes as submitted. The motion carried by the following vote: AYES: Donovan, Manzo, Viveros; NOES: None; Hammond abstained.

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. No one came forward to speak, and the public forum was closed.

PUBLIC HEARING - CONSIDERATION VESTING TENTATIVE TRACT MAP #2007-04 FOR CANAL FARM COURT ON CANAL FARM LANE. MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 428-150-001 AND 428-150-002. Assistant Planner Souza presented the staff report, which included a PowerPoint presentation.

Commissioner Donovan concerned with the cul-de-sac area; road narrows in the center, "L" section; asked Assistant Planner Souza if the Fire Department doesn't have any problems with the safety of the residents; stated that the people out there could be trapped if one of the houses in the front of the area caught on fire; Assistant Planner Souza stated that Fire Chief has reviewed the map and stated that the cul-de-sac does meet city standards; Fire Chief was more concerned that the cul-de-sac meet the city standards and it does, so he had no issues with the map.

Chairman Hammond opened the public hearing. **Tim Miller**, Miller Planning & Design, representing the property owner, Mr. Drew Neubaur; thanked the staff for working on the process of the project; stated that there are important things to consider in deliberation of project; this particular project is 18 units, which is just short of 5 units per acre; there was a project considered some years ago for apartments and how it integrated with the neighborhood, being some 30 to 35 units; Mr. Neubaur researched and looked at what would be good to bring back to the city; decided it would be more appropriate to develop a single family subdivision; it is consistent with the zoning codes, with the general plan, and meets all city standards; cul-de-sac road looks like it narrows because there is a large turning radius, 40 foot radius cul-de-sac bulb all the way to the end; street section itself does meet the city codes; think they have project that better suits the neighborhood, in terms of density; mix use neighborhood, single-family, multi-family; feels the single-family lots are more appropriate for that area.

Steve Tietjen, Superintendent of Los Banos Unified School District; speaking on behalf of the school district; concerned that they have not had direct discussion with the developer as is there practice regarding mitigation agreements; 18 units will not create tremendous impact to the school district, it creates an unfair advantage if they are not asked to put together a mitigation agreement that would put them on the same footing as other developers in our community; any more children in community will impact on the already overcrowded schools since they are currently multi-tracked; need to have mitigation agreements in place to enhance the building around schools; talking with members of the community, they believe developers need to pay there share of fees to the schools; encourage to have developers talk with the school district to work on putting together a mitigation agreement; development outside of our community, along the San Luis Reservoir area, has just agreed to pay more than developers here in town, about \$2500 more per house.

DJ Barcellos, Los Banos Resident; there was a heated debate with this project a couple of years ago; major problem with this development; approximately 8 to 9 homes that will be sitting on a sewer line that the city will not be able to get to because it will be in the back yards, going from the back of Espana's behind Pacheco Power, comes straight and turns and goes all the way to Miller Lane and ties to the sewer line; 150 feet from the back of the property to sewer line; can't imagine the city would tear up properties to get to these sewer lines; Mr. Neubaur's new housing is going to go down the new street that he is going to put in, but what happens to all the other properties; is this being pro-active; called and asked city employee, Ms. Sousa, when this was last done; she was told maybe 1950's, 1960's; this is not feasible since you have to get construction crews back there; her request 3 or 4 years ago, as well is now, is why was there not a street, not an alley way, put over the sewer line and development built accordingly, so they would instead be tearing up a city street, not peoples personal property; disagrees with the city's traffic report; we had a traffic report done and we rated "F;" reason we rated "F" was due to having two state highways, nothing else; no amount of sidewalks or improvement on city streets is going to take away the traffic flow on Miller Lane or Canal Farm Lane when school lets out; cannot get out of driveway; not objective to the project itself if referencing to the sewer lines; we are one of the worst areas in Los Banos when referring to traffic because we have 152 and 165 that's controlled by Cal-Trans; as DPAC commissioner and Liaison to Milliken Museum; this property is the original Henry Miller Canal/Miller & Lux Henry Miller Farm; house that Mr. Neubaur is intending to tear down is possibly the original cowboy bunkhouse of Henry Miller Ranch, which has historical value; make sure that we do not raise any buildings that have historical value; for example, the Stockton house up on the highway that they are talking about possibly moving or renovate; this bunkhouse has value also to our history; before Mr. Neubaur has the right to move it or raise it, have someone from the State Preservation Department come out and look at it to determine its historical value; we either keep it or at least have the right to have remove parts and pieces to go to the Milliken Museum; if Mr. Neubaur does get the right to build this property, the wind is horrendous from the west; hopes that Mr. Neubaur has water trucks because they will be covered in dirt.

Tim Miller (representing applicant) returned to answer questions; starting with the school issue, this particular project qualifies for a categorical exemption under CEQA; there isn't usual negative declaration or EIR; staff has done analysis and determined it meets criteria; with regards to school impacts, SB50, set strict limits on what a city can or cannot do; payment of statutory fees is considered full mitigation for school impacts; this is State law; nothing in state law that states they need to talk with school district before processing application with commission; not an obligation; not required by state law; cannot impose on them; cannot consider the effects on the school district as part of deliberation; with regard to design of the subdivision and the sewer easement, easement exists; it's a city line; does create a circumstance where the existing sewer is in rear yards; noted on map to increase the width of the easement; would provide access to sewer line if needed to be repaired; with regards to the traffic assessment, project like this, 18 units, would create about 9 trips per home, in total, over 24 hour period, would be about 160 trips; would add 16 more trips for morning or evening peak hours; our city traffic consultant has considered this to be insignificant; with regard to the house, he cannot comment on whether it is a historical structure of the bunkhouse.

Commissioner Donovan; commented that every other developer is paying mitigation fees to the school; this goes on cost of the house; irritated by the fact that developer would not go to mitigate and pay mitigation fees; in good conscious go and try to get it straightened out with the school district; **Tim Miller**; will meet with the school and can't say they will reach an agreement but will meet the request of Commissioner Donovan.

Chairman Hammond; concerning the house, was there research done on the bunkhouse; Assistant Planner Souza stated there was no research done on the bunkhouse; it has not been deemed that it is a historical landmark; there are conditions of approval that state if there are artifacts or human remains dug up, the proper agency would be notified and called out; Chairman Hammond wants to make sure that we are conditioned so if it is deemed a historical area that something is there to preserve it; Assistant Planner Souza, stated if there are archeological resources it is stated; at some point, prior to demolition permit, will be some research done to be made clear that it is or is not historical landmark; condition preserves the historical landmark. City Attorney Vaughn; suggested that we should have a specific condition set in place for the landmark or house to the applicant; does not think it is covered in condition that Assistant Planner Souza specified; perform historical assessment and take any recommendations from there; Mr. Miller agreed to have it evaluated for its historical means; City Attorney Vaughn stated that condition should be simply just that, if building meets the criteria of a historical building, the applicant would be under obligation to preserve it in some form or fashion; Mr. Miller willing to conduct the assessment first.

Chairman Hammond asked if there were any issues with the sewer line; Public Works Assistant Director Hutsell spoke to the utilities foreman, and there have been 5 repairs to mains in 10 years; non professional jobs he was fixing; this particular sewer line, assessment was done on current flows; right now the capacity is 17% flow; also videotape showed it is in good shape.

Ann Iacopi, Los Banos resident; property has common border; next door on west side; welcomes proposal; good idea to have homes; concerned where children will play; areas where they will be able to play; noticed proposal for a stop sign; good idea; will state doing something to correct this; Canal farm lane at intersection 165; impossible to get onto the road; Chairman Hammond stated it is hard to anticipate this; Ann Iacopi asked how big the wood fence will be; Chairman Hammond stated it will be a standard 6 foot fence. Public Works Assistant Director Hutsell; with regards to the traffic, any development coming across by the packing shed, they would have to do a traffic study; Cal-trans would make them do the traffic study on highway 165 and meet criteria of traffic study.

DJ Barcellos, Los Banos Resident; asking to get a state certified preservationist, for the property, to determine the historical value; City Attorney Vaughn stated the City has adopted the California Historical Building Code; adopted by reference; whatever code requires, they would need to follow; would like the Milliken Museum advised; DJ Barcellos commented on the traffic that will be impacted; Cal-Trans is talking about putting in right-a-ways on 165 and 152; in order to go left, would have to go out to Place or Ward Road to go left.

Colleen Menefee, Los Banos resident; has property, the Pacheco Veterinary Hospital, which will back up this property; has concerns with the traffic impact; where they are, traffic may be less than 1%, but one more car will make a big difference; accidents there several times a year; concerned with the fence; with it backing up to a commercial property; proposed maybe putting a wall, rather than 6 foot fence; wall may be more appropriate.

Dan Iacopi, Los Banos resident; owns property right next door to the west; according to the plans, there will be one two (2) story building that will be up against his fence; rest are ok; people during summertime will have no privacy if there is a 2-story building across of the fence; move the fence down further, out of the 200 foot area.

No one else came forward to speak and the public hearing was not closed.

Motion by Donovan, seconded by Viveros to adopt Planning Commission Resolution No. 2008-14 – Recommending Approval of Vesting Tentative Tract Map #2007-04 for the Subdivision of 3.7 acres into 18 Single Family Lots in the Medium Density Residential Zoning District on Assessor's Parcel Numbers: 428-150-001 and 428-150-002. To include the condition that the applicant shall comply with the California Historical Building Code and notify the Milliken Museum prior to demolition of the existing residence to ensure preservation, should the house meet the criteria of a historical building. The motion carried by the affirmative vote of the Planning Commission Members present.

PUBLIC HEARING - CONSIDERATION OF USE PERMIT #2008-01 FOR A TYPE 41 ALCOHOL LICENSE IN CONJUNCTION WITH A RESTAURANT LOCATED AT 265 MERCY SPRINGS ROAD, SUITE J. MORE SPECIFICALLY DESCRIBED AS ASSESSOR'S PARCEL NUMBER: 025-121-012. Assistant Planner Souza presented the staff report, which included a PowerPoint presentation.

Chairman Hammond opened the public hearing. **Tom Kaljian**, owner of the proposed area (speaking on behalf of the applicant); stated that the applicant could not be present at the meeting; Mr. Kaljian owns the 12 condos where the applicant will be; he stated that he does not have any real issues with what applicant is asking for. Commissioner Donovan, stated that we did receive a letter from the Chief of Police stating that he has no objections with it; there were no objections from the school district either; there is really no easy access from the school.

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

Motion by Donovan, seconded by Manzo to adopt Planning Commission Resolution No. 2008-15 – Recommending Approval of Use Permit #2008-01 to the Los Banos City Council for the On-Sale of Beer and Wine in Conjunction with a Restaurant at 265 Mercey Springs Road, Suite J. The motion carried by the affirmative vote of all Planning Commission Members present.

CONSIDERATION OF MASTER SIGNAGE PLAN #2008-01 FOR THE PACHECO RETAIL CENTER LOCATED AT 1060 PACHECO BOULEARD AND USE PERMIT #2008-02 TO ALLOW AN INCREASE IN MAXIMUM WALL SIGNAGE FOR SUITES A & G. Assistant Planner Souza presented the staff report, which included a PowerPoint presentation.

Commissioner Donovan, commented that we have corporations coming in and we should encourage these corporations to come to Los Banos; we need to allow for the companies to have their signage in place; thinks that a 24 foot sign would be too small; he's in favor of this Master Signage Plan.

Chairman Hammond opened the public hearing. **Mike Zukin**, JR Zukin Corporation; he showed two (2) different displays on the signs; feels that it fits the building.

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

Motion by Manzo, seconded by Viveros to approve the Consideration of Master Signage Plan #2008-01 for the Pacheco Retail Center Located at 1060 Pacheco Boulevard and Approving Use Permit #2008-02 to Allow an Increase in Maximum Wall Signage for Suites A & G. The motion carried by the affirmative vote of all Planning Commission Members present.

PLANNING MANAGER'S REPORT: Assistant Planner Souza; nothing to report at this time. Public Works Assistant Director Hutsell; stated that the Public Works Department has nothing to report; City Attorney Vaughn; nothing to report.

COMMISSIONERS REPORTS:

VICE CHAIR (Vacant):

ERASMO VIVEROS: Nothing to report.

JOSE MANZO: Nothing to report.

NORM DONOVAN: He is happy that the lanes are finished by Ortigalita Road; would like to see stoplight put in; Public Works Assistant Director Hutsell; has been told should possibly happen sometime mid April.

CHAIRMAN HAMMOND: Appreciates the school district for showing up and commenting on the project.

ADJOURNMENT. The meeting was adjourned at the hour of 8:03 p.m.

APPROVED:

/s/ Stephen Hammond
Stephen Hammond, Chairman

ATTEST:

/s/ Norma Fuentes
Norma Fuentes, Administrative Assistant