

**CITY OF LOS BANOS
PLANNING COMMISSION SPECIAL MEETING MINUTES
FEBRUARY 5, 2019**

***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 Cates called the Planning Commission Special Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Commissioner Giuliani.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, David Dees, Mona Giuliani, Tom Spada, and Susan Toscano.

STAFF MEMBERS PRESENT: Community & Economic Development Director Elms, Associate Planner Rudy Luquin, Planning Technician Sandra Benetti, and City Attorney William A. Vaughn.

REORGANIZATION OF PLANNING COMMISSION – SELECTION OF NEW CHAIRPERSON AND VICE CHAIRPERSON.

Commissioner Toscano moved to nominate Commissioner Cates as Chairperson.

Motion by Spada, seconded by Dees to close nominations for Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Spada, seconded by Dees to nominate Commissioner Cates as Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

Commissioner Toscano moved to nominate Commissioner Spada as Vice Chairperson.

Motion by Giuliani, seconded by Dees to close nominations for Vice Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Giuliani, seconded by Dees to nominate Commissioner Spada as Vice Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Giuliani, seconded by Dees to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE PLANNING COMMISSION 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 Cates opened the public forum. No one came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER RECOMMENDING TO THE LOS BANOS CITY COUNCIL GENERAL PLAN AMENDMENT #2018-03, ZONE CHANGE #2018-03, AND A MITIGATED NEGATIVE DECLARATION (SCH#2019011005) CONSISTING OF A GENERAL PLAN AMENDMENT AND ZONE CHANGE TO REDESIGNATE APPROXIMATELY 5 ACRES FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL FOR THE DEVELOPMENT OF 96 MULTI-FAMILY RESIDENTIAL UNITS LOCATED ON THE WEST SIDE OF MERCY SPRINGS ROAD (SR 165) NORTH OF SANTA BARBARA STREET AND EAST OF SANTA VENETIA STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 082-030-051. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation, noting that a comment letter was received by the Los Banos Unified School District’s legal counsel, Lozano Smith Attorneys at Law, regarding school fees and reminded the Commission that our land use legal counsel, Abbott & Kindermann, advised the City follow all local and state standards regarding prevailing law on school impact fees.

Commissioner Dees inquired about gas tax and where those funds come from.

Community & Economic Development Director Elms responded that fuel tax comes from the State and funds our street repairs and street work and spoke of the State pursuing legal action against jurisdictions who aren’t in compliance with their Housing Elements.

Commissioner Giuliani inquired when the cutoff date for compliance will be.

Community & Economic Development Director Elms responded that the City was formally notified by the State Department of Housing and Community Development that we have not met certain milestones and gave us a timeline to comply, we gave explanation to state and they allowed us until end of March to get City Council approval.

Commissioner Spada inquired as to who is paying these costs.

Community & Economic Development Director Elms responded that the applicant paid an application fee/deposit, they will pay for the traffic study, and stated that this property owner allowed City to move forward with the General Plan Amendment and Zone Change.

Community & Economic Development Director Elms reiterated for the record that this is strictly a land use entitlement for compliance with the Housing Element and future construction will require Site Plan Review at that time.

Commissioner Giuliani inquired if the traffic items in the Mitigation Monitoring Plan is compliance with option 2 of the comment letter from the school district.

Community & Economic Development Director Elms responded that the school district is asking for mitigation directly related to schools, those traffic mitigation measures are directly related to the impact of this project and its impact to the immediate vicinity and the intersections that were analyzed in the traffic study, and it doesn't address school facilities.

Commissioner Dees inquired if this was discussed at the 2x3 City/school district meetings.

Community & Economic Development Director Elms responded that those meetings are held among a combination of Los Banos Unified School District and City Council Members, how this item hasn't come forward to City Council yet, this is a high level discussion, and stated that the property owner has had conversations with the school district.

Commissioner Dees inquired if staff was aware of the outcomes.

Community & Economic Development Director Elms responded that those discussions don't relate to this project as within the purview of the Planning Commission.

Chairperson Cates opened the public hearing. ROBERT CHEEK, 1148 Saratoga Street, spoke of his concern regarding fiscal aspects of this impact of development including road costs and traffic, the lack of ease of access of information, how addition of 96 units would need a sound wall and this would impact cost of construction, traffic is a concern, inquired if there are plans to open certain streets up to Mercey Springs Road, and stated that empirical information like money and time should be available online. DON LARSON, Los Banos Unified School District, spoke regarding the school district's support for this project and understands the importance of these land use entitlements, how their goal is to provide an optimum learning environment for students, how SB50 provides for statutory fees, the Los Banos Unified School District levies level 2 fees, this is never enough money to build a school, how they work with developers to enter into mitigation agreements to mitigate costs in excess of SB50 fees, these agreements are voluntary, pleased to have many developers agree that this is good for children and for the community, actively working with Mr. Saremi to enter into a mitigation agreement, appreciative of working relationship with the City especially Community & Economic Development Director Elms, and how statutory development fees will apply if the applicant doesn't agree to enter into agreement.

STEPHANIE EKSTROM, Los Banos, inquired about ability to vote on design of apartment complex after tonight's meeting, don't want value of homes to go down or the riff raff associated with higher density housing, concerned about integrity of her

neighborhood, possible sound wall, and stated that she does not support an apartment complex at this location.

Chairperson Cates stated that the action tonight is only land use entitlement to change the General Plan designation and zoning and that development would come forward at a later date.

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

Commissioner Giuliani thanked Mr. Larson for his feedback and appreciates their dedication to the students in the community.

Commissioner Dees thanked the applicant for investing in this community and applauded their efforts to work with the school district.

Commissioner Spada reassured the folks with concerns that the next phase for development will take into consideration the surrounding areas and encouraged them to participate in that phase of the project.

Chairperson Cates spoke of how the Planning Commission is concerned with how development occurs in our community, how understands impacts of development on the school district, thanked Mr. Saremi for investing in our community, how infill development is very appreciated, we will be doing our due-diligence to ensure design review integrates community concerns at the phase of development, and thanked the community folks for being present tonight.

Community & Economic Development Director Elms clarified that the project site is south of approved development with 14 lots that will also be a buffer between this project site and Saratoga Street and stated that the Site Plan Review phase will include discussion of architecture, landscaping, and lighting.

Motion by Spada, seconded by Dees to adopt Planning Commission Resolution No. 2019-01 – Recommending to the Los Banos City Council Certification of Mitigated Negative Declaration (SCH #2019011005) and Mitigation Monitoring/Reporting Plan for General Plan Amendment #2018-03 and Zone Change #2018-03 for Mercey Springs Road Apartments on Approximately Five (5) Acres Located on the West Side of Mercey Springs Road (SR 165), North of Santa Barbara Street, and East of Santa Venetia Street, More Specifically Identified as Assessor's Parcel Number: 082-030-051. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Spada, seconded by Dees to adopt Planning Commission Resolution No. 2019-02 – Recommending Approval to the Los Banos City Council of General Plan Amendment #2018-03 and Zone Change #2018-03 for Approximately Five (5) Acres Located on the West Side of Mercey Springs Road (SR 165), North of Santa Barbara Street, and East of Santa Venetia Street, More Specifically Identified as Assessor's Parcel Number: 082-030-051. The motion carried by the affirmative action of all Planning Commission Members present.

ADJOURNMENT: The meeting was adjourned at the hour of 7:58 p.m.

APPROVED:

/s/ John Cates
John Cates, Planning Commission Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician