

CITY OF CERES
PLANNING COMMISSION
MINUTES

August 5, 2013

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

ROLL CALL:

PRESENT: Chapman, Del Nero, Kachel, Molina, Student Commissioner Larios

ABSENT: Smith

ALSO PRESENT: Director of Community Development Tom Westbrook, Deputy City Manager/City Engineer Toby Wells, City Attorney Mike Lyons, Associate Planner James Michaels, Assistant Engineer Leisser Mazariegos, Secretary/Deputy City Clerk Ann Montgomery

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Del Nero.

APPROVAL OF MINUTES:

1. It was moved by Commissioner Molina; seconded by Commissioner Kachel, to approve the minutes from the May 6, 2013 meeting; Carried 4/0
2. It was moved by Commissioner Molina seconded by Commissioner Chapman, to approve the minutes from the July 15, 2013 meeting; Carried 4/0.

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATIONS:

None

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

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

CONSENT CALENDAR:

None

PUBLIC HEARING(S):

3. Planned Community Development Plan Time Extension (07-12 PCDP); Proposal for a time extension for a previously approved commercial project that includes four buildings that total 36,000 square feet at 1307 Mitchell Road. The request would allow for up to a 3-year time extension for the project; Tom Mitsopoulos, applicant.

Associate Planner James Michaels presented the staff report.

The Public Hearing was opened at 6:05 p.m.

- Bob DeGrasse, L Street Architects, 1414 L Street, Modesto

Mr. DeGrasse stated he is requesting another time extension, adding that his company's level of work is increasing as well as interest in this particular lot. The extension would allow time to pull everything together and complete the project.

The Public Hearing was closed at 6:06 p.m.

It was moved by Commissioner Chapman; seconded by Commissioner Molina, to approve PC Resolution 13-10; Carried 4/0.

4. Planning Commission Determination 13-07; Proposal to consider declaring Lazy Wheels Mobile Home Park property located at 1941 E. Whitmore Avenue (aka 2343 Herndon Way) as a Group B Nonconforming Use in Group "B" Nonconforming Buildings and establishing a 5-year time limit for termination of the nonconforming use and buildings pursuant to Chapter 18.48 of the Ceres Municipal Code; City of Ceres, applicant. *This item was continued from the July 15, 2013 Planning Commission meeting to ensure adequate public noticing has been given to the tenants who currently reside on the subject property.*

Associate Planner James Michaels presented the staff report.

A short discussion ensued regarding Highway Commercial (HC) zoning designation, and interest in development of the particular area being precipitated by the Whitmore Avenue over crossing being built.

The Public Hearing was opened at 6:13 p.m.

- Jose Diaz, 1941 E. Whitmore Avenue, Space #13, Ceres

Mr. Diaz asked what is going on with the contract, with Caltrans having bought some properties and moved people out. Within five years, are people going to have to move on their own; is Cal Trans going to move them; how is that going to happen?

Deputy City Manager, City Engineer Toby Wells explained that Caltrans is the owner of the property and has the sole discretion of what they're going to do with that property. The City was in negotiations to purchase that property, and those negotiations were not completed. Caltrans has indicated that within the next few months, they will be offering the property for sale. Upon the sale of the property, the residents would pay rent to the new owner, and it would be up to the new owner to make the arrangements for any relocation of residents at some future point.

Mr. Wells explained the purpose of this meeting is because Caltrans is selling the property, and any new owner is put on notice, that this use as a mobile home park, is not what the City intends long term; so, the new owner is aware of that change, that this is a commercially zoned property, not residential. The City had intended to purchase the property, but with the loss of Redevelopment Funds, it is no longer possible.

Commissioner Kachel asked what obligations the new owner has, to relocate the residents off the property.

Mr. Wells explained that he believes there are time frames that are put in place; windows are given, between 12-24 months, to make changes and implement those rules. There's a whole department at the State that governs the closedown and relocation process.

- Resident requested translator, to assist with understanding what is being discussed and the purpose of the meeting.

Leisser Mazariegos, Assistant Engineer provided a summary of what had transpired thus far, and continued interpreting for the remainder of the public hearing portion of the meeting.

- Berta Ruiz, 1941 E. Whitmore, Space # 41, Ceres

Mrs. Ruiz inquired why Caltrans is not here today.

Mr. Wells reported that in the conversations with Caltrans, they appraised the property at its highest and best use, and that's not as a residential property. Their value of the property is determined as a commercial use. From their prospective, they're going to sell it as something other than residential. This is consistent with their appraisal and ownership of the property.

Mrs. Ruiz expressed concern about the mobile home park being residential now, and the residents are scared that Caltrans is going to come in and sell the property as

commercial. The residents are thinking that they're residential, are they just going to kick them out; who is going to advocate for them, who is going to help them out when that's done? *(As interpreted by Leisser Mazariegos)*

Mr. Wells explained that it's under that state process; the City doesn't control who the new owners are. The California Housing and Community Development Department controls the rights and responsibilities of that process of closing out.

Mrs. Ruiz asked if they should talk to Caltrans directly or talk to the new owner. *(As interpreted by Leisser Mazariegos)*

Mr. Wells replied that it's up to them. Caltrans is the current owner; there is a Property Manager for Caltrans, and they can absolutely speak to that person. Once the property is sold, they can speak to the new owner about what the new owner's plans are.

Mrs. Ruiz stated that they'd like to have some protection from the City; the City to back them up, for whenever the new owners come, so they don't just come in and tell them to pick up their things and go. *(As interpreted by Leisser Mazariegos)*

Mr. Westbrook explained, as the City Engineer/Deputy City Manager mentioned, the City has no control over who buys the property; this is just formally announcing to whomever that new owner may be, the ultimate intent is for it to be commercial designation. Even if the Planning Commission doesn't move forward, there's no guarantee who will buy the property, and there's not much the City can do.

Mrs. Ruiz asked for clarification about what will happen if the Planning Commission votes on this today, she wasn't necessarily sure that the new owner was going to abide by the decision of five years. *(As interpreted by Leisser Mazariegos)*

Ms. Mazariegos explained to Mrs. Ruiz that by the Planning Commission's vote today, that puts it in writing that they have a maximum of five years to cease the use of the mobile home park.

- Gustavo Lopez, 1941 E. Whitmore Avenue, Space #33, Ceres

Mr. Lopez stated that the confusion he sees right now and the worry that they have, is some of the people, in talking about the time frame, 5 years, whatever it takes; part of the reason people are worried, all of the houses are no more. We have to keep fixing things as best we can, to keep homes in good shape. At this point, they're wondering if it's going to be worth it to keep making improvements on their homes.

People were expecting to hear something like before; receiving compensation based on the value of their home, when they're removed. People are confused because they're not hearing what they thought the meeting was going to be about. What is going to be the future for everybody in Lazy Wheels Mobile Home Park?

Commissioner Molina suggested that Mr. Lopez hold a community meeting with the residents, as it sounds like he understands the process.

Mr. Lopez remarked that since Caltrans took over the property, things have been terrible; they don't address concerns in a timely manner. People are getting more scared as time goes on, wondering what's going to happen. When Mr. Lopez spoke with his neighbors, they've asked how can we actually find a way to know what the process is going to be; what is the first step; what kind of law is there? Who can we actually go talk to, and ask for help, so that we can start getting prepared ahead of time, so that when the time comes, we will be protected for whatever we are going to be able to qualify for?

Mr. Wells explained that the original units that were relocated and paid for the relocation, there was no other choice; those units conflicted with the construction of the over crossing. The situation now, is a completely different situation, and he understands that's part of the confusion. Caltrans owns the entire property, because it was an easier acquisition to buy the entire property, than to buy the units that were conflicting with the over crossing. Today, it's a matter of a change in use from residential to commercial. Mr. Wells understands the confusion because of that process having been very recent.

Commissioner Molina asked Mr. Wells if he would know the department at the State that would handle the legal process, for some sort of protection for the residents.

Mr. Wells replied that we can get the information to them about the Housing and Community Development Department; there's a certain branch that handles mobile homes.

Commissioner Molina suggested that the contact information be provided to Mr. Lopez, and they could organize a meeting, with Mr. Lopez as the spokesperson.

Mr. Lopez agreed, that this would be a good beginning; a first start to understand what's going to happen.

- Maribel Diaz – 1941 E. Whitmore Avenue, Space #13, Ceres

Ms. Diaz reported that on Thursday she spent nearly two hours on the phone with Caltrans, and nobody knew what she was talking about regarding any issues with the trailer. Her question is how can we find out who they (the residents) need to speak to or can the Planning Commission help them in any way?

Mr. Wells replied that the contact he has been speaking with is Maria Tols, Caltrans designated Property Manager for the Lazy Wheels Mobile Home Park. Two other contact persons are: Jacqueline McCollin and Gina Pippinger. They are responsible for scheduling any maintenance.

Ms. Diaz replied that no one at Caltrans returned her phone calls; but when she did speak with Maria Tols, she didn't know anything.

Mr. Wells stated that they don't return his calls either, that it usually takes leaving four or five messages before they'll call back.

Ms. Diaz inquired when the next meeting will be when Caltrans will be in attendance.

Mr. Wells responded that Caltrans was very clear, per his conversation with Maria Tols today, that Caltrans has no interest in being involved in this conversation because they're not going to own the property long term. They're selling the property and the new owner would be the person to talk to.

Commissioner Molina clarified with Mr. Wells, that the contact information that he asked that he put together for the residents, will not be for Caltrans, but for the legal aspect of where they can get some reference for protection.

Mr. Wells announced that it is the Department of Housing and Community Development (HCD) that is the responsible party at the State that oversees all the mobile home parks. They have a specific branch that covers mobile home park tenant laws, the relocation and all that relates to mobile home parks.

Mr. Westbrook stated that we'll get that information together and mail it out to all the residents who received the Public Hearing notice.

- Javier Mercado, 1941 E. Whitmore Avenue, Space #41, Ceres

Mr. Mercado asked the Commission if the motion they vote on tonight will protect them for the next five years to prevent the new owners from only giving us a short period of time to relocate.

Mr. Westbrook explained that the action being taken here this evening is that it puts a five-year time limit on it, so within a five-year timeline, the residential use has to cease. We don't know what the new property owner will do; how much time they will give for the residents to relocate. The process takes some time, generally 12-24 months. And, as Mr. Wells stated, Caltrans hasn't put the property on the market yet.

Chairperson Del Nero reassured Mr. Mercado that it won't be an overnight process; we don't know exactly how long,

- Resident, 1941 E. Whitmore Avenue, Space #47

Resident reported that there are 20 families that pay \$400 per month rent, so the owners receive approximately \$8,000 per month. She understands that right now the property is residential and they want to sell it as commercial. What the residents are

looking for is to see if they can get any financial help to possibly move or if they can get a pardon and stay. *(As interpreted by Leisser Mazariegos)*

Mr. Westbrook explained that the City has no financial resources to relocate anyone; it would be the new property owner's responsibility.

Resident asked if it could be suggested to the new property owners that they give money to the residents. *(As interpreted by Leisser Mazariegos)*

Mr. Wells explained that the City won't be involved in the process at all; we will have no interaction with the sale of the property.

Commissioner Molina requested that Ms. Mazariegos tell them in Spanish, that the information that staff is going to send out, is going to have the contact information to the department that will be able to help them, or at least give them information as to what protection they have.

- Gustavo Lopez, 1941 E. Whitmore Avenue, Space #33

Mr. Lopez inquired, with all the discussion about this property, why is there not a representative from Caltrans here tonight.

Chairperson Del Nero stated that it's up to Caltrans and that question was answered earlier in the meeting.

The Public Hearing was closed at 6:56 p.m.

Commissioner Chapman thanked everyone for attending the meeting tonight and for their comments. We are going to do what we can to get information to you. There are two parts that he would like everyone to understand:

- 1) The Planning Commission is looking at considering re-designating the property as a Group E Nonconforming Use and establishing a five-year time limit. That's all the Commission is looking at tonight.
- 2) This impacts the residents, but the Planning Commission doesn't have any control over who will own the property after Caltrans sells it. We don't have any control over what that property owner will or won't do. We would hope that the property owner will listen to the residents and work with them and be fair and give them time. Commissioner Chapman wants the residents to understand, that he truly empathizes with them.

Commissioner Kachel relayed his concerns. He would rather see it done at a later time, with the new owner coming to the Planning Commission with the request, when they have a project in mind. He is not going to support this change.

Discussion ensued.

Mr. Wells explained that Council gave direction to do this, to assure that the new owner would be aware what the City's intention is for that piece of property, to be zoned commercial. This is a notification and a legal process.

Commissioner Kachel requested that it be noted in the record that the Lazy Wheels Mobile Home Park has been there for 66 years. The non-conforming use is because it preceded the zoning, which was done in conjunction with the General Plan.

Student Commissioner Larios asked if when the new owner comes in, could they get an extension or will it stay at five years.

City Attorney Lyons explained that if this is adopted, and the time limit is set for five years, the new owner will have to acquire it with the knowledge that use as a mobile home park will be ending and must end within five years.

Commissioner Chapman announced that regardless of any delay, the property is still zoned to where residential is not an option, at whatever timeframe we put it. It's non-conforming and at some point the residents are going to have to move, because the property owner is going to develop it according to what it's zoned for.

Mr. Westbrook confirmed that what Commissioner Chapman stated is correct.

It was moved by Commissioner Chapman; seconded by Commissioner Molina, to approve PC Resolution 13-09; Carried 3/1/0 (Kachel no, Smith absent).

NEW BUSINESS

None

PUBLIC MEETING(S):

None

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

None

REPORTS:

Commission:

Student Commissioner Larios announced that this is his last meeting. Chairperson Del Nero thanked Student Commissioner Larios for serving on the Commission.

Staff:

Mr. Westbrook:

- The Economic Development Strategic Plan report is currently in draft form; he and Mr. Wells have reviewed it. He expects there to be an upcoming Study Session that the Planning Commission will be invited to, to hear the results of that report.

Mr. Wells:

- Whitmore Avenue Interchange Landscaping Project – We plan to award the contract in September, get started on construction and it will most likely be in place by spring.

Chairperson Del Nero thanked Ms. Mazariegos for translating this evening.

ADJOURNMENT:

The Commission adjourned at 7:18 p.m. to the next regularly scheduled meeting of Monday, August 19, 2013.

APPROVED:



Gary Del Nero, Chairperson

ATTEST:



Tom Westbrook, Secretary