

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
NOVEMBER 28, 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, Araceli Anderson, Jose Manzo, and Chairman, Norm Donovan. Jose Manzo excused himself from meeting at 7:35p.m.

STAFF MEMBERS PRESENT: Administrative Assistant/Secretary Cinthia Fast, Assistant Planner, Stacy Souza, Contract Planner, Sally Rideout, Interim Planning Director/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.

CONSIDER APPROVAL OF ACTION MINUTES: Motion by Lewis, seconded by Manzo, to approve the October 24, 2007 minutes. The motion carried by the affirmative vote of all Commission Members present.

CONSIDER APPROVAL OF ACTION MINUTES: Motion by Hammond, seconded by Lewis, to approve the November 14, 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. Sandy Lemos a resident of Los Banos, came forward to speak. She commented about the opening of small recycling center for Jesse Molina. She commented that The City of Los Banos needs additional recycling services in town, and that we need to do whatever we can do. She also complimented Dwayne Chisam for all the work he does at public works.

Closed public forum at 7:03pm.

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. (Continued from November

14, 2007. Dwayne Chisam presented the staff report by PowerPoint. The applicant also provided a presentation of their project this evening. Staff is recommending approval as indicated within the staff report. Commissioner Anderson had a question about the total number of units the commission was looking at. Dwayne commented to refer to the applicant for better clarification.

Chairman Donovan opened the Public Hearing.

David Agee, the applicant from K. Hovanian Homes, of Modesto, came forward to speak. He commented that he did listen to the comments from the homeowners from the last meeting and have addressed those comments. Barry Volkmann Architects had prepared a presentation which they came forward to present. Commissioner Anderson asked about the elevations.

Richard Caragol from Barry Volkmann Architects, hired additionally for the first homes that were placed in Los Banos and also to redesign the new homes that they are proposing tonight. Mr. Caragol went through a PowerPoint slideshow. He went into detail about overhangs and showed several historic photos of similar homes here in Los Banos. He commented on the tile, stucco and simple detailing within these homes.

Chairman Donovan had a question about hot water. Would like to know why they can't put in a hot water circulator pump. It is not part of the requirements, but he would really like it to be considered. Chairman Donovan is concerned about the over usage of water.

Commissioner Anderson wanted clarification of the architecture. Was under the impression that there were only 2 facades, but now looking at the elevations, there are different facades and the entry view is very different. Mr. Richard Caragol explained that there is an A and a B elevation and they do change with colors and shutters to look a little more distinctive. Commissioner Anderson would also like to know the color palette.

Mr. Caragol explained that 2 models with slight variations in terms of elevations being a different color palette and having different shutters and perhaps a horizontal band could be on a unit.. Mr. Caragol further explained that he understands about the variety and what was presented tonight is a slight deviation from what was originally planned.

Commissioner Anderson also asked if the existing residents had a concern with existing architecture, as indicated there was a meeting held last Monday and she wanted to know if they were satisfied. Mr. Caragol commented that he did not attend that meeting.

Commissioner Lewis asked about the site plan from the previous packet reviewed two weeks ago. The packet did not contain any actual floor plans that were submitted to see what this plan looks like. It is assumed that the 2210 and the 2218 is the square footage. Lewis asked to see the layout and had a question about fencing.

Commissioner Lewis visited this project after it was built and at that time it was only the models that were built. The walkway behind the tennis courts has no more than about 2 – 3 feet of grass and a couple of bushes in front of that. There should be more landscaping.

City Attorney, Bill Vaughn, requested a 5 minute recess in lieu of Commissioner Manzo stepping out for an emergency phone call. Commissioner Manzo was dismissed from the meeting at 7:35pm.

Commissioner Anderson commented on the letter that was written to The City of Los Banos regarding the style and location of fence, which would be at the expense of the home owners association. Anderson asked if this is written within the bylaws.

Mr. Caragol said no it is not. The homeowners association would approve or disapprove the fencing and it would be made sure that they fit architecturally with the fire code and with the architecture.

Commissioner Anderson commented that the best way to avoid conflict is the majority of what the existing residents want. Suggested giving them a few options to vote on. Trying to avoid any mistakes later on.

Commissioner Lewis asked about the landscape issues. She went out to the project site today and is difficult for her to give a judgment. It appeared that the models have a couple of color spots for enhance that, but again there was a lot of tan bark around the property. On H Street, there was a monochromatic plant that was planted and a lot of planting that seemed to be in a dying mode. On Colorado, there was a plant 3- 4 feet with nothing else. She had a concern about landscaping not being provided. Would like to know why it is so sparse, lack of density and color do not give the simplicity more design definition.

Mr. Agee explained that it is a fairly young project, elevations are drawn to show what it might look like, all of the planting has been done per plan, not only inside the gate by the Homeowners Association, but also outside the fence on Colorado and H Street. It was approved and inspected by The City of Los Banos.

Commissioner Lewis asked to see a copy of that plan that was approved. Had a hard time believing that it was approved due to its lack of spar city. There was concern about the lack of enhancements that will apply to the building. Commissioner Lewis has real concerns about the landscaping. Commissioner Lewis also agreed with Commissioner Anderson's request about the four sided elevation, she would like to see landscaping in the courtyards and in the common yards. She has seen enough projects to know that is not quality landscaping and it needs a lot of help. If this project is coming back the planning commission to reconsider, she will ask for some conditions so that it can be brought up to the standards that it should be.

Hammond had a question for city staff. He wanted to know in reference to what Commissioner Lewis is describing if the previous landscaping plans met The City of Los Banos code.

According to Dwayne, at that time, yes it was approved. Commissioner Hammond asked if we will see landscaping plans again before the Final Development Plan. Dwayne commented that we would not. If the Tentative Tract Map is approved tonight, then the Final Development Plan would go before the City Council for initial approval. The enhanced landscaping plans could be incorporated to the council along with additional elevations and landscaping revisions. It could be brought back with those

revisions prior to going on to City Council. Dwayne also commented that we have a new site plan, but we do have an existing plan that we are trying to blend in and the Planning Commission does have the ability to add to it.

Mr. Agee commented that if the application gets passed at this stage, there will be final landscaping plans that will meet the city standards, but those will not come before the planning commission for review.

Susan Graham Pereira, a resident of the Villages at Los Banos, came forward to speak. In terms of Exhibit F, the homeowners discussed this issue Monday night. She appreciates the conditions that have been set forth, and the landscaping issues have been ongoing since they have been there. She commented that she had a meeting with K. Hovanian and she brought photos of poor drainage, and they would not even look at the photos. She also commented that she is not in any way trying to stand in the way of new construction. It would not be in the best interest to do so. Happy homeowners are their best guarantee. The K. Hovanian representatives also did not call those meetings; it was at the request of the homeowners. She spoke at the planning commission meeting held two weeks ago, an update since then included they have been told that K. Hovanian will not meet their request to build additional 6 cluster units to finish the existing homes. The cold water issue is pending until the warm weather comes in again. On the fencing issue, they requested more drawings and those have not been received. She would like item # 7 to include architectural consistent with the fencing issue, that way it would show the homeowners that there is some consistency and we would know if it is a block wall or a chain link. In regards to the street name change, she has not heard anyone talk about a street name other than Trailer Way. She would like the street to be named Charles Sawyer.

Neil McDominic, a resident of Los Banos, came forward to speak. He commented on whenever there has been an issue that K. Hovanian has been very cooperative and has come out right away. They have gone out of there way to make sure that each issue has been addressed. When the idea was brought up of additional landscaping, he hopes there are no additional costs, because after the builder leaves, the homeowners are stuck with the additional costs.

Susie Caras a resident at Villages at Los Banos come forward to speak. Finds this a monument and did not realize that there was going to be this many issues, that might be endangering the economic of all the residents. She commented that she did not receive any of the letters that were supposedly signed by all the residents. She was not made aware of any letters, and there were many who signed the letters that thought it was for the homeowner's dues. She was at the meeting on Monday and it did not seem like many issues were addressed, that nobody had any concerns. At this point she is rather confused at how serious some of these issues are. She is also not concerned about the street name. From her understanding, the builders are not making any money. She bought into this community for the change of the architecture. The prices at the time were so competitive, and she bought because she liked the builder. She liked the way it was set up. She does not want this to stand in the way for the builders.

Susan Graham Periera came forward to speak. She was not at the meeting Monday night, but there was another resident, Deborah Murray, who was there and was going to make a presentation, but could not make it tonight due to a death in the family. Susan

stated that when she came to the public hearing two weeks ago she had 29 signatures, there are not more than 36 homes that have been built right now. We have them on record at the City.

Chairman Donovan closed the Public Hearing at 8:12 pm.

Commissioner Lewis commented that as a planning commissioner, she is not here to stall a project and hear conflicts between residents. They are to solve the issues that are in the project concerning the request that has been made by the developer. They have certain authority as a commission to make changes for the community, and how it fits into the City of Los Banos. As a commission they try to make the best project that it can be.

Dwayne made a recommendation to see a total landscaped plan and also the architecture renditions of all the sides, but at the same time wants the project to move forward. He suggested making the modification to condition #7 to replace the wording in there with the fencing. He would also like Condition #10 to read: Developer shall submit to the planning commission a revised landscaped plan and four sided renderings prior to issuance of first building permit.

Motion by Hammond, seconded by Anderson to approve Resolution # 2007-59, approving the Vesting Tentative Tract Map for the Villages at Los Banos (VTTM #2007-09).

Motion by Hammond, seconded by Lewis to approve Resolution # 2007-60, recommending approval of the Villages at Los Banos Final Development Plan (FDP #2007-04).

Chairman Donovan called a 5 minute recess at 8:28pm.

Meeting called back to order at 8:36pm.

CONSIDERATION OF ADOPTION OF RESOLUTION # 2007-61 AND RESOLUTION # 2007-62 MAKING APPROPRIATE FINDINGS; AND THEREBY, CONDITIONALLY APPROVING SITE PLAN REVIEW # 2007-06, AND APPROVING THE MITIGATION MONITORING PROGRAM. Sally Rideout presented the staff report. The staff is recommending that a subcommittee be formed prior to the approval of the development plans.

Commissioner Anderson asked about the color palette and some elevations about the project. Interim Planning Director, Dwayne Chisam, responded that this building is going to have several tenants and most are corporate and have corporate standards, so we need to maintain consistency with the project that is approved. Thought it would be best to allow the site plan to get through its approval process and then allow each individual applicant to submit their architectural drawings, rather than one main plan for the buildings.

Commissioner Anderson wanted clarification of the traffic flow, layout and fencing. Dwayne commented on the traffic, some offsite traffic improvements will be at I street and at Badger Flat, and at Highway 152 a traffic light. In theory, what would be seen is

from Wal-Mart all the way down I street without having to go onto 152 Highway. Ortigalita is a city road and the City of Los Banos has control of it.

Commissioner Lewis had a question, clarify that Anderson stated on architectural elevations and asked if each lot was going to be sold individually. Dwayne responded that ultimately it will be sold off individually, but will have architectural concept overall. Lewis asked about setbacks for buildings 1 & 2. Sally Rideout confirmed it is on the site plan.

Commissioner Anderson asked about page 27 mitigation Condition #69 and what it means? It's an oversight on the staff part, said Dwayne.

Commissioner Anderson also asked about all the car flow here, likes the retail, but wants to avoid pile up in the drive thru situations. Does not see any stop signs, would like them in appropriate places. Would also like to see pedestrian sidewalks. Those items are identified at that particular point I think the Final Development Plan.

Commissioner Lewis concerned about El Pollo Loco and Jack in the Box. Coming off of Pacheco turning left to go into jack in box, if people are stacking up, and then across is El Pollo Loco, potential for stacking and heavy traffic congestion. It is a part of #29 condition on page 21, the stack up lane requires up to 6 cars in line up to the voice box. What happens if it becomes more than that? She recommended maybe changing the direction of the window location, perhaps the staff and the applicant can work through. Commissioner Lewis also talked about egress through Longs Drug Store and could be a potential problem. Dwayne will put a stop sign in. Commissioner Lewis would also like Condition #22 to explain about temporary vegetation for the lot.

Commissioner Lewis asked if there was a bicycle path north and south of Ortigalita Road already. Dwayne said that item #33 is asking the applicant to incorporate a bicycle path and locate the bicycle racks in an appropriate location. Commissioner Lewis is concerned if there is enough land dedicated for these lanes. Dwayne responded that a - parcel map was approved with a 10 ft dedication offered, since then a traffic model was complete to the point that they were able to determine the ultimate width of the roadway. When roadway goes through, there will be an additional right turn lane, so there needs to be 2 lefts and an additional right turn lane. City is asking through the site plan for additional dedication of that right of way.

Lewis asked if the address size needs to be indicated and if it is necessary. Dwayne responded it is 10 inches, and the Fire Department will check that with the building plans.

Opened public hearing – Bob Roland from PMB Development of Petaluma, came forward to speak. He commented that he has had a good working relationship with both the public works dept and with planning department in getting the project to this point. Chairman Donovan closed the public hearing at 9:10pm

Sally did comment that there was one additional comment letter from Merced County about an additional inspection done at the intersection. Wanted to make sure this comment was in the record. Dwayne asked to add an additional record for the summit

reimbursement. Recommending that condition #75 be added which states that the developer shall be subject to the Summit Reimbursement for water well 11.

City Attorney, Bill Vaughn, made a comment about Summitt Development currently suing the City of Los Banos, however it is still in litigation right now. Stacy Souza commented that the current reimbursement without interest is \$11,094.00 for water well 11 some 12 years ago.

Commissioner Lewis would like to add a condition that graffiti to be eradicated immediately, or something to that effect.

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

Chairman Donovan closed the Public Hearing.

Motion by Anderson, seconded by Lewis to approve Resolution # 2007-61, approving the adoption of the Mitigated Negative Declaration for the PMB Retail Development Project.

Motion by Hammond, seconded by Lewis to approve Resolution # 2007-62, approving Site Plan Review # 2007-06 and the Mitigation Monitoring Program, with the following changes to the conditions. Add Condition #69 to read as follows; the developer shall submit to the planning dept architectural plans for the buildings. And anti graffiti shall be eradicated immediately and painted same color as the building. Also to add a condition that the Applicants agreement to the city attorney the appropriate reimbursement at the time of approval by the court after litigation of the building permit. Motion seconded by Lewis

Motion by Chairman Donovan, seconded by Lewis to appoint Commissioner Hammond and Commissioner Anderson to review the architecture of the proposed project and provide input to the Interim Planning Director who is authorized to approve the architecture drawings prior to building permit.

CONSIDERATION OF MOBILE VENDOR ORDINANCE REVISIONS. REVIEW ATTACHED MOBILE VENDOR ORDINANCE REVISSIONS. Dwayne Chisam presented the staff report by PowerPoint.

Motion by Hammond, seconded by Anderson to continue the Public Hearing to January 23, 2008.

CONSIDERATION OF USE PERMIT # 2007-12, TO OPERATE A SMALL RECYCLING CENTER IN THE GENERAL COMMERCIAL ZONING DISTRICT. Dwayne Chisam presented the staff report. Dwayne commented that after advertising the Public Hearing, we did receive 3 letters to put into record. One letter is from Tee-Dee-Us Auto Service and the comment was about the traffic being too severe and would like to implore the commission not to approve. The second letter was from RC Sherwood Grain Company, who is opposed to the recycling facility. There were 3 issues of importance, including disturbance due to noise, traffic, trash, and also has large trucks and other problems associated with that, and other issues with fires and warehouses. The third letter was from Los Banos Lumber and Sales Co. who strongly object mostly because of traffic and

noise. Dwayne Chisam made the recommendation to continue the public hearing to January 23, 2008. This particular site does not meet this code requirement due to the 500 feet residential zoning.

Chairman Donovan opened the public hearing

Chairman Donovan closed the Public Hearing.

Motion by Anderson, seconded by Hammond to continue the Public Hearing to January 23, 2008.

CONSIDERATION OF IMPLEMENTATION OF COST RECOVERY SYSTEM BILLING FEE BASED CONTRACT.

Dwayne Chisam presented the sample contract. It would be utilized by the Planning Department for projects that come into The City of Los Banos where there is no set fee for that particular service. What we are asking from the commission is for the planning commission to recommend approval to the City Council. This provides a more powerful way to recover the costs and its anticipated that the developers would sign at the time of the application process.

Motion by Anderson, seconded by Hammond to recommend approval to the city council approval of the cost recovery based fee contract form.

CONSIDERATION OF THE CANCELLATION OF THE DECEMBER 26, 2007, PLANNING COMMISSION MEETING.

Motion by Hammond: Seconded by Anderson to cancel the Planning Commission Meeting for December 26, 2007.

PLANNING DEPARTMENT REPORT: Dwayne Chisam indicated that the planning commissioners will be receiving in the next week or two a portion of the Pioneer Corridor project. We are anticipating reviewing it in January. Will be draft documents only for review. Will not be final documents will get those out to you as they become available. Will be sending them over your way to familiarize yourself with the project.

COMMISSIONERS REPORTS:

ARACELI ANDERSON: Nothing to report.

DEBORAH LEWIS: Nothing to report.

JOSE MANZO: Absent

STEPHEN HAMMOND: Commissioner Hammond mentioned as being chairman of the Salvation Army, they are preparing a food drive. There are barrels all over the city and they are accepting donations to feed the hungry. They have bell ringers at 4 different locations this year, budget has gone up and they are out there to try and raise funds. He would love for you help out and volunteer your time if possible. He would be happy to put us to work if we are interested to ring a bell.

CHAIRMAN DONOVAN: Ortigalita and 152 was passed November 13, 2007, he would like to have an update. Dwayne did respond that he did get a request to close Ortigalita road. That is difficult to do during the holidays. That proposal was to limit access to Ortigalita both right and left, will be working with Cal Trans and Stonecreek to modify plans before Christmas.

ADJOURNMENT. The meeting was adjourned at the hour of 9:57 p.m.

APPROVED:

Norm Donovan, Chairman

ATTEST:

Cinthia Fast, Administrative Assistant