

**CITY OF CERES
PLANNING COMMISSION
MINUTES**

March 21, 2016

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

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Kachel.

ROLL CALL:

PRESENT: Commissioners: Condit, Del Nero, Smith, Chairperson Kachel

ABSENT: Commissioner Molina

ALSO PRESENT: Director of Community Development Tom Westbrook,
Director of Engineering Services/City Engineer Daryl
Jordan, City Manager Toby Wells, Associate Planner
James Michaels, City Attorney Nubia Goldstein,
Secretary/Deputy City Clerk Ann Montgomery

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATIONS

- Leonard Shepherd, 2841 Fowler Road, Space 71, Ceres, CA

Mr. Shepherd announced that the Planning Commission will be hearing a lot from him in the coming year. He began his City involvement back in 1997 with the City Council and now the Planning Commission in 2016. He reminded the Commission to be very careful in their deliberations because things that are decided tonight will affect the future of all the citizens of Ceres; not just tonight, but 40/50 years from now.

CONSENT CALENDAR:

1. Clerk's Report of Posting. The Agenda for the regular meeting of the Planning Commission of March 21, 2016 was posted on March 17, 2016.
2. Approval of Minutes:
 - a. April 20, 2015 (all present)
 - b. February 16, 2016 (all present)

ACTION: It was moved by Commissioner Condit; seconded by Commissioner Del Nero to approve the Consent Calendar. Motion passed by the following vote:

AYES: Commissioners Condit, Del Nero, Smith, Chairperson Kachel
NOES: None
ABSENT: Commissioner Molina

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

None

PUBLIC HEARING:

3. Conditional Use Permit (CUP) 16-03; Proposal for a Conditional Use Permit to maintain the existing golf course and allow for an accessory tent structure that may be utilized to host weddings and parties at 3441 Golf Links Road; Ken Thornberry, applicant.

Associate Planner, James Michaels presented the staff report.

The public hearing was opened at 6:07 p.m.

- Danny Davis, 3291 Golf Links Drive, Ceres, CA

Mr. Davis pointed out that the golf course looks different today than shown in the pictures. He remarked that he and his wife support the Conditional Use Permit and volunteered anything they can do to help the Thornberry's with maintaining the golf course is their objective. He noted that they enjoy their privacy and any large events could impact that, which have been well addressed in the staff report. He also noted that traffic will be a concern, but hasn't had a chance to discuss that with the Thornberry's or the City. He suggests restricting people from coming into the residential neighborhood and he'd also like to be sure there's ingress and egress to and from the events, noting concern with the 20 foot wide road.

- Charles Fernandes, 3292 Golf Links Road, Ceres, CA

Mr. Fernandes expressed his and his wife's support of the project, noting they have the same concerns as Mr. Davis and most of the other residents. They'd like to somehow maintain the privacy of the road, heading west of the proposed parking lot. He is thankful to the Thornberry's and Hall's for all they've done, with providing the recreational facility for all of Ceres.

Commissioner Condit inquired if there were any suggestions he would like to make, to keep privacy for all the citizens that live out there.

Mr. Fernandes replied that it would depend on the event, and over the years they've talked about a second gate. He doesn't have an exact solution, but his main concern is security.

- Merle Jacobs, 3257 Golf Links Road, Ceres, CA

Mr. Jacobs and his wife are very pleased with the improvements that have been made with the golf course. Their major concern is with the narrow street and it being a dead end. They are supportive of the Thornberry's going ahead with this project, and hopefully making this a great venue.

The public hearing was closed at 6:14 p.m.

Commission discussion ensued:

Commissioner Condit remarked that he would like to put it to staff to come up with a suggestion of how to protect the golf course neighborhood privacy; a gate was mentioned.

Mr. Westbrook responded that because there hasn't been an event yet, due to they're waiting for the proposal; Mr. Fernandes suggested more of a permanent solution would be a gate. We don't know if there's a frequency or real concern, having that level of improvement now. He believes as events are held and the Thornberry's and Hall's are managing that, perhaps temporary barricades could be rented through SafeTLite, or something like that could be utilized to see if that will significantly mitigate folks coming from that direction. Additionally there could be a staff person or security guard directing people south along Golf Links Road, back to Hatch before they get to that end of the neighborhood. We're allowing this to operate and let the Thornberry's come up with a solution to the issue, if it does present itself.

Commissioner Smith stated, given the level of support in the audience, and clearly there's been a good communication between the Thornberry's and the residents, she would trust that as the events occur and any problems arise, that level of communication will continue. She is looking forward to this and feels the Thornberry's have done a great job, improving the golf course. She is very happy to see what's happening out there and plans to support this item.

Commissioner Del Nero remarked if the residents are in favor of it, then it sounds like a good project.

Chairperson Kachel referred to Condition #10, which specifically addresses the need to make amendments, as needed.

Mr. Westbrook added that staff has been working with the Thornberry's for some time now, and if they need something, they can always contact staff. Also, if there's something that needs to be addressed, with the good working relationship with neighbors and golf course property owners, we should be able to get any issue resolved.

ACTION: It was moved by Commissioner Condit; seconded by Commissioner Smith to approve CUP 16-03, subject to the findings and conditions contained in PC Resolution No. 16-04. Motion passed by the following vote:

AYES: Commissioners Condit, Del Nero, Smith, Chairperson Kachel
NOES: None
ABSENT: Commissioner Molina

4. 16-01 Annexation (Annex), 16-02 Prezone (PZ), Service & Mitchell Annexation; Proposal to annex and amend the zoning designations for multiple properties located along State Route 99 between Don Pedro Road and El Camino Avenue down to Service Road; along with some Right-of-Way of the Union Pacific Railroad and State Route 99 south of Service Road; City of Ceres, applicant.

Director of Community Development, Tom Westbrook presented the staff report.

Commission Discussion ensued:

- Commissioner Condit asked for clarification that the new interchange will be going in at Service and not Mitchell Road.

Mr. Westbrook responded that the full access will be Service Road.

- Commissioner Condit inquired further, that the Mitchell interchange will remain the same.

Mr. Westbrook explained that you'll be able to get on from Mitchell Road to south bound, and off of 99 north bound at Mitchell Road. The south bound exit to Mitchell Road goes away; clarifying that statement with City Engineer, Daryl Jordan.

- Commissioner Smith asked if construction will begin in 2020.

Mr. Westbrook noted that's anticipated; we're hopeful that it will begin in 2020. Working with CalTrans from time to time, sometimes those dates slip. It wouldn't be any sooner than 2020, and it may be farther than that.

- Commissioner Smith inquired that acquisition of the properties has begun, as they become available.

Mr. Westbrook clarified that is correct.

- Commissioner Smith asked if the City will begin active negotiations to acquire the remaining parcels.

Mr. Westbrook explained that would be if we get closer to the construction date. As it's been right now, a good example, the Ceres Gateway Center parcel; the property owner had it, decided he didn't really need this, and thought maybe we can make a deal. So the City moved forward with it and acquired some right-of-way, in the area of the Ceres Gateway Center.

- Commissioner Smith inquired are there any requirements of the property owners, as a result of being annexed into the area, other than the interchange; are they being required to do anything, make any payments, hook up to the sewer.

Mr. Westbrook replied there are no requirements to do any of that. He further explained, just like any normal annexation, if those folks have a well and a septic tank, and, if at some point that system fails and there's a City line within a 200 foot distance, then they would be required to connect to City services at that time. But there's no immediate

requirement for a connection.

- Commissioner Smith asked, assuming all of the folks here in the audience, have been communicated with, regarding the City's interest in annexing these properties, prior to the acquisition process.

Mr. Westbrook clarified that they were sent public notice and that's why they're here this evening.

The public hearing was opened at 6:26 p.m.

- Leonard Shepherd, 2841 Fowler Road, Space 71, Ceres, CA

Mr. Shepherd inquired what is going to happen, if some of these people, even after it's annexed, decide they don't want to sell. Are the City and the State going to use "eminent domain" to try to get this done?

Mr. Westbrook responded that we hope not. We hope that when we get to that point, which may be years away, there can be an equitable solution, that we wouldn't have to go to "eminent domain." Our desire is to have a willing seller and a willing buyer.

Mr. Shepherd advised that with his own personal experiences with the State of California, is to not trust them; especially if they've made any statements that they're going to do certain things, and like the Whitmore Overpass, they don't, and the City gets stuck. He doesn't want to see the City get stuck in 2025 for thousands of dollars that this interchange might or might not cost. It's going to be a big operation and an undertaking, and he just wonders why everyone is so enthralled with this diamond interchange. He asked if anyone on staff has gone to other places where this diamond interchange has been put in, and talked to those people to see how it affected them and their community. He also expressed concern about what's going to happen to those businesses that are there, if they say no. He further inquired about the transportation business on Moore Road; have they stated that they'd move their operation and sell out?

Mr. Westbrook noted that the Service Road connection diverging diamond interchange won't affect Moore Road in any regard.

Mr. Shepherd asked if the churches will be willing to negotiate and relocate.

Mr. Westbrook clarified that the churches have been aware of this for many years, and the City has been actively working with the church on coming to some type of agreement, but we're not there yet.

Mr. Shepherd remarked that he hopes the City doesn't trust the State of California to do anything they say they're going to do. He also stated that if we think it's going to start in 2020, that's a pipe dream.

- Susan Borges, 3805 Emily Lane, Ceres, CA

Mrs. Borges inquired that when this is annexed, will Code Enforcement be going into that area and cleaning up, since it will be City property.

Mr. Westbrook replied that would be the expectation. Under City rules, you follow the City rules; if there's legally permitted operations, in terms of businesses, etc., they can continue to operate. If there was some substandard condition relating to property maintenance issues, then that's something that could be addressed.

Mrs. Borges also asked if Ceres Police and Fire will be serving the area.

Mr. Westbrook clarified yes, they will.

- Ken Groves, 1909 Fifth Street, Ceres, CA

Mr. Groves stated that if in the event we go ahead with the project, he would like to see more emphasis placed on economic growth than on housing growth. There's no telling what the future is going to look like; the whole nation is on shaky ground. But by the same token, we need safer infrastructure, and the exchange definitely represents that as, according to plan, that they're right, the traffic will be slowed down considerably with access on both ends, and there's further safety involved by eliminating the southbound traffic that's forced to sit and wait near the Mitchell Road area of access. We just need to be careful to not rely too much on more public fees. He suggested perhaps the ¼ cent tax that we might get approved through StanCOG for "x" amount of money. That might be worth letting them know about our desire for that. He advised that we need to tread carefully.

- Marie Joyner, 4400 Moore Road, Ceres, CA

Ms. Joyner stated that she understands that the Mitchell Road exit is still going to be open, to traffic going on and going off.

Mr. Westbrook clarified that the southbound from Mitchell Road to the southbound 99 will be open. Northbound to 99 to Mitchell Road will be open. The existing off ramp at Mitchell Road southbound will not be open.

- Warren Word, 613 East Keyes Road, Ceres, CA

Mr. Word asked how the annexation will affect his two properties.

Mr. Westbrook stated that it won't, as they're already in the City limits. Those in the City limits can be developed, as the market comes. The annexation won't affect those in any regard.

Mr. Word inquired that the hashed lines on the map look like they cut through his properties.

Mr. Westbrook explained that the hashed lines are to indicate the Cal Trans right-of-way.

- Hugo Jaime, 2632 Don Pedro Road, Ceres, CA

Mr. Jaime asked how the annexation will affect his property.

Mr. Westbrook responded that the annexation shouldn't affect his property; it will operate just the way that it is. He further explained that he's assuming there's a well and septic tank that serves that property now. If one of those fails, those services are in Don Pedro Road, because they serve folks to the west and east, you would be required in that circumstance to connect to City services.

Mr. Westbrook also noted that this application is not a property owner consent. This has been designated by LAFCO to be an island annexation. It doesn't require a vote of the folks that are within the annexation area, because of its size.

The public hearing was closed at 6:36 p.m.

Commission discussion ensued:

Commissioner Condit commented that with not hearing any real concerns from the community, he personally doesn't know if he can move forward with this. Over the past 20 years, we have only had two proposals that have come to the City to improve our infrastructure; our on and off ramps. He thinks we need more than that. He thinks we need more than a diamond interchange, and more than an on and off ramp. We need to have some different solutions. There's more than an "A" and a "B;" there's a "C" and a "D." We need to go beyond; we need to do a bit more research and figure out really how we're going to do this. This is a \$125 million project, and we're already talking about annexation and starting construction in four years. We need to really think about what we're doing, because as Mr. Shepherd said, we're making decisions that are going to impact the next 40 or 50 years. So he thinks we all need to sit down and think about how this is going to affect the next 40 or 50 years, because we might not get another shot at getting another interchange coming in for another 60 or 70 years. Before we make a decision, he thinks personally that we should table this item and hear it at a later date after we've had more proposals come through to maybe improve the Mitchell interchange and add a Service interchange; and do it a reasonable price.

Commissioner Smith remarked that she is neither in agreement or disagreement with Commissioner Condit, but she doesn't see the annexation as either an impediment or a benefit to the side discussion that he was mentioning. She sees the annexation as an administrative function and that will create some ease, if and when, whether there's further discussion or not, we get to the point where we want to start negotiating. It reduces the number of agencies that are involved in the discussion, and creates administrative ease for the process. It helps the property owners; they only have to deal with one agency. So whether we do or don't get involved in discussions with the State about the serious lack of Cal Trans dollars that are spent on our freeway, she thinks this action is simply administrative and she is going to support it.

Vice Chairperson Del Nero noted, as Commissioner Smith said, he believes that staff has looked over this and thought it out. Is it going to be perfect; he doesn't know. Time may tell. Mr. Condit may be right.

Commissioner Condit interjected; that is his whole point. We've done things in the past that we thought were perfect, and they turned out not to be. He just wants to be sure, because as he said, we might not get another shot. And to add to the other Commissioners' points, Mrs. Borges brought up a good point about Code Enforcement. We'll need to do a lot of Code Enforcement over there and we don't have the money to

do that right now. Again, that's something we need to think about.

Vice Chairperson Del Nero remarked one thing the Planning Commission appreciates is all the people that came out tonight. It shows your concern and we appreciate it.

The public hearing was re-opened at 6:40 p.m.

- David Word, 3007 California Avenue, Ceres, CA

Mr. Word inquired if you'll be able to get off at Mitchell Road, going southbound.

Mr. Westbrook responded no, you will not; you can get off at Service Road.

- William Rossi, 3818 Roberts Road, Ceres, CA

He owns some property, just south of the proposed annexation. He encouraged the Planning Commission to do whatever they can to speed up the interchange. He explained that when you try to get on Mitchell Road to go south, it's a disaster, especially during commute times.

The public hearing was closed at 6:43 p.m.

Chairperson Kachel asked staff to give a brief overview; hearing comments about the timing, and do we have enough information. What's been the process involved in this freeway interchange improvement? Perhaps explain the timeframe, the designs we've looked at, and where we are in the process.

Mr. Westbrook deferred to the City Manager.

City Manager Toby Wells stated this is a great question. He explained: In 1997, the General Plan identified the interchange as a critical component for the City of Ceres. At that point in time it was the first concept that was created and studied, as part of the General Plan in 1997. That actually was a pretty unique design concept, called a "cuplet." That concept was, Moore Road would be northbound Mitchell and Mitchell Road would be southbound Mitchell, and you would have this "cuplet" design. After that, a number of engineering studies were completed to look at different alternatives because it was pretty quickly determined that "cuplet" concept was not going to work.

In 2002, was the creation of a PSR, Project Study Report. That's a formal document that's submitted to CalTrans, and CalTrans buys off on it. Over thirty alternatives were studied in that concept and four rose to the top as potential options to be studied further. Of those four, "Alternate 4" was the chosen version. Most people saw that version around 2006/2007. That was a version that was studied through the Mitchell Ranch project.

In the 2008/2009 range with the crash of the economy, the project was somewhat put on hold. There was quite a bit of conflict between CalTrans and City staff as well as a number of consultants as to what could actually be built or not built with what was called "Alt 4." The project sat for a couple years. He came on board in 2010, kind of dusted the project off and we recognized the importance of that project. The City got back with

CalTrans, healed some wounds and started looking at new alternatives because the old "Alt 4" wasn't working, really from a CalTrans perspective of what they really thought could be built. So we in essence went back to the drawing board. We looked at an additional 20 different alternatives; five core alternatives and then expanded each of those to look at variations.

In terms of options here, at Service and Mitchell, he can honestly say that he's looked at over 30 different alternatives, and the diverging diamond is **by far** the best option we have to provide access to both sides of the freeway. We can rebuild, and this is the alternate study that's been studied the most; rebuild the existing interchange at Mitchell Road. We can do that; it's in essence pretty near the same cost and it doesn't change our access to the freeway, and it doesn't change our access to the west side of the freeway. So that's really a significant difference that the diverging diamond concept gives us, is that access to the west side of the freeway, without having to go Mitchell to Service over the freeway to the west side. The Service component, for the first time, in the history of Ceres, you would have all 8 movements at one location. You could go in any direction from any direction; so north-south, east-west, east-west, north-south at Service Road, and still keep the two movements; the primary movements off of Mitchell and 99. You really get the benefit of both.

And, to Mr. Condit's question regarding what you could do at Mitchell Road, and make that work. It is a viable option, but it doesn't give us that access to the west side. It has been studied, and it is currently being studied. Those are the two final options.

One last comment related to the action this evening regarding the annexation: the annexation is not required for us to move forward with the interchange. The interchange can move without the annexation. The annexation does provide a few benefits to us, to move this forward that the Planning Commission can discuss.

Commissioner Condit asked if the Council was able to review those 30 alternatives.

Mr. Wells explained that they didn't review all of those because several of them were thrown out right away from CalTrans. They did review a number of those. This is a process that has gone on for six years. As a concept reaches to the top; really, when this is all said and done, there's really only two viable alternatives. And those were discussed with the Council and the Council is fully behind and has fully supported on a number of occasions. He can think of three specific occasions where we took those items to them at an open session for Council direction, and they have all, each time, recommended the direction on the diverging diamond concept.

And, then overall the question on the timing; construction-wise, that 2020 timeframe is a CalTrans timeframe. With where we're at in the process now, of what the expectation would be with starting construction of the freeway component of it, we are very hopeful we would be able to start some of the local street improvements before then. Until we kind of get to this next step with CalTrans, we won't have a better idea on timeframe, but we hope by this time next year, we'll have a pretty well laid out timeframe for what will be constructed and when. The big timeframe of 2020, is really the freeway and interchange work, but there's some local street work we hope to get started sooner than then.

ACTION: It was moved by Commissioner Smith; seconded by Commissioner Del Nero to approve 16-01 Annexation, 16-02 Prezone, Service and Mitchell Annexation, subject to the findings and conditions contained in PC Resolutions No. 16-05, 16-06 and 16-07. Motion passed by the following vote:

AYES: Commissioners Del Nero, Smith, Chairperson Kachel
NOES: Commissioner Condit
ABSENT: Commissioner Molina

NEW BUSINESS:

None

PUBLIC MEETING(S):

None

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

None

REPORTS:

Commissioner Condit reported that he enjoyed attending the Planning Commissioners Academy and learned a lot.

Chairperson Kachel stated the Planning Commissioners Academy was very good, noting that he attended a class that he was a bit skeptical about; on “driverless cars.” He left the class with more questions than what he went in with, but was quite intrigued with how far this concept has come. It was a very good presentation, explaining good/bad and things they didn’t know about yet. He did notice that basically every vehicle manufacturer on this planet is behind this effort. There’s a real sense that this is something that will happen one day. There are a lot of questions being raised. Talk about time lines. There are those that believe there will be licensed driverless cars on the road by 2018. It will affect car ownership in the future.

Vice Chairperson Del Nero noted that he also attended this class, and what he found fascinating is that the DMV is already getting involved. Safety is the concern.

Chairperson Kachel also wanted to thank the Council for making it possible for the Commissioners to attend these workshops. This was the third or fourth time he’s attended the Planning Commission Academy and finds them to be very beneficial and worth the time that is spent.

Director of Community Development, Tom Westbrook announced:

- He enjoyed the Planning Commission Academy as well, noting he feels that some of the sessions come from cities that don't have budget constraints. They talk about technical things that would be nice to implement, but aren't feasible for Ceres.
- For the first time in his career, he was able to present a General Plan Update workshop in Spanish. It happened on March 11th and there was about 45 participants and received a lot of good comments. It was very interesting and it couldn't have happened without the Ceres Partnership for Healthy Children and Lourdes Perez, specifically. They're excited; they're engaged. After we have the next Community Workshop as we move forward in the General Plan process, they want to have another workshop in Spanish. He was very pleased with the attendance that we received.
- Upcoming, he will be providing informational presentations on the General Plan Update at St. Jude's Church; one in English and one in Spanish.
- He did provide a presentation to the Lions Club since the last Planning Commission meeting. There were about 65 in attendance; they showed great interest, and had a lot of questions.

Director of Engineering Services/City Engineer, Daryl Jordan stated that staff appreciates the dialogue and comments regarding the interchange. If we can open up that corridor to economic development on the other side of the freeway for the first time in our community; it's a very exciting thing to help out what we're trying to accomplish here on the Planning side.

Chairperson Kachel thanked City Manager, Toby Wells for attending this evening.

ADJOURNMENT:

The Commission adjourned at 6:57 p.m. to the next regularly scheduled meeting of Monday, April 4, 2016.

APPROVED:


Robert Kachel, Chairperson

ATTEST:


Tom Westbrook, Secretary