

Reedley Planning Commission Regular Minutes – December 3, 2009

The agenda for the Planning commission meeting of December 3, 2009 was duly posted in accordance with Government code Section 54954.2.

The regular meeting of the Reedley Planning Commission was held Thursday, December 3, 2009 in the California Room of the City of Reedley Community Center, 100 N. East Avenue, Reedley, California. Chairman Nord called the meeting to order at 5:03 p.m.

PLEDGE OF ALLEGIANCE - The pledge of allegiance was led by Chairman Nord.

ROLL CALL

Commissioners

Present: Barker, Cisneros, Clements and Nord.

Excused Absence: Chavez.

Staff Present:

Rocky Rogers, City Manager; Bruce Webber, City Engineer; Mike Pardo, Sr. Engineering Assistant; David Brletic, City Planner; Rob Terry Assistant Planner; Darlene Mata, Planning Consultant, Scott Cross, City Attorney, and Frances Wiles, Administrative Assistant.

Others Present:

Travis Crawford, Emily Roberts, Rodnie Roberts, Tammie Zaczek, Chris Zaczek, Keith Lane, Tom Payseno, Cindy Payseno, Cheryl Lingo, Fred Hall, Steve Rapada, Bryan Eidal, Donna Dee Weems, Elizabeth Friesen, Andy Friesen, Theodore Tartaglia, Nat Weems, and others.

PUBLIC COMMENT - None.

PUBLIC HEARINGS

1. REEDLEY FAMILY APARTMENTS (80-UNIT APARTMENT PROJECT)

- a. Environmental Impact Report
- b. General Plan Amendment No. 2007-1
- c. Change of Zone No. 302
- d. Conditional Use Permit No. 446

City Planner Brletic reported that this is a request of CBH on behalf of Reedley Housing II, LLC for a change in general plan land use designation from General Industrial to High Density Residential, a change in zoning designation from MH (Heavy Industrial) to RM-2 (Multiple-Family Residential – 2,000 square feet minimum site area per dwelling unit) and a conditional use permit to allow the construction and operation of an 80-unit multi-family residential development on approximately 3.8 acres located east of South I Street and South East Avenue at the termini of East Shoemake and Shimizu Avenues, APN 370-020-73. City Planner Brletic presented a Powerpoint presentation listing all the particulars of the project from the time it was first presented to the Planning Commission to the time it was reviewed by the City Council. The City Council directed that an Environmental Impact Report (EIR) be prepared before moving forward with its review. After public testimony tonight, the Commission will then make a recommendation to the City Council on each of the resolutions of the project.

Chairman Nord opened the public hearing at 5:25 p.m.

Testimony in Favor or in Opposition: Chris Zaczek, 303 E. Shoemake Avenue, asked if the change from 50 to 80 units was required from the applicant so that the City would not be sued. Is the City required to approve the project and can it be sued? He would like a copy of the law that requires approval of the increased units. What grocery market will this project use to qualify for affordable housing money? He fears for the safety of the children that will be walking to school where there are no sidewalks on "I" Street.

The report stated they are going to mitigate the noise with block walls and windows. Does the air conditioning buffer the noise from the train as well? He and his wife are professionals and cannot afford to run their air conditioner all day so how are these people going to afford to do that 24-7. Does the EIR take into account the noise from the air conditioners? Has anyone studied the noise from the air conditioners from the 80 units? Why was the consultant for the EIR chosen from outside of town instead of local? Was it put out to bid? He doesn't know if we are entitled to this information, but he would like to know. How much money will they make from tax credits? Why is the traffic light not going to be installed until 2025? We had a meeting and requested that the center island on "I" Street be completely closed.

Cindy Payseno, 272 E. Shimizu Avenue, stated that the presentation stated no parking on "I" Street and Shimizu. She does not want to be prevented from parking on her own street. She cannot park her car in her garage and uses street parking. The train wakes her up 3 a.m. every morning. The 7-foot block wall and windows are not going to mitigate the noise from the train for a two-story building. She is concerned about the safety of children going to school. Will they be bussed?

Rodney Roberts, 427 E. Beech, stated that by looking at the turn-out tonight, you have beaten us down. A lot of people are moving and more houses are going up for sale. We bring a lot of income into the City. What will low income people bring into the community? We bought houses; his was \$250,000 and now his neighborhood is going downhill. We are going to keep fighting it. It is a horrible location. We already have two-story apartments being built that can look into our backyard. We came from another city and chose to live in Reedley. The information we hear is that there are no other spots elsewhere for this development because this is the cheapest in town. He would like to see Safety-Kleen come in instead. He sees men drinking beer outside the Buena Market on "I" Street and that is where these children will be walking by on their way to school. He doesn't like to cross the intersection at Dinuba and "I" Street; it is getting crazier by the minute. He would like to see businesses and industrial come in. He doesn't want government money and parks named after Dianne Feinstein, his buddy. We want a nice community and you are running us out of town. He works in Tulare but moved to Reedley. He is hoping you see the light. A year ago this place was packed and now it is empty. You are running us out of town. He is not complaining about the Self-Help homes because they will take care of their homes. The reason for the 50-unit ordinance is because of Ghetto Brook or Meadowbrook, which has a police substation, and you are making the same mistake again. You will have a substation by my house. Everyone has given up.

Mark Edwards, 3432 E. Shimizu, stated he will be quick because they want to be at the parade and doesn't know if it was the City's choice to hold the meeting at the same time as a major community event which shows community division. The Commission is being asked to make an intelligent decision and the citizens are asked to make comments on the environmental impact report. The EIR has several things that are lacking to make a decision. There is no disclosure of noise from the horn. He looked at both comments from out of town. He would like to see a computer model of the noise from the horn. What is the impact? There should be a local noise study and use redevelopment funds to pay for it. Traffic routes are not clearly studied in the traffic analysis. Page 6 and Table 3 studied eight different spots (Shoemaker at East, Shimizu at "I", Curtis at I, Elizabeth at I, Helen at I, Dinuba at I, Frankwood at I and Dinuba at Frankwood). The traffic study should look at all the intersections along Frankwood Avenue. These other streets were not analyzed and are going to be impacted by traffic and you should know that before you make a decision. We cannot make a decision based entirely on this EIR. Are there feasible alternatives? There is not enough analysis on alternatives. What is the whole objective we are doing this? We are getting 80 units on 3.8 acres. The City owns a 4.7-acre parcel off a major surface street. Why not put this project there? The noise issue would be less; no train and no horn. That is why this EIR is flawed. Were alternative designs analyzed? You don't know and we don't know. One of the parcels is 33 acres and we can build a lot of units on that. It seems that we need to set aside seven acres for this. Were alternative designs looked at? What other alternative kinds were looked at that would be of lower impact to the environment, so you cannot make a decision. It is not clear whether there needs to be more information on alternative sites in the EIR. What are the findings? No project is the best alternative. He has not seen the Phase 1 report and believes there are contaminants on this site from farming and chemicals. He is concerned with litigation against the City. He would like more information on the EIR on what the impact will be on these people. If we move them here, this will begin litigation in the future. Section 3.5 of the EIR asks if it would divide an established community. We are a divided community. I am not sure what that

section means. Section 3.14, recreation, the conclusion is conclusory and he does not think the tenants will be using that park. We are not being accommodated by the opportunity to put in a park for us. He does not know why our houses were built in this industrial zone. They need an appropriate buffer. We have an opportunity to do something here. This is an incompatible use. The poor will always be with us. Are there laws for low income housing on the site? The state has the power to do the right thing. The EIR is to protect them. The no alternative would be that we get no low income housing. However, along the way we need to care and consider the people that are going to live there.

Elizabeth Friesen, 273 E. Shimizu, asked if the commission would be reviewing the comments made tonight. How can the EIR be accurate without the 16 units going up on the end caps? How can this EIR take into consideration something that is already changing? We need to know if all those units at the end caps are going to work before you bring in these units. Nobody travels on "I" Street. They all use the east to west streets and the new residents will do the same.

Theodore Tartaglia, 749 W. Friesen Avenue, stated that he has sat through a lot of meetings throughout the years and has heard the same arguments before and thinks it is admirable but it is about how it is affecting the many instead of a few. "I don't want them living close to me because I make more money" is offensive. People should not be judged by how much money they make. He hasn't heard any evidence of morals. He has always heard suggestions of putting it elsewhere. Well, if you put it elsewhere, it is going to affect those people. More than 50% of the people in Reedley are low income. Look at the price of housing. Most can't afford to rent. Do you want to live on the railroad tracks or banks of the bridge? The City is not in the business of building houses. We need to step back and look at what is best for the whole community and go forward from there. He knows that this decision this evening is in very capable hands and has confidence in your ability. He has lived in Reedley for over 35 years.

Ben Lingo, the applicant, stated that this is not an easy process and applauds the lengths that staff has gone through. It was a decision determined by the City Council that an EIR be done. Multiple-family is a compatible use and buffer and is more compatible than heavy industrial. We can buffer the noise by doing whatever meets Reedley's laws and many of the issues we are concerned about. There are not going to be 15-17 people living in a housing unit. This project will alleviate the overcrowding issues. Multiple-family is a compatible use and buffer and is more compatible than heavy industrial. By this industrial being this close to this neighborhood, there is a tool to use this type of development to buffer other homes and to have nice affordable housing for everyone.

Mark Edwards stated that he is offended to have his character questioned by Ted Tartaglia. Before this commission and God, he cares for these people. This EIR does not give us the answers, if we cannot have a breakdown of the noise levels.

Bryan Eidal, 405 E. Shoemake, stated that looking from the industrial to the RM-2 and the rest of the area south of that, the next person will want to do the same. He would like to know if there are other requests for the parcels to the south. How does it impact the south? Do we have enough industrial land? Does it set precedence?

Steve Rapada, 723 N. Lourae, stated that he is intrigued by our community that we always have to have more affordable housing which is defined by how much money the people make that will be allowed to live in the affordable housing. Are all the apartments full in Reedley? How much are the rents in Reedley in comparison to the rents of these apartments. Do we need only low income people that will be able to live here? Can't we just take a good hard look? Is it good for our community and good for our citizens? He has made some phone calls and finds that some of the existing rents are less than what these will rent for. Let's approach other apartment complexes in town and have them designate their apartments as low income so we can meet our quota instead of having these people pay higher rents?

Chairman Nord closed the public hearing at 6:15 p.m.

Planning Consultant Darlene Mata stated that she has a response to the comments made tonight:

- Noise analysis is not adequate – Two noise studies were prepared. The studies use acceptable models for the industry. The project will meet the City of Reedley adopted noise standards with mitigation of the block wall and windows. The horn is a small section of time. The analysis and thresholds average the noise over time. The noise from the railroad will fall to the ground. The train will have to blow the horn at Dinuba Avenue. The findings are in the EIR.
- Traffic - Why is a traffic signal not installed until 2025? The reason is that it is when the intersection meets the signal warrant thresholds for impacts to the intersection.
- How can the analysis be accurate if the multiple-family under construction is not occupied?- The EIR and traffic analysis takes into consideration build-out of the area surrounding the project, including the multiple-family parcels on the west side of East Avenue.
- Analysis of additional intersections - Analysis of additional intersections was not identified during the scoping period of the EIR. The biggest impact will be on "I" Street. The consultant made a note that our Engineering Department will continue to monitor that location.
- Analysis of alternatives - The City of Reedley does not own APN 368-240-08S. The cost of land making the project economically infeasible does not rule a property out as an alternative site but does rule the property out as a site for affordable housing.
- Does the project divide an established community? This pertains to physical separation of an established community.

Chairman Nord asked how our standards compare to the City of Fowler standards with their library project close to the railroad tracks. He looked and asked people in the library whether they could hear the train and they said they could not hear the train at all. How do our standards compare to others? Planning Consultant Mata replied that our noise thresholds are standard for communities. We also looked at HUD and HCD requirements and our noise thresholds are more restrictive.

Chairman Nord asked Mr. Lingo if he has built projects near railroad tracks. Mr. Lingo replied that there is a development in Bakersfield with similar conditions as this one. Planning Consultant Mata added that we can require testing prior to occupancy. Chairman Nord stated he would like to be more confident. Mr. Lingo stated that these laboratories when a wall is designed with the insulation and dual glass he has not heard that it falls short of the requirement. Chairman Nord stated that the library in Fowler did not put any windows toward the wall along the tracks. Planning Consultant Mata stated that the block wall from end to end is 6 feet to 7 feet in height. The majority of the noise comes from the ground. Noise modeling was measured at every noise level and you will find that the consultant was right on the mark.

C. Clements stated that some cities establish a no horn zone and that was never discussed here. City Planner Brlletic stated that the City is pursuing a no horn zone through the City limits that is independent of this project.

Chairman Nord stated that his concern is how you decide how something is profitable. He I would like to know more details of the project venture in asking for concessions. Who makes the choice of profitable and not profitable?

C. Clements asked how about being close to a grocery market? Planning Consultant Mata stated that it is not something we looked at. It was not mentioned in the EIR.

Chairman Nord asked about rental prices. If that is true, we will be able to look at that in the long-term by informal polling if possible. We are not here to run anybody out of town. That is the economy beating you guys down. You are now seeing more foreclosures.

Rodney Roberts stated that the people are getting out because you see these people coming in. People are leaving because low-income are coming.

C. Cisneros stated that he doesn't know if anybody here has ridden on a train. There houses and apartments by the railroad tracks and it is frustrating when you hear that a child killed by an apartment. He has been a mailman for 35 years and knows about rents. There are only two-bedroom apartments in Reedley.

City Planner Brletic stated that we received five bids and the consultant is from Visalia. The City Manager has asked him to re-state that Quad Knopf was selected through an RFP (Request for Proposal) process. The EIR was prepared from the Visalia Quad Knopf office and that is as local as we can get for these services.

Chairman Nord stated that one issue we haven't spoke about is the rail line in Exeter to be abandoned and people don't want that. Are we cutting our throats by not using that land for light industry; that is what we need to consider. That land was zoned to attract that type of industry. City Planner Brletic replied that the southeast quadrant of the City is designated for industrial use and has the railroad running through it. We have a surplus of industrial land within the Sphere of Influence and we will be taking that into consideration during the 2030 General Plan Update.

Chairman Nord asked whether our zoning ordinance was changed to 50 units after the Meadowbrook Apartments experience. I sympathize that our City put that limit for something to do. The courts have told us they need to give those concessions. We are bound by state mandates. City Planner Brletic stated that reference has been made to the Meadowbrook Apartments. For everyone's information, the Meadowbrook Apartments has approximately 220 units. That development standard is an impediment to affordable housing and that is something that we have to remove. Rodney Roberts stated Mr. Brletic stated that Meadowbrook is 220 units. We are talking about 80 units here and 16 at each of the end caps. We are right there again. He is against crime, graffiti and gangs.

Chairman Nord asked what happens 10 years down the line regarding profitability and economic feasibility. Who gets to make that call? Mr. Lingo stated that he has never sold a single development. It is not profitable to sell. We are looking at a \$15,000,000 investment and have no interest in selling it. He has built 26 projects and has not sold any of his projects. He does not plan to sell this project. He receives tax credits for construction and rental rates are somewhat fixed. It does not make economic sense to sell. It is in his best interest to maintain the project. He sees the problems with Meadowbrook. One of the reasons that City staff has discussed concessions is it gives the City and the RDA the opportunity to audit his books. Again, we are never going to sell. Right now, if you look at rental rates, the state or HUD put a limit on the maximum it will be below market. We are looking at one bedroom going for \$325 if the market can afford it. It depends on what people make. You have some folks that can afford to rent and those who cannot. It is what the market can afford.

Chairman Nord asked about the subsidies. Mr. Lingo stated that what appeals for rents are kept at an affordable level. The government doesn't give us more money.

Chairman Nord stated he recalled there being some kind of oversight committee to talk about issues that are raised. City Planner Brletic stated that we talked about the community room of the project that will be available for use with Police Department programs such as neighborhood watch. The school district has expressed interest in providing some of their outreach programs in their facility. Chairman Nord stated that the 1,700 square foot community room is not very big and thinks that something that is more maintained where problems or issues can be raised is what we want to see. Mr. Lingo stated that what he is saying is a good idea. This is something we have addressed for when something goes undetected. Planning Consultant Mata stated that the conditions of approval for the conditional use permit include a requirement that the applicant provide a management plan for review and approval by the Community Development Department. Chairman Nord added that the sooner we can find out about a problem, that maybe we should include that.

Mark Edwards stated that the City was relatively remiss at the scoping meeting where the horn was brought up. Where are the alternative designs? We could go to Bakersfield to check the noise. That is only a generalization. He doesn't know whether the horn sounds the same. We talked about the traffic impact on Shimizu so we could make an informed decision on this EIR. C. Clements replied that we sent it back for those items.

City Planner Brletic stated that we have closed the public hearing. If you are not ready to make a decision, you can continue it to the meeting on December 17, 2009. We believe we have answered the comments made this evening.

Travis Crawford, consultant from the Visalia Quad Knopf office, stated that the noise is based on a 24-hour period. The only thing that we can legally do is meet the City's requirements.

C. Barker asked what is the average on how long those whistles blow so we can see whether there is a huge spike. Mr. Travis stated that all the cities use the same models and that is usually the 24-hour average. The model averages all the noise in a 24-hour period, including the horn.

C. Clements moved, C. Cisneros seconded, whereas the Planning Commission makes the required findings and recommends that the City Council certify the Environmental Impact Report for the Reedley Family Apartments for General Plan Amendment No. 2007-1, Change of Zone No. 302 and Conditional Use Permit No. 446 by the adoption of Resolution No. 2009-14. Motion carried by the following vote:

AYES:	Clements, Cisneros and Nord.
NOES:	Barker.
ABSTAIN:	None.
ABSENT:	Chavez.

C. Cisneros moved, C. Nord seconded, whereas the Planning Commission makes the required findings and recommends approval of General Plan Amendment No. 2007-1 by the adoption of Resolution No. 2009-15. Motion failed by the following vote:

AYES:	Cisneros and Clements.
NOES:	Barker and Nord.
ABSTAIN:	None.
ABSENT:	Chavez.

C. Clements moved, C. Cisneros seconded, whereas the Planning Commission makes the required findings and recommends approval of Change of Zone No. 302 by the adoption of Resolution No. 2009-16. Motion failed by the following vote:

AYES:	Clements and Cisneros.
NOES:	Barker and Nord.
ABSTAIN:	None.
ABSENT:	Chavez.

C. Clements moved, C. Cisneros seconded, whereas the Planning Commission makes the required findings and recommends approval of Conditional Use Permit No. 446 by the adoption of Resolution No. 2009-17. Motion failed by the following vote:

AYES:	Clements and Cisneros.
NOES:	Barker and Nord.
ABSTAIN:	None.
ABSENT:	Chavez.

COMMISSION COMMENTS AND REPORTS

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6. RECEIVE AND DISCUSS REPORTS FROM PLANNING COMMISSION MEMBERS REGARDING PLANNING COMMISSION ACTIVITIES – None.

ADJOURNMENT

Chairman Nord the meeting at 7:23 p.m.

George Nord, Chairman
Reedley Planning Commission

ATTEST:

David Brletic, Secretary