

CITY OF CERES
PLANNING COMMISSION
MINUTES

NOVEMBER 15, 2010

MEETING CALLED TO ORDER: 6:00 p.m.

ROLL CALL:

PRESENT: Del Nero, Kline, Molina, Smith

ABSENT: Kachel

ALSO PRESENT: Public Works Director Glenn Gebhardt, City Attorney Michael Lyions, Redevelopment and Economic Development Manager Bryan Briggs, Planning and Building Division Manager Tom Westbrook, Associate Planner James Michaels, Secretary Sally Estrada

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Smith.

APPROVAL OF MINUTES:

None

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATION:

None

**APPROVAL OF AGENDA AS POSTED (OR AMENDED) AND
CERTIFICATION OF POSTING:**

It was moved by Commissioner Kline; seconded by Commissioner Molina, to approve the agenda as posted. Carried 4/0.

CONSENT CALENDAR:

None

PUBLIC HEARING(S):

2. 10-12 GPA/10-13 RZ/10-14 DSP; Recommendation to the City Council to certify the Final Environmental Impact Report and adopt the Downtown Specific Plan. The proposal involves multiple parcels and requires the approval of various general plan and zoning amendments, and the adoption of the Downtown Specific Plan. Ceres Redevelopment Agency, applicant.

Bryan Briggs, City of Ceres Redevelopment and Economic Development Manager presented the request to recommend that the City Council take the following actions in regards to the Downtown Specific Plan that has been in the process of being developed since October 2007.

Request that the Planning Commission recommend that the City Council:

1. Certify the Environmental Impact Report.
2. Certify the Facts Findings and Statement of Overriding Considerations found in the final Environmental Impact Report.
3. Adopt the Mitigation Monitoring Plan found in the final EIR
4. Approve the General Plan Amendments recommended in the Specific Plan
5. Approve the Rezoning recommended in the Environmental Impact Report
6. Approve the Downtown Specific Plan

Mr. Briggs introduced the members of the consultant team that worked with City Staff from the Redevelopment Agency, Planning and Public Works Departments to prepare the Specific Plan and the EIR. Bruce Brubaker and Brad Johnson from Design Community Environment were in attendance.

Agency Staff and Design Community Environment presented an overview of the Specific Plan and EIR process. They also provided an overview of the concepts and technical requirements of the Downtown Specific Plan and EIR, and the requirements of the CEQA process and the recommended actions being requested of the Commission.

- Commissioner Kline asked about adopting a final EIR for the Downtown Specific Plan. He inquired as to if this is in three phases; in ten years from now, if a developer comes in and wants to do something, who is going to determine if additional EIR's are going to be needed?

Mr. Westbrook responded that City Staff will determine what level of environmental review will need to be done.

- Commissioner Kline asked Mr. Briggs about the copy of letter he gave the Commission from Miss Connor. It looks like you did respond to the letter. Mr. Briggs had asked the City Attorney to review a draft of his response prior to sending it. Commissioner Kline inquired about Mr. Briggs not responding to her question regarding the Downtown Redevelopment project that started in 2007 and being a 15-year project; what is the start date from this project?

Mr. Briggs explained that there isn't a 15-year time period on this document. This document is going to last as long as it's current city policy. The start date is when it's approved by City Council.

- Commissioner Kline asked for clarification of a statement on page 9, "...the benefits of the Specific Plan outweigh the significant, unmitigated adverse impacts." Does that determine that the city can say, that there's a big impact on that, but we don't care, we're going to go ahead and do it anyway, because the fiscal and economic impacts outweigh the adverse impacts?

Mr. Westbrook replied yes. As Mr. Brubaker indicated in his presentation, all of the significant and unavoidable impacts, if this Specific Plan was never approved and never built, would still happen because they are regional in nature.

- Commissioner Kline asked, because of the wording in this, what if, I'm a developer and want to develop something and the EIR comes back stating there are substantial impacts, but my economical impacts outweigh the adverse impacts?

Mr. Westbrook responded this is kind of the program EIR, and there's not a specific project that we can measure. When a developer comes along, whatever that project may be, that's when staff will have the opportunity to identify the various components. At that point in time, staff will determine what environmental review needs to be done. Because we adopt this Specific Plan with significant and unavoidable impacts, doesn't necessarily mean that when development comes in, they won't have to apply to California law and to the CEQA law. We'll still measure those projects and do to the extent that we can to make sure that they impact the environment with the least amount of significance.

- Commissioner Smith asked as each project within this Specific Plan comes forward for review and/or approval, would that tiered EIR then also be part of that approval?

Mr. Westbrook said yes, if it rises to that level. The categorical exemptions in CEQA provide for smaller infield development of those types, that wouldn't rise to that level. If we have to do that increased environmental analysis, we will determine when those projects are presented to us, what significance they may or may not have on the environment, and we can address them when they are an actual project.

- Commissioner Kline asked if easements and setbacks apply for the Downtown Specific Plan?

Mr. Westbrook answered that there are standards that will be developed that are already included in the Downtown Specific Plan in terms of the setbacks requirements and addressing any easement concerns. Mr. Briggs added that to keep in mind that easements run with the land, so unless the parties to the easement are able to reach an agreement, it's a legally binding agreement that will not change.

- Commissioner Kline inquired how the parking is to be addressed with commercial versus residential?

Mr. Westbrook replied that will be in project design when we get to those specific projects. We certainly want this to be a transit oriented, friendly, pedestrian walking downtown.

- Commissioner Kline asked who is incurring the costs of the infrastructure improvements and are current facilities adequate to handle the increase in usage?

City Engineer, Glenn Gebhardt stated that the plan does identify some infrastructure improvements that are required. It also goes through a very detailed examination of the funding that's available. It's a combination in funding of some of the utility accounts and various other funding sources. They made end up needing a local area utility fee that would help that area. There is a very detailed finance plan that's available that explains where the funds will come from.

The public hearing was opened at 6:48 p.m.

The public hearing closed at 6:48 p.m.

Commissioner Smith is very pleased with the final product and is thrilled with all the things this Specific Plan provides for. It's a great foundation for us to bring hope, growth and progress to the downtown area, both economically and in terms of development. Thank you for a job well done.

- Commissioner Molina referenced the letter from Miss Shirley Connor. She mentioned a couple of renters in her block, where the landlords have stated that they aren't going to do any repairs to their property since this is going to be a 15-year project. Since we don't have a beginning and end date, it might be a nice thing to inform the landlords, that if there's a leak in the roof or other issue, they can't really wait fifteen years to address those issues.

Mr. Briggs explained that this plan does not contemplate that the city would intervene in any tenant/landlord disputes. If the property owner was interested in selling the property to the Redevelopment Agency for the purpose of developing under this plan,

they have the ability to contact him for review of that property and whether or not we consider that property to be an opportunity site. Then we would take that through the necessary channels for acquisition, and of course then, beyond that, the tenants have the right to select where they live and under what conditions. Usually it is more difficult for governments to acquire private property. If these landlords feel that owning their property is a burden, he would recommend that they contact him, and we'll evaluate whether or not their properties are opportunity sites.

Mr. Westbrook clarified that the adoption of this plan isn't going to change the status of the residential unit that Miss Connor lives in. If the landlord needs to make any repairs, they should certainly do so.

The public hearing was re-opened at 6:52 p.m.

Shirley Connor - 2083 Magnolia Street, Ceres. She is a homeowner and has spoken to some families in their neighborhood, who are renters. They've said that their landlords will not do any type of repairs. They had misunderstood that this was already a done deal; that we've already started the project.

Commissioner Smith explained that we have been going through process for three years. The stakeholders (the property owners and residents in that area) have been notified through a variety of means; both direct mail and public notice. There have been a number of opportunities for people to ask questions and participate. She understands that it's a complicated and often mysterious process, and there are still opportunities to ask questions and get answers. Commissioner Smith wants to be sure she understands that this is just a plan. In order for anything to take place, it requires developers to come in and look at our community and say, I'd like to do something here. Nobody is going to be interested in downtown Ceres or anywhere in Ceres, to develop, if we don't already have an established foundation telling them what we see for ourselves in the future. This provides them with a template of what is available and what the possibilities are for development.

In terms of what's happening with Miss Connor and her neighbors, Commissioner Smith encouraged Miss Connor that she can continue to enjoy her property for as long as she chooses. In terms of tenant repairs and repairs to the property, the landlord should be interested in maintaining the value of the property as well as whatever obligations he has as a landlord to provide a safe and habitable place to live.

Miss Connor stated that she and some of her neighbors had not received information about Planning Commission meetings. She also asked that the landlords be informed that they are still responsible for taking care of their properties.

Commissioner Smith asked Mr. Briggs for clarification on the delivery of the notices; were they delivered to the property owners as well as the residents or just the residents?

Mr. Briggs explained that in this case, he hand delivered to the residents. The public notices, however were sent to the property owners.

Mr. Westbrook added that when this project started back in 2007, the property owners were notified.

Mr. Gebhardt commented that it's important that the community understands that this is a plan that the Agency, City Council and Commission are encouraging. This Redevelopment Agency and this city do not have the legal authority to buy a private piece of property for a private development. Some agencies do, but the City of Ceres does not.

Commissioner Smith thanked Miss Connor for attending the meeting tonight and sharing her concerns.

The public hearing was closed at 7:02 p.m.

Commissioner Kline thanked staff and the lead agency for putting this together. Once this project comes to fruition in fifteen years, it will be a very viable project.

Commissioner Kline made a motion to adopt PC Resolution 10-12; Commissioner Del Nero seconded the motion. Carried 4/0.

NEW BUSINESS:

None

PUBLIC MEETING(S):

None

UNFINISHED BUSINESS:

None

MATTER INITIATED BY PLANNING COMMISSION AND STAFF

None

REPORTS:

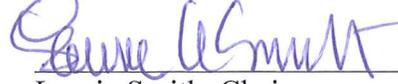
- City Staff – Mr. Westbrook announced that the next County Planning Commissioners' Workshop is planned for February 26, 2011. As more information becomes available, he will forward it onto Commission Members. The City will cover the cost for the Commissioners' attendance.

Planning Commission Minutes
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ADJOURNMENT:

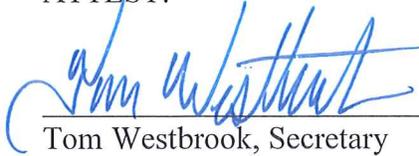
The Commission adjourned at 7:09 p.m. to the next regularly scheduled meeting of Monday, December 6, 2010.

APPROVED:



Laurie Smith, Chairperson

ATTEST:



Tom Westbrook, Secretary