

**CITY OF LOS BANOS  
PLANNING COMMISSION MEETING MINUTES  
NOVEMBER 14, 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 7:00 p.m.

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Stephen Hammond, Deborah Lewis, and Chairman, Norm Donovan. Araceli Anderson and Jose Manzo 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 Lewis, seconded by Hammond, to approve the agenda as submitted. 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.** No one came forward to speak.

Closed public forum at 7:04pm.

**CONSIDERATION OF RECOMMENDATION FOR APPROVAL TO THE CITY COUNCIL OF THE LAKES AREA PLAN DRAFT ENVIRONMENTAL IMPACT REPORT, AREA PLAN, PRE-ANNEXATION DEVELOPMENT AGREEMENT, ANNEXATION (ANX #2005-02), GENERAL PLAN AMENDMENT (GPA #2006-02) TO LOW DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL, AND PRE-ZONE #2006-04 TO P-D (PLANNED DEVELOPMENT). ASSESSOR PARCEL NUMBERS 082-030-016/017 AND 082-020-033/034. (CONTINUED FROM OCTOBER 24, 2007)** Richard James presented the staff report by PowerPoint. Dwayne Chisam went into further detail of the staff report. Informed Planning Commission that once the Final Development Plan has gone through its process which includes a lot of discussion with staff and then to the Project review board, then it will come back to the Planning Commission and then to City Council for final approval. The commission will then have a chance to really get into detail and discuss street widths, architecture, and other types

of concerns they may have. Dwayne also commented that there will be various tract maps and land use division that will also occur.

Commissioner Lewis had a question. In the body of the most recent report that they received, she had a question about the changes to the condition of the pre-annexation and item 33, 34, and 96. Is this just for information tonight? Richard James replied that there are 4 conditions of approval that have language changes too. Condition #1 removes the step that the applicant must submit a revised area plan. We would like to request on this project following approval, the applicant resubmit any final changes along the way. It is not necessary that we receive a revised plan. Rather wait until after the LAFCO applications. 33 had to do with improvements required along with Nantes. It was divided initially along the entry way, which required more improvements along the north. This new condition requires extensions all the way to the new boundary. Condition # 34 is a minor modification to the cross section and landscaping lot design along Nantes related to #33. 25 foot landscaping, rather than the 20 feet according to the plan. Serves as a sidewalk and a bike path. Condition #96 refers to the townhouse island. Require public pedestrian access to that island and has been revised to the homeowners within the area plan and not anyone within the lakes area plan.

Condition #33 had some cross outs according to Deborah Lewis. Is that going to downgrade the enhancements to the landscaping or amenities? Richard James replied that the street lamps and lighting will be with in the landscaped lot. 3 travel lanes, originally was going to be 2, and actually only 1 ½ to the north, curb and gutter, to the eastside of Nantes. It has met all requirements, just shifted into a landscape lot. Commissioner Lewis asked for clarification of Plan A and Plan B, bypass, and why it seems it is necessary with the bypass coming in how the city can determine which plan is most appropriate? With regards to bypass according to Dwayne, Plan B is the most accurate plan of the location of the bypass. The California Transportation Commission is certifying the route and its designated bypass. In reality, unless there is a significant change in policy, which we don't anticipate, Alternative B will be the plan we go with.

Commissioner Lewis asked about fire safety/fire dept with Nantes will be. Spoken about at previous hearing what will be provided, but question she has is if the city feel that it is necessary to have a facility there for the fire dept? Dwayne responded that the fire dept will have an opportunity to comment on that plan, and the fire dept does have a northern western location planned in the sometime near future and could be very well in this particular area. Richard James responded that for the time being the Fire Department would probably use a home with a large garage area capable of holding 1 or 2 fire trucks.

Commissioner Lewis commented in the first packet that was received it was addressed. A wastewater and water supply capacity. Again with the treatment plant wanted to be assured that the city will be able to handle this project. City staff re-assured her there was sufficient capacity.

Chairman Donovan opened the Public Hearing.

Tim Miller, Miller Planning & Design, office is in Merced. He thanked the commission for entertaining the application again this evening. Spent a lot of time working with the staff and thanked them for that. Joined tonight by the same development team that was at the last meeting. His team can answer any questions by the commission tonight. Will not be presenting the presentation again. In regards to plan A and Plan B, during the process, the route was evaluated by the state and plan B was developed. Will be back next spring with the Final Development Plan and if the freeway is going to be what it is, then we will go with plan B. Fire safety requirements there is condition that talks about the interim station. Has discussed this with the fire chief in regards to the development in the general plan and other vicinities within the development. If a permanent station is not in place at the time of development, then there will accommodations for a first responder unit. As far as condition modifications, he worked with Dwayne, trying to make conditions #33 & #34 better. The intent was to define what improvements were going to be. Westside and center turn lane essential and then the lane on the west side. Adjacent to that is the bike path, and will be dealt with through the Final Development Plan. Richard has clarified that it is the applicant's intent to build a curb, gutter sidewalk, etc. on the eastside. Tim Miller said it is the responsibility of the developer of the Westside of Nantes to develop improvements on that side. It will be The City of Los Banos responsibility. If this project is required to put in improvements they would like to get reimbursed for the changes that are done to the sidewalk. Tim Miller commented that he is entitled to reimbursement for that. Tim Miller also commented that Bill Vaughn, City Attorney, has provided us with a Pre Development Agreement.

Motioned by Lewis, seconded by Hammond to adopt Planning Commission Resolution No. 2007-55 - Recommending Certification of the Lakes Environmental Impact Report.

Motioned by Lewis, seconded by Hammond to adopt Planning Commission Resolution No. 2007-56 - Recommending Approval of The Lakes Area Plan Pre-Annexation Agreement.

Motioned by Lewis, seconded by Hammond to adopt Planning Commission Resolution No. 2007-57 - Recommending Approval of The Lakes at Los Banos Area Plan and Requesting Annexation (ANX #2005-02) of "The Lakes at Los Banos Annexation", Recommending Approval of a General Plan Amendment (GPA # 2006-02), for a 61-acre portion of the site from Agricultural to Low Density Residential, and Neighborhood Commercial, and a one-acre portion of the site from low density residential to neighborhood commercial, and Pre-Zoning the Site to Planned Development Zone Change (ZC # 2006-04).

**CONSIDERATION OF APPROVAL OF VESTING TENTATIVE PARCEL MAP #2007-11 FOR THE CITY OF LOS BANOS REDEVELOPMENT AGENCY (RDA) TO SUBDIVIDE 34.8 ACRES INTO THREE PARCELS WITH A REMAINDER. ASSESSOR PARCEL NUMBER 083-100-010.** Stacy Souza presented the staff report by PowerPoint. The applicant is the City of Los Banos Redevelopment Agency. The Redevelopment Agency would like to subdivide 34.8 acres into 3 parcels with a remainder. The subdivision includes the Ward Road Apartments. A 105 unit apartment

complex which was reviewed by Planning Commission and was approved by the City Council earlier this year. Parcel 3 will have a Final Development Plan reviewed by Planning Commission before final development. Staff is recommending that no further conditions be placed on this map, other than final mapping conditions. This project supports the lease agreement to accommodate affordable housing for the redevelopment agency.

Commission Lewis had a question. She asked to clarify which parcel has the approval for the apartments. Stacy responded that Parcel 2 is already approved for 105 apartments and the front parcel #1 is for the public works future corporation yard. In the SW corner near the water container.

Chairman Donovan opened the Public Hearing. No one came forward to speak.

Chairman Donovan closed the Public Hearing.

Motioned by Hammond, seconded by Lewis to adopt Planning Commission Resolution No. 2007-58 - Approving Redevelopment Agency Vesting Tentative Parcel Map #2007-11.

**CONSIDERATION OF APPROVAL OF VESTING TENTATIVE TRACT MAP #2007-09 TO MODIFY THE EXISTING PLANNED DEVELOPMENT FOR THE VILLAGES AT LOS BANOS; CONSIDER RECOMMENDATION OF THE FINAL DEVELOPMENT PLAN TO MODIFY THE PREVIOUS APPROVAL OF THE VILLAGES AT LOS BANOS PLANNED DEVELOPMENT/MEDIUM DENSITY RESIDENTIAL OF 185 SENIOR HOUSING UNITS TO 99 SENIOR HOUSING UNITS.**

Dwayne Chisam presented the staff report by PowerPoint. Applicant is K. Hovanian Forecast home. Dwayne commented that a letter was received today in regards to this specific project. It is staff's recommendation that we provide a short staff introductory and then open the public hearing to identify any concerns that the public may have with this project and to continue this item until the next planning Commission Meeting, so that we have adequate time to review the item with the applicant. Dwayne then presented the staff report in further detail by PowerPoint.

Recommendation is to open the public hearing and continue the public hearing on November 28, 2007. Issues in the submitted letter referred to consistency with the existing homes, exterior problems, water, courtyard fencing issues, and homeowners financial burden and homeowners associates dues need to be addressed and other less significant issues we are hoping to work through.

Commissioner Lewis had a question. In reviewing the Covenants, Conditions & Restrictions, if it comes back for modification, if the commission is allowed to make recommendations on that also? The City Attorney replied that they may not be modified. There are some landscaping issues that I would like to comment on. City Attorney asked to identify, Under Exhibit A, one of the Conditions of Approval's extent for modification has an impact to one of the conditions that already exists, then it is fair game, but this does not open up the entire project to deal with conditions that have nothing to do with the modification being requested. The applicant has the right to

amend and file the amendment the City Attorney further commented that he will look into that for us.

Commissioner Lewis commented that one condition is changing from one language to another and she would like to add to it. City Attorney, Bill Vaughn, commented that if the condition at hand has nothing to do with this, then there is no need to comment on it. Commissioner Lewis commented that she saw no Final Development Plan and no floor plans and asked when the commission could expect it?

Dwayne commented that we will get to this the next time around.

Chairman Donovan opened the public hearing

Susan Graham Pereria, a resident of Los Banos came forward to speak. She has brought a petition tonight with 29 signatures. Went into detail to tell a little bit about herself and that there are approximately 30 homes occupied, and with 29 signatures, feels they are all pretty strong about how they feel. Has not been a long part of Los Banos, 1<sup>st</sup> visited in 1997 and is not a native, but her husband is a Los Banos native. She has met wonderful people in this community. She is not a Los Banos resident by birth, but a Los Banos resident by choice. The ages range from 55 – 65. There are many residents who are retired, many who have full time jobs who commute to other cities and others who work part time. We all know that K. Hovanian and its representatives will be long gone when this development is finished. She commented that the residents are the ones at stake. Many are on fixed incomes, and with the value of inflation, most property value of the homes have decreased.

Susan Pereria further commented that what they are asking is that K. Hovanian upholds their promises and the residents would like to be considered with the commission.

David Agee of K. Hovanian Homes of Modesto, California, came forward to speak. He commented that K. Hovanian plans to be in the valley for years and wishes we could hear the president and founder son speak about how K. Hovanian gives back to the communities. He further commented that the work they are undertaking here, it is big for us to re-map this. They are doing what they believe what they need to do to make this a viable community. David Agee addressed some of the comments tonight. K. Hovanian has come up with a solution that is both workable for the city and the residents. He reassured the commission that K. Hovanian will do what it takes to make this work. David Agee commented that he has held two meetings at the clubhouse to let the existing residents know about the changes, and will continue to do so to address their needs.

One main concern is about the architecture and how it will affect the existing homes. Rich Aragel, Lead Architect brought up the picture renditions of the new homes. In the process of the market change, we were consulted to develop a new type of house that is compatible with the market. Market studies that were done, grouped homes together and built an existing portion with the original and you can see we are lower in mass, new roof tile, windows, window trim, vegetation, existing pedestrian corridors as shown in the site plan. At the same time being able to meet more of the current trends with

active adult living. Some of the things have to do with being on a single story. So we addressed that. Also creating private yard space, we were able to create courtyards that access off that single story to create that single space. Within the original six we have a 2 story and a single story, what we did was transpose this over to the new arrangement. In concept right now with the landscaping, depending on the plan, these near back and forth and will have a street side or can have a path. Landscaping would be maintained in either condition. There are 2 distinct units, both A and B. On the street side have stucco, with shutters, banding, variety pallet of roof tile be compatible with what exists, on the other plan, which is plan A, other pallet is half shutters with similar overhang and both cases do have a nice cover entry. On the rear on the opposite face of the community path, there are recess entries, very simple and architecture of early California. Compatible with the architecture that currently exists on the site. He showed the houses as you would see them in the community. Creating more exterior user friendly space. Has created small patios that exit off the interior family rooms and then are able to access what we use to have 3 garage doors is now only 2. Have toned down a lot on automobile traffic. Now detached units, unlike before were attached units, which creates more openness, better view, like single family homes.

David Agee came back and talked about water pressure problem. Does have adequate water pressure, if there are issues in the homes, they are more than willing to rectify that. If its water saving or restricting device within the homes, or if it's individual homes. If it's a damage line, they will get it fixed. Another issue addressed was courtyard fencing for the existing homes, and will say that they will install courtyard fencing as discussed in a meeting on September 29<sup>th</sup>. If deviated from the approved plan will get it fixed. Existing HOA dues. This is something they just don't know yet. This is a selling point for us in the homes quite frankly. Taking the cost of the subdivision, on common water meters, there are common electrical usage, cannot say today what they are going to be. He has been given a request for a street name change, and during the Final Development Plan will be more than happy to hear that. The basin is an open space and was not designed as a park and remains an open space within the community. Further commented that he would like to close by saying that he would like to make new customers as well as keep the existing customers happy. Does not want to walk away from this project if we can help it, but he needs to make some sort of changes to make this project work. He is hoping to work with residents.

Commissioner Lewis had a question. Found it a little bit difficult why senior projects are 2 story anyways. They don't seem to work very well. There was opportunity to come to the Planning Commission, back when it was purchased, and request to change all of the lots back to single story and now these 2 stories being faced with their property being valued with less, looking at paying higher fees for HOA's. Concerns she has is with elevation, doesn't have anything to show that this is like what's already there. Lacking in architecture features. It appears some of the entries to these homes are right off the street, not much of a sidewalk, looks like there were no features that would enhance the building, nothing to give it additional beauty. This is something that she would like to see changed. Enhancements to the architecture features. That is needed to make this a nicer product for that neighborhood. The overhands on the concepts is

another thing that is lacking. Overall in scale, the front of the elevations need some help. Would like something brought back with architecture and design. Could you explain a little more about the park project? David said it is not a park, it is open space. Commissioner Lewis in regards to the concern about landscaping it is if there is any vegetation that has died or is about to die, should be replaced and should be replaced with something of same size or quality and has already matured. Would encourage residents to let our city know if the vegetation has died, it should be enforced. Our city ordinance, if a tree/plant dies, then it is replaced. If anything has died in the landscaping then it should be replaced. Commissioner Lewis is not prepared to move forward, but if the conditions are met and if this project goes through, she would like to see these changes.

David Agee commented as far as 2 story vs. 1 story, wishes they would've known also. At that time they were not inclined to come in and change the project, they were going to come in and build it as approved.

Commissioner Lewis stated that this project could have been easily changed when it was first purchased rather than making the change midway. Commissioner Lewis showed concerned for the residents who live there. She understands their concerns. Changes, additional fees, suggested working out an additional schedule for them if in fact the project does go forward.

David Agee commented that we have limited ability to change up to 20% per year. Has made an offer to subsidize and reduce it up to 2 years. Would like to ask for clarification on design. Commissioner Lewis commented that the design of elevations look plain. David Agee said that if it is in conflict, wants a point of clarification to bring something back to at the next meeting. Lewis again commented about design, elevation and character to the building. Suggested bringing something showing what is already existing.

Chairman Donovan commented about trying to get circulating hot water pumps in. Trying to get the ordinance changed. This is something he suggested to the company when the project first came in.

Commissioner Hammond commented in regards to the two meetings with the residents at the Villages at Los Banos, that have been held earlier. He wanted to know if any of these issues mentioned tonight were brought up in those meetings. David Agee replied that yes these were mentioned.

Susan Graham Pereria commented that she wanted to clarify that she does not have an issue with the hot water or water pressure, but that the water is not cold enough. Further commenting that K. Hovanian has not taken the temperature of the water of the homes. They simply told the residents to run the cold water longer. What they really want is for their section not to be the stepchildren of 4 seasons. Would like to be architecturally in sync with the new styles.

Neil McDominic and a homeowner at the Fours Seasons came forward to speak. He wasn't asked to attend the meeting, however he had heard about the meeting and he wanted to make a statement. He is in a 2 story home. Has been in other new developments and has experienced with other builders new homes. This builder and the people that work for them have done more than anything he has ever asked for. If there is a problem in the house, it was repaired within a reasonable of time. It is a very well built home. He believes that the facilities, exercise, pool, and other amenities are first class facilities and feels that any of us would be pleased with it. It is very well kept and clean.

Neil McDominic commented that the stairs are a good source of exercise. He further commented that building these units will enhance and build up the value of the property. If you live in a development and the rest of the development is priced higher then the value will pull everything up with it. The two stories are very energy efficient too. Separate heating and cooling for both levels of each home. Neil also agreed with Chairman Donovan about the hot water issue. He wanted to express his opinion tonight and as a homeowner is very happy with where he lives.

Phil Volkmann with Barry Volkmann Architects. Phil commented about looking at styles of these houses, 1800-2200 square feet, looking at exterior of building and understanding that floor plans were not part of the package, but looking at every detail from the inside, to the outside and back. Mr. Boatman apologized for not having a floor plan, has a hallway space, garage, a dining room/optional library, bathroom, etc. When you take overall components, they look at every inch of space, better sunlight, not only how we can sell it, but how a customer will love it. This is how they develop the natural architecture. Phil commented that he has been in a lot of different farming communities. He further discussed parts of Los Banos to the Southside of Highway152, downtown and various neighborhoods, and that's how they developed the exterior of these homes. Houses have very simple articulation, a statement of entry. Apologize for no exterior shots and will be sure to bring in those the next time. He thanked the commissioners for their time.

Commissioner Lewis had asked to describe the areas of Los Banos that he looked through.

Phil Volkmann came back to the podium and described some bungalows, ranch style homes from the 60's, small stucco, horizontal side homes, very simple in form shape. Looking at architecture within the last 30 years, and following where the designs are going with the rest of the country, the designs are more traditional. We can come next time with photographs to show.

Chairman Donovan closed the Public Hearing.

Motion to continue open public hearing and to November 28, 2007 Planning Commission Meeting.

**PLANNING DEPARTMENT REPORT:** Nothing to report.

**COMMISSIONERS REPORTS:**

**ARACELI ANDERSON:** Absent.

**DEBORAH LEWIS:** Nothing to report.

**JOSE MANZO:** Absent

**STEPHEN HAMMOND:** Nothing to report.

**NORM DONOVAN:** Nothing to report.

**ADJOURNMENT.** The meeting was adjourned at the hour of 8:45 p.m.

APPROVED:

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Norm Donovan, Chairman

ATTEST:

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Cynthia Fast, Administrative Assistant