

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JULY 8, 2020**

***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 Meeting to order at the hour of 4:00 p.m.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Higby.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Thomas Higby III, Rob Robinson, Susan Toscano and Katherine Uhley were present remotely via the GoToMeeting web based application.

STAFF MEMBERS PRESENT: City Attorney William A. Vaughn, Community & Economic Development Director Stacy Elms, Planning Commission Secretary Sandra Benetti, and Associate Planner Rudy Luquin were present remotely via the GoToMeeting web based application.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Robinson, seconded by Uhley to approve the agenda as submitted. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano, Uhley; NOES: None; ABSENT: None.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JUNE 24, 2020. Motion by Higby, seconded by Uhley to approve the minutes as submitted. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano, Uhley; NOES: None; ABSENT: None.

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. Secretary Benetti confirmed that no public comments were received, and Chairperson Cates closed the public forum.

PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2020-02 FOR MISSION VILLAGE SOUTH PHASE 5B CONSISTING OF THE SUBDIVISION OF APPROXIMATELY 7.81 ACRES INTO FORTY (40) MEDIUM-DENSITY RESIDENTIAL LOTS AND ONE (1) HIGH-DENSITY RESIDENTIAL LOT FOR SIXTEEN (16) MULTI-

FAMILY UNITS AND FINAL DEVELOPMENT PLAN #2020-01 FOR MISSION VILLAGE SOUTH PHASES 5A AND 5B LOCATED EAST OF MERCY SPRINGS ROAD, SOUTH OF MISSION DRIVE AND NORTH OF WILLMOTT AVENUE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-280-012.

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and noted that the resolution numbers were incorrectly printed on the staff report under the recommendation but were correct throughout the remainder of the staff report.

Community & Economic Development Director Elms added that comments were received from the applicant regarding Conditions of Approval for the resolutions ahead of the agenda packet being distributed and were included in the staff report. Staff met with the applicant earlier this week regarding the Conditions of Approval and applicant still opposes several Conditions of Approval.

Associate Planner Luquin spoke to some conditions of approval that were either removed completely or revised. Community & Economic Development Director Elms stated that staff is recommending a trigger within the Conditions of Approval for when the multifamily units need to be built. An agreement has been reached with the applicant on majority of the Conditions of Approval, however there are still four conditions where middle ground needs to be reached. The Commission was assured that staff met with the applicant prior to the meeting in order to address their concerns. City Attorney Vaughn asked if revisions to the Conditions of Approval were physically made and are currently before the Planning Commissioners for which Associate Planner Luquin stated that the revisions were emailed to the applicant, Commissioners and City Attorney prior to the meeting.

Rick Mummert, Benchmark Engineering, spoke on behalf of the applicant. He has worked diligently on this project for the past year and a half and has worked closely with staff. The biggest issue is the medium density requirements as they had to add the multifamily units in order to meet the minimum requirements. He thanked City Attorney Vaughn for bringing up the Conditions of Approval revisions. Feels as though the amenities should have been incorporated into the larger projects and wants to make sure they have a project that is affordable. There are minimal number of lots and units to pay for these. He spoke to the reasoning behind not wanting sidewalks and how it will affect the parking situations. Additionally spoke to some of the other conditions and aspects of the project.

Tiffanie Marshall, Stonefield Home, thanked staff and spoke on behalf of applicant. Stated she has been working with staff over the past week regarding the Conditions of Approval and how she remains in opposition on a few of them. She spoke to her oppositions and some financial situations they are currently and could later face. This would be a small community project and they are not wanting to install a park, play and shade structures because the more amenities that are added, the more the HOA assessment per month will increase for each homeowner. If that happens, these houses would be unaffordable and they will not sell. She does not feel the sidewalks are necessary for this community and spoke to how it would restrict street parking.

There was a lengthy discussion amongst the Commission, staff and the applicant's representatives regarding concerns surround the multifamily units, financial concerns, and deadlines that need to be met in the development process. There was further discussion about other Conditions of Approval still in discussion such as the applicant's desire to not have sidewalks in the development and the possibility of adding a small park facility for the residents that would reside there.

Chairperson Cates recessed the meeting at the hour of 5:38 p.m. for five minutes to receive public comment via email.

The meeting resumed at 5:44 p.m. and Chairperson Cates opened the public hearing.

Secretary Benetti confirmed that two public comments were received for this public hearing item – both from Tiffanie Marshall, Stonefield Home. The first comment spoke to the applicant's opposition of Planning Commission Resolution 2020-18, line items #51, 52, 53 and 65. Her second comment spoke to corrections on prior email submitted stating opposition on conditions exist regarding Vesting Tentative Tract Map #2020-02, opposition of conditions #51, 52, 53 and 65.

Chairperson Cates closed the public hearing.

The issue of no sidewalks in the development was discussed and how a precedent would be set if this allowance was approved. It was noted that Public Works Director/City Engineer Fachin, Police Chief Brizzee and Fire Chief Hurley were all in favor of sidewalks due to safety concerns.

Motion by Uhley, seconded by Robinson to adopt Planning Commission Resolution No. 2020-18 – Approving Vesting Tentative Tract Map #2020-02 for Mission Village South Phase 5B for the Subdivision of Approximately 7.81 Acres into Forty (40) Medium-Density Residential Lots Ranging from 4,046 Square Feet to 12,135 Square Feet and a 43,036 Square Foot High-Density Residential Lot for Two (2) Multi-Family Structures Totaling Sixteen (16) Units Located East of Mercey Springs Road, South of Mission Drive and North of Willmott Avenue, More Specifically Identified as Assessor's Parcel Number: 428-280-012 with the Removal of Conditions of Approval #51, 52, 53, and 65. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano, Uhley; NOES: None; ABSENT: None.

Motion by Uhley, seconded by Robinson to adopt Planning Commission Resolution No. 2020-19 – Recommending Approval to the Los Banos City Council of Final Development Plan #2020-01 for Mission Village South Phase 5 with the Addition of Conditions of Approval #51, 52, 53, and 65 that were Removed from Planning Commission Resolution No. 2020-18 with the Following Language Revisions: (Condition #51) "Construction Shall Commence for the First Multifamily Building After Occupancy of the 20th Building Permit for the Single-Family Dwelling Unit"; "Prior to Occupancy of the First Multifamily Dwelling Unit, a Private Park Shall be Constructed for the Gated Community"; "Proposed Park Shall Have, but Shall Not be Limited to a Play Structure, Shade Canopy, and Picnic

Tables to the Satisfaction of the Community & Economic Development Director in Accordance with the Adopted Final Development Plan”; (condition #65) “Sidewalks Shall be Designed and Constructed per City Standards”. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano, Uhley; NOES: None; ABSENT: None.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF A TRAINING TOWER FOR THE LOS BANOS FIRE DEPARTMENT LOCATED AT 333 SEVENTH STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 025-082-004.

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

There was discussion among commissioners, staff, and the applicant regarding the tower’s intended architecture, how it would be made of prefabricated metal and how the major color of the structure will match the existing building.

Assistant Fire Chief Strauch spoke in greater detail about the tower and its intended use. There was a request brought forth about possibly adding shutters to the windows for which staff stated that it is something that can possibly be added if finances allow, however equipment used during trainings could be damaged by these shutters.

Feedback was given to applicant only; no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms stated that she will be out of the office the next two days but that she is always available by cell phone and email. The next Planning Commission meeting on July 22, 2020 will be held on a virtual platform once again.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Chairperson Cates thanked the Community & Economic Development staff for their work.

HIGBY: Commissioner Higby thanked the Community & Economic Development staff for their work.

ROBINSON: Commissioner Robinson thanked the Community & Economic Development staff for their work.

TOSCANO: No report.

UHLEY: Commissioner Uhley spoke of her excitement for the new training facility for the Fire Department and commended staff.

ADJOURNMENT: The meeting was adjourned at the hour of 6:37 p.m.

APPROVED:

/s/ John Cates
John Cates, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Commission Secretary