

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
OCTOBER 24, 2007**

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.

The Planning Commission of the City of Los Banos met on the above given date.

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

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Araceli Anderson, Deborah Lewis, Jose Manzo and Chairman, Norm Donovan. Stephen Hammond was absent.

STAFF MEMBERS PRESENT: Administrative Assistant/Secretary Cinthia Fast, Contract Planner, Richard James, Public Works Director, Dwayne Chisam, and City Attorney, Bill Vaughn.

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

CONSIDER APPROVAL OF ACTION MINUTES: Motion by Lewis, seconded by Anderson, to approve the October 10, 2007 minutes. The motion carried by the affirmative vote of all Commission Members present.

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. Joel Mellow of Los Banos came forward to speak. Showed concern that he did not receive a notice about the upcoming project within his neighborhood. Had deals before with the County and when you are a neighbor with some kind of action, usually neighbors are notified. He found out about this meeting by reading it in the paper. Dwayne had commented that people are notified by a 300 square foot radius. They are identified by the assessor parcel number surrounding the project's addresses.

Closed public forum at 7:05pm.

CONSIDERATION OF APPROVAL OF SHAUNESSY VILLAGE TENTATIVE TRACT MAP # 2006-08 TO CREATE 151 SINGLE FAMILY RESIDENTIAL LOTS AND RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL ON A

DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT EAST OF MERCERY SPRINGS ROAD AND NORTH OF SCRIPPS DRIVE. ASSESSOR PARCEL NUMBERS 083-100-005 AND 083-100-006.

Richard James presented the staff report by PowerPoint. The City has already approved the Spadafore Giannone Annexation plan. Commissioner Anderson had a question to clarify if the park fees set forth were recently reviewed by the Planning Commission or were they previously set forth. Richard James had responded that these are the most current fees he received from the finance department. These schedules are meant to represent what the applicant might pay in the event they got approval of a tentative map, these are the fees that they would pay today. Anderson was concerned about not seeing a Final Development Plan and that this has been unusual. Richard James responded that typically they like to process both the Final Development Plan and the Tentative Map, however in this particular case, the applicant's intentions are to sell the project.

Commissioner Anderson had also asked if there was any intent to notify the property owners when commercial lots are split up. She does not want commercial development to be challenged to the adjacent property owners that may not be in agreement and also as a courtesy to the residents. Richard James had responded that it could be presented as a condition of approval.

Commissioner Anderson asked about the circulation and the area by College Greens. Radcliffe Road was going to be extended as an entry way and an additional entry point on Scripps Road. Is it going to be designated as a right turn only, right turn in, right turn out, wants to prevent any traffic issues. Richard James responded that the project does propose to construct Radcliff road to the existing adjacent subdivision and would be constructed all the way across. The city has proposed a connection/extension from Scripps road over to 11th street and to construct it within the next fiscal year.

Commissioner Lewis asked if the houses that are going on the east side of the project by the older neighborhood that is existing, requesting any 2 story houses being built, not be built behind single story to help maximize privacy as much as possible. Would like to stress that again in this project.

Chairman Donovan opened the Public Hearing.

Applicant, Lawrence Zerker came forward to speak. He expressed that he hasn't changed anything and that the issues mentioned have been addressed. He does not want to make any significant changes and wants to follow the plan as it has been presented. He has no problem making changes in the lotting, but didn't come here tonight to make changes. Commissioner Lewis would also like to add a condition that all residential lots be fully landscaped at the time of sale. She would like to add that backyard landscaping be done as well. It would be an added advantage to The City of Los Banos. Lawrence Zerker responded that he has a problem with that, when you landscape the public portion of the site, it is not done the same as a private site may be used. You can't anticipate the backyard preferences. Commissioner Lewis appreciated his concern; however it has been a continuing problem to The City of Los Banos with

weed abatement and drainage. Could also pose a potential problem to other residents. Lawrence commented that when the area plan was provided, these types of questions should have come up in the area plan and not in the tentative map, which is exactly what we gave you. Commissioner Anderson had a question about fencing? Will it be masonry or block wall? The sound buffering is very important, would like clarification. Zerker responded that he did not propose block wall fencing anywhere. In meeting with neighbors, they requested not to have block wall fencing. We haven't indicated on the plan anywhere any proposals for a block wall. Explained that we are meeting only on the lot separation, exactly as it was laid out and presented tonight.

Chairman Donovan closed the Public Hearing.

Richard James corrected condition #102 which does discuss the sound wall. There is no condition with the commercial site. Condition #7 & #8 can get a final map with out a Final Development Plan, but cannot get a building permit without a Tentative Map. A change will be made to condition #7 change from building permit to Final Map. In addition, the Tentative Map approval will not be effective until approval from the City Council. Commissioner Lewis asked Dwayne for help with condition #95, if we are approving this condition or if we can add to it. Bill Vaughn, City Attorney, has recommended that a condition be added that the tentative map approval is effective upon approval by the City Council of the Development Agreement. At the Final Development Plan stage there will be the ability to do more things in terms of the nature and character as to what is being built on the lots. Richard James also commented that the zoning ordinance does address fencing also. Dwayne Chisam further added that the Condition of Approval that the Final Development Plan is prior to the recordation of the Final Map and will allow staff time to review that the improvement plans correspond in the Final Development Plan and all the requirements that are required and are incorporated Araceli thanked for the clarification and verified that the Final Development Plan will be approved prior to recordation of Final Map. Commissioner Lewis had a question about Condition #95 landscaping of the front yard, would like to add to that condition.

Richard James commented that he had received a letter from Tom & Patty Spadafore, Henry and Evelyn Pereira, and Theresa Honeychurch, who are property owners on the adjacent parcels of Mercey Springs Road and their concern was about the sound wall. This is a part of Condition #102.

Move to approve Tentative Map to subdivide land from low density residential and medium density residential development with the planned development district subject to the conditions and findings set forth in the staff report and in addition to the following conditions and findings:

Ingress/Egress to cardinal road right turn only

2nd item any lot owners or property owners adjacent to the commercial property be notified of the adjacent commercial zoning, properties adjacent to the existing commercial non-conforming use.

Add additional condition to #102 regarding the sound wall, that the southern portion, commercial portion would also include the block wall fencing and also add that there was not going to be any parking at the entrance or at the park area.

In addition, Condition #7 will be changed from building permit to final map.

Prior to Tentative Tract Map approval, it is conditioned upon the approval and will be effective upon the adoption of the development agreement by the City Council.

Motioned for approval by Anderson, seconded by Lewis, to adopt Planning Commission Resolution #2007-50, Approving Shaunessy Village Tentative Tract Map #2006-08 and recommending approval of the Shaunessy Village Development Agreement with changes as submitted.

CONSIDERATION OF APPROVAL OF MISSION VILLAGE SOUTH PHASE 5 VESTING TENTATIVE TRACT MAP #2006-16 TO CREATE 46 SINGLE FAMILY RESIDENTIAL LOTS AND RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL OF FINAL DEVELOPMENT PLAN #2006-09 AND A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED EAST OF MERCY SPRINGS ROAD BETWEEN MISSION DRIVE TO THE NORTH AND WILLMOTT ROAD TO THE SOUTH. ASSESSOR PARCEL NUMBER 428-280-002.

Richard James presented the staff report by PowerPoint. Subject property was rezoned in 2001 from Medium Density Residential (R-2) to Planned Development (PD). A 25 foot rear setback on lots 29-44 has been required as a condition of approval.

City Attorney, Bill Vaughn, commented that this project was approved by an existing Development Agreement.

Commissioner Anderson asked about buffers. Richard James responded that there is a condition for a sound wall at the western side of the project. Condition #87 states where sound walls are shown, and then Condition #88 shall include a landscape plan buffering the sound wall from the roadway. Does not see a landscape plan. Dwayne Chisam had responded that the question could better be answered by the applicant.

Commissioner Anderson had also asked if the setbacks could be described by the staff. This is 15 feet in the front, for the 1 story house and for 2 story houses 20 feet in the rear. Commissioner Anderson had also asked about a color palette? Richard James responded that there is no condition or anything in the approval in regards to the color palette.

Chairman Donovan opened the Public Hearing.

Applicant, Dave Romano, Civil Engineer on behalf of Ranchwood, came forward to speak. Mr. Romano commented that he has worked the past 6-8 months with city staff and looking at a variety of different layouts. At the South of Wilmott, staff has asked to realign the road and now has fewer lots to suffice the expectations of staff. Staff had a concern, wanted the backyard to be a little deeper so came up with condition #6. The

condition should be modified to read instead: "With the exception of lot #45". Lot #45 adds up the sideline and not to the backlines.

Romano discussed the issue on the block walls. He commented that the residential development should development a standard wood wall on the back of the residential. This is very typical and this could be a condition for their personal involvement.

Commissioner Anderson commented about the fencing and if each individual property owner wanted to enhance the fence that they could. Not hindering the commercial development and contend with each of the individual homeowners. Could also potentially end up with the situation of two fences.

Mr. Romano replied that to construct generally what's required, a 6 foot block wall, architecturally will not fit well with the center. Other than that, 95 of the conditions have all been approved. Randy O'Dell from O'Dell Engineering and Charles Covalo, an engineer from his office, are here to answer questions.

Deborah Lewis asked about the color patterns. Mr. Romano responded that color patterns have not been provided and have not been asked this, when the models get put up, the intent is that not that all 46 will look like these 3 color models.

Anderson commented that she would like assurance because this is especially important with this project and the color palette is much more important because it creates that variation. Commissioner Anderson also had additional questions with architect features. She commented she would like to see some enhancements and elevations. All that is shown is one wall with one tiny window. No proposed 360 degree or 4 sided architecture. On street facing facades, it is not clear what enhancements are going to be. She would like to understand what enhancements and proposals there are going to be? She further commented that she would like to see something done to break up the right elevations.

Mr. Romano responded that the intent is not 360 degree architecture. The left side and right side architecture on the street side is the left elevation, with the color in the front. The right elevation is the interior elevation within the structures.

Commissioner Anderson wants to see an enhanced architectural design to provide something new and different to the residents. Understands this is an entry level home, but this would enhance the project overall.

Mr. Romano commented that he is not an architect, he is an engineer. He will be more than happy to work with staff to look at the building permit plans and see if there is something they can add to the plans and cannot negotiate a second window or a pop out because that is not his expertise.

Commissioner Lewis had asked about the elevations. Commissioner Lewis further agreed with Commissioner Anderson that the right elevation is very minimal.

Mr. Romano commented he is more than willing to add to the sides, he just doesn't want to busy up the sides. He added that it has been heard and he will make sure that the changes and additions are made.

Chairman Donovan closed the Public Hearing.

Dwayne Chisam added one item in the Condition of Approval. To provide some kind of requirement for the developer to provide a revised architectural plan to the staff and to approve the revisions prior to the building permits.

Richard James had commented that this could be added to Exhibit F for the Final Development Plan. He will make it Condition #9 under Exhibit F for the Final Development Plan. Review of elevations in the Final Development Plan. Color palettes also can be # 9 for the Final Development Plan.

Richard James said it would be extended to all 46 lots. Scratch out situated corner lot. Applicant has seen the condition. Richard James said that this condition would be a staff review. The condition does not address color. Will add to Condition #9. Condition #5 talks about building facades and color.

Mr. Romano commented that Condition #5 does cover that. There will be no addition to Condition #9. Commissioner Anderson commented that she wants to make sure there are not two colors, that there is a variation of colors. Richard James mentioned that we should add to these conditions prior to the issuance of the building permit. Commissioner Lewis made a motion for approval, but to add to Condition #5 prior to the issuance of building permit and to Condition #7 the same language prior to the issuance of the building permit.

Motioned by Lewis, seconded by Manzo to approve Mission Village South Phase 5 Vesting Tentative Tract Map #2006-16, to create 46 single family residential lots and recommendation of approval to the City Council of Final Development Plan #2006-09 and a Development Agreement for property located east of Mercey Springs Road between Mission Drive to the north and Willmott Road to the south. Assessor Parcel Number 428-280-002 to Adopt Planning Commission Resolution No. 2007-52 subject to Findings and Conditions of Approval, and approval of Resolution No. 2007-53 recommending approval of the Mission Village South Phase 5 Final Development Plan, and approval of

Richard James told Commissioner Donovan that there was more than the one Resolution for this project that needed to be approved. Chairman Donovan called a five minute break at 8:36pm.

Meeting called back to order at 8:45pm.

Chairman Donovan went back to Public Hearing Item #1 to approve two Resolutions that did not get prior approval.

Resolution #2007-52 with conditions and approval as stated. Motion for approval by Anderson. Seconded by Lewis.

Resolution #2007-53 with changed conditions as stated the language at the end of Condition #5 and Condition #7 to state after the word landscaping, which says prior to the issuance of the building permit. Motion for approval by Lewis. Seconded by Manzo.

Resolution #2007-54 recommending approval of additional allocations for the Development Agreement. Motioned by Lewis. Seconded by Anderson.

Went back to the first item public hearing the first resolution

Resolution #2007-51 recommending approval of the Shaunessy Village Development Agreement. Motioned by Anderson. Seconded by Lewis

CONSIDERATION OF APPROVAL TO THE CITY COUNCIL OF THE LAKES AREA PLAN DRAFT ENVIRONMENTAL IMPACT REPORT, AREA PLAN, PRE-ANNEXATION DEVELOPMENT AGREEMENT, ANNEXATION #2005-02, GENERAL PLAN AMENDMENT #2005-02 TO LOW DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL, AND PRE-ZONE #2005-03 TO P-D (PLANNED DEVELOPMENT). ASSESSOR PARCEL NUMBERS 082-030-016/017 AND 082-020-033/034.

Richard James presented the staff report by PowerPoint. Richard James had commented that there was an error in the number of the staff report, they should read #2005-02 on the Annexation, #2005-03 General Plan Amendment, #2005-04 on the Pre-Zone Agreement. Tonight's Public Hearing applicant has a presentation to give.

Chairman Donovan opened the Public Hearing.

Tim Miller, Miller Planning & Design, representing Los Banos Lakes Associates. The applicant presented a PowerPoint presentation of The Lakes. Several team members are here tonight. Principals are Mr. Ray Watt and Mr. Vogel. Representatives from the design team, our Architects of Archwest Development, our Civil Engineer could not be here tonight, and our Legal Counsel is Thomas T. Persta.

Tim Miller thanked both the planning and public works staff for their time and efforts, and for the amount of time put into this project. The plan itself is like many, land use, infrastructure and circulation. Will be coming back next spring with a Vesting Tentative Tract Map and a Final Development Plan, and would invite input on issues that are important to the commission and may be important to address at that time. They have made a note tonight of some of the architecture concerns that commission has and will be sure to address when they come back with the final product. The project location is Nantes Ave and Cabernet Street and Stonewood. Adjacent to the Vineyard project. Did have 2 plan alternatives. This project has a history a little over 2 years. Plan A did not have land proposed for the future development of the future 152 bypass and proposed city loop road. Plan Alternative B will carve out about 14 acres for the future 152 bypass and now proposed city loop road, in working with the city and the state and with the

respects of what the community needs are. The project will have community services within the marina building that would be available to the public.

Summary tonight is back to Plan B, 134 townhomes just short of 10,000 square feet of commercial space with a range of services to include a restaurant/deli, office and meeting room.

Tim Miller had commented about Conditions #34 – #36 with regards to Nantes at the entry roads, there are some minor adjustments that Public Works has asked to make to the street section, and they are in agreement to do that.

Chairman Donovan had asked if there were questions for staff.

Commissioner Anderson had commented that this is a very large development and will be a quality enhancement with the mixture of housing and amenities. There was a question in regards to traffic impact fees and how they will be used and for what enhancements they will be designated for? Dwayne Chisam had commented that the commissioner was right the first time in having concern about traffic and quality of life like most citizens here in Los Banos. Dwayne explained that city council approved..... and is on its way, once the project is complete, will submit for tentative tract map, pc and community at large will be more accurately to identify the traffic impact with this project. Does provide overall strategy on how the city can control the traffic means and there will be new intersections over Nantes and Overland and various other areas within the city. Once the community is fully developed, will need to have capacity, traffic signals and traffic control measure included in those plans. The intent is to identify what the costs are, associate the costs to vehicle trips and then have traffic fee and this project and others will correspond to the vehicle trips associated by the nexus of payments in fees that will contribute to their portion of traffic communication. With this particular project, there is a specific litigation that was identified in the environmental document about the traffic signal light on Dove and Highway 165. This is the only one that has been identified with this specific project. Chairman Donovan asked a question About Nantes Avenue? Is it going to go all the way through to Henry Miller. At present time one of the alternatives the city has is an opportunity to comment to determine if Nantes or Johnson road will go all the way through to Henry Miller and the Hwy 152 realignment project. At present time, staff is supporting the Johnson road corridor, so to speak. Johnson road has the ability to connect Henry Miller and Pioneer road and that is something that Nantes cannot do.

Chairman Donovan asked if the commission had any questions for the applicant.

Commissioner Anderson had a question about the expected timing of the build out. It was described in the presentation as phases, what is overall timeline? In terms of the start of the project, we cannot project, but after we complete this process, have to do annexation process, we have to come back on Final Development Plan and Tentative Map which is next spring, assuming we get approvals, add another 6-9 months for that process, and then the actual construction which will add about another year. Projecting startup of homes around spring/summer 2010. Have to evaluate the market condition

at that time to see if it's ok to start and a couple of year's worth of work once we get done with this process.

Commissioner Anderson asked to describe a little bit of this development and existing development? Transition between any new developments and existing developments. Starting at south, there is an existing subdivision there, the vineyards, which Condition #94 talks about matching the single story and two story colors, and increasing setbacks, we know we will have to comply with that. But also with the design will have with the eastern design instead of developing a row of lots, we will have some smaller cul-de-sacs which will have less development on the north side instead of the south side. As far as the north, the General Plan policy is to provide a buffer to those areas that have agriculture use, and now the bypass would create the biggest buffer for that area, there is a requirement to create a 100 foot buffer between residential development and agricultural uses. The area to the east is identified for residential use. Apply a traditional lighting pattern to the east of the project. On Nantes we have an increased landscape setback. South of Capri and that would include the bike path, the landscaping and would include on Nantes as well. It provides a better street section.

Commissioner Anderson asked about articulation. Public component. The cul de sac in green would all be gated and private. The townhome area would be gated as private drives. The loop is all public as is the extension easterly towards Stonewood and the off lake cul-de-sacs are also public streets.

Commissioner Lewis asked a question. The south side "L" is an existing Ranchwood project and has built out beyond the most eastern portion of their project. Have built smaller portions of their project back to back and reduced the number of neighbors based on design. Lewis asked about the deli/restaurant and the amenities available for the public? The marina will be open to the public. Identified within the area plan, a gym, meeting room, deli, restaurant, some retail services, and an office for the Homeowners Associations Administration. To the extent of the retail services and meeting rooms, would be available to the public.

Commissioner Lewis asked about mailboxes and where they would go? Tim Miller commented that was a good question and will put the mail wherever the post office tells them to put them. Commissioner Lewis had mentioned maybe a country store type setting which helps make for a good, strong, small community.

Commissioner Manzo had asked if there were any projects like this that the commission could see?

Tim Miller responded, in the immediate area there is a project in Atwater which has some elements, and a small lake project in Patterson, and in the Stockton area there is a group of homes going up there.

Chairman Donovan opened up the Public Hearing

Joe Mellow of Los Banos, came forward to speak. Joe and his family own property east and north of the proposed project. In reference to the discussion of the sound walls. He would like to ask for a nice brick sound wall. He does have problems with the

neighbors. They are coming over from Ranchwood all the time. They are jumping over the fences and would like something to be done about it. Thanked Chairman Donovan for his time.

Chairman Donovan closed the Public Hearing.

Motioned by Commissioner Lewis to Continue The Lakes Pre-Annexation Agreement #2005-02, General Plan #2005-02, the Pre-Zone Development Agreement #2005-03, and the Public Hearing to November 14, 2007. Motion seconded by Commissioner Manzo.

PLANNING MANAGER'S REPORT: John LeVan was absent. Dwayne Chisam had nothing to report.

COMMISSIONERS REPORTS:

ARACELI ANDERSON: Nothing to report.

DEBORAH LEWIS: Nothing to report.

JOSE MANZO: Nothing to report.

STEPHEN HAMMOND: Absent

NORM DONOVAN: Nothing to report.

ADJOURNMENT. The meeting was adjourned at the hour of 9:39 p.m.

APPROVED:

Norm Donovan, Chairman

ATTEST:

Cinthia Fast, Administrative Assistant