

# MINUTES

## TURLOCK CITY PLANNING COMMISSION THURSDAY, JANUARY 7, 2010 7:00 PM

YOSEMITE COMMUNITY ROOM  
TURLOCK CITY HALL, 156 SOUTH BROADWAY

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**COMMISSIONERS PRESENT:** Salcedo, Hackler, Hillberg, Brem, Pedroza, Fregosi, Dias

**ALTERNATE COMMISSIONERS (Non Voting):** Williams

**COMMISSIONERS ABSENT:** Bean

**STAFF PRESENT:** Debra Whitmore, Deputy Director of Development Services; Mike Pitcock, Director of Development Services; Eric Picciano, Principal Civil Engineer; Mark Gomez, Fire Marshall; Nino Amirfar, Police Sergeant; Dorinda Soiseth, Staff Services Technician,

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**A. CALL TO ORDER** The meeting was called to order at 7:02 p.m.

**B. APPROVAL OF MINUTES**

Chairman Brem asked for corrections or a motion to approve the minutes of the December 3, 2009 Planning Commission meeting.

**MOTION:** Commissioner Dias moved, Commissioner Fregosi seconded that the Planning Commission approve the minutes from the December 3, 2009 meeting as submitted.

**AYES:** Hackler, Hillberg, Brem, Fregosi and Dias

**NOES:** None

**ABSTAIN:** Pedroza, Salcedo

**ABSENT:** Bean

**NOT PARTICIPATING:** None

**NON-VOTING:** Williams

**C. ANNOUNCEMENTS –**

Debbie Whitmore noted that the first General Plan Focus Group meeting was held today and announced the dates for upcoming meetings.

Debbie also announced that the annual Planning Commissioners Workshop will be held on Saturday, January 30.

Commissioner Brem welcomed newly appointed regular and alternate members of the Planning Commission, Alex Salcedo and Aben Williams.

**D. DECLARATION OF CONFLICT OF INTEREST AND DISQUALIFICATIONS**

There were none.

**E. PUBLIC PARTICIPATION**

There was no public participation.

**F. CONSENT CALENDAR**

None

**G. PUBLIC HEARINGS**

**CONSENT ITEMS\*:**

**\* 1. AMENDMENT TO CONDITIONAL USE PERMIT 2008-03 (TURLOCK POKER ROOM)** To amend Condition of Approval #1 for an existing card game business in an existing shopping center to change the maximum number of card tables allowed at the site from 10 to 14 card tables in operation at any one time, if permitted by local ordinance. The project site is located at 2321 West Main Street (Stanislaus County Assessor's Parcel Number 089-014-041).

Debbie Whitmore reported that the City Council had amended the Turlock Municipal Code to allow 14 tables at a card game business. This action would amend Turlock Poker Room's Conditional Use Permit to reflect this change.

Chairman Brem asked if alcohol was served at the poker room.

Phil Rheinschild, representing Turlock Poker Room, advised that it was not in their business plan to serve alcohol.

**PUBLIC HEARING:**

Chairman Brem opened the public hearing. No one spoke. Chairman Brem closed the public hearing.

**MOTION:** Commissioner Pedroza moved, Commissioner Hackler seconded, that the Planning Commission find the proposed amendment to Conditional Use Permit No. 2008-03 (Turlock Poker Room) to be "Categorically Exempt" from the provisions of CEQA, and approve the proposed amendment, having determined that the appropriate findings have been made, subject to the conditions of approval listed in Draft Resolution No. 2010-01.

<b>AYES:</b>	Salcedo, Hackler, Hillberg, Brem, Pedroza, Fregosi, Dias
<b>NOES:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	Bean
<b>NOT PARTICIPATING:</b>	None
<b>NON-VOTING:</b>	Williams

**NONCONSENT ITEMS:**

**2. GENERAL PLAN AMENDMENT 2009-02, REZONE 2009-02, PLANNED DEVELOPMENT 265 (THE GROVE - CAMPUS CREST DEVELOPMENT LLC)** This is a revision of a previously submitted application for the "Grove" student housing project. The subject property is located at 900 & 950 W. Monte Vista Avenue (Stanislaus County Assessor's Parcel Nos. 071-006-014 & 071-073-002.) *The applicant has requested this item be continued off-calendar.*

**MOTION:** Commissioner Fregosi moved, Commissioner Dias seconded, that the Planning Commission continue General Plan Amendment 2009-02, Rezone 2009-02, Planned Development 265 (The Grove – Campus Crest Development LLC) off-calendar.

**AYES:** Salcedo, Hackler, Hillberg, Brem, Pedroza, Fregosi, Dias  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Bean  
**NOT PARTICIPATING:** None  
**NON-VOTING:** Williams

**3. AMENDMENT TO CONDITIONAL USE PERMIT 2008-06 (DANIEL GRAY / VINTAGE LOUNGE)**

Request to amend Condition of Approval #16 restricting the hours of operation for an existing cocktail lounge featuring live, non-amplified music from 11 AM to 12 midnight. The applicant is requesting an extension of the closing hours of the lounge from 12 midnight to 1:30 AM, seven days a week. The subject property is located at 110 W. Main Street, Stanislaus APN 061-016-027.

**STAFF REPORT:**

Debbie Whitmore reported that staff had not received any concerns from the Police Department about Vintage Lounge remaining open until 1:30 AM so are in support of this request.

**PUBLIC HEARING:**

Chairman Brem opened the public hearing. No one spoke. Chairman Brem closed the public hearing.

Chairman Brem and Commissioner Fregosi spoke in favor of this business.

**MOTION:** Commissioner Fregosi moved, Commissioner Dias seconded, that the Planning Commission find the amendment to Conditional Use Permit No. 2008-06 (Vintage Lounge) to be “Categorically Exempt” from the provisions of CEQA, and approve the amendment to Conditional Use Permit No. 2008-06, having determined that the appropriate findings have been made, subject to the conditions of approval listed in Draft Resolution No. 2010-02.

**AYES:** Salcedo, Hackler, Hillberg, Brem, Pedroza, Fregosi, Dias  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Bean  
**NOT PARTICIPATING:** None  
**NON-VOTING:** Williams

**4. GENERAL PLAN AMENDMENT 2009-03 (DRAFT 2007-14 HOUSING ELEMENT) –** The City of

Turlock is required by the State of California (§ 65580 – 65589.8 of the California Government Code) to prepare a Housing Element as one of the required seven mandatory elements contained in its General Plan. The purpose of the Housing Element is to encourage the provision of an adequate and diverse supply of safe and affordable housing in all communities, consistent with Statewide housing goals.

**Staff Report:**

Debbie Whitmore reviewed the environmental review process for this action and introduced consultant, Leslie Gould.

Leslie Gould, representing Dyett and Bhatia, outlined the next steps in the adoption of the Housing Element. She reviewed the topics of past discussions, the Regional Housing Needs Assessment, housing programs offered by Turlock, possible new initiatives and incentives for affordable housing, and SB2 compliance. She summarized the State Housing and Community Development's (HCD) comment letter and the requirement to meet the needs for extremely low income households. Leslie also reviewed the responses received on the negative declaration of environmental effect. She advised that HCD is required to certify the Housing Element and said she recommends adoption.

There was discussion about the definition and uses in "mixed-use" sites.

**Public Hearing:**

Chairman Brem opened the public hearing. No one spoke. Chairman Brem closed the public hearing.

**MOTION:** Commissioner Dias moved, Commissioner Fregosi seconded, that the Planning Commission recommend the City council adopt a Negative Declaration of environmental effect, having made the findings contained in Draft Planning Commission Resolution 2010-03.

**AYES:** Salcedo, Hackler, Hillberg, Brem, Pedroza, Fregosi, Dias  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Bean  
**NOT PARTICIPATING:** None  
**NON-VOTING:** Williams

**MOTION:** Commissioner Dias moved, Commissioner Pedroza seconded, that the Planning Commission recommend that the City Council approve General Plan Amendment 2009-03 (Draft 2007-14 Housing Element) having determined that the appropriate findings can be made as contained in Draft Resolution No. 2010-03, and further authorizes staff to amend the text to include documentation for the housing production assumptions for the Downtown mixed use zoning districts to address technical comments made by the State Housing and Community Development Department.

**AYES:** Salcedo, Hackler, Hillberg, Brem, Pedroza, Fregosi, Dias  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Bean  
**NOT PARTICIPATING:** None  
**NON-VOTING:** Williams

*Chairman Brem called for a 5 minute recess at 7:45 PM.*

*Chairman Brem reconvened the meeting at 7:53 PM*

**H. OTHER MATTERS**

**1. CARGO CONTAINER WORKSHOP – RESIDENTIAL DISTRICTS**

Debbie Whitmore provided information on cargo container regulations for Turlock and other jurisdictions. She offered suggestions concerning possible regulations for temporary and permanent uses of cargo containers in residential districts.

Eric Picciano noted that a building permit, including meeting any required setbacks, is required for structures over 120 square feet in size. He advised that without an engineered set of plans it is difficult to determine the structural integrity of a cargo container

Mark Gomez, Fire Marshall, said the Fire Dept. would be concerned if the placement of a cargo container blocked a driveway or alleyway. He advised that when any permanent structure is placed within six feet of another structure they are considered part of that structure which then could trigger other code requirements. He noted a permit is always required when utilities are installed, even if the structure is under 120 square feet. Another concern is that the doors on cargo containers are often altered to prevent entry, which makes accessing a fire difficult.

Commissioner Dias suggested that a specific definition for cargo containers be described to prevent possible loopholes in the ordinance.

There was discussion that temporary containers used in front yards are different than containers permanently placed in back yards, which can be subject to building and design standards and setbacks.

Mike Pitcock noted that temporary containers are not subject to impact fees, and explained how fees are charged if a container is built as a permanent structure.

The Commission did not take any action.

**I. COMMISSIONER’S CONSIDERATION**

None

**J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS**

**1. CONDITIONAL USE PERMIT 2009-22 – AVILA & SONS**

This is a request to establish a 180,000 square feet agricultural warehouse on a 35+ acre parcel at 1113 N. Washington Road. Debbie Whitmore advised that staff is preparing a letter to the County expressing concerns of a structure this size being proposed right outside the City boundary.

**K. COMMISSIONER’S COMMENTS**

Commissioner Fregosi commented on a recently demolished house on Tuolumne Ave.

**L. STAFF UPDATES**

There were no staff updates.

- M. ADJOURNMENT:** Having no further business Chairman Brem asked for a motion, made by Commission Fregosi, to adjourn the meeting at 8:37PM. Motion carried unanimously.

Respectfully Submitted,

MIKE BREM  
Chair

DEBRA A. WHITMORE  
Deputy Director of Development Services,  
Secretary of the Turlock Planning Commission