

- A. **CALL TO ORDER** – Chairwoman Fregosi called the meeting to order at 6:02 p.m.
PRESENT: Commissioners Bean, Dias, Gonsalves, Hackler, Hillberg, Pedroza
(arrived at 6:08 PM), and Chairwoman Fregosi.
ABSENT: None

B. **APPROVAL OF MINUTES**

1. Regular Meeting of August 6, 2015. Motion/Second (Hillberg/Bean) to approve the minutes as submitted. Carried unanimously with Commissioners Gonsalves and Hackler abstaining, and Commissioner Pedroza absent for the vote.

C. **ANNOUNCEMENTS**

- Chairwoman Fregosi announced that the Stanislaus County Referral items listed on the agenda, including the RAM Farms ice rink project, are for informational purposes only and no action will be taken.
- Deputy Director Debra Whitmore noted that the Annual Planning Commissioner's Workshop is scheduled for Saturday, October 10.
- Regulatory Affairs Manager Garner Reynolds, and Parks, Rec and Public Facility Manager Erik Schulze presented information on the effects of the drought and the water conservation measures being undertaken by the City. Mr. Reynolds provided information on the Governor's Executive Order concerning watering restrictions, and the City's strategy to comply. He also provided information on the number of water usage violations and fines that the City has issued. Mr. Schulze provided information on City water wells that have gone down, and the number of trees impacted by the drought throughout the City.

D. 1. **DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

Commissioner Hackler declared a conflict of interest with Item G.3 – Rezone 15-02 (PD 273) Turlock Walnut Company Expansion, because he has an ownership interest in the project.

Commissioner Pedroza declared a conflict of interest with Item G.2 – Minor Discretionary Permit 15-011 Turlock Assisted Care Center because he lives within 500' and received a public notice for the project. Mr. Pedroza also declared a conflict of interest with Item G.3 – Rezone 15-02 (PD 273) Turlock Walnut Company Expansion, because he has a working relationship with Turlock Walnut.

2. **DISCLOSURE OF EX PARTE COMMUNICATIONS**

Chairwoman Fregosi noted that any Ex Parte Communications for Item G.2. – MINOR DISCRETIONARY PERMIT 2015-11 – TURLOCK ASSISTED CARE CENTER, would be disclosed prior to discussion of the project.

E. **PUBLIC PARTICIPATION**
None

F. CONSENT CALENDAR

None

G. PUBLIC HEARINGS

***CONSENT ITEMS**

1. **AMENDMENT TO CONDITIONAL USE PERMIT 2008-06 – THE UDDER PLACE –**
Staff is requesting that this item be continued to October 1, 2015.

MOTION: Commissioner Hillberg moved, Commissioner Bean seconded, that the Planning Commission continues the amendment to Conditional Use Permit 2008-06 – The Udder Place, to October 1, 2015. Motion carried unanimously.

NONCONSENT ITEMS

To avoid the appearance of a conflict of interest Commissioner Pedroza leaves the room.

2. There were no Ex Parte disclosures stated.
MINOR DISCRETIONARY PERMIT 2015-11 – TURLOCK ASSISTED CARE CENTER:
The project is located at 1015 and 1043 East Main Street, more specifically described as Stanislaus County APNs 042-028-003 and 042-028-004. The construction of a licensed assisted living and memory care community, consisting of a two-story 67,430 square foot building that will include a total of 82 assisted living apartments. The project is exempt from the California Environmental Quality Act pursuant to Section 15332 (In-fill Projects).

Staff Report:

Associate Planner Adrienne Werner presented the staff report. She said that the zoning for the properties is Commercial Office (CO), and convalescent hospitals and nursing homes are permitted uses within the CO zoning district with a Minor Discretionary Permit. Minor Discretionary Permits are typically issued at staff level and do not require a public hearing, and that as part of the public noticing requirements notices are mailed to adjacent property owners. Ms. Werner advised that staff has received several phone calls and correspondence from adjacent property owners as well as requests to have the project forwarded to the Planning Commission for a public hearing and consideration. Turlock Municipal Code (TMC) §9-5-311(c) states that if requested the application shall be forwarded to the Planning Commission for a public hearing.

Ms. Werner noted the neighborhood concerns are about adequate parking, traffic, location of deliveries, noise from emergency response vehicles, car lights shining into the windows of the apartment building next door and across the street, and the impact of the proposed two-story building.

Ms. Werner said the TMC requires a 7' solid masonry wall be constructed along the northern property line separating the project from the residential zoning districts to the north. There is currently a wood fence separating the project from the four-plex, to the east, and that both properties are zoned Commercial Office. Ms. Werner advised that the TMC does not require a masonry wall between two commercial properties. However, because the adjacent use is residential staff has required a 7' solid fence between the properties and the existing wood fence would meet this condition. The adjacent property owner has requested that the masonry wall be extended the length of the east property line to prevent lights from shining into the resident's windows. If the Planning Commission does require a masonry wall along the eastern property line, Condition 13 of Resolution 2015-28 would need to be amended.

Ms. Werner advised that the proposed project does meet the building height standards of the Commercial Office zoning district, and that the proposed on-site parking has been analyzed and is sufficient. She noted that no parking or deliveries will take place in the area along the north property line. The trash enclosure is located at the rear of the property so Turlock Scavenger will be allowed in this area. Ms. Werner noted a traffic analysis from the City Engineer concluded that no significant traffic impacts will be generated by the project.

Ms. Werner said that the applicant has submitted a written request to have the requirement to underground the utilities waived. Staff has agreed to allow the existing above ground utility poles to remain if the street trees were to remain. However, in preparation of the construction plans the applicant learned that on-site parking improvements may necessitate the removal of the street trees. If this is the case the applicant has proposed an alternative in which they would enter into an agreement with the City to defer the improvements should the existing ordinance requiring the undergrounding of utilities be amended.

There was discussion about the requirement to underground the utilities along East Main Street, and the distance from the intersection to the project entrance.

Dave Romano, representing the applicants, spoke about the requirement to underground the utilities and asked that this requirement be modified.

Jay Blatter, representing Hochhauser Blatter Architecture and Planning, provided specific information on the project including the size of the buildings; the number of units; the floor plans; the elevations and living amenities provided; the on-site parking spaces and the site design. Mr. Blatter commented that a 7' wood fence along the east side of the project would fit in better with neighborhood, and that a majority of the ambulance calls would be non-emergent responses without sirens and lights.

Public Hearing:

Chairwoman Fregosi opened the public hearing.

An area property owner commented about the proposed wooden fence along the east side of the development and said he is requesting a block fence along the east to mitigate the impacts of noise and vehicle lights on his adjacent residential four-plex. He also commented on the number of proposed parking spaces.

Martha Cuan commented that she lives adjacent to this development and is concerned that the second floor will be assisted living units that look in to her back yard; that the proposed number of parking spaces will not be adequate; and that the need for ambulances in the area will be increased.

A neighborhood property owner commented on the number of parking spaces proposed for the development, and the location of the driveways along East Main Street. He commented about the impact of car lights shining in to his home when employees were leaving work at night, and the increase of weekend visitors to the care facility that would create an additional demand for parking in the neighborhood. His concerns included the pedestrian safety of the young people walking to and from school in this area and the neighbors who walk to the park; the lack of stop signs and crosswalks at Tahoe and East Main; and the possible increase of ambulance traffic, including siren noise, at the facility.

Hearing no additional comments, Chairwoman Fregosi closed the public hearing.

Jay Blatter responded to the concerns of the neighbors.

Fire Marshall Mark Gomez responded to concerns concerning emergency calls and sirens, and said if there is traffic in the area lights and sirens are required for safety purposes and emergency responders will use their best judgment in these situations.

Chairwoman Fregosi re-opened the public hearing.

Martha Cuan commented about the 20 units designated for individuals with higher acuity needs and asked for clarification.

Jay Blatter responded that these individuals may have mobility issues, or have beginning dementia or mental impairment. Mr. Blatter advised that once 24-hour care is needed the resident/patient would need to be moved to a more specialized facility.

A citizen commented about the potential for noise from employee shift changes late at night that may impact the residential area to the east. This citizen asked if the East Main Street entrances could be moved and the site modified to face the commercial area on Colorado Avenue.

Other citizen concerns included the potential for an increase in the number of cars parked on the streets from visitors that may come after work or on weekends and that on garbage day all the cans are on the street which will impact street parking.

Hearing no additional comments, Chairwoman Fregosi closed the public hearing.

There was discussion about the location of the project driveways; delivery trucks using East Main Street and the location of where the deliveries will be made on the site.

Mr. Blatter advised that delivery vehicles will park in the corner and the deliveries walked to the kitchen.

There was discussion about the location of the trash enclosures and collection times, employee shift changes times, and the number of bike parking spaces required.

Chairwoman Fregosi commented that the proposed use is permitted in the Commercial Office zoning district.

Commissioner Hackler commented that this is a well-designed infill project, and the applicant should be allowed to move forward until the Planning Commission can address the issue of overhead utility lines.

MOTION: Commissioner Hackler moved, Commissioner Hillberg seconded, that the Planning Commission approve Minor Discretionary Permit 2015-11 (Turlock Assisted Care Center), having determined that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Projects) of the CEQA Guidelines, and having found the appropriate findings can be made, subject to the conditions contained in Draft Planning Commission Resolution No. 2015-28, amending condition #15 to allow the developer to defer undergrounding the utilities, and asking that staff work with Turlock Scavenger to mitigate noise impacts to the neighborhood. Motion carried unanimously with Commissioner Pedroza not participating.

Deputy Director Debra Whitmore advised the audience of the 10-day appeal process.

RECESS: Chairwoman Fregosi called a 10-minute recess at 7:35 PM.

RECONVENE: The meeting was reconvened at 7:48PM.

To avoid the appearance of a conflict of interest, Commissioners Hackler and Pedroza leave the room.

3. REZONE 2015-02 (PLANNED DEVELOPMENT 273) – TURLOCK WALNUT

COMPANY EXPANSION: The project is located at 400 D and 400 Third Streets, more specifically described as Stanislaus County APNs 042-028-003 and 042-028-004. The applicant is proposing an expansion of an existing processing plant currently located at 400 D Street onto 400 Third Street, including the reuse of a 900 square foot office building and construction of approximately 62,500 square feet of warehouse, packing, cold storage and fumigation space. A planned development is required to grant an exception from the 20-foot front and corner side yard setback requirements for the Industrial zoning district. This project is Exempt from the California Environmental Quality Act pursuant to Section 15332 (In-fill Projects).

Staff Report:

Deputy Director Debra Whitmore presented the staff report and said the applicant is requesting a rezone from Industrial to Planned Development 273 to allow for the construction of a walnut processing facility with reduced front and corner side yard setbacks. Ms. Whitmore noted that the applicant has stated they do not want to install sidewalks at the site, which is a condition of project approval and a goal of the recently approved Active Transportation Plan (ATP) for additional sidewalks.

Kevin Kjioka, General Manager of Turlock Walnut Company, said they do not want to install sidewalks as part of the project due to the heavy truck traffic along Third Street; the minimal pedestrian traffic in the area; and for monetary reasons.

There was discussion about the condition requiring sidewalks, and that power poles are placed in a sidewalk public right of way.

Development Services Director Mike Pitcock advised that when sidewalks are installed they would need to comply with ADA standards and there would be a possibility that a power pole would need to be re-located and this cost paid for by the developer.

Public Hearing:

Chairwoman Fregosi opened the public hearing.

Elizabeth Claes commented that the ATP encouraged a continuous network of sidewalks and bike paths in Turlock, and she would encourage sidewalks to be installed in this area.

Hearing no additional comments, Chairwoman Fregosi closed the public hearing.

Development Services Director Mike Pitcock said a condition of project approval is to to underground the utilities on this project so poles would not be in the way of a sidewalk.

Commissioner Bean asked if sidewalks have always been required.

Development Services Director Mike Pitcock stated that he cannot recall waiving the requirement to install sidewalks.

MOTION: Commissioner Hillberg moved, Commissioner Bean seconded, that the Planning Commission recommend the City Council adopt Rezone 2015-02 and approve the Conditions of Approval for PD 273 (Turlock Walnut Company Expansion), having determined that the project is

Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) and that the appropriate findings can be made, subject to the conditions contained in Draft Planning Commission Resolutions 2015-30 and 2015-31. Motion carried unanimously with Commissioners Hackler and Pedroza not participating.

Commissioners Hackler and Pedroza are re-seated.

4. **2014-2023 HOUSING ELEMENT UPDATE FOR THE CITY OF TURLOCK) General Plan Amendment 2015-01)** The 5th cycle update to the City of Turlock Housing Element to address new housing targets established by the Stanislaus Council of Governments for the 2014-2023 planning period. The State of California (§ 65580 – 65589.8 of the California Government Code) requires that a city prepare a Housing Element as one of the required seven mandatory elements contained in its General Plan. This action is consistent with the Turlock General Plan and its Environmental Impact Report, and has been deemed exempt from CEQA review pursuant to Sections 15162 (Subsequent EIRs and Negative Declarations) and/ or Section 15262 (Feasibility and Planning Studies).

Staff Report:

Sophie Martin, representing Dyett & Bhatia, said they are updating Turlock's Housing Element in accordance with State law. Ms. Martin provided information on the update process and advised that the deadline for adoption of the Housing Element is December 31, 2015. Ms. Martin provided information on needs assessment and trends in Turlock including population growth, median age growth, need for affordable housing, number of households that include the elderly, disabled, large families and female-headed households with children whose incomes are below the poverty line; the homeless population in Turlock and Turlock's share of the Regional Housing Needs Allocation (RHNA) that requiring Turlock to provide housing for these needs.

Public Hearing:

Chairwoman Fregosi opened the public hearing. Hearing no comments, Chairwoman Fregosi closed the public hearing.

MOTION: Commissioner Bean moved, Commissioner Pedroza seconded, that the Planning Commission recommend the City Council adopt the 2014-2023 Housing Element Update and amend the Turlock General Plan (General Plan Amendment 2015-01) with the addition of Program C described in this staff report, having determined the project is exempt from the provisions of CEQA and having made the appropriate findings contained in Draft Resolution No. 2015-29. Motion carried unanimously.

H. **OTHER MATTERS**
NONE

I. **COMMISSIONER'S CONSIDERATION**
NONE

J. **STANISLAUS COUNTY PLANNING REFERRAL ITEMS**
Deputy Director Debra Whitmore said the following projects were sent to the City of Turlock for review and to provide comments.

- 1) **ORDINANCE AMENDMENT APPLICATION NO. PLN 2015-0047 – HOUSING RELATED CODE AMENDMENTS:** The County of Stanislaus is processing an amendment to its Zoning Code to establish a ministerial process for approving emergency shelters as required under Senate Bill 2. The ministerial process is proposed in the Industrial (M) zone located within the Sphere of Influence of a city. The City of Turlock is one of four cities with County industrial zoning within its Sphere of Influence. The ordinance would require a Conditional Use Permit when a City has adopted an emergency shelter overlay zone for these purposes. She advised that the County has not taken action on this item.
- 2) **STAFF APPROVAL PERMIT APPLICATION NO. 2015-0071 – ASPIRANET DBA EXCELL CENTER:** The applicant is requesting to replace two existing modular buildings with a single modular with the same square footage on a 10.5 acre parcel. Deputy Director Debra Whitmore advised that the City will not be impacted by this project.
- 3) **STAFF APPROVAL PERMIT APPLICATION NO. 2015-0046 – R.A.M. FARMS, INC.:** The applicant is requesting to amend Use Permit Application No. PLN 2013-0032 to extend the length of the season and winter hours of operation, and expand small seasonal activities to both the fall and winter season. Deputy Director Debra Whitmore advised that this is a ministerial project that was forwarded to the City for comments. Ms. Whitmore advised that a neighborhood meeting was held and comments received included concerns that the applicant was not complying with the current conditions of their permit. Ms. Whitmore advised that the County will work with applicant to address the neighborhood concerns, and the City will work with the County to provide comments.

There was discussion about the comments and concerns provided at the neighborhood meeting.

K. COMMISSIONERS COMMENTS

Chairwoman Fregosi commented on the recent joint meeting of the Planning Commission and City Council.

L. STAFF UPDATES

None

- M. ADJOURNMENT:** Chairwoman Fregosi asked for a motion (Hillberg/Pedroza) to adjourn the meeting at 8:48 PM. Motion carried unanimously.

RESPECTFULLY SUBMITTED



Soraya Fregosi
Chair



Debra A. Whitmore
Deputy Director of Development Services