

**CITY OF LOS BANOS  
PLANNING COMMISSION MEETING MINUTES  
MAY 11, 2016**

***ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.***

**CALL TO ORDER.** Chairperson Spada called the Planning Commission Meeting to order at the hour of 7:01 p.m.

**PLEDGE OF ALLEGIANCE.** The pledge of allegiance was led by Commissioner Cates.

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Planning Commission Members John Cates, Arkady Faktorovich, Erik Limon, Palmer McCoy, Tom Spada, and Susan Toscano; Refugio Llamas absent.

**STAFF MEMBERS PRESENT:** Senior Planner Stacy Elms, Planning Technician Sandra Benetti, and City Attorney William Vaughn.

**CONSIDERATION OF APPROVAL OF AGENDA.** Motion by McCoy, seconded by Cates to approve the agenda with changes in the order of public hearings to hear items in the following order: items 8A, 8C, 8D, 8B, and 8E. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MARCH 23, 2016.** Motion by McCoy, seconded by Cates to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF APRIL 27, 2016.** Motion by Limon, seconded by McCoy to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.** Chairperson Spada opened the public forum.

KATHY BALLARD, Los Banos, spoke of the need to review the code in regards to signage and A-frames, recommended these signs are removed at close of business and lights are turned off, and how flashing lights and flags look bad when the business is closed; TOM NEEB, Los Banos, spoke of his concern of safety down State Route 165 by New Bethany where pedestrians walk and there are no sidewalks as well as the safety issue on Center Avenue where the canal is in which people are riding their bikes.

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

**PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A SPRAY BOOTH FOR IDEAL ENVIRONMENTAL METAL STORAGE CONTAINERS LOCATED AT 1725 W. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 430-010-004.**

Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Commissioner Faktorovich inquired about the process in which the container is moved through production.

Chairperson Spada opened the public hearing. PEPPER SNYDER, Sprig Haven Farm LLC, responded that containers will be manufactured inside and exit the rear of the building then be painted and thanked staff for their work. No one came forward to speak and the public hearing was closed.

Chairperson Spada stated that anytime we can bring in quality jobs to Los Banos it’s a huge win and thanked Mr. Snyder for bringing this business to our community.

Motion by McCoy, seconded by Limon to adopt Planning Commission Resolution No. 2016-20 – Approving Conditional Use Permit #2016-10 to Allow the Operation of a Paint Spray Booth for Ideal Environments Located at 1725 W. Pacheco Boulevard. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

City Attorney Vaughn stated that he has a disqualifying conflict for items 8C and 8D and would leave the Council Chambers while special counsel would take his place.

**PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2016-01, FINAL DEVELOPMENT PLAN #2016-01, AND EAST CENTER AREA PLAN AMENDMENT FOR THE VILLAS CONSISTING OF THE SUBDIVISION OF APPROXIMATELY 58.8 ACRES INTO 378 SINGLE-FAMILY RESIDENTIAL LOTS RANGING FROM CUSTOM AND SEMI-CUSTOM HOMES TO PRODUCTION HOMES; APPROXIMATELY 51 ACRES OF THE PROJECT SITE WILL BE CONTAINED WITHIN A PRIVATE GATED-COMMUNITY WITH A FOUR ACRE PARK/DETENTION BASIN; THE FINAL DEVELOPMENT PLAN CONSISTS OF SITE DESIGN AND CONCEPTUAL ARCHITECTURE TO IMPLEMENT THE PLANNED DEVELOPMENT ZONING; THE PROJECT SITE IS LOCATED EAST OF CENTER**

**AVENUE, SOUTH OF THE CRESTHILLS #1 SUBDIVISION, WEST OF CRESTHILLS #2 SUBDIVISION, AND NORTH OF PIONEER ROAD AND THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 431-270-010 AND 431-270-004.** Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Senior Planner Elms read two comment letters into the record from Chris White with Central California Irrigation District (CCID) and from Dean Bubar with Los Banos Unified School District.

Commissioner Faktorovich commented on how the project looks professionally done and his concern regarding how this project will be generating many trips per day and streets are wide enough but in case of emergency sees positional for bottle neck traffic on this site.

Senior Planner Elms responded that a traffic study was done based on 694 units built for the East Center Area Plan, how the project has shrunk in size since then, how a traffic engineer had reviewed the project at that time, how the City Engineer and other department heads have already reviewed this project, and how it meets all City standards and requirements.

Chairperson Spada opened the public hearing. JEFF ROBERTS, Granville Homes, spoke on behalf of the applicant regarding his excitement for this project, thanked staff for their diligent work, how he is in concurrence with staff recommendations on the map and Final Development Plan, how he wanted to make a couple of comments for the record, how the applicant has no issues with the Central California Irrigation District (CCID) letter nor with the Los Banos Unified School District (LBUSD) letter that were received by the City, how they are both consistent with what is in place, not proposing to change anything in regards to those two organizations, COA speaking to CCID certification but that should be handled thru Final Development Plans when they can verify that any of their facilities that might have been on site are eliminated, property is already annexed to the City, there are only private ditches on the property and no CCID facilities, how it's a pretty standard condition, regarding Community Facilities District (CFD) required there are no issues, no intention to do a Mello-Roos District but does intend to do a CFD, asked for clarification that the condition regarding the parking lot is in reference to the park extension, and how they are definitely in favor of the park extension; Senior Planner Elms confirmed that the parking lot is part of the park extension; Mr. Roberts spoke of the northern tier of the property south of Bluff Drive, Cardoza road was realigned with the direction of staff with agreement from applicant and Whitehurst Funeral Chapel, how the road will provide access to the funeral chapel, in favor of alignment of Cardoza Road and where the gate will be located, how the applicant is not in favor of having a single story restriction on the northern piece of the project and pointed out that the existing homes on Bluff Drive are comprised of 12 two story and 5 single story homes, how the applicant's piece has deeper rear setbacks and

there shouldn't be any more or less restrictions on these lots than those other homes that front Bluff Drive.

TOM NEEB, resident of Bluff Drive, inquired if there will be a street immediately on the northern edge of the project or if large custom lots back up to the northern boundary; Senior Planner Elms responded that the semi custom homes will be back up against the Bluff Drive homes; Chairperson Spada clarified that the back of existing homes will back up to new homes with backyard to backyard with additional setback of deeper lots.

JOHN JORDAN, 419 Bluff Court, spoke of a committee that approved a greenbelt walkway several years ago, how the map shows Cardoza Road jagged, how residents have had a view of foothills for 25 years, suggested putting the greenbelt in and having Cardoza Road go immediately behind the Bluff Drive homes, would like things to go back to how they were originally approved, how his other concern is that there will be traffic for Whitehurst Funeral Chapel parking in the residential area; Senior Planner Elms responded that the applicant does not control Whitehurst Funeral Chapel and any intensification of traffic would require a larger parking lot at the responsibility of the funeral chapel; Mr. Jordan responded that the funeral chapel should be here then wanting to do this, how California is still in a drought and we would be adding more people to this town, and suggested that more thinking needs to be done here.

TED MEZA, Los Banos, thanked everyone who spoke so far, spoke of how he lives right in the middle of this proposed development, how the building around him will look good and how he has a beautiful place there, how now they will be getting squeezed around them, how a Green Valley Charter School is also located on his property, how he would like cooperation with the surrounding property owner who has not communicated with the school, the need to put this project on hold until negotiations could come forward for the school, how the school needs to be expanded, and communication needs to take place first.

DARRYL LAWRENCE, resident of Bluff Drive, spoke of how it makes more sense abutting Cardoza Road straight, makes more sense to run Cardoza Road straight behind the houses on Bluff Drive and addresses the greenbelt issue, and inquired if the infrastructure was made to accommodate this development; Senior Planner Elms confirmed that it was sized for this project; Mr. Lawrence spoke of how originally other things were going to be done and now they changed their mind and more thought should be put on this.

TISHA BLACKWOOD-FREITAS, representative of Green Valley Charter School, spoke of the school community and questioning this plan, concerned this plan doesn't take into the operations of this school, how the school is working on an expansion and was not notified of this plan until recently through the property owner, how the traffic will increase and use of road is already at capacity, how she is not opposed to plans but concerned about current infrastructure in the area, services for this type of development would not be addressing their needs, and thanked the Planning Commission for their consideration.

CLAUDIA JORDAN, resident of Bluff Drive, spoke of the history of Cresthills I subdivision originally being for custom homes and how that changed over time and now they are not all custom homes, how she bought her home in that area because she felt she would keep the value of her home but its no longer a custom home subdivision, how there are predictions that in 2018 there will be another housing market downturn, how this project is not just today and next year its for the future, how she has lived there for 25 years with a beautiful view, how she would like the greenbelt walkway still, and asked Planning Commission for their consideration.

MEL BIGGS, 515 Bluff Drive, spoke in favor of a greenbelt walkway and not wanting neighbors or big houses right behind him.

ANDREW MEZA, 1858 Center Avenue, agreed with previously stated concerns and inquired about the expansion of Center Avenue and where it ends at the end of his yard; Senior Planner Elms responded that the right-of-way is from sidewalk to sidewalk, how on his property most likely additional frontage would have to be dedicated in order to develop Center Avenue, and how the project proponent will need to acquire that from him; Mr. Meza inquired if the City was going to take some of his front yard; Senior Planner Elms responded that the City would request dedication for the build out of Center Avenue; Mr. Meza spoke of how congestion is a current problem, it doesn't make sense to do this project right now, and spoke of how he does not support this project.

MATT BUFFUNO, 507 Bluff Drive, spoke of how this project will be taking agriculture away from the community, how he is a high school agriculture teacher, how agricultural education is harder to teach because less and less students have the opportunity to live on a farm or see farmland, how one of the problems facing agriculture is urban sprawl, how the agricultural land behind Bluff Drive is prime soil, how he is upset as an agricultural educator about taking more and more farmland, how Los Banos has changed a lot since 1992 for good and for bad, how he teaches agricultural education in Gustine, how they don't allow as many homes like this to be built, how Los Banos was built on agriculture, and asked the Commission to keep that in mind when making their decision tonight.

TODD BAKER, Los Banos, spoke of how these residents came out ten years ago on this topic, how it tells the community to not to bother showing up to these meetings if the Commission doesn't listen now, and asked the Commission to vote no.

Chairperson Spada stated that the Commission respects the residents' opinions and how the Commission does listen and will take this into consideration.

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

Chairperson Spada inquired about the history on this issue of the greenbelt and how the agreement was first reached.

Senior Planner Elms emphasized page 5 of the staff report in which it discusses the original condition, the proposed revision, and the residents' original request for a landscape buffer behind Bluff Drive, then the placement of Cardoza Road, then the new homes.

Commissioner Toscano inquired as to how many feet the setback would be on Mr. Meza's front yard for dedication on Center Avenue.

Senior Planner Elms responded that it depends where the public right-of-way starts, she was not sure off top of her head, how a condition of approval was incorporated to require curb and gutter on the cemetery side of Center Avenue and the developer would develop up the curb and gutter up to the masonry wall on the east side of Center Avenue.

Commissioner McCoy spoke of how it was previously stated that the original agreement expired and the applicant applied for a new one and inquired if that is why we can change Conditions of Approval #18.

Senior Planner Elms responded that the area plan never expires and runs with the land, how it was the old tentative map for the Villas and the original development agreement that expired, how the area plan stands and the conditions stand, and that's why the applicant is asking to revise the condition on the area plan.

Commissioner Faktorovich inquired if it is incorrect that this greenbelt walkway that was previously planned and is now changed to be different than the original plan.

Senior Planner Elms responded that staff didn't look at that during that time, spoke of how staff only looked at scope of property lines within the Whitehurst property, and how this was not considered because development wasn't considered at that time other than parceling off the chapel from the rest of the parcel.

Commissioner Faktorovich spoke of how the greenbelt is a concern among the residents and the need to clarify that issue and be consistent with what was proposed.

Senior Planner Elms stated that the proposal consists of removing the landscape area between Bluff Drive and Cardoza Road and replacing the landscaping with custom built homes.

Commissioner Cates thanked Granville Homes for taking interest in Los Banos, how he wished we had this turnout at every meeting, how input like this tonight is what is important, implored the community to come out, stated that with all due respect to the developer it sounds like some things came up in which there wasn't any communication with Bluff Drive residents or the charter school, how conversations need to take place with residents now, and the need for balance and to grow sensibly with consideration for everyone involved.

Commissioner McCoy inquired if the charter school got the notice.

Senior Planner Elms responded that the property owners within a 300 foot radius were notified and a notice was published in the newspaper, stated that the school does not own the property, how Mr. Meza had notified the school, and how the City met all government code requirements for noticing.

Commissioner McCoy responded that the residents of Bluff Drive want the greenbelt for privacy and value of homes, how something changed without enough input from the public, how this type of project should perhaps have a workshop beforehand like design review before it comes for approval, how he works in the agricultural industry, how the farmer sells the land for the development and it's a business, how there will be development and growth, and being unsure of what the Commission's actions will be today.

Senior Planner Elms stated that the majority vote on the motion will be the recommendation made to City Council.

Commissioner Limon spoke of how he thinks its awesome to see people here and speak on their concerns, how he is very mindful of agriculture and understands these concerns, how it will be tough either way, and how the Commission can only make recommendation on this, and this being a difficult decision.

Senior Planner Elms clarified to the Planning Commission that tonight their action is to approve or deny or conditionally approve the tentative map and recommend approval for area plan amendment and the final development plan and clarified that if their recommendation is to not approve the area plan revision then they cannot approve tentative map because it wouldn't be in conformance with their recommendation.

Commissioner Faktorovich spoke of how it appears to him that there is a lack of understanding on all sides because of vague wording of the condition and suggested moving the public hearing to a later date with clarity on what was changed.

Senior Planner Elms clarified that the original area plan did not show a landscape path, how it the only part that has changed is the actual wording of the condition which was included in the staff report, and based on public comment in 2006 a condition was formed to add the landscape path.

Chairperson Spada spoke of there being a few scenarios including an option to allow a the developer to build a 2 story home only where an existing 2 story home is located behind it, another option being to honor the original condition that the City Council approved which would extend the cul-de-sacs and put the greenbelt back in, and spoke of how he doesn't understand how we can go against a prior City Council vote.

Mr. Abbott spoke of how state law provides planning type actions come to Planning Commission for recommendation, how there is nothing unusual about requests to modify existing policy, suggested making recommendation to City Council on whether the area plan should be amended, once they decide that issue then it will open up their decisions on the following entitlements, how the first task is to take action on the environmental document then the second task would be to entertain a motion on the area plan, how if they decide against amending the area plan and preserving the landscape strip then they would take action on the tentative map and have to make a finding that it is consistent with the area plan, how if they deny the area plan amendment then they have to deny map, how this is what state law contemplates, suggested getting the environmental document done then making a motion on the area plan then making a motion on the map.

Commissioner Toscano spoke of her disappointment in this happening and asked where the condition went.

Senior Planner Elms stated that the applicant is fully aware of the condition and that is why they are asking for the amendment.

Commissioner Toscano spoke of how she doesn't understand why Cardoza Road doesn't go straight through, how this development is needed, how she doesn't like urban sprawl but there is a lack of southside homes available, likes this idea of custom lots that back up to Bluff Drive, and how she has a difficult time saying yes to this but wants the development to move forward.

Commissioner McCoy asked about the Project Review Board's thoughts on this project.

Senior Planner Elms explained that Cardoza Road would be within the gated community and would be private with larger setbacks and single story homes and would be a compromise with existing homes, how discussion was centered around that and analyzed based on the original area plan, how the area plan looks essentially the same with the jog in the road, how it is still relatively the same in regards to circulation, how the original area plan didn't show graphics for the landscape plan and was purely text, and how that was done after the area plan was created.

Commissioner McCoy spoke of how he has an issue with having to make a recommendation that goes against what residents originally fought for and won.

Chairperson Spada spoke of the gated community with walking path greenbelt area and inquired where it starts and ends and if it would be kept separate from their gated community.

Senior Planner Elms responded that Cardoza Road would have a gate entrance by Whitehurst Funeral Chapel and there would be good neighbor fences along Bluff Drive.

Chairperson Spada inquired what kind of fence on the development side.

Chairperson Spada reopened public hearing.

CLAUDIA JORDAN, resident of Bluff Drive, spoke of original plans from the developer, how residents previously came here and said they want a buffer, understands that they cannot stop development, how they got together as neighbors didn't want two story houses behind them, and how she is recommending one story houses behind Bluff Drive; Commissioner Faktorovich inquired Ms. Jordan would be satisfied if she was assured there wouldn't be 2 story houses and there would be a buffer; Ms. Jordan spoke of wanting the original plan that was approved to be honored.

Commissioner McCoy inquired what did residents envision as the greenbelt.

Ms. Jordan spoke of a greenbelt walkway being similar to what currently exists from Ortigalita Road down Cardoza Road through to Wal-Mart.

Commissioner McCoy spoke of how the developer didn't own that northern parcel back then and now they do and now the Planning Commission has to make decisions now based off what we have here.

JEFF ROBERTS, Granville Homes and Ranchwood Homes, spoke of how he doesn't have the benefit of having been here ten years ago, how didn't realize the dynamics of this issue, has heard comments today, feels they have put together a good proposal with lower density and with larger custom lots, feels this buffer behind the gate would be better than a public greenbelt running adjacent to the lots, the need for the Planning Commission to consider whether the environmental document is adequate and whether they want to make the change to the area plan, if they do want to change the plan then the map would fit that, asked if they don't want to modify the plan to then please give him a chance to modify the map to fit the current area plan, spoke of how he thinks City Council gave good direction, and asked for the Planning Commission to pause after the area plan discussion and then give him additional direction if necessary.

TISHA BLACKWOOD-FREITAS, Green Valley Charter School, spoke of representing 200 families, how she doesn't know if the school has been recognized in the environmental document, environmental benefits of this school to the community and the issues facing them, and would like to know how it will impact the students when construction begins.

ANDREW MEZA, 1858 Center Avenue, asked for clarification of setbacks and sidewalks.

Senior Planner Elms responded that the property owner would be given fair value of that land, City wants to see infrastructure and connectivity and safe travels to schools, prefers there not be a gap there, and how staff would work to get the property dedication at a fair value.

Mr. Meza inquired about there being a sidewalk in front of his house.

Senior Planner Elms responded that there would be full improvements to the masonry wall including a sidewalk and landscape buffer similar to what is on Ortigalita Road but that would be negotiated with the property owner.

Chairperson Spada closed the public hearing.

Commissioner Toscano inquired if it was a factor that there is knowledge of a school on the Meza property and if it would need to be mitigated.

Senior Planner Elms spoke of how population growth mitigates school facilities, how CEQA mitigates air quality, traffic, noise, hazardous and biological substances, how this project was deemed to have potentially significant impacts but could be mitigated and changed to less significant impacts, how school facilities would be adequate and based on the amount of increase of fees it would create new facilities and justify that part of CEQA, in terms of construction is identified in CEQA and mitigation requirements would apply.

Commissioner McCoy inquired that since the charter school didn't exist in 2006 if the developer has to communicate with them.

Senior Planner Elms spoke of how the environmental document does not take into account the individual charter school but it takes into account the Los Banos Unified School District and how it analyzes the facility's needs based on the district.

Mr. Abbott spoke of CEQA and how impact fee statues provide that the payment of impact fees of the developer mitigates all impacts associated with construction, statue doesn't draw distinction between public and privates schools, does not address existing school facilities which could be impacted by adjacent schools, statue is not completely comprehensive in character, only addresses need for new facilities, the Commission would be required to determine that environmental document is adequate for all purposes which would include the existing physical environment which the school is part of the existing environment and adequately addressed, built upon a prior environmental document, not in a position to tell you if the scope is sufficient for the existing charter school, and asked for a couple minutes with the Senior Planner for discussion.

Commissioner McCoy inquired when the northern parcel was purchased.

Mr. Roberts responded that it was purchased two years ago.

Senior Planner Elms stated that the school has only been physically located there about a year.

Mr. Abbott spoke of how he doesn't think CEQA's required issues include how a land development project like this might foreclose a potential expansion, the expansion is entirely speculative and not an issue of consideration of the environmental document.

Commissioner McCoy inquired should it have been considered in the impacts.

Chairperson Spada called a five minute recess at 9:19 p.m.

The Commission returned to the dais and resumed the meeting at 9:31 p.m.

Mr. Abbott spoke of this being an unusual situation, how the previously approved area plan has gone thru environmental review, previously granted entitlements for the development agreement which has expired, how the prior vesting map is still alive, how the existing entitlement is still in place, how the general CEQA practice is to assess the existing physical environmental, school facility does not appear to have long term lease, we don't know or have proof of any environmental review, under these circumstances the introduction of a school into a previously approved area for urban development isn't a substantial change in circumstances that dictates a significant examination on environmental issues, guidance is to accept negative declaration that has been prepared and take action on whether not to recommend approval of the area plan amendment and stop at that point, the action would be taken on Resolution #2016-17 for the area plan amendment and then we can decide what next action would be.

There was further discussion among the Commissioners, staff, the project applicant, and legal counsel regarding how the existing policy calls for a landscape area and pathway and the request before the Commission for an amendment to the area plan.

Motion by Commissioner Cates, seconded by Commissioner Limon to deny Planning Commission Resolution No. 2016-17 – Recommending Approval to the Los Banos City Council of Revised Villas Area Plan Annexation (ANX #2001-05) Previously Adopted by City Council Resolution No. 4680 on January 18, 2006. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

Mr. Roberts stated that considering this action, he would like an opportunity to amend the map to reflect this.

Senior Planner Elms stated that the item can be continued to May 25<sup>th</sup>.

Motion by Commissioner McCoy, seconded by Commissioner Cates to continue Public Hearing – to Consider Vesting Tentative Tract Map #2016-01, Final Development Plan #2016-01, and East Center Area Plan Amendment for The Villas Consisting of the Subdivision of Approximately 58.8 Acres into 378 Single-family Residential Lots Ranging from Custom and Semi-custom Homes to Production Homes; Approximately 51 Acres of the Project Site Will be Contained within a Private Gated-community with a Four Acre Park/Detention Basin; the Final Development Plan Consists of Site Design and Conceptual Architecture to Implement the Planned Development Zoning; the

Project Site is Located East of Center Avenue, South of the Cresthills #1 Subdivision, West of Cresthills #2 Subdivision, and North of Pioneer Road and the City Limit Line; More Specifically Identified as Assessor's Parcel Numbers: 431-270-010 and 431-270-004 to the Planning Commission meeting on May 25<sup>th</sup> at 7:00 p.m. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

**PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2016-02, FINAL DEVELOPMENT PLAN #2016-02, AND EAST CENTER AREA PLAN AMENDMENT FOR THE HILL PROPERTY CONSISTING OF THE SUBDIVISION OF APPROXIMATELY 24.4 ACRES INTO 138 SINGLE-FAMILY RESIDENTIAL LOTS; THE FINAL DEVELOPMENT PLAN CONSISTING OF SITE DESIGN AND CONCEPTUAL ARCHITECTURE TO IMPLEMENT THE PLANNED DEVELOPMENT ZONING; THE PROJECT SITE IS LOCATED EAST OF CENTER AVENUE, SOUTH OF THE PROPOSED VILLAS SUBDIVISION, WEST OF CRESTHILLS #2 SUBDIVISION, AND NORTH OF THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 431-270-005.** Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Senior Planner Elms stated that the two comment letters from Chris White with Central California Irrigation District (CCID) and from Dean Bubar with Los Banos Unified School District that were read into the record for the previous public hearing also applies to the this public hearing.

Chairperson Spada opened the public hearing. JEFF ROBERTS, Granville Homes, spoke on behalf of the applicant, spoke of how they have been working with staff on modifications for Street G, leaning towards connecting Court G with Street G, also those street names are placeholders and do not intend on keeping those names, willing to stub the cul-de-sac to the south, doesn't think that will please property owner though, and open to the Planning Commission's recommendation; FRANK L. VIEIRA JR., 19850 Pioneer Road, spoke of his concern with master drain that starts at stockmen's gravel pit and dumps into the CCID canal which has to remain open, how this was addressed in 2006 and was resolved, how it is all piped to CCID canal, how the exit on southside is not okay and should be removed, how his property butts up to their proposed subdivision and recommended a masonry wall to go down both sides of his property on the north and east sides to be done at the time construction starts, and doesn't want a stub out to his property.

Commissioner Toscano inquired if there was plans to put in retaining wall.

Mr. Roberts responded that typically you put a wooden fence between residential and residential.

Senior Planner Elms spoke of this being low-density residential and staff would recommend wooden fence, looking out for future plans and master planning of the area,

asking for connection there so there would be better connectivity and circulation between subdivisions.

Mr. Roberts spoke of how the fence would typically be done at end of construction but they can put it first.

Senior Planner Elms stated that they can stub out Court L and stubbed and possibly fence it so that Mr. Vieira wouldn't see a stub just so we can have future connection for a future subdivision.

Commissioner McCoy inquired if there is a set way to do this when it comes to R-2 zoning abutting up to agricultural zoning.

Senior Planner Elms responded that a wooden fence is what staff suggests unless there is a sound wall issue due to traffic but since there is no roadway proposed it would not be compatible with a masonry wall.

Mr. Vieira spoke of his concern on wooden fence and the need for sound barrier due to having tractors that run up and down and blowers that make dust, and how he wants that to be taken care of.

TED MEZA, Los Banos, spoke on the extension on school and how he didn't get a satisfying answer.

Chairperson Spada spoke of the environmental impact report consideration being for public schools, how private school brings more on, how Mr. Meza wants the ability to expand, and suggested talking to staff regarding concerns.

Senior Planner Elms suggested Mr. Meza talk to property owner, how this is a civil issue and City cant get involved, and how this is an issue between property owners to discuss.

Mr. Meza asked the Commission to hold up the project until negotiations happen.

Chairperson Spada responded that the Commission legally cannot do that, if applicant is following law then they can't hold them up, and how Mr. Meza needs to work it out privately.

Commissioner McCoy inquired if there was another option besides wooden fence and masonry fence.

Mr. Roberts spoke of being willing to sit with the neighbor and discuss options, willing to do this upfront to establish this line right away, not insensitive to almond issues, and how the applicant participates in growing almonds as well.

Commissioner Toscano thanked the developer, urged Mr. Meza and Ms. Freitas to talk to developers themselves, and knows the developer wouldn't want to upset them.

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

Commissioner McCoy asked for clarification in the street connection and stubbing.

Senior Planner Elms stated that the condition is already there for the connection and that the Commission can add extra language to add a fence to the stub to add a fence to the stub on Resolution No. 2016-19.

Motion by Commissioner Cates, seconded by Commissioner Faktorovich to adopt Planning Commission Resolution No. 2016-18 – Approving the Hill Property Approving The Hill Property Vesting Tentative Tract Map No. 2016-02 for the Subdivision of Approximately 24.4 Acres into 138 Single-family Residential Lots Located Generally East of Center Avenue, South and West of the Villas Subdivision, and North of the City Limit Line; More Specifically Identified as Assessor's Parcel Number: 431-270-005. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

Motion by Commissioner McCoy, seconded by Commissioner Limon to adopt Planning Commission Resolution No. 2016-19 – Recommending Approval to the Los Banos City Council of Final Development Plan #2016-02 for the Hill Property with the addition of a fence along the stubbed Court L. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

City Attorney Vaughn returned to his seat in the Council Chambers at 10:31 p.m.

**PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2015-01 AND FINAL DEVELOPMENT PLAN #2015-01 FOR SOUTHPOINTE AT REGENCY PARK FOR THE SUBDIVISION OF 109 ACRES INTO 510 SINGLE-FAMILY RESIDENTIAL LOTS, SITE DESIGN AND CONCEPTUAL ARCHITECTURE TO IMPLEMENT THE PLANNED DEVELOPMENT ZONING, APPROXIMATELY 2.59 ACRES OF OPEN SPACE, AND A 10 ACRE DETENTION BASIN LOCATED EAST OF PLACE ROAD, NORTH OF THE VERONA ESTATES, AND WEST OF WARD ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 424-120-009 AND 073-220-015 (CONTINUED FROM APRIL 27, 2016).** Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Senior Planner Elms read two comment letters into the record from Al Anderson at 2079 Venetia Street and from Carlos Reynoso, a resident in the Verona subdivision.

Chairperson Spada opened the public hearing. JEFF ROBERTS, on behalf of Granville Homes and Ranchwood Homes, concurs with staff recommendation, on April 27<sup>th</sup> asked Planning Commission to let him work with staff, were successful in coming to a

conclusion on design aspects of Ward Road and traffic calming enhancements along canal, set a trend for this project and the upcoming Northpointe project, how the applicant has a couple issues to address including the parking area in the open space feature in which they haven't worked out the design yet and will need to do so, Condition of Approval #36 which discusses barricades prior to acceptance in which will need to be discussed with staff, an issue with Condition of Approval #48 for the timing of improvement for Ward Road, applicant isn't sure on timing for any of these phases and don't want to build a road that goes nowhere and ends in a dead end cul-de-sac, asked Planning Commission to eliminate Conditions of Approval #48 please so we can build Ward Road when the development occurs, and thanked the Commission for their indulgence and support of the project.

Senior Planner Elms spoke regarding barricading streets and how staff does work with the developer but it's a public safety concern, thinks we can come to an agreement on that, regarding Conditions of Approval #48 if Planning Commission doesn't feel its necessary then its their choice, makes more sense from developer's perspective to develop from Ward Road starting there on the onset and wouldn't have any benefit so staff wouldn't have an issue, and had asked Police Chief Brizzee if he had concerns.

City Attorney Vaughn inquired what phase they were looking at completing Ward Road because that would affect the drainage basin as well.

Mr. Roberts spoke of how they haven't worked out their phasing yet but would be happy to work with staff on that, to put in a facility that has no use becomes an attractive nuisance, how drainage has to be in phase 1 but goes north of that, doesn't have problem with providing access to basin, and they could provide Ward Road extension with turnaround at the basin until such time the roads are built.

City Attorney Vaughn asked if there would be an open ended condition or specific language for the condition.

Mr. Roberts spoke of how they will build Ward Road as agreed to but don't want to build a road and just have it sit there and they can work out phasing and show staff.

City Attorney Vaughn stated that's reasonable to do phasing and develop as necessary, thinks a condition can be created to agree with phasing plan and agreed on by staff with staff discretion, condition can say improvements will be built in conformance with the phasing plan to be agreed upon by the developer and staff as opposed to eliminating the condition, not uncommon that these developments are phased, and can get infrastructure built in a reasonable manner when it's time.

Commissioner McCoy inquired if staff was okay with eliminating Conditions of Approval #36.

Senior Planner Elms stated that it could be amended to say staff will work with developer.

City Attorney Vaughn suggested to incorporate that sheet that was passed around with different configuration for the north corner of the development and incorporate that into the approvals.

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

Chairperson Spada spoke of not being sure about metal roofs.

Commissioner Toscano stated there was one by her house on Monroe and its nice.

Commissioner Cates inquired what the smallest square footage of house in this development could be.

City Attorney Vaughn stated that its on back of elevations, as small as 1200 square feet.

Motion by Commissioner McCoy, seconded by Commissioner Cates to adopt Planning Commission Resolution No. 2016-13 – Approving Southpointe at Regency Park Vesting Tentative Tract Map #2015-01 for the Subdivision of Approximately 97 Acres into 510 Single-family Residential Lots Located Generally East of Place Road, South of the Villa Burano Area Plan, West of the San Luis Canal, and North of the Verona/Mission Estates, More Specifically Identified as Assessor's Parcel Numbers: 424-120-009 and 073-220-015 with changes to Conditions of Approval #36 to staff to work with developer on the barricading on the street and changes to Conditions of Approval #48 that improvements will be built in conformance with the phasing plan to be agreed upon by the developer and staff and the addition of the Ward Road revised plan received by the Engineer as Exhibit E. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

Motion by Commissioner Cates, seconded by Commissioner McCoy to adopt Planning Commission Resolution No. 2016-14 – Recommending Approval of Final Development Plan #2015-01 for Southpointe at Regency Park. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

Senior Planner Elms spoke of staff's desire to adjourn the meeting to Monday, May 16, 2016 at 5:00 p.m. at City Hall in the Council Chambers.

**PUBLIC HEARING – TO CONSIDER SITE PLAN REVIEW #2016-04 FOR THE REMODEL OF AN EXISTING SINGLE TENANT RETAIL BUILDING OF APPROXIMATELY 85,000 SQUARE FEET ON APPROXIMATELY 6.77 ACRES TO A MULTI-TENANT RETAIL BUILDING IN WHICH SAVE MART WILL OCCUPY APPROXIMATELY 52,000 SQUARE FEET LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT AT 1400 S. MERCY SPRINGS ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 083-130-040.**

Chairperson Spada adjourned the meeting at 11:13 p.m. to Monday, May 16, 2016 at 5:00 p.m. at City Hall in the Council Chambers.

**DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF NEW 2,790 SQUARE FOOT, SINGLE STORY OFFICE BUILDING LOCATED AT 1317 S. SIXTH STREET IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT.** Chairperson Spada adjourned the meeting at 11:13 p.m. to Monday, May 16, 2016 at 5:00 p.m. at City Hall in the Council Chambers.

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.** No report.

**PLANNING COMMISSION MEMBER REPORTS.**

**CATES:** No report.

**FAKTOROVICH:** No report.

**LIMON:** No report.

**LLAMAS:** Absent.

**McCoy:** No report.

**SPADA:** No report.

**TOSCANO:** No report.

**ADJOURNMENT:** The meeting was adjourned at the hour of 11:13 p.m. to 5:00 p.m., Monday, May 16, 2016 to Hold a Public Hearing to Consider Site Plan Review #2016-04 for the Remodel of an Existing Single Tenant Retail Building of Approximately 85,000 Square Feet on Approximately 6.77 Acres to a Multi-tenant Retail Building in which Save Mart will Occupy Approximately 52,000 Square Feet Located within the Highway Commercial Zoning District at 1400 S. Mercey Springs Road, More Specifically Identified as Assessor's Parcel Number: 083-130-040 and to hold a Design Review Study Session for the Development of a New 2,790 Square Foot, Single Story Office Building Located at 1317 S. Sixth Street in the Highway-Commercial Zoning District.

APPROVED:

*/s/ Tom Spada*

Tom Spada, Chairperson

ATTEST:

*/s/ Sandra Benetti*

Sandra Benetti, Planning Technician