



City of Los Banos

At the Crossroads of California

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AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

April 11, 2012

If you require special assistance to attend or participate in this meeting, please call the Planning Secretary @ (209) 827-7000 extension 118 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria del Departamento de Planificación al (209) 827-7000 extensión 118 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the meeting and in the Planning Department's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

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1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (Planning Commission Members)
Faktorovich __, Hixson __, Lee __, Lewis __, Mello __, Rosin __, Toscano __
4. APPROVAL OF AGENDA.

Recommendation: Approve the agenda as submitted.

5. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR MEETING OF JANUARY 25, 2012.

Recommendation: Approve the minutes as submitted.

6. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR MEETING OF MARCH 14, 2012.

Recommendation: Approve the minutes as submitted.

7. PUBLIC FORUM: Members of the public may address the Commission on any item of public interest that is within the jurisdiction of the Commission, including agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation.

8. PUBLIC HEARINGS: If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.

A. Public Hearing – Consider Approving Use Permit 2012-01 for the Use of a Large Family Daycare at 1235 Bluegrass Court; More Specifically Identified as Assessor's Parcel Number: 430-034-025.

1) Planning Commission Resolution No. 2012-02 – Approving Use Permit 2012-01 for a Large Family Daycare at 1235 Bluegrass Court.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2012-02 as submitted.

B. Public Hearing – Consider Approving Use Permit 2012-02 for the Use of a Large Family Daycare at 2086 Hastings Dr; More Specifically Identified as Assessor's Parcel Number: 083-443-029.

1) Planning Commission Resolution No. 2012-03 – Approving Use Permit 2012-02 for a Large Family Daycare at 2086 Hastings Drive.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2012-03 as submitted.

C. Public Hearing – Consider Certifying the Negative Declaration (SCH#2012031018) and Approving Site Plan Review #2012-01 for Les Schwab, a 12,009 Square Foot Full Service Tire Center at the Property Located North of Pacheco Boulevard, East of Mercey Springs Road and Directly East of Espana's Restaurant; More Specifically Identified as Assessor's Parcel Number: 428-140-049.

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JANUARY 25, 2012**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

CALL TO ORDER: Chairman Mello called the Planning Commission Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE. Planning Commissioner Toscano led the Pledge of Allegiance.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Arkady Faktorovich, Deborah Lewis, Tom Mello, and Susan Toscano.

STAFF MEMBERS PRESENT: Planning Director Fitzgerald, City Attorney Vaughn, Payroll Technician/Deputy City Clerk Ascencio and Interim Planning Secretary O'Bannon.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Lewis, seconded by Faktorovich to approve the agenda as submitted. The motion carried by the affirmative action of all Commission Members present.

ADMINISTRATION OF OATH OF OFFICE TO NEW PLANNING COMMISSIONERS: Payroll Technician/Deputy City Clerk Ascencio administered the Oath of Office to Vern Hixson, Chandra Lee and Tracey Rosin.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Arkady Faktorovich, Vern Hixson, Chandra Lee, Deborah Lewis, Tom Mello, Tracey Rosin and Susan Toscano.

ELECTION OF OFFICERS: Motion by Toscano to nominate Tracey Rosin to serve as the new Chairman of the Planning Commission. Motion by Mello to nominate Chandra Lee to serve as the new Chairman of the Planning Commission. A vote was held on the first nomination for Rosin. The motion carried by the majority vote of Commissioners present.

Motion by Mello to nominate Chandra Lee to serve as the new Vice Chair of the Planning Commission. The motion carried by the affirmative vote of all Commissioners present.

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF DECEMBER 14, 2011: Motion by Faktorovich seconded by Hixson to approve the minutes as submitted. The motion carried by the affirmative action of all Commission Members present.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE COMMISSION; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. No one came forward and the public forum was closed.

PUBLIC HEARING – CONSIDER RECOMMENDING APPROVAL OF THE LOS BANOS RAIL TRAIL REGULATING CODE Planning Director Fitzgerald presented the staff report.

Commissioner Toscano; does that mean that what was meant to be a commercial section can be turned into a residential section; Community Development Director Fitzgerald; yes; Commissioner Faktorovich; from my understanding the State is now the owner; Community Development Director Fitzgerald; as of February 1st Redevelopment Agency will be dissolved and a Successor Agency will own the property and will attempt to sell the property; City Attorney Vaughn; those types of questions are being debated by attorneys, as of February 1st the Redevelopment Agency will be dissolved, the City of Los Banos has opted out of becoming the Successor Agency to oversee the Redevelopment Agency, the purpose of the Successor Agency is to pay the Redevelopment Agency's bills, collect and distribute property taxes formerly collected by the Redevelopment Agency, and oversee the shutting down of the Redevelopment Agency; Commissioner Faktorovich; who is on the title of the Rail Trail properties; City Attorney Vaughn; the Redevelopment Agency is on the title of those properties but they may have the authority to transfer title, the properties are in limbo; Commissioner Faktorovich; who is going to be responsible for the contamination clean-up; City Attorney Vaughn; the City of Los Banos will not be responsible for the contamination clean-up on the Rail Trail; the Successor Agency will be responsible for the contamination clean-up; Commissioner Faktorovich; by approving this today we are not putting ourselves into a situation where whoever owns the property can do anything without the approval of the Commission; City Attorney Vaughn; it does not matter who owns the property, this deals with zoning regulations of the properties; Commissioner Mello; are we going to follow the same standards when a future property owner comes to the Commission; Community Development Director Fitzgerald; yes you should follow this, but are not limited to it; Commissioner Toscano; who is going to be making money off of this; City Attorney Vaughn; the legislature does not specify that, the assets are supposed to be inventoried and sold to repay bond debt and taxing authorities, properties such as the Community Center and the Henry Miller Plaza will be transferred to the City of Los Banos, the Rail Trail might be transferred to the City of Los Banos by the Successor Agency; Commissioner Lewis; recalls back in 2002 the City hired Urban Development company, is happy to see the money spent put to use so that the City is protected; Commissioner Faktorovich; it is my understanding that the land that the Community Center is on belongs to the City and that the building will be transferred to the City; City Attorney Vaughn; it could be, that is a decision that the Successor Agency will make; Commissioner Faktorovich; I ask because the Community Center is running in red, will the Successor Agency help cover costs; City Attorney Vaughn; the only costs that the City is responsible for is maintenance and operation of the facility, if the Community Center was transferred to the City so they would cover costs.

Chair Rosin opened the public hearing;

No one else came forward and the public hearing was closed.

Motion by Lee, seconded by Toscano to adopt Planning Commission Resolution No. 2012-01 – Recommending approval of the Los Banos Rail Trail Regulating Code. The motion carried by the affirmative action of all Commission Members present.

PLANNING DEPARTMENT REPORT: We're working on the LAFCo submittal for the AM/PM / McDonald's and starting to see a lot of projects coming forward, thank you to Tom and Chandra for Chair and Vice Chair for the past year, and congratulations to Tracey and Chandra for the next year, happy birthday Tracey.

PLANNING COMMISSION MEMBER REPORTS.

ARKADY FAKTOROVICH: Visited In n Out, very nice facilities, plenty of parking, hopes that it will come to Los Banos sometime in the future.

VERN HIXSON: Nothing to report.

DEBORAH LEWIS: Nothing to report.

CHADRA LEE: Nothing to report.

TOM MELLO: Nothing to report.

TRACEY ROSIN: Would like to thank Paula and Vaughn for their work on a very difficult project and issue.

SUSAN TOSCANO: Nothing to report.

ADJOURNMENT. The meeting was adjourned at the hour of 7:46 p.m.

APPROVED:

Tracey Rosin, Planning Commission Chair

ATTEST:

Crystal O'Bannon, Interim Planning Commission Secretary

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
MARCH 14, 2012**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

CALL TO ORDER: Chair Rosin called the Planning Commission Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE: Planning Commissioner Lee led the Pledge of Allegiance.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Arkady Faktorovich, Vern Hixson, Chandra Lee, Deborah Lewis, Tom Mello, Tracey Rosin and Susan Toscano.

STAFF MEMBERS PRESENT: Community Development Director Fitzgerald and Assistant Planner Elms.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Lee, seconded by Mello to approve the agenda as submitted. The motion carried by the affirmative vote of all Commission Members present.

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF JANUARY 25, 2012: Upon the request of staff, Chair Rosin asked to continue the Action Minutes to the next Planning Commission meeting so staff can make corrections.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE COMMISSION; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. No one came forward and the public forum was closed.

PUBLIC HEARING – TO DISCUSS POSSIBLE APPLICATIONS FOR FUNDING UNDER THE NEXT FISCAL YEAR’S STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND TO SOLICIT CITIZEN INPUT ON POSSIBLE ACTIVITIES TO BE INCLUDED IN THE APPLICATION. Community Development Director Fitzgerald presented the staff report; received a comment letter from Mark Knapp requesting to look into funding for pedestrian and bicycle facilities; some ideas staff has been looking at is the potential partnering with the Merced County Housing Authority and potentially purchasing a multi-family unit particularly in an area that needs more work and can be utilized for transitional housing for the homeless to get back on their feet; looking for ideas at this point.

Commissioner Faktorovich; would like clarification on low-income employees; who qualifies for low-income; Community Development Director Fitzgerald; the State has certain guidelines based on family income and size; Commissioner Faktorovich; is there anything to insure that the City is protected when partnering with HUD; Community Development Director Fitzgerald; would work with MCAG in the administrating of the grant; Commissioner Faktorovich; is there a way to see what can be done to promote certain businesses that need this money; Community Development Director Fitzgerald; the City would be administering the program, and the City would be notifying businesses that this money is available; Commissioner Toscano; asked what is MCAG's success rate in writing grants; Community Development Director Fitzgerald; MCAG has written many grants for the RDA and has been very successful in the past; Commissioner Toscano; sees a lot of merit in all of the grant projects; Commissioner Mello; the City is not equipped to handle the homeless; believes money should be directed to areas that are needed, such as repairs to public facilities; concerned with the quality of life in Los Banos; Commissioner Lee; the Economic Development grants are important to create and retain jobs; any money that can improve housing, public facilities and services is worth pursuing; Commissioner Lewis; would like to know the list of projects that are going before the City Council; would like to see the City find businesses for this money that are going to be successful; Community Development Director Fitzgerald; looking for ideas at this point for potential items to bring before the City Council; Commissioner Hixson; suggested the money be used for the operational costs of the Community Center or for movie nights at the plaza; wanted to know what the City has to go through to stand out among all of the other applicants; Community Development Director Fitzgerald; there is a scoring system that applicants are based on; Commissioner Mello; would like to see this grant money as a supplement to hire students 18 and over to help with college education.

Commissioner Toscano; suggested the Commission prioritize suggestions; Commissioner Faktorovich; believes businesses that need help would benefit much more from this money; Commissioner Toscano; agrees with Commissioner Faktorovich and believes that the focus needs to be on businesses and entrepreneurship; Commissioner Lee; understands there are commissioners who are apprehensive about low income grants; rehabbing homes would improve the community; feels programs like NSP are good because they give people the opportunity to own things that they normally wouldn't be able to; Commissioner Hixson; suggested applying for something that would help with the operation of the Community Center; Commissioner Mello; would like a program that helps businesses hire students; concerned how the money is going to be channeled; Commissioner Lewis; wanted to know if only one grant area is to be picked; Community Development Director Fitzgerald; not necessarily; Commissioner Lewis; concerned with helping businesses out; believes the grant writing should be specific to how the money will be spent and how it will enhance businesses; interested in helping the public works areas and its infrastructure; Chair Rosin; agrees with the rest of the Commission in pursuing opportunities to receive money to help those in need; offered to share a study prepared for the San Joaquin River Exchange Contractors Water Authority on the importance of agriculture; believes this documentation could help focus a specific grant on agriculture; suggests focusing on sustaining businesses that

are already here; Commissioner Toscano; asked if a specific grant can be written using that study; Community Development Director Fitzgerald; should be able to write a grant utilizing the document by putting a specific component that puts funds into the Ag industry.

Chair Rosin opened the public hearing; no one came forward and the public hearing was closed.

PLANNING DEPARTMENT REPORT: The Les Schwab Tire Shop is being circulated by the State Clearinghouse and will be coming forward to the Planning Commission April 11th; staff has received most of the submittal for the Dollar General project; staff has been working with the developer who purchased property on the southeast corner of Overland/Mercey Springs and should be coming forward soon; working with Family Dollar who is looking to build next to Food 4 Less; Walmart is trying to phase their project and has been working with Caltrans to try and make the project work; the 2030 General Plan is going to LAFCo next Thursday.

PLANNING COMMISSION MEMBER REPORTS:

ARKADY FAKTOROVICH: Nothing to report.

VERN HIXSON: Nothing to report.

CHANDRA LEE: Nothing to report.

DEBORAH LEWIS: Asked staff if the project on the southeast corner of Overland/Mercey Springs encroachment permit has anything to do with the acceleration lane; Community Development Director Fitzgerald; the driveways is going to be on both Overland and Mercey Springs.

TOM MELLO: Nothing to report.

TRACEY ROSIN: Nothing to report.

SUSAN TOSCANO: Selling tickets for the Soroptomist wine and cheese event on March 23rd.

ADJOURNMENT. The meeting was adjourned at the hour of 7:54 p.m.

APPROVED:

Tracey Rosin, Chair

ATTEST:

Stacy Souza Elms, Assistant Planner/ Planning Commission Secretary



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIR ROSIN AND COMMISSIONERS
FROM: PAULA FITZGERALD, AICP, COMMUNITY DEVELOPMENT DIRECTOR
FOR: PLANNING COMMISSION MEETING OF APRIL 11, 2012
SUBJECT: USE PERMIT #2012-01 – LARGE FAMILY DAYCARE

RECOMMENDATIONS:

1. That the Planning Commission makes the appropriate findings and adopts Resolution #2012-02 approving Use Permit #2012-01 for the use of Little Hands Daycare (Large Family Daycare), in the Low Density Residential zoning district located at 1235 Bluegrass Court.

PROJECT: Use Permit #2012-01 – Large Family Daycare

APN: 430-034-025

APPLICANT: Heather Schaefer

OWNER: Michael Dopheide and Hermosa Reyes

CEQA: Exempt

PROJECT BACKGROUND/DESCRIPTION:

The Los Banos Planning Commission on October 13, 2010 approved Use Permit #2010-03 for Little Hands Daycare to operate in the Low Density Residential zoning district as a large family day care facility at 1131 Oatgrass Way. The applicant is moving and is now requesting a new Use Permit to operate a large family day care at 1235 Bluegrass Court.

The requested use permit is for the operation of a large family day care in the Low Density Residential District. Large Family Daycare facilities are regulated by the California Department of Social Services and are allowed to accommodate a maximum of 14 children. The applicant is requesting to operate from the hours of 7:00am to 5:30pm, Monday through Friday. The children in attendance will range from the ages of 0 months to 6 years old. The requested use will be secondary to the primary residential use of the property.

LOCATION AND ACCESS:

The project site is located at 1235 Bluegrass Court, more specifically identified as Assessor's Parcel Number: 430-034-025.



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Residential	R-1	LDR
North	Residential	R-1	LDR
South	Residential	R-1	LDR
East	Residential	R-1	LDR
West	Residential	R-1	LDR

R-1 = Low Density Residential

LDR = Low Density Residential

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is statutorily exempt from the provisions of CEQA – Article 18, Section 15274 (a), Family Day Care Homes.

USE PERMIT ANALYSIS

Code Requirements

A large family daycare, as specified in the Los Banos Municipal Code, shall be permitted in all residential zone districts subject to use permit approval. The City however is restricted by State law, Health & Safety Code Section 1597.40 (a) and (b) of the California Child Day Care Act to only concentrate on the potential impacts of the use and place reasonable restrictions on the operation of a large family child care programs in the following areas:

1. Noise
2. Parking
3. Traffic
4. Space/ Concentration

Noise

The applicant will be required to follow the City's noise ordinance requirements and guidelines. In general noise produced by a large family daycare is comparable to noise generated by a single family residence.

Parking

An area must be provided for the temporary parking of at least two motor vehicles for the safe loading and unloading of children. This can be accommodated in the driveway as the residence provides ample off-street parking with an extra wide driveway. In addition, there is on-street parking directly in front of the house.

Traffic

Staff believes that traffic will be less than significant at this location. The residence is not located on a major arterial and the amount of additional vehicles due to the impact of the large family day care will not significantly create any traffic issues in the area. In addition, parents typically drop-off and pick-up children at staggered times throughout the day to accommodate different work schedules, school schedules and part-time daycare needs.

Space/Concentration

Pursuant to the Municipal Code a usable rear yard play area of at least 1200 square feet shall be provided on the site for outdoor play activity and play is prohibited in the front yard of the home. In previous large family day care submittals City staff and the Planning Commission have determined that the intent of the ordinance is to prohibit the applicant from using unreasonable play space (e.g. 5 foot walk space – set back). The placement of this home on the lot is unique in that it is located on the bulb of the cul-de-

sac creating an irregularly shaped lot. The usable rear yard play space has been calculated to be over 2500 square feet.

The Municipal Code also specifies that the site shall not be located within 1200 feet of another such facility on the same street. As of to date, Business License records show no such use within 1200 feet.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise on March 30, 2012 and notices were provided to adjacent property owners within a 300 foot radius of the subject property. As of the date of this staff report, three comments have been received; however, according to the Health and Safety Code, the Commission only has discretion over noise, parking, traffic and space/concentration.

CONCLUSION:

The proposed use permit substantially conforms to the criteria and guidelines designated in the Los Banos General Plan and Municipal Code. The facility will be licensed and regulated by the State, and the project will not contribute to a significant increase in noise, parking, traffic or space/concentration in the area. Allowance of the requested use permit will provide additional childcare options and help alleviate the demand for such uses in the community.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan

Los Banos Municipal Code

Health and Safety Code

RECOMMENDATIONS:

1. That the Planning Commission makes the appropriate findings and adopts Resolution #2012-02 approving Use Permit #2012-01 for Little Hands Daycare in the Low Density Residential zoning district located at 1235 Bluegrass Court.

ATTACHMENTS:

1. Resolution #2012-02 recommending approval of Use Permit #2012-01.
Exhibit A CEQA Findings
Exhibit B Project Findings
Exhibit C Conditions of Approval
2. Site Specific Zoning Map
3. Site Photos
4. Plot Plan
5. Floor Plan
6. Comment Letters

RESOLUTION No. 2012-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS APPROVING USE PERMIT 2012-01 FOR THE USE OF A LARGE FAMILY DAYCARE IN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT LOCATED AT 1235 BLUEGRASS COURT

PROJECT NAME AND NUMBER:

Little Hands Daycare – Use Permit 2012-01

PROJECT DESCRIPTION:

To authorize the use of a large family daycare in the Low Density Residential zoning district

WHEREAS, the applicant has requested that the City of Los Banos consider a Use Permit to allow the operation of a large family daycare in the Low Density Residential zoning district located at 1235 Bluegrass Court; further identified as Assessor's Parcel Number: 430-034-025; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on March 30, 2012 and notices were mailed to property owners within 300 feet of the site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, Use Permit 2012-01 has been determined to be statutorily exempt from the provisions of CEQA per Article 18, Section 15274 (a), Family Day Care Homes; and

WHEREAS, it has been found that the proposal will be incidental to the residential use of the property; and

WHEREAS, it has been found that the proposed site is not located within 1200 feet of another such facility on the same street; and

WHEREAS, it has been found that the proposal will provide for the temporary parking of at least two (2) motor vehicles for the safe loading and unloading of children; and

WHEREAS, it has been found that little or no significant traffic issues will result from the proposed use; and

WHEREAS, it has been found that a usable rear area of at least 1200 square feet has been provided on the site; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Use Permit 2012-01 to permit the use of a large family day care facility in the Low Density Residential zoning district located at 1235 Bluegrass Court, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 11th day of April 2012 by Planning Commissioner _____ who moved its adoption, which motion was duly seconded by Planning Commissioner _____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Tracey Rosin, Chairman

ATTEST:

Stacy Souza, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR USE PERMIT 2012-01 – LITTLE HANDS DAYCARE (HEATHER SCHAEFER)

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, the project was evaluated within the context of those guidelines and found to be statutorily exempt from the provisions of CEQA per Article 18, Section 15274 (a) for large family day care homes
2. Use Permit 2012-01 was adequately noticed on March 30, 2012 for consideration at a public meeting on April 11, 2012.
3. No further environmental documentation is required as the Use Permit was contemplated and adequately analyzed in the initial review.
4. The proposal is consistent with the Los Banos General Plan as it meets the use and density standards specified within.
5. The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use and development standards specified within.

EXHIBIT B

FINDINGS FOR APPROVAL OF USE PERMIT 2012-01 – LITTLE HANDS DAYCARE (HEATHER SCHAEFER)

FINDINGS FOR APPROVAL:

The City of Los Banos Planning Commission hereby finds as follows:

1. The project is consistent with the City of Los Banos General Plan “Low Density Residential” designation in that the project meets the use and density standards specified within.
2. The proposal is consistent with the Los Banos Municipal Code in that it meets the criteria and required findings.
3. The proposed use will not be a nuisance or detrimental to the public health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as family day care homes are regulated by the state to provide a safe and healthy environment for children.
4. The proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City as the proposed use will be ancillary to the home and the State requires that large family day cares operate in a normal residential surrounding.
5. The proposed use will be incidental to the residential use of the property.
6. The proposed site is not located within 1200 feet of another large family day care facility on the same street.
7. The applicant will provide for the temporary parking of at least two (2) motor vehicles for the safe loading and unloading of children in the driveway.
8. The proposed use will create little or no significant traffic problems within the vicinity of the facility in that drop-off and pick-up of children vary throughout the day to accommodate various work schedules, school hours and part-time day care needs.
9. The usable rear yard play area is greater than the 1200 square foot requirement and outdoor play activity will not be allowed in the front yard area.
10. The proposed use will not create noise levels above what is typically generated by a single family residential home and the proposed use will be required to comply with Ordinance 770 in regards to noise control.

EXHIBIT C

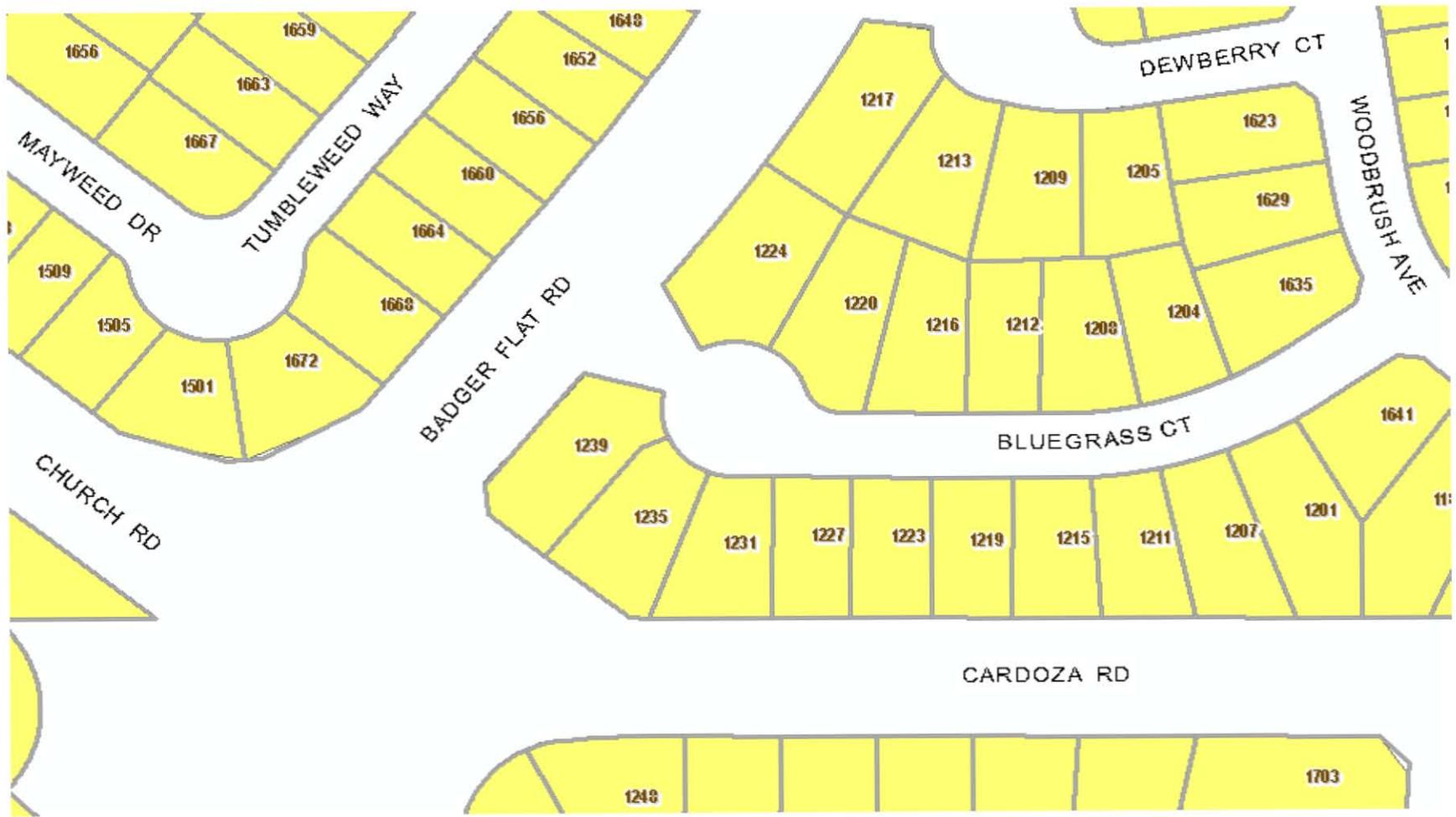
CONDITIONS OF APPROVAL FOR USE PERMIT 2012-01 – LITTLE HANDS DAYCARE (HEATHER SCHAEFER)

Planning:

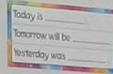
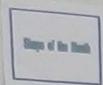
1. The Use Permit is for a large family day care facility located at 1235 Bluegrass Court; more specifically identified as Assessor's Parcel Number: 430-034-025 and the requested use shall expire after one (1) year from date of approval by the Los Banos Planning Commission unless implemented. The City for cause may revoke this Use Permit.
2. The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
3. The outside play area shall be contained within the fenced area of the yard, and shall not be allowed in the front yard of the home.
4. Temporary on-site parking shall be provided for the safe loading and unloading of children in the driveway.
5. The care provider shall provide a written notice to all parents notifying them not to park in front of property adjacent to the large family day care.
6. The Planning Commission reserves the right to review and/or revoke this permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval.
7. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
8. The premises of the subject site shall not be inconsistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved use permit, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.

9. Authorization of a Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.

SITE SPECIFIC ZONING MAP – 1235 BLUEGRASS CT.



Low Density Residential



Xx

March



10













Wash your hands.



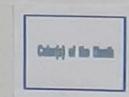
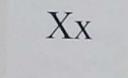
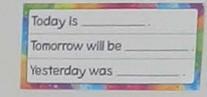
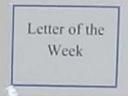
Steps to Washing Your Hands

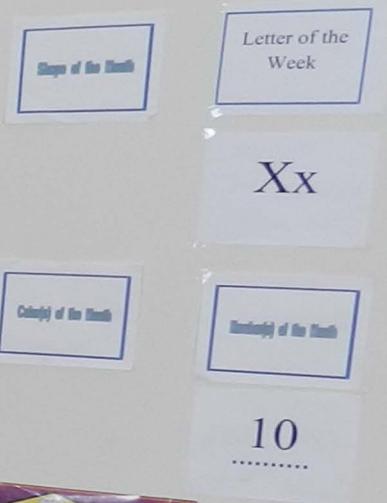
1. Turn on the water.
2. Wet your hands and rub soap on them.
3. Rub your hands together to make bubbles.
4. Rinse your hands.
5. Turn off the water.
6. Dry your hands.

The text and list are set against a yellow background with a decorative border of blue bubbles. An illustration of two hands being washed together is positioned to the right of the title.









ombus

rectangle






square



heart



rhombus



star



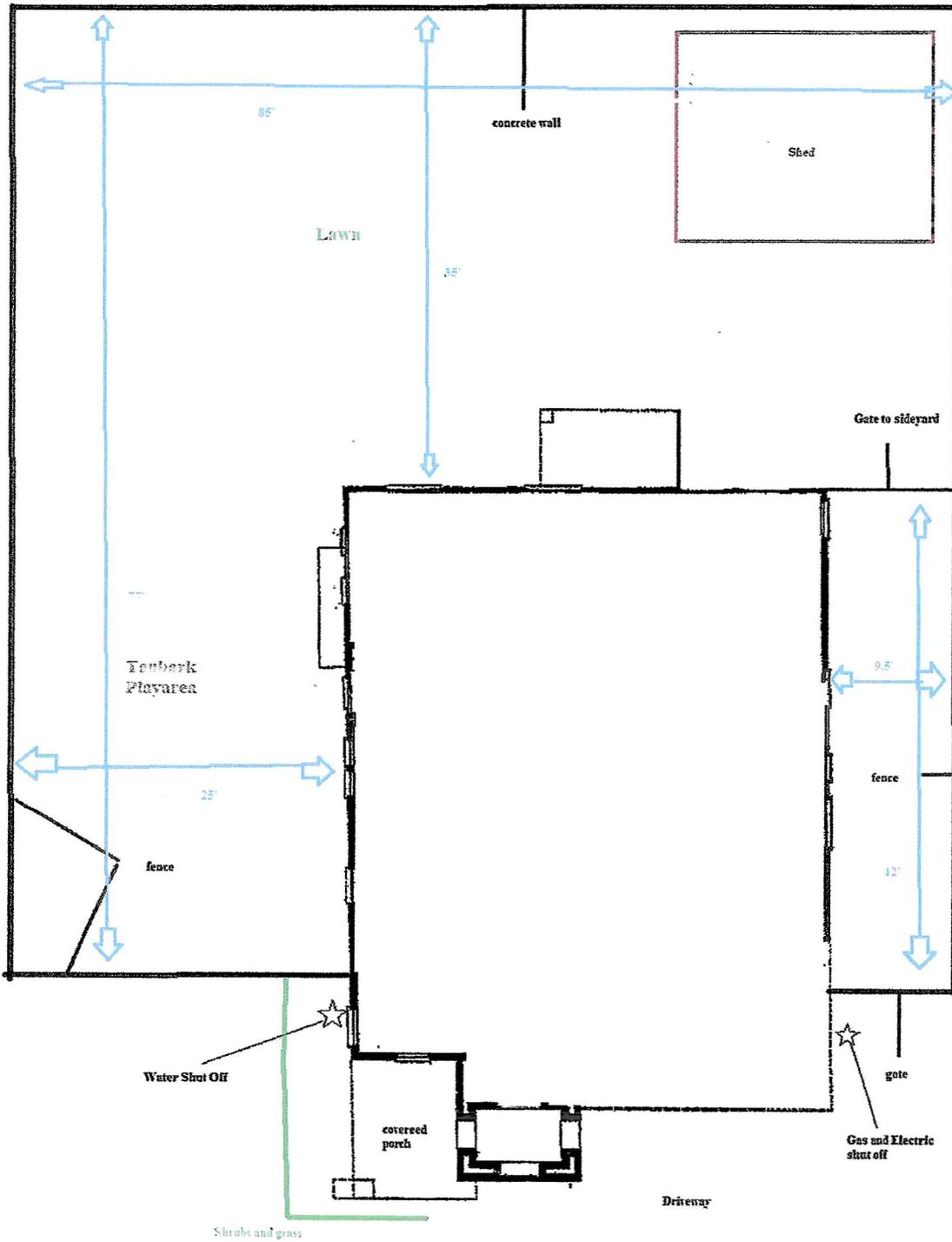
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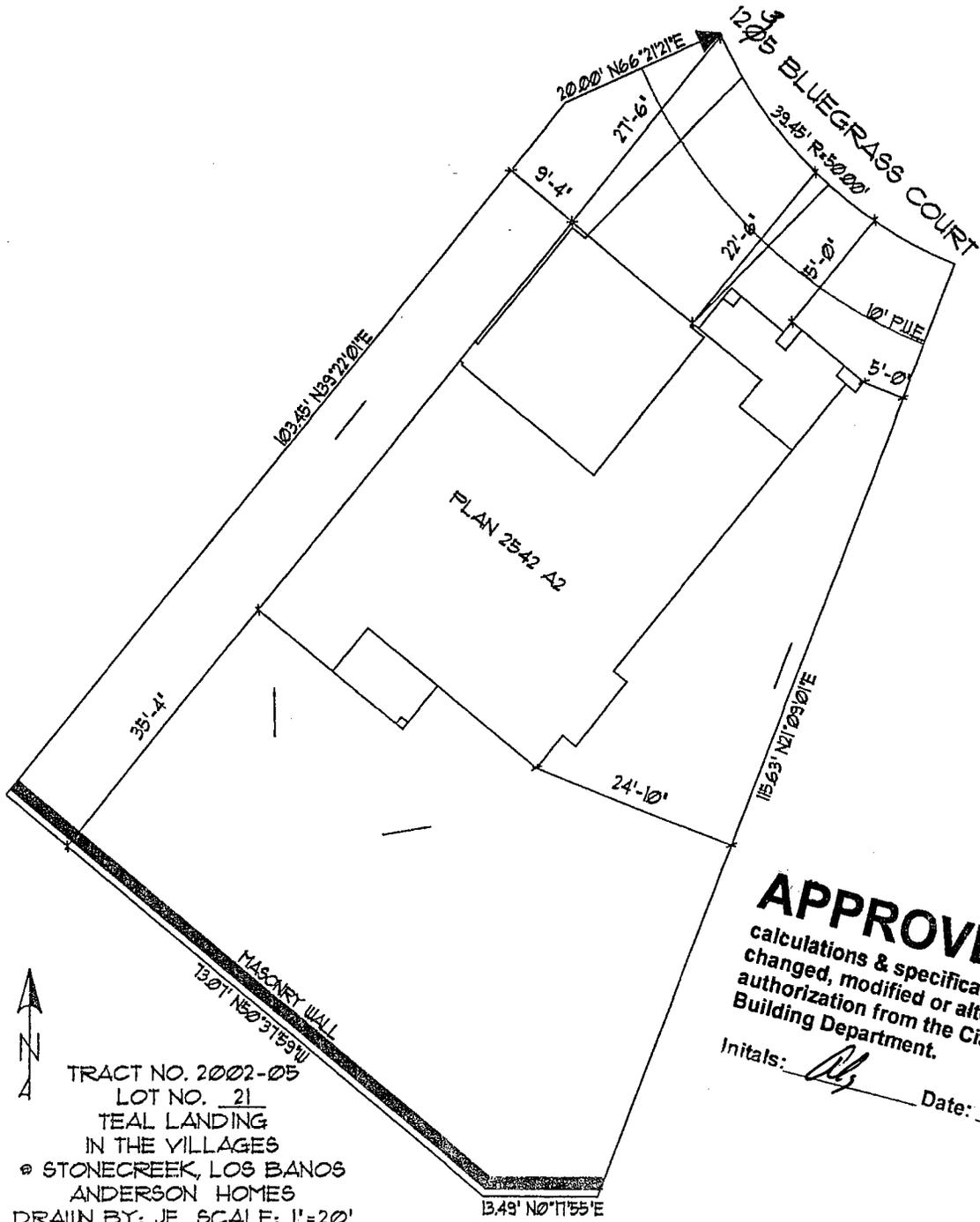
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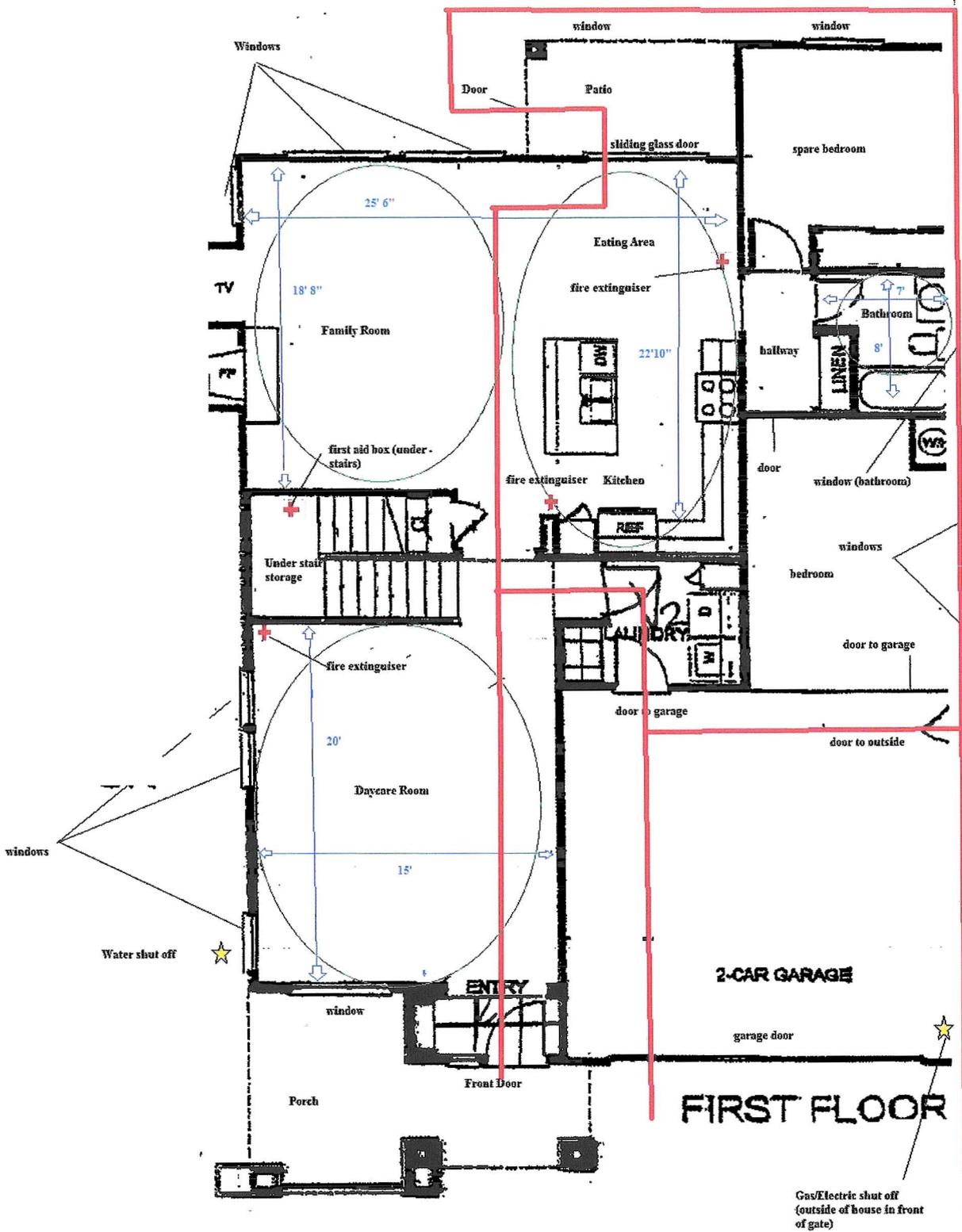


Facility Backyard Sketch - Schaefer, Heather Daycare - 1235 Bluegrass Court, Los Banos, CA 93635

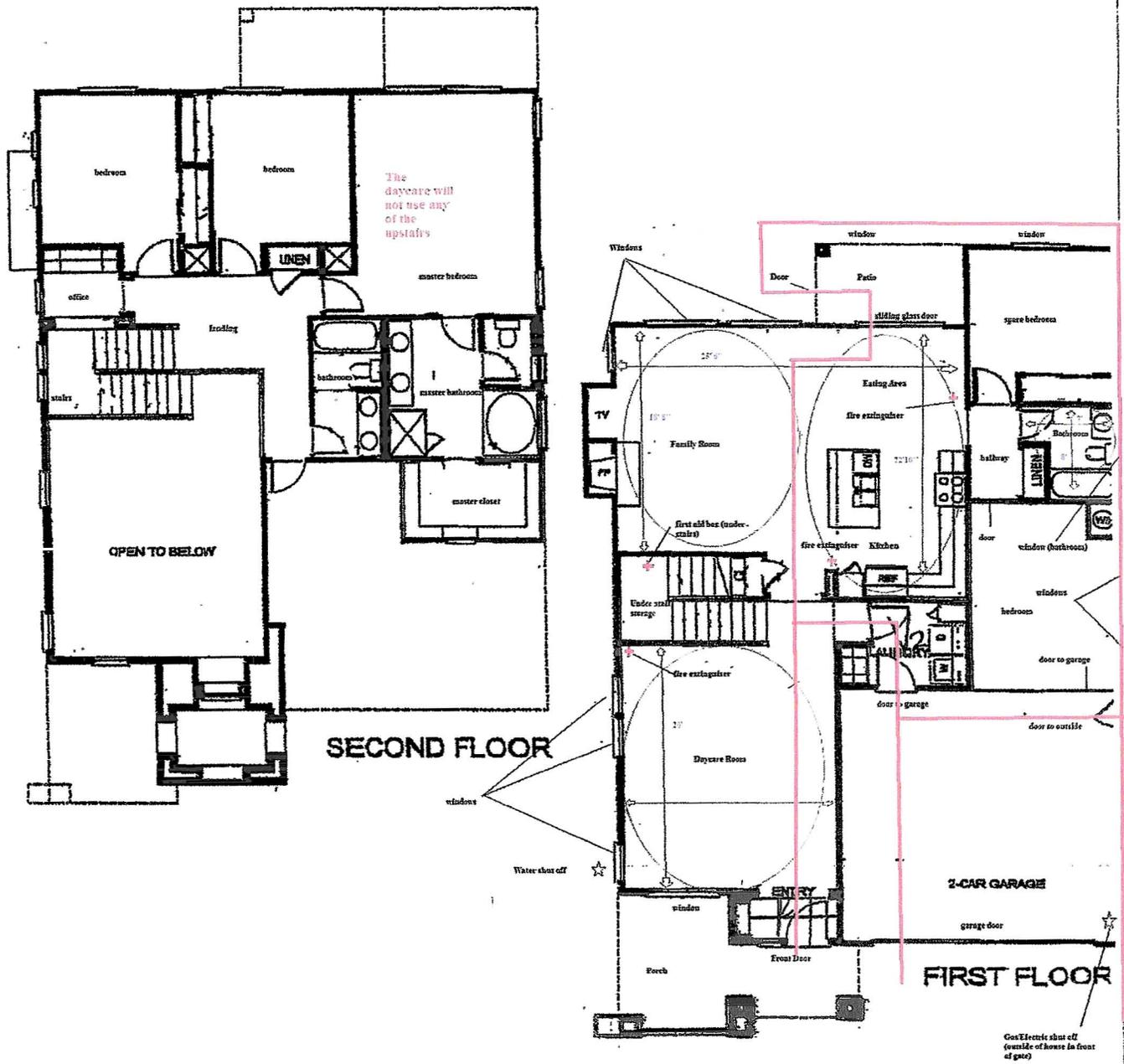


TRACT NO. 2002-05
 LOT NO. 21
 TEAL LANDING
 IN THE VILLAGES
 @ STONECREEK, LOS BANOS
 ANDERSON HOMES
 DRAWN BY: JF SCALE: 1"=20'

APPROVED SET
 calculations & specifications shall not be
 changed, modified or altered without
 authorization from the City of Los Banos
 Building Department.
 Initials: *AB* Date: *12/19/05*



Facility Sketch - Schaefer, Heather Daycare - 1235 Bluegrass Court, Los Banos, CA 93635



Facility Sketch - Schafer, Heather Daycare - 1235 Bluegrass Court, Los Banos, CA 93635

April 4, 2011

City of Los Banos
Planning Department

This is in response for the Use Permit #2012-01-Large Family Day Care Facility application for the residence located at 1235 Bluegrass Court in Los Banos.

My name is Bill Marchese, I was born and raised in Los Banos and I am the resident and homeowner of 1240 Turquoise Court which is almost directly located behind the proposed large family day care facility. For the record, I am against this type of home business operating in my neighborhood, and I urge the City of Los Banos Planning Department to deny and reject the Permit to operate a Large Day Care facility in my neighborhood which would be located almost directly behind my home.

I purchased my home in February 2008. I am the original owner of this dwelling which I purchased from Developer, Anderson Homes. I looked at many homes in this area before selecting to purchase this home which I live in now. I specifically chose this area due to its strict Plan Development and the CC&R's that outlined the development of my home and especially the neighborhood. Since I purchased my home, it's been well understood that most of the homes in my area went into foreclosures by the banks, and a new neighborhood of residence has taken hold in my neighborhood. With regret and sometimes hard to comprehend, all my new neighbors were able to secure their new homes at much lower process than us original home owners in the neighborhood. With this in mind, I feel that the City of Los Banos City Council and Planning Department needs to do everything they can to maintain the original Planned Development on my neighborhood. Running and operating a large scale public business for profit in this neighborhood was not part of the Planned Development. We have strict CC&R's and I want my neighborhood to maintain at its highest standards as original developed, marketed, and sold to the public. It's my belief having a large Day Care business in my neighborhood, in the middle of residential homes will hinder and hurt the value of my home and others alike in the neighborhood.

Since this Applicant is a new post foreclosure tenant and is not a homeowner, I can sense an understanding why they may seek profit motives on an already depressed real estate market in my neighborhood. A large Day Care facility of this nature really borders on a commercial size business and does not belong in my neighborhood or any other.

It's my comprehension that a "Large Day Care" permits 14 children in a home. The Day Care Applicant has a 2-story home with having a limit of no more than 1,100 square feet livable space on the ground floor, including the garage. As I am writing this letter, I have

observed from my house and you can see numerous outdoor play facilities for the pending Large Day Care already built in the backyard of this residents. I can see everything from my backyard or my second story looking to the North and if the City grants this permit, I will soon hear 14 children screaming and playing in the backyard. I am home throughout the day sometimes during the week and will be subject to the noise pollution of this Large Day Care. They simply do not have enough outdoor and indoor livable space to maintain a quiet environment for 14 children. The noise level will be extremely high and there is no local governmental agency that would ever effectively enforce any noise violations of this facility that I am sure it would force me to file a complaint about the noise that it would be generating.

Another large concern and probably the most important is that Bluegrass Court is a street which has extremely narrow access. There is only one way in, and one way out. The traffic congestion along the street will be extremely high. The streets are already narrow to get to this home and the excess additional traffic will only cause further congestion in this neighborhood. There is also a shortage of street parking in the neighborhood and this Large Day Care facility would have to employ about 4-5 additional people to observe and watch the kids throughout the day. Where are these anticipated 4 or 5 employees going to park their vehicles? Since the driveway access must remain open and clear during all times for loading and unloading of children; where are all of these additional cars going to park? And how about the people who will actually live at this location, where are they going to park? Traffic congestion and parking will be a very big problem at this location always.

Having a Large Day Care facility in the middle of my neighborhood, in a residential area and directly behind my house is not what I bought into when purchasing my home on February 2008. Allowing this Large Day Care facility in this tight and limited access neighborhood will only cause future problems. I would like to know if the Fire Department has reviewed this permit due to the limited access to this location and what their thoughts and concerns about this application? As I keep examining this permit application, this Large Day Care facility really needs a commercial space to accommodate the kids, personnel, increase traffic, and the additional parking needed. Anderson Homes did not design this street for the commercial use that this large Day Care facility will bring into the neighborhood.

I want to express my major and if not the most important adversity is that permitting this use in my neighborhood would have a direct negative effect on the value of my home, and the peace and quiet enjoyment of my home would be negatively affected. Traffic congestion and noise pollution will increase significantly and the value of my home will continue to decrease because of this Day Care facility. No one ever wants a Large Day Care facility to move into their backyard, do you? How would you like it? The city Planning Department has the Police Power to regulate and maintain the integrity of my neighborhood and I plead that they listen to my complaints, concerns or anyone else that might have comments or testimony regarding this permit application.

Please reject and deny this Large Day Care Permit Application. I did not purchase my home in February of 2008 to have a Large Day Care Facility move in my backyard and neighborhood. I NEVER would have considered or have bought my home if this facility existed before my purchase on my home. This in not right to have my neighborhood change in a negatively by a new tenant and the City approving of this hindrance.

In closing, I have been informed by some residences that live along Bell Flower Street that they never received a public hearing notice for this permit. Bell flower is the major street that leads into and dead ends to Bluegrass Court. The residences that live along this street would certainly be negatively impacted by this type of business and some type of notification should have been sent to their homes along this street. I have been informed that a public notice is only required for homes within 3300 feet of this permit application. Since there is extreme limited access in and out of Bellgrass Court, the city should notify all residences along the street that dead ends into Bluegrass Court. The 300 foot notification is not sufficient enough for this permit application. The streets that lead to Bluegrass Court are few and extremely limited and further notification to the surrounding property owners should be extended.

I can be reached at 209-704-1011 if anyone wishes to contact me to verify this letter or discuss anything that I have written in this letter. I will make every effort to attend the public meeting on April 11, 2012, I would recommend to the Day Care Applicant that there are plenty of downtown vacant buildings that are already zoned and could accommodate this type of use very easily, and they currently have extremely reasonable sales and rental prices.

Very Truly Yours,

A handwritten signature in black ink that reads "Bill Marchese". The signature is written in a cursive, flowing style with a large initial "B".

Bill Marchese
1240 Turquoise Court
Los Banos, CA 93635

April 3, 2012

City of Los Banos

Planning Department

This letter is in response for the "Large Day Care permit application for the residence located at 1235 Bluegrass Court in Los Banos. .

My name is Steve Curutchague and I am the resident and homeowner of 1248 Turquoise Court which is directly located behind the Day Care Applicant. For the record, I am against this type of home business operating in my neighborhood, and I urge the City of Los Banos Planning Department to deny and reject the Permit to operate a Large Day Care facility in my neighborhood which would be located directly behind my home.

I purchased my home in May 2008. I am the original owner of this property which I purchased it from the Developer, Anderson Homes. When selecting to purchase a home in Los Banos, I specifically chose this area due to its strict Plan Development and the CC&R's that outlined the development of my home and neighborhood. Since I purchased my home, it's well understood that most of the homes in my area went into Foreclosures by the banks, and a new neighborhood of residence has taken hold in my neighborhood. With regret but understood, all my new neighbors were able to secure their new homes at substantial lower prices than us original home owners in the neighborhood. With this in mind, I feel that the City of Los Banos City Council and the Planning Department needs to do everything they can to maintain the original Planned Development of my neighborhood. Running and operating a For Profit large scale Public Business in this neighborhood was not part of the Planned Development. We have strict CC&R's and I want my neighborhood to maintain at its highest standards as original developed, marketed, and sold to the public. It's my opinion having a large Day Care business in my neighborhood, in the middle of residential homes, will hinder and hurt the value of my home and others in the neighborhood. I speak from Professional experience working as a Real Estate Appraiser for the Department of Transportation District 4, Oakland Office.

Since this Applicant is a new post foreclosure tenant and not a homeowner, I can sense an understanding why they may seek profit motives on an already depressed real estate market in my neighborhood. A large Day Care facility is really a commercial size business and does not belong in my neighborhood. The Large Day Care Permit Applicant is moving from a previous location which the

property owners are the same individuals as 1235 Bluegrass Court. Does the Permit Applicant have the proper insurance coverage for this use? It's almost impossible to secure and maintain proper insurance for a large Day Care facility in a home in California today. The insurance considers this policy as a Commercial Policy and is not viewed by the industry as a residential business.

It's my understanding that a "Large Day Care" permits 14 children in a home. The Day Care Applicant has a 2-story home with having a limit of no more than 1,100 square feet livable space on the ground floor. As I am writing this letter, I see numerous outdoor play facilities for the pending Large Day Care already built in the backyard.

I can see everything from my backyard and if the City grants this permit, I will soon hear 14 children screaming and playing in the backyard. I am home throughout the day and will be subject to the noise pollution of this Large Day Care. They simply do not have enough outdoor and indoor livable space to maintain a quiet environment for 14 children. The noise level will be extremely high and there is no local governmental agency would ever effectively enforce any noise violations of this facility that I am sure I would eventually file complaint. The backyard at this location has no landscaping that could shelter any noise. There is nothing to mitigate noise issues at this home. It's a bare backyard and the home developer did not build this home to accommodate a Large Day Care facility.

More importantly, Bluegrass Court is a street which has extremely narrow access. There is only one way in, and one way out. The traffic congestion along the street will be extremely high. The streets are already narrow to get to this home and the excess additional traffic will only cause further congestion in this neighborhood. There is also a shortage of street parking in the neighborhood and this Large Day Care facility would have to employ about 4 additional people to observe and watch the kids throughout the day. Where are these anticipated 4 employees going to park? Since the driveway access must remain open and clear during all times for loading and unloading, of children, where are all of these additional cars going to park? How about the people who, actually live at this location, where are they going to park?

I love kids. I have two of them of my own – 4 and 6 years old. There is a place and time for everything. Both my children attended a downtown Day Care facility which fit nicely in that neighborhood. Having a Large Day Care facility in the middle of my neighborhood and directly behind my home is not what I bought into when purchasing my home in May 2008. Allowing this Large Day Care facility in this tight and limited access neighborhood will only cause future problems. I wonder if the Fire Department has reviewed this permit due to the limited access to this location? As I review this permit notice, this Large Day Care facility really needs a commercial space to accommodate the kids, personnel, increase traffic,

and the additional parking needed for guests and product deliveries. Anderson Homes did not design this street for the commercial use that this Large Day Care facility will bring into the neighborhood.

I want to stress that permitting this use in my neighborhood would have a direct negative effect on the value of my home, and the peace and quiet enjoyment of my home would be negatively affected. I am a legally blind person that is extremely sensitive to noise. I currently enjoy a nice quiet residential neighborhood. I do not want my current rights taken away by the Large Day Care facility moving next to my home. My mental health and sanity is at risk if the City Planning Department permits this new use in my backyard. I will be left with no choice to seek all legal actions against the Homeowner, Permit Applicant, and possibly the City of Los Banos. I will seek all resources to my disposal that protects me as a homeowner, and as an American with a disability. You are considering a drastic change to my lifestyle and home environment.

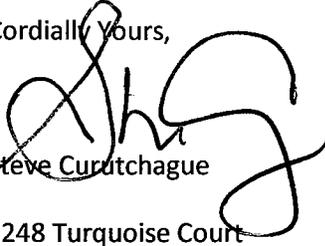
Also, there will be an increase in traffic congestion and noise pollution in the area which would negatively affect the values of the homes in my neighborhood. No one wants a Large Day Care facility to move in their backyard right? The City Planning Department has the Police Power to regulate and maintain the integrity of my neighborhood and I plead that they listen to my complaints and concerns.

Please reject and deny this Large Day Care Permit Application. I did not purchase my home in May of 2008 to have a Large Day Care Facility in my backyard and neighborhood. I NEVER would have bought my home if this facility existed before my purchase of my home. Due to my disability, my mental health requires a quiet environment. I do not think it is right, now to have my neighborhood change negatively by a new tenant and the City approving of this negative use that is not currently conforming to my neighborhood.

Lastly, I have been informed by some residences that live along Bell Flower Street that they did not receive a Public Hearing Notice for this Permit. Bell Flower is one of the major street that leads and dead ends to Bluegrass Court. The residents who live along this street would certainly be negatively impacted by this type of business due to the increase traffic, and notification should have been sent to the homes along this street. I have been informed that a public notice is only required for homes within 300 feet of this permit application. Since there is extreme limited access in and out of Bluegrass Court, the City should notify all residences along the street that dead-ends into Bluegrass court. The 300 foot notification is not sufficient enough for this permit application. The streets that lead to Bluegrass Court are few and extremely limited and further notification to the surrounding property owners should be extended.

I can be reached at 829-0755 if anyone wishes to validate and verify this letter. I will make every effort to attend the public meeting on April 11. I would recommend to the Day Care Applicant that there are plenty of downtown vacant buildings that are already zoned for this use, and they currently have extremely reasonable sales and rental prices.

Cordially Yours,


Steve Curdchague

1248 Turquoise Court

Los Banos, CA 93635

April 4, 2012

City of Los Banos

Planning Department

This letter is in response for the "Large Day Care permit application for the residence located at 1235 Bluegrass Court in Los Banos. .

My name is Carl Thomson and I am the resident and homeowner of 1216 Turquoise Court which is located behind the Day Care Applicant. For the record, I am against this type of home business operating in my neighborhood, and I urge the City of Los Banos Planning Department to deny and reject the Permit to operate a Large Day Care facility in my neighborhood and backyard.

I purchased my home in February 2008. I am the original owner of this property which I purchased it from the Developer, Anderson Homes. When selecting to purchase a home in Los Banos, I specifically chose this area due to its strict Plan Development and the CC&R's that outlined the development of my home and neighborhood. Since I purchased my home, it's well understood that most of the homes in my area went into Foreclosures by the banks, and a new neighborhood of residence has taken hold in my neighborhood.

I am against approval of this conditional permit because of the noise pollution, and the excess traffic congestion along a already extremely narrow cooridor which leds into Bluegrass Court. There is basically one way into this deadend cul-de-sac. Homes along Bell Flower that leds into Bluegrass Court will see significant traffic congestion. This street was not designed for commercial use. I believe it will also be an extreme fire hazard due to its limited access.

I did not buy my home in 2008 to have a large Day Care facility to be next to me. As a homeowner I will suffer marketable decrease in the value of my home if this permit is granted by the Planning Department. Please reject this permit application.

I can be reached at ~~415-224-1111~~ if anyone wishes to validate and verify this letter.

Cordially Yours,

Carl Thomson

1216 Turquoise Court

Los Banos, CA 93635

A handwritten signature in black ink, appearing to read 'Carl Thomson', written in a cursive style with a long horizontal flourish extending to the right.



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIR ROSIN AND COMMISSIONERS
FROM: PAULA FITZGERALD, AICP, COMMUNITY DEVELOPMENT DIRECTOR
FOR: PLANNING COMMISSION MEETING OF APRIL 11, 2012
SUBJECT: USE PERMIT 2010-02 – LARGE FAMILY DAYCARE

RECOMMENDATIONS:

1. That the Planning Commission makes the appropriate findings and adopts Resolution # 2012-03 approving Use Permit 2012-02 for the use of Frances Daycare (Large Family Daycare), in the Low Density Residential zoning district located at 2086 Hastings Dr.

PROJECT: Use Permit 2012-02 – Large Family Daycare

APN: 083-443-029

APPLICANT: Frances Arevalo

OWNER: Oscar & Maria Saavedra

CEQA: Exempt

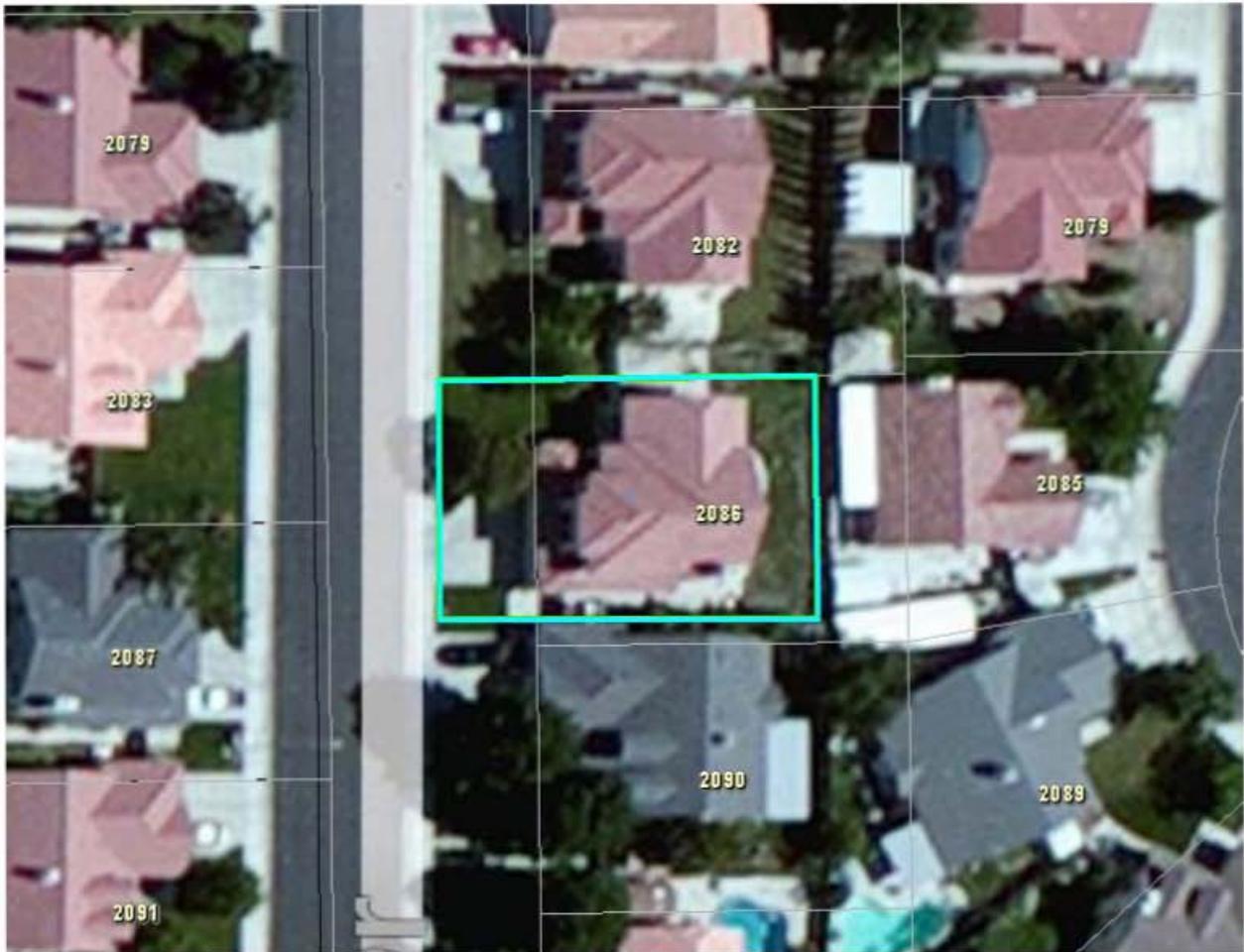
PROJECT BACKGROUND/DESCRIPTION:

The requested use permit is for the operation of a large family day care in the Low Density Residential District. Large Family Daycare facilities are regulated by the California Department of Social Services and are allowed to accommodate a maximum of 14 children. The applicant is requesting to operate from the hours of 6:00am to 7:00, Monday through Friday. The children in attendance will range from the ages of 0

months to 13 years old. The requested use will be secondary to the primary residential use of the property.

LOCATION AND ACCESS:

The project site is located at 2086 Hastings Dr., more specifically identified as Assessor's Parcel Number: 083-443-029.



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Residential	R-1	LDR
North	Residential	R-1	LDR
South	Residential	R-1	LDR
East	Residential	R-1	LDR
West	Residential	R-1	LDR

R-1 = Low Density Residential

LDR = Low Density Residential

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is statutorily exempt from the provisions of CEQA – Article 18, Section 15274 (a), Family Day Care Homes.

USE PERMIT ANALYSIS

Code Requirements

A large family daycare, as specified in the Los Banos Municipal Code, shall be permitted in all residential zone districts subject to a use permit approval. The City however is restricted by State law, Health & Safety Code Section 1597.40 (a) and (b) of the California Child Day Care Act to only concentrate on the potential impacts of the use and place reasonable restrictions on the operation of a large family child care programs in the following areas:

1. Noise
2. Parking
3. Traffic
4. Space/ Concentration

Noise

The applicant will be required to follow the City's noise ordinance requirements and guidelines. In general noise produced by a large family daycare is comparable to noise generated by a single family residence.

Parking

According to the Los Banos Municipal Code, an area must be provided for the temporary parking of at least two motor vehicles for the safe loading and unloading of children. This can be accommodated in the driveway as the residence provides two-car parking in the driveway. In addition, there is on-street parking directly in front of the house.

Traffic

Staff believes that traffic will be less than significant at this location. The amount of additional vehicles due to the impact of the large family day care will not significantly create any traffic issues in the area, particularly because there is currently a small family daycare at the site. In addition, parents typically drop-off and pick-up children at staggered times throughout the day to accommodate different work schedules, school schedules and part-time daycare needs.

Space/Concentration

Pursuant to the Municipal Code a usable rear yard play area of at least 1200 square feet shall be provided on the site for outdoor play activity and prohibited in the front or exterior side yard areas of the home. In previous large family day care submittals City staff and the Planning Commission have determined that the intent of the ordinance is to prohibit the applicant from using unreasonable play space (e.g. 5 foot walk space –

set back). The usable rear yard play space has been calculated to be 1,872 square feet which is over the 1200 square foot requirement.

The Municipal Code also specifies that the site shall not be located within 1200 feet of another such facility on the same street. As of to date Business License records show that there are no other large family daycare facilities in close proximity to the proposed use.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on March 30, 2012. As of the date of this staff report, no comments have been received.

CONCLUSION:

The proposed use permit substantially conforms to the criteria and guidelines designated in the Los Banos General Plan and Municipal Code. The facility will be licensed and regulated by the State, and the project will not contribute to a significant increase in noise, parking, traffic or space/concentration in the area. Allowance of the requested use permit will provide additional childcare options and help alleviate the demand for such uses in the community.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan

Los Banos Municipal Code

Health and Safety Code

RECOMMENDATIONS:

1. That the Planning Commission makes the appropriate findings and adopts Resolution #2012-03 approving Use Permit 2012-02 for the use of Frances Daycare (Large Family Daycare), in the Low Density Residential zoning district located at 2086 Hastings Dr.

ATTACHMENTS:

1. Resolution 2012-03 approving Use Permit #2012-02.
Exhibit A CEQA Findings
Exhibit B Project Findings
Exhibit C Conditions of Approval
2. Site Specific Zoning Map
3. Site Photos
4. Plot Plan
5. Floor Plan

RESOLUTION No. 2012-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS APPROVING USE PERMIT 2012-02 FOR THE USE OF A LARGE FAMILY DAYCARE IN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT LOCATED AT 2086 HASTINGS DRIVE

WHEREAS, the applicant has requested that the City of Los Banos consider a Use Permit to allow the operation of a large family daycare in the Low Density Residential zoning district located at 2086 Hastings Drive; further identified as Assessor's Parcel Number: 083-443-029; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on March 30, 2012 and notices were mailed to property owners within 300 feet of the site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, Use Permit 2012-02 has been determined to be statutorily exempt from the provisions of CEQA per Article 18, Section 15274 (a), Family Day Care Homes; and

WHEREAS, it has been found that the proposal will be incidental to the residential use of the property; and

WHEREAS, it has been found that the proposed site is not located within 1200 feet of another such facility on the same street; and

WHEREAS, it has been found that the proposal will provide for the temporary parking of at least two (2) motor vehicles for the safe loading and unloading of children; and

WHEREAS, it has been found that little or no significant traffic issues will result from the proposed use; and

WHEREAS, it has been found that a usable rear yard area of at least 1200 square feet has been provided on the site; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance the Los Banos Municipal Code; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Use Permit 2012-02 to permit the use of a large family day care facility in the Low Density Residential zoning district located at 2086 Hastings Dr., subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 11th day of April, 2012 by Planning Commissioner_____ who moved its adoption, which motion was duly seconded by Planning Commissioner_____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Tracey Rosin, Chairman

ATTEST:

Stacy Souza Elms, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR USE PERMIT 2012-02 – FRANCES DAYCARE (FRANCES AREVALO)

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, the project was evaluated within the context of those guidelines and found to be statutorily exempt from the provisions of CEQA per Article 18, Section 15274 (a) for large family day care homes
2. Use Permit 2012-02 was adequately noticed on March 30, 2012 for consideration at a public meeting on April 11, 2012.
3. No further environmental documentation is required as the Use Permit was contemplated and adequately analyzed in the initial review.
4. The proposal is consistent with the Los Banos General Plan as it meets the use and density standards specified within.
5. The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use and development standards specified within.

EXHIBIT B

FINDINGS FOR APPROVAL OF USE PERMIT 2012-02 – FRANCES DAYCARE (FRANCES AREVALO)

FINDINGS FOR APPROVAL:

The City of Los Banos Planning Commission hereby finds as follows:

1. The project is consistent with the City of Los Banos General Plan “Low Density Residential” designation in that the project meets the use and density standards specified within.
2. The proposal is consistent with the Los Banos Municipal Code in that it meets the criteria and required findings as specified.
3. The proposed use will not be a nuisance or detrimental to the public health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as family day care homes are regulated by the state to provide a safe and healthy environment for children.
4. The proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City as the proposed use will be ancillary to the home and the State requires that large family day cares operate in a normal residential surrounding.
5. The proposed use will be incidental to the residential use of the property.
6. The proposed site is not located within 1200 feet of another large family day care facility on the same street.
7. The applicant will provide for the temporary parking of at least two (2) motor vehicles for the safe loading and unloading of children in the driveway.
8. The proposed use will create little or no significant traffic problems within the vicinity of the facility in that drop-off and pick-up of children vary throughout the day to accommodate various work schedules, school hours and part-time day care needs.
9. The usable rear yard play area is greater than 1200 square feet and outdoor play activity will not be allowed in the front or unusable side yard areas.
10. The proposed use will not create noise levels above what is typically generated by a single family residential home and the proposed use will be required to comply with Ordinance 770 in regards to noise control.

EXHIBIT C

CONDITIONS OF APPROVAL FOR USE PERMIT 2012-02 – FRANCES DAYCARE (FRANCES AREVALO)

Planning:

1. The Use Permit is for a large family day care facility located at 2086 Hastings Drive; more specifically identified as Assessor's Parcel Number: 083-443-029 and the requested use shall expire after one (1) year from date of approval by the Los Banos Planning Commission unless implemented. The City for cause may revoke this Use Permit.
2. The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
3. The outside play area shall be contained within the fenced area of the rear yard, and shall not be allowed in the front or exterior (non-usable) side yard areas of the home.
4. Temporary on-site parking shall be provided for the safe loading and unloading of children in the driveway.
5. The care provider shall provide a written notice to all parents notifying them not to park in front of property adjacent to the large family day care.
6. The Planning Commission reserves the right to review and/or revoke this permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval.
7. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
8. The premises of the subject site shall not be inconsistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved use permit, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.

9. Authorization of a Use Permit granted pursuant to the provisions of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.

SITE SPECIFIC ZONING MAP – 2086 HASTINGS DR.



Low Density Residential

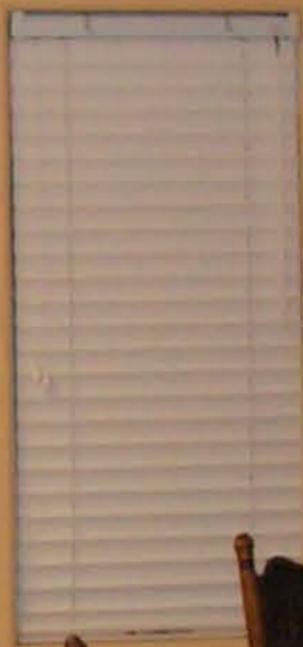














Aa Bb Cc Dd Ee Ff Gg Hh Ii Jj Kk Ll Mm Nn Oo Pp Qq Rr Ss Tt Uu Vv Ww Xx Yy Zz





Our Best Christmas



Dear & Love

MATH SYMBOLS











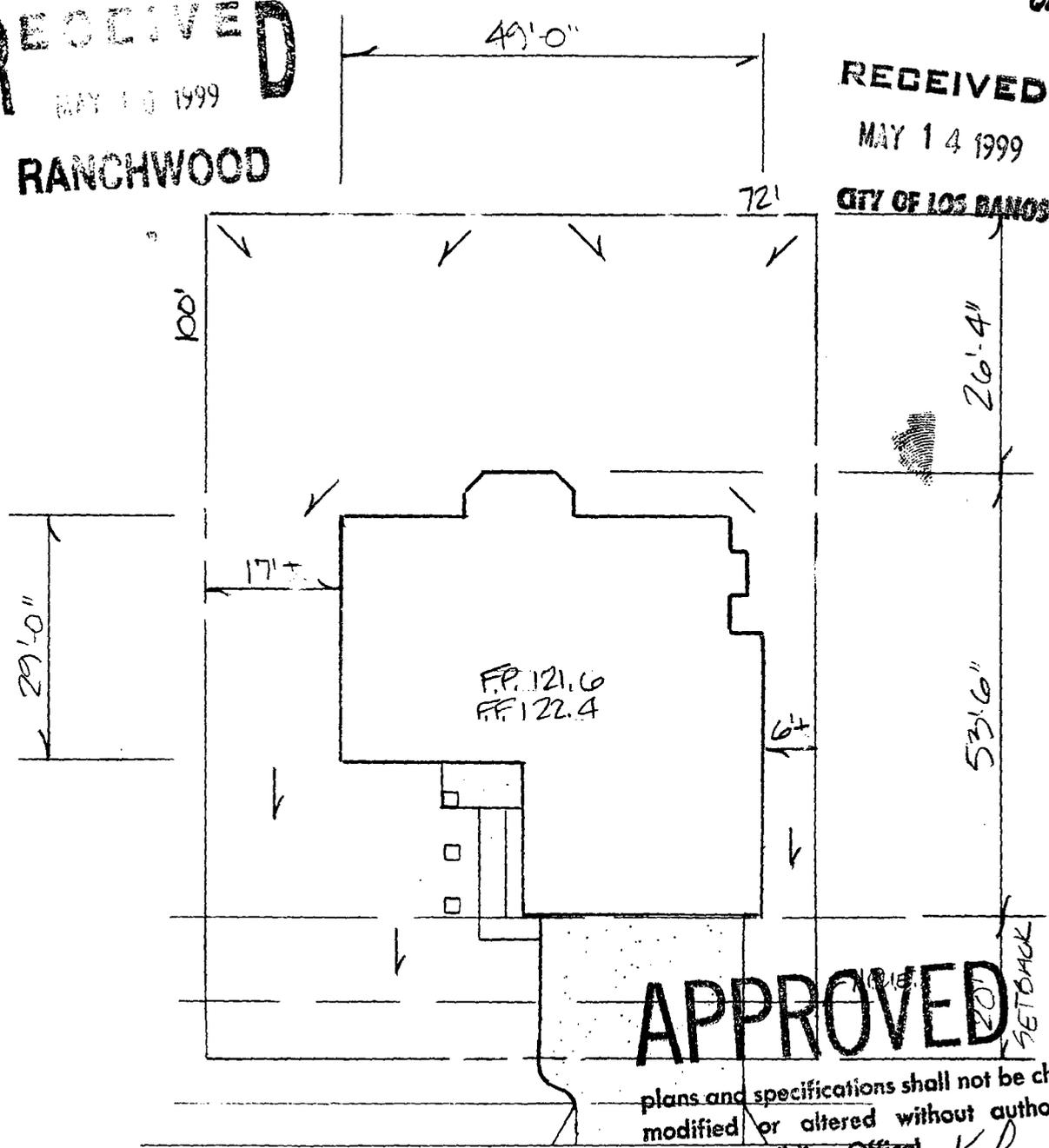






RECEIVED
MAY 10 1999
RANCHWOOD

RECEIVED
MAY 14 1999
CITY OF LOS BANOS



APPROVED

plans and specifications shall not be changed,
modified or altered without authorization
from the Building Official.

2086 HASTINGS DRIVE

524-99

ELSD APPROVED: OK PRR Mike
DATE: 5/10/99

BUYER APPROVED: _____
DATE: _____
BUYER APPROVED: _____
DATE: _____

COLLEGE GREEN
UNIT # 2 PHASE # 1
LOT # 469
PLAN # 2545 R.
NICK'S DRAFTING SERVICE
BLUEPRINTING, DRAFTING & LAYOUTS ONLY
1612 ALBERTA STREET, LOS BANOS, CA 93635
NO ENGINEERING
(209) 826-6718
REV. 5-8-99

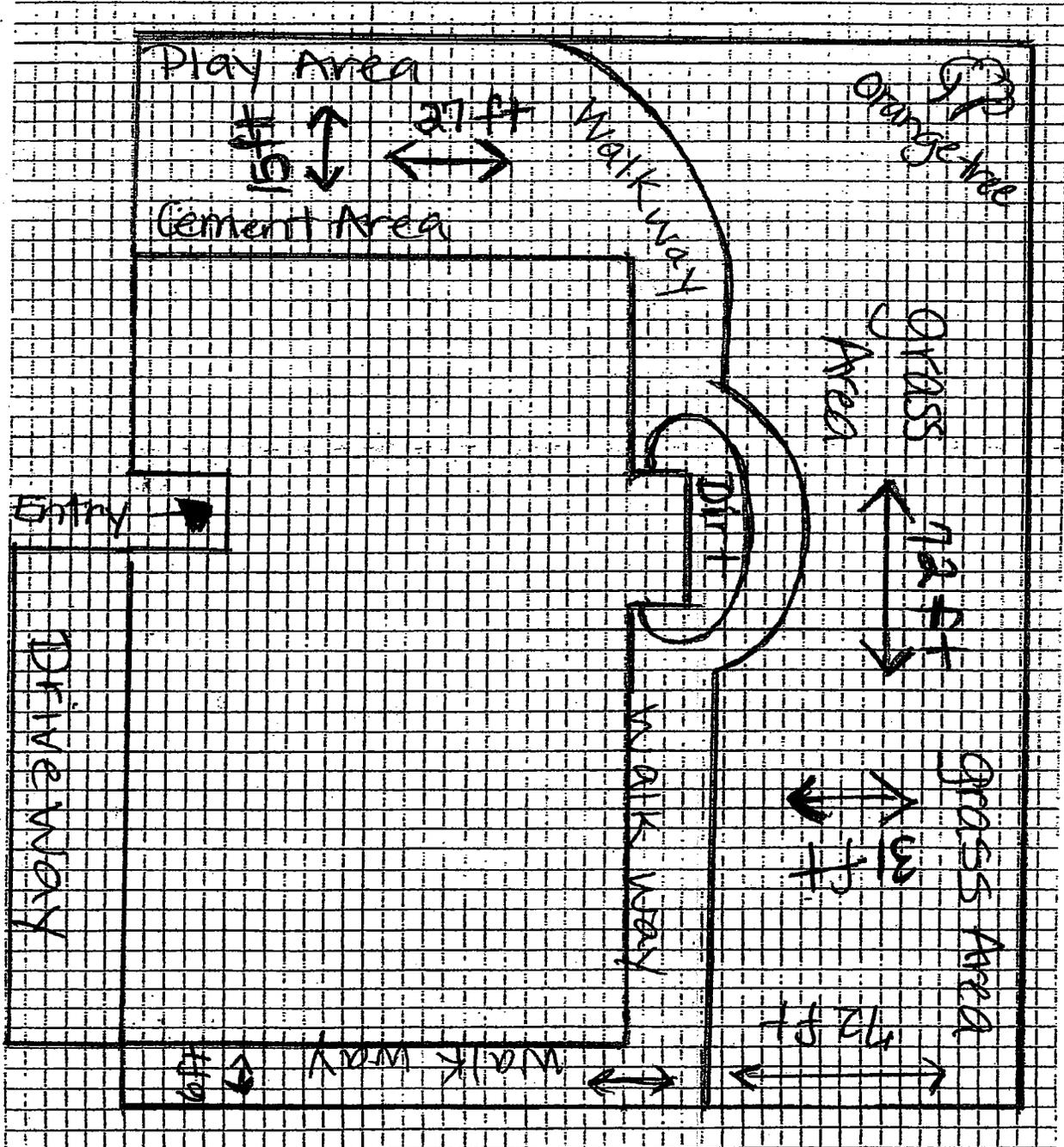
OFFICE COPY

FACILITY SKETCH (Yard)

The yard sketch should show all buildings in the yard including the home (with no detail), garage and storage building. Include walks, driveways, play area, fences, gates. Show any potential hazardous area such as pools, garbage storage, animal pens, etc. Show the overall yard size. Try to keep the sizes close to scale. Use the space below.

FACILITY NAME
Frances Day Care

ADDRESS
2086 Hastings Dr Los Banos, CA

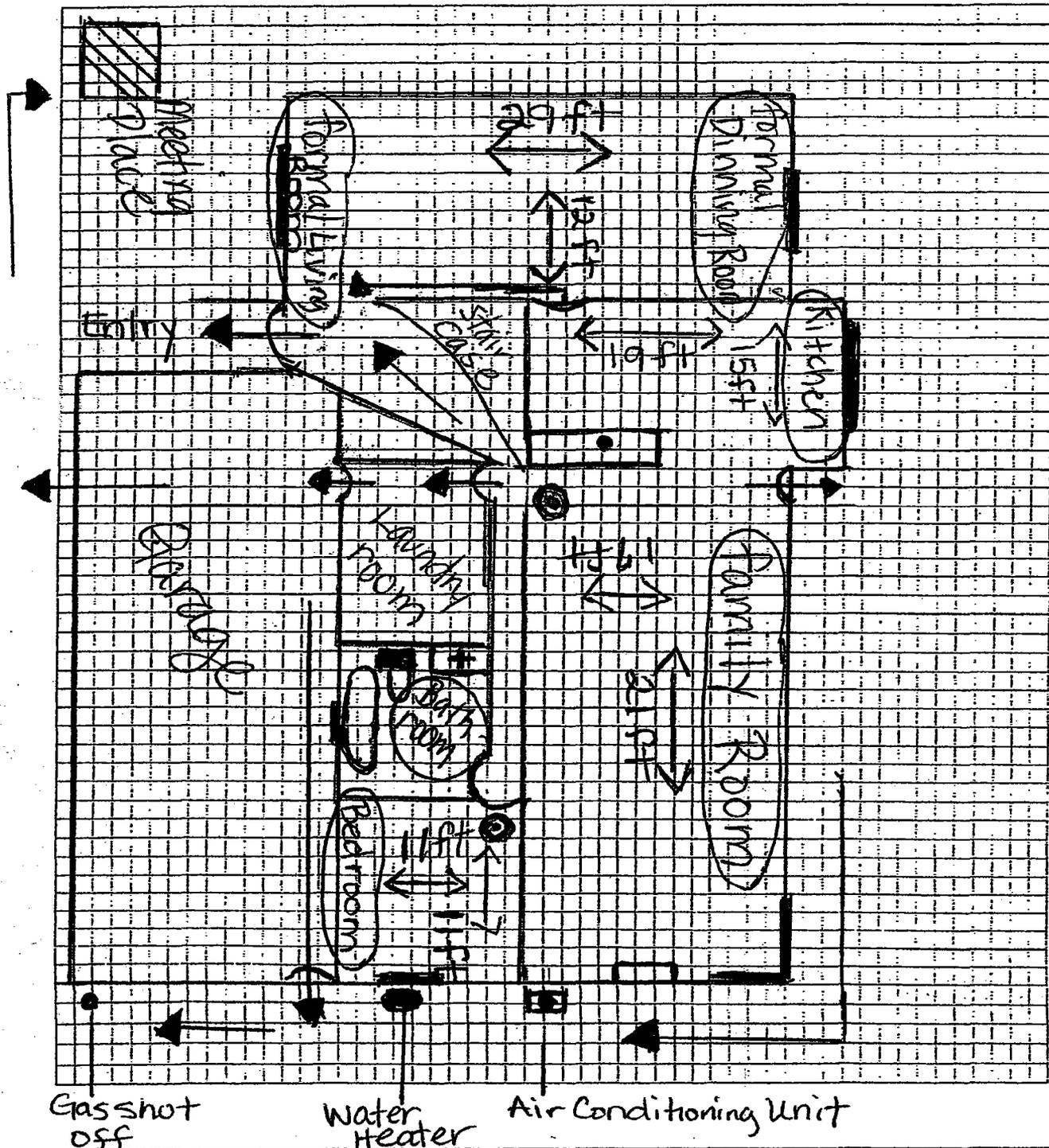


FACILITY SKETCH (Floor Plan)

Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Circle the names of the rooms that will be used by staff/residents/clients/children. Door and window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes (e.g. 8.5 x 12). Keep close to scale. Use the space below. See back for yard sketch.

FACILITY NAME
Frances Day Care

ADDRESS
2086 Hastings Dr Los Banos, CA



- + First Aid Kit
- Escape Route
- Fire Extinguisher
- Smoke Detector
- * Children will only use downstairs area



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIR ROSIN AND COMMISSIONERS
FROM: PAULA FITZGERALD, AICP, PLANNING DIRECTOR
FOR: PLANNING COMMISSION MEETING OF APRIL 11, 2012
SUBJECT: SITE PLAN REVIEW #2012-01 – LES SCHWAB

RECOMMENDATIONS:

1. That the Planning Commission adopts Resolution #2012-04 approving Site Plan Review #2012-01 and certifying the Negative Declaration (SCH# 2012031018) for the development of a 12,009 square foot full service tire center, located on the north side of Pacheco Boulevard, east of Mercey Springs and directly east of Espana's Restaurant, more specifically identified as Assessor's Parcel Number: 428-140-049.

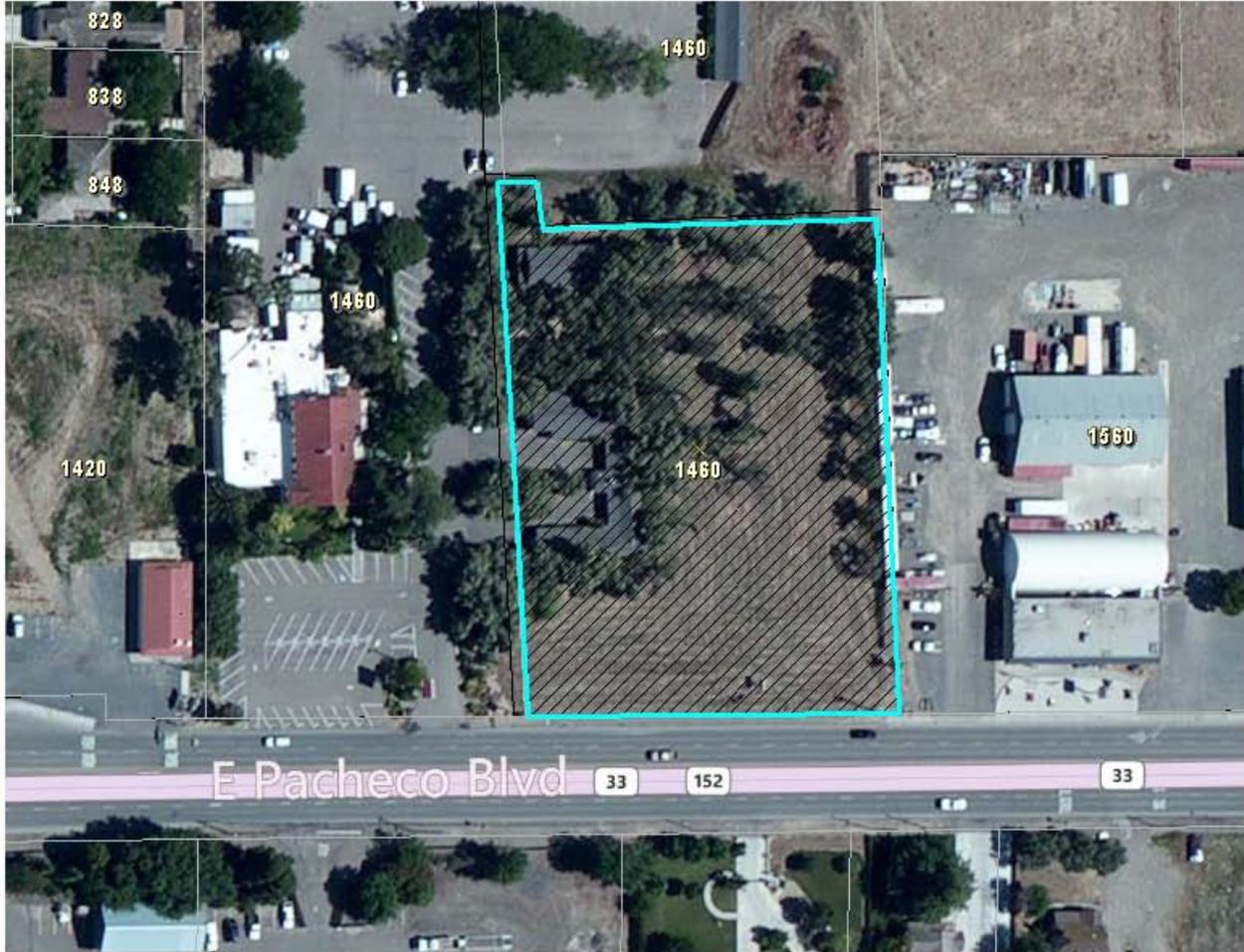
PROJECT: Les Schwab
APN: 428-140-049
APPLICANT: George Bunting – Les Schwab
OWNER: Michael Amabile Trustee
CEQA: Negative Declaration – SCH #2012031018

PROJECT BACKGROUND/DESCRIPTION:

The proposal is for the construction of a 12,009 square foot Les Schwab full service tire center with 8 service bays on approximately 2.06 acres in the Highway Commercial zoning district. The proposed project includes 48 parking spaces with 2 handicapped accessible stalls and landscaping which meets the City's 50% shade tree canopy requirement.

LOCATION AND ACCESS:

The project site is located on the north side of Pacheco Boulevard, east of Mercey Springs and directly east of Espana's, more specifically identified as Assessor's Parcel Number: 428-140-049.



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Vacant buildings/demo	H-C	C
North	Vacant hotel property	R-2	MDR
South	Commercial	H-C	C
East	Commercial	H-C	C
West	Commercial	H-C	C

H-C = Highway Commercial
R-2 = Medium Density Residential

C = Commercial
MDR = Medium Density Residential

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, an initial study was prepared to identify and assess potential environmental impacts of the development of the building and use. Through the initial study staff determined that the project would not result in any significant adverse affects. Staff prepared a Notice of Completion for a Negative Declaration which was posted at the Merced County Clerk's Office and sent to the State Clearinghouse for circulation and review on March 5, 2012 to April 3, 2012. At the time of this report, one comment letter was received from the Regional Water Quality Control Board; this comment letter was responded to in accordance with State requirements.

COMPANY AND BUILDING INFORMATION:

Les Schwab has over 425 tire centers operating in seven states with annual sales in excess of \$1 billion. The current corporate growth plan includes Central California. The company utilizes profit sharing to retain employees, in an individual store, one half of the profits go to the employees, with the manager receiving the largest amount and then down the line. The Los Banos store is expected to employ 10-15 individuals at store opening and that number may grow to 15-20 by the end of the first year.

The building is designed to have the front 1/3 of the building (closest to Pacheco) as the product showroom, the second 1/3 of the building houses the 8 service bays and the remaining 1/3 holds the inventory.

SITE PLAN ANALYSIS:

Code Requirements

Pursuant to section 9-3.2316 (a) of the Los Banos Municipal Code, the Planning Commission shall review and evaluate a site plan for conformance with the applicable sections of the Code. Upon completion of the review and evaluation of a site plan review application, the Planning Commission shall either deny the site plan review or shall grant or modify the site plan review subject to specified conditions as may be imposed.

Project Design

The project entails the development of a 12,009 square foot commercial building on approximately 2.06 acres of land. A conceptual landscape plan has been submitted which shows planting areas and tree locations with various species. The proposed landscaping appears to meet the City's 50% shade tree canopy ordinance, but the landscape plans will be further reviewed prior to approval during the improvement plan stage. Additionally, the property currently contains a number of mature olive trees and the applicant intends to save as many of those as possible. A demolition and planting plan have been submitted to Public Works as part of the Improvement Plan requirements and the planting plan shows that they will be keeping five of the olive trees in their original locations and will be transplanting two.

The site plan shows that 48 parking spaces will be provided, two of which have been allotted as spaces for people with disabilities. According to Section 9-3.2004 of the Los

Banos Municipal Code the minimum off-street parking spaces for retail use is defined as 1 space per each 300 square feet and 1 space is required per each 500 square feet for vehicle repair/garage. The front 1/3 of the building is showroom, so approximately 4,000 square feet is retail and approximately 8,000 square feet is the garage area, the use according to the code requires 31 stalls so the project is over-parked. The Municipal Code also states that for the total number of parking spaces between 26 – 50, 2 handicapped parking spaces are required, which the applicant has provided.

Land Use

The project site is designated as Commercial according to the Los Banos General Plan and Highway Commercial in the Zoning Map. The proposed project improves the site with full service tire center, which is an appropriate use in the Highway Commercial zone district. Therefore, the application request is consistent with the General Plan and Municipal Code.

Traffic

A Traffic Analysis was completed for the Initial Study by KD Anderson & Associates. The analysis concluded that the development of this project would not create significant impacts to the area. According to the analysis the impacts are very small and no mitigations are required due to traffic. However, the City has established a local traffic impact fee to ensure improvements when needed. The new development will be required to acquire an encroachment permit from Caltrans prior to the approval of the proposed driveway off of Pacheco Blvd.

Circulation

Vehicular access will be provided by two points of access to SR 152. One access will occur at an existing driveway that today serves Espana's. The second access will be a new encroachment located 260 feet to the east. Full access is planned at both driveways, as is consistent with current access controls at other locations along East Pacheco Blvd.

Infrastructure

The project would receive utility services which include water, wastewater treatment and storm drainage from the City of Los Banos. Plans have been submitted and are being reviewed by the City Engineer and will be approved in the improvement plan stage.

Architecture

The building design meets the Community Design Standards and maintains the Les Schwab brand presence. The materials utilized, colors, scale and orientation of the building, in conjunction with the landscaping meet the objective of the Community Design Standards which is to improve the aesthetics of the highway corridors that pass through town. The building uses earthy red tones that complement the red roof of the historic Espana's Restaurant, yet the geometry and clean lines of the building do not clash with the industrial buildings to the east. Parapet and canopy details maintain the horizontal nature of the façade and the lighter colors utilized break up the building into smaller, human scaled structures. Staff believes this design concept provides creativity and will serve the community well in this area.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on March 30, 2012. As of the date of this staff report, no comments have been received.

CONCLUSION:

The proposed project substantially conforms to the approved land use designations for the site and contributes to the general plan policies of balanced and orderly growth. Staff believes that this project will be a positive contribution to the area and recommends approval, subject to the attached conditions of approval.

RECOMMENDATIONS:

2. That the Planning Commission adopt Resolution #2012-04 approving Site Plan Review #2012-01 and certifying the Negative Declaration (SCH#2012031018) for the development of a 12,009 square foot full service tire center, located on the north side of Pacheco Boulevard, east of Mercey Springs and directly east of Espana's Restaurant, more specifically identified as Assessor's Parcel Number: 428-140-049.

ATTACHMENTS:

1. Resolution #2012-04 approving Site Plan #2012-01
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Operational Statement
3. Memo from architect addressing Community Design Standards
4. Vicinity Map
5. Site Specific Zoning Map
6. Site Photos
7. Site Plan
8. Landscape Plan
9. Elevations

RESOLUTION #2012-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING SITE PLAN #2012-01 FOR LES SCHWAB AND CERTIFICATION OF THE NEGATIVE DECLARATION FOR THE CONSTRUCTION OF A 12,009 SQUARE FOOT BUILDING ON ASSESSOR'S PARCEL NUMBER: 428-140-049

PROJECT NAME AND PROJECT NUMBER:

Les Schwab – Site Plan Review #2012-01

PROPOSAL DESCRIPTION:

Construction of a 12,009 square foot building on approximately 2.06 acres for the use of a Les Schwab full service tire center.

WHEREAS, the Los Banos General Plan was adopted by the City of Los Banos Council on July 15, 2009, and is the guiding document for land use in the City of Los Banos; and

WHEREAS, the subject property has a land use designation of Commercial pursuant to the Los Banos General Plan and is zoned Highway Commercial by the Los Banos Zoning Map; and

WHEREAS, a noticed public hearing was advertised in the Los Banos Enterprise on March 30, 2012 and mailed to property owners within 300 feet of the site as required by the City of Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the appropriate environmental review has been completed for this application and it has been routed thru the State Clearinghouse (SCH #2012031018); and

WHEREAS, the Planning Commission of the City of Los Banos does hereby make the appropriate findings set forth in Exhibit A (CEQA Findings), and Exhibit B (Findings of Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby certify the Negative Declaration (SCH#2012031018) and approve Site Plan #2012-01 for the construction of a 12,009 square foot commercial building for Les Schwab Tire Center on Assessor's Parcel Number: 428-140-049, subject to the Conditions of Approval set forth in Exhibit C attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 11th day of April 2012, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Tracey Rosin, Planning Commission Chair

ATTEST:

Stacy Souza Elms, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2012-01 – LES SCHWAB

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (“CEQA”) and Title 14, California Code of Regulations Section 15000 et seq. (the “CEQA Guidelines”), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, the Les Schwab project was evaluated in an initial study which determined that no significant adverse effects would result from the development of the project and a Negative Declaration (SCH #2012031018) was made.
2. The Negative Declaration was adequately noticed and circulated for public review and public comments were received and considered.
3. No significant new information or changes in the environment setting have occurred that would result in new or greater significant effects not studied in the Negative Declaration.
4. No further environmental documentation is required as the proposed project was contemplated and adequately analyzed in the Negative Declaration.
5. The City of Los Banos Community Development Department, located at 520 J Street in Los Banos, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the negative declaration is based and will be certified by the Los Banos City Planning Commission.

EXHIBIT B

FINDINGS FOR APPROVAL OF SITE PLAN #2012-01 – LES SCHWAB

The City of Los Banos Planning Commission hereby finds as follows:

1. The project is consistent with the City of Los Banos General Plan “Commercial” designation as it meets the use and density standards specified within.
2. The proposal is consistent with the Zoning Ordinance as it meets the use and development standards specified within.
3. Pursuant to section 9-3.2316 of the Los Banos Municipal Code the applicant has submitted a Site Plan Review authorizing the review of the development proposal and site plan relating to physical design, siting, vehicular and pedestrian access and circulation, parking, signage, landscaping and the interrelationship of these elements.
4. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing and working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City in that the development of a commercial building on this site will provide services to the surrounding neighborhood and will rehabilitate the site.
5. The proposal is compatible with the adjacent land uses, properties, and neighborhoods and will not be detrimental or injurious to the neighborhood or to the general welfare of the City in that the operational characteristics of the building with the Les Schwab full service tire center, will operate in a harmonious manner with the surrounding neighborhood.
6. The development proposal meets the purpose, intent and specific standards of the pertinent sections of the Los Banos Municipal Code in that the proposed use of a full service tire center is a permitted use as designated in the Municipal Code and the applicant has meet the criteria required for a Site Plan Review application.

7. The general appearance of the buildings or structures and grounds is in keeping with the character of the neighborhood so as not to be detrimental to the orderly and harmonious development of the City or to impair the desirability of investment or occupation in the neighborhood.
8. Conditions have been imposed on the project that will ensure the project's consistency with the policies of the City's General Plan.

EXHIBIT C

CONDITIONS OF APPROVAL FOR SITE PLAN #2012-01 – LES SCHWAB

Planning:

1. This Site Plan shall expire if an application for a building permit is not applied for within one year from date of approval. One six-month extension may be allowed through a written submittal that would be approved by the Community Development Director Director.
2. Any proposed modifications to the approved Site Plan shall require approval by the Community Development Director or Planning Commission as appropriate.
3. The developer shall comply with all requirements of other appropriate governmental agencies.
4. The developer shall comply with the Americans with Disabilities Act (ADA) requirements in the design, construction and maintenance of this project.
5. The developer shall provide a copy of the conditions of approval to all contractors and subcontractors prior to commencement of construction.
6. During construction, and for safety purposes, the public right-of-way shall be kept clear of obstructions and shall be cleaned on a daily basis.
7. All contractors and subcontractors shall obtain a City of Los Banos Business License, prior to start of work on the project. All work performed on the project shall comply with the requirements of the California Business and Professions Code.
8. Construction shall be limited to those hours specified in Section 9-3.2706 of the Los Banos Municipal Code: Monday through Friday from 7:00 am to 9:00 pm; Saturday and Sunday from 8:00 am to 5:00 pm.
9. The developer shall obtain any necessary encroachment permits from Caltrans or other jurisdictions prior to performing any work within that jurisdiction's right-of-way.
10. There is a CCID blanket easement on the property and the development of the property may not interfere with the ability to irrigate or drain; approval must be obtained from CCID and submitted to the Community Development Department prior to the issuance of the building permit.

11. The olive trees designated on the planting plan to remain or be transplanted must be continuously maintained in a healthy and thriving manner. Should any of the trees die, they shall be immediately replaced with similar olive trees of the same size and quantity.
12. Demolition permits will be required to remove existing buildings.
13. All structures, foundations, and footings for buildings on the project site shall be designed and constructed to conform to the current California Building Code, including amendments adopted by the City.
14. An engineering soils report shall be prepared in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and written approval by the City Engineer.
15. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles, or containers and equipment storage during the construction process. If such storage must be located within 200 feet of a residence, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and written approval by the Planning Department.
16. During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site, and pets shall not be allowed on the construction site. The proper location of the trash containers shall be subject to the review and written approval of the Community Development Department.
17. Prior to placement of combustible materials on the site, two points of all-weather access, at least one paved, shall be provided, to the satisfaction and written approval of the Fire Chief.
18. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the Site Plan where active construction is taking place. Placement of said construction trailer is subject to the written approval of the Public Works Director.
19. The development site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.

20. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Community Development Department:

“If archaeological resources or human remains are discovered during construction, work shall be halted from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”

21. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this language is included in all permits in accordance with CEQA Guidelines section 15064.5(e):

“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

22. The site shall be kept in a dust-free condition during construction of the project in. Prior to issuance of a building permit, dust control requirements shall be included in all construction contract specifications to reduce significant levels of construction-related hazardous air emissions.
- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
 - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
 - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut and fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
 - d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
 - e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is expressly forbidden.)
 - f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
23. Prior to issuance of building permits, the developer shall include the following requirements in all construction bids and documents including contracts (and implemented during construction activities) for the purpose of reducing diesel particulate and acrolein emissions during construction of the project:
- a. All pre-1994 model year and older diesel equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters;
 - b. Contractor shall maintain records of all purchases of diesel oxidation catalyst filters or biodiesel fuel until construction is complete; and
 - c. The SJVAPCD shall have the right to inspect all construction and demolition equipment, as well as the contractor's records at any time during demolition and construction.

Utilities and Drainage:

24. Subject to the review and approval of the Los Banos Public Works Department, project improvement plans shall include Best Management Practices (BMPs) to reduce the introduction of oils and other contaminants to the Los Banos storm water drainage system and main canal. Water quality safeguards shall be installed prior to occupancy of the parking lots. A water quality Best Management Practices plan shall be implemented upon occupancy.
25. Trash enclosures shall be built according to City specifications; colors, materials, and textures matching those of the main building, and provide for recycling services. A concrete apron is required across the width of the trash enclosure opening that shall extend a minimum depth of ten feet in front of the opening.
26. Approved backflow devices shall be installed as required per City standards.
27. Separate landscape and domestic service meters shall be installed.

Landscape and Lighting:

28. Prior to issuance of a building permit the developer shall submit a lighting plan pursuant to standards in the Los Banos Standards and Specifications and Caltrans standards for Pacheco Frontage. All exterior lighting including parking lot lighting, shall meet the provisions of the Los Banos Municipal Code.
29. Landscaping shall be continuously maintained, including fronting street trees, in a healthy and thriving manner. Should any landscape material die, it shall be immediately replaced with landscaping of a similar type, size and quantity. The applicant shall provide the Public Works Department a Landscape Maintenance Plan describing their strategy for maintaining all landscaped areas in a healthy, litter free and thriving manner. Said plan shall identify responsible parties and be submitted for Public Works Department approval prior to issuance of building permit(s).
30. All ground and rooftop mounted electrical, plumbing and mechanical equipment shall be screened from view of the public right-of-way by continuous parapet wall of landscaping or combination thereof.

Signage:

31. A Sign Review application, consistent with the provisions of the City's Sign Ordinance shall be submitted to the Community Development Department for review prior to the issuance of a building permit.

32. All advertising signage shall be subject to Sign Review and permit approval from both the Community Development and Building Departments, prior to installation, consistent with the development criteria of the Los Banos Municipal Code Sign Ordinance.

Design/Aesthetics:

33. Downspouts shall be located within the building walls or architecturally integrated into the design and color of the structures, and there shall be no drainage across the public access ways or across the public right-of-way.

Fire Department

34. Knox Boxes will be required on the building (Applications can be obtained through the Fire Department).

35. A fire suppression system will be required.

36. A fire alarm system shall be required

37. There shall be 12" address numbers of a contrasting color. The address shall be located in an appropriate location as determined by the Fire Department.

38. The developer shall comply with the City Fire Codes and Regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.

39. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to occupancy.

Public Works

40. A Storm Water Pollution Prevention Plan (SWPPP) with construction and post construction "Best Management Practices (BMP's)" shall be submitted for review and approval.

41. Oil/water separators may need to be installed in service areas.

42. The developer shall prepare a grading and drainage plan and improvement plan prior to the issuance of a building permit. The grading and drainage plan shall be prepared per City standards and shall be approved by the City Engineer prior to the commencement of grading and work of any kind.

43. Storm drain, water main, and sanitary sewer main line improvements shall be installed by the Developer per the City of Los Banos Utility Master Plans.
44. All existing overhead utility lines along the public street frontages are required to be under-grounded.
45. All new utility services are to be under-grounded.
46. All development fees shall be paid before the issuance of the building permit.
47. All work performed within/adjacent to the State Right-of-Way will be subject to Caltrans Standards and Specifications, including an encroachment permit.
48. Frontage improvements shall be designed and constructed per Caltrans and City of Los Banos requirements. Full frontage dedication includes curb and gutter, park strip and sidewalk.
49. On existing Espana's shared drive, depth shall be at least fifty feet measuring from the sidewalk to the edge of the first parking stall and to the proposed on site drive approach turning into Les Schwab.

OPERATIONAL STATEMENT

SITE INFORMATION:

Les Schwab – East Pacheco Blvd, Los Banos

Site Address: North side of East Pacheco Blvd, east of Mercey Springs Road in Los Banos, CA

APN: 428-140-049

Existing Zone District/General Plan land use designation: H-C, Highway Commercial

Neighborhood Harmony: The proposed Les Schwab Tire Store, through the adherence to the H-C zone designation, complements the surrounding development well. The project is surrounded by existing commercial centers, including several automotive repair and retail stores. The project implements the Los Banos General Plan by adhering to all City of Los Banos standards and complying with zone specific design standards.

The Company:

Les Schwab Tire Centers began operations in Prineville, OR in 1952. The company, now headquartered in Bend, OR, is comprised of over 425 tire centers operating in seven northwestern states, (including 90+ centers in Northern California), management/operations facilities, and warehouse/distribution facilities, with annual sales in excess of \$1 billion. Notably, the company remains family-owned. The current corporate growth plan includes Central California, what we refer to as the greater-Fresno area. Fresno and Clovis are obvious major targets, and so are cities like Los Banos and their surroundings. They take pride in selling and servicing multiple sizes and types of tires and, originating from a city with a current population of 10,000 people, and are certain Los Banos will be a successful market for them.

The founder and company name-sake, Les Schwab, created many programs during the early years of the company's life, most of which remain in daily practice. Important examples are what we call 'Sudden Service' and 'Supermarket Selection'. The employees are expected to jog or run to customers' cars as they are pulled into the parking lot, greet and escort the customers into the tire center. There, the customer is shown a number of tire choices and advised of quality, pricing and written warranties. The purchase decision made, the customer's vehicle goes to the service bay where the required work gets completed. In this format, the customer is provided a choice of tires that are in stock and ready to put on the vehicle. They don't have to wait for a tire shipment and don't have to return to the store for the work to be done; an approach the customers appreciate. Another example of a company program long in practice, the profit sharing program, is a surprise to most people when they first hear of it. Mr. Schwab knew that to attract and to keep good people throughout the company, the employees had to be well-compensated. He committed to paying market wages **and** committed to giving one-half of company profits to the employees. In an individual tire center, one-half of the store profits go to the employees in the store, the largest individual share going to the manager, some less to the assistant manager, etc. This is a major benefit and incentive throughout the company that has other important effects. The manager's bonus share is an attractive incentive making the position of store manager a target and a goal among employees, but getting to that level is not easy. The only way to become a manager is to have worked your way up through the ranks and proven your abilities. When a manager opening occurs, the employee's background and abilities are compared with others also applying for

that opening. Effectively, employees hoping to reach management are all working towards the same goal from the day they begin working for Les Schwab. This promote-from-within program as well as all other company programs are directed toward and result in what is referred to as "World Class Customer Service." It is interesting to note that Nordstrom's has been known to have their employees study the Les Schwab operations to better their customer service practices, while Harvard University has used the business model in their Business School case studies.

The Process:

It is against this backdrop that Les Schwab Tire Centers comes to the Los Banos community with the desire to build a tire center on East Pacheco Boulevard, east of Mercey Springs Road, directly east of the existing Espana's restaurant. This sounds simple enough, but there is much work to be done in the Application/Approval process, including the requirements for a site plan review. The site is currently zoned H-C and is within the City of Los Banos city limits (Municipal Code Sec. 9-3.1302). Tire Sales and Service is a permitted use within the H-C zone district and a Conditional Use Permit is not required. The only entitlement required for project approval is a Site Plan Review. We intend to provide timely, comprehensive, and detailed material, all in response to the requirements of the City of Los Banos. Further, we look forward to working with the City through this process. We are excited to be assisted by Precision Civil Engineering, Fresno, CA, in this effort.

The Building and the Operation:

Following the successful completion of the of the aforementioned Application Approval process, we propose to improve the parcel in question by completing offsite improvements required, expected to be curb/gutter replacement and the addition of sidewalk, landscaping, street lights, and a commercial drive approach.

We propose to build an 8 service bay, 12,009 sqft full service, tire center on approximately 2.06 acres. Our Sale and Service Showroom takes up about 1/3 of the building and is the centerpiece of Supermarket Selection. This is the front end of the tire center, the entryway, wrapped in glass and facing East Pacheco Blvd and vehicles entering the property. This area is voluminous and lively with a focus is to bring the customer to the product, make an effort to compare three tires matching the customer's need as relates to vehicle usage, the customer's preferences and the customer's budget. This means there are many tires on display and stored in this showroom area. It is intended that the customer is greeted at his/her vehicle and escorted into the sales and showroom, giving the employee the opportunity to inventory the vehicle, in particular, the condition and size of the tires. If a purchase decision is made the customer is asked to relax and wait for the service in a comfortably appointed area that has a view of the service area. The vehicle is moved to the appropriate area of the service bays, another space occupying about 1/3 of the building. The four bays closest to the sales/showroom are primarily used for tire service and the remaining bays are used for brake, shock absorber or front end alignment service. Les Schwab is widely praised for advising people their tires have adequate tread for continued service, or for doing a minor service job instead of what was considered to be a necessary major brake repair. When the required service is completed the customer's vehicle is brought out of the service bays and parked in an area convenient for the customer. While payment for the bill is being completed the customer is advised of the free written warranty and other company programs. The

effort to keep the customer advised and comfortable, from the moment they are met at their vehicle to the moment they return to it, is continuous. The most important component of Les Schwab's business is the customer. The remaining 1/3 of the building is for inventory storage, including wheels, batteries, brake parts, shock absorbers, etc, and, of course tires. There are as many as 2,500 tires inside a building like the one proposed on East Pacheco Blvd. It is recognized there is an incredible amount of agricultural production in the Los Banos area and, offering over 1,000 sizes and types of tires, Les Schwab will compete for this business as well. Large sized tires, tractor tires, for example, will in most cases be stored off-site. Expecting this tire center to attract large vehicle service, up to semi truck and trailer rigs, the back or the south end of the building provides a large space for maneuvering these vehicles as well as a large concrete slab area for service work to be done. The balance of the improved areas will be for screened trash enclosure and used tire storage facilities, except for parking and landscaping areas which are built in conformance with City requirements.

As for building design, materials, color and site layout, we are comfortable the City of Los Banos will be pleased with the looks and appeal of the new prototype facility. The East Pacheco Blvd property's size and shape are ideal for the proposed building, with the front brought forward on the property providing exposure to East Pacheco Blvd and the mass of sales and showroom window walls facing East Pacheco Blvd and the entry road. The predominant building materials are three shades of color-impregnated split-faced CMU at the walls. Color matching metal banding is featured at the top of the walls and matched with architectural treatments at the entry canopy and other areas. Les Schwab often hears that their building doesn't "look like a tire store." And it may not. The general connotation of a tire store is a place that is dirty inside and out. The operation and appearance of the entire tire center property is the responsibility of the store manager. Obviously, the tire center operation is the key to success, but the appearance and overall cleanliness of the property is part of what people notice and remember about their visit. In this regard, if Les Schwab's tire centers don't "look like a tire store", they couldn't be happier.

Effort has been made to apply City of Los Banos Community Development Standards for Highway Commercial developments. A list of specific community development standards will be provided to the Planning Director with detailed description of how many were achieved on the property. The property design is consistent with the surrounding properties within the downtown highway corridor district, with great focus on coordinating both site and landscaping design with the adjacent Espana's property which holds historical significance in the neighborhood.

The People:

As indicated earlier, the manager and assistant manager have grown and been groomed into these prestigious jobs, held in high account by the company, fellow employees and by their communities. Many of these people are not college educated, yet are comfortable running \$2+ million businesses. They will come to their Fresno tire center having competed with their peers for the opportunity, and they may move from Redding, Reno, Salt Lake, Missoula or Seattle or the many other areas of the company. On occasion a spouse is a qualified bookkeeper. On occasion sales and service people will move with the manager or assistant. In all other cases employment in the tire center comes from the community. Within nine months to a year the tire center will be established and prepared to begin its

growth. At the start the crew may number 10 to 15 young men and women and by the end of the first year the crew may grow to 15 and 20 employees. They will be handsomely paid and will be provided outstanding company programs, including health and dental insurance and a company paid employee retirement trust. This generous contribution from the company is in return for their hard work. Tire Center hours of operation are 7 AM to 7 PM Mondays through Saturdays.

Les Schwab knows their primary function is to provide an opportunity for young people to work and grow into successful employees and contributing members of their community. They also know we have some work in front of them. Les Schwab thanks the City of Los Banos for the opportunity to create a Les Schwab Tire Center in the community and look forward to working with the City to make this happen.

Utilities:

Sewer: The site is to be served by a private sewer system which connects to the City of Los Banos public sewer system. According to as-built plans provided by the property owner, conversation with the City Public Works director, and field survey verification, there is an existing 8" sanitary sewer main on the property, which connects to the 8" public sewer main east of the property. Per preliminary research with City of Los Banos, this will be the point of connection for sewer service for the proposed building. Espana's restaurant connects to the same sewer system, so their existing use will be incorporated into the design.

Water: Water service is to be provided by the City of Los Banos public water system. Separate services will be required for domestic water, fire water, and irrigation water for the Les Schwab building. According to as-built plans provided by the property owner, conversation with the City Public Works director, and field survey verification, there is an existing 10" stub to the property at the southwest corner which will be used for domestic, irrigation, and fire water. Per preliminary research with City of Los Banos, pressure and volume at this location are anticipated to be sufficient.

Storm Drain:

The site is within the limits of the City of Los Banos storm drain master plan. Permanent service is available via an existing 18" storm drain in East Pacheco Blvd which is stubbed west of the property. The location of the stub is shown on as-built plans provided by City of Los Banos, but will need to be verified in the field as it may have been extended further with recent street improvements in front of Starbucks and Quiznos. This existing line will need to be extended to the southwest corner of the site parcel to provide permanent storm drain service.

Los Banos Community Design Standards Response



The Los Banos Les Schwab project proposes to bring a quality service to the city of Los Banos in a way that complements Los Banos' objectives for community design while maintaining the successful Les Schwab national brand presence. The project site is located on Pacheco Boulevard, within a developing commercial area that transitions into Downtown Los Banos, and is within the Spanish / Mission style theme of the Los Banos Highway Commercial Design Standards.

The Les Schwab architecture and site design meets the General Objectives of the Los Banos Highway Commercial Design Standard - to improve the aesthetics of the highway corridors that pass through Los Banos. This document illustrates how the design meets the Los Banos Design Standards and how the project extends beyond these standards in order to meet the broader objectives of the community.

Building Design Standards

Architectural Character: The building design is simple and attractive. The single story structure is in scale with neighboring buildings and eases the transition between historic and contemporary structures. The Les Schwab signature earthy red tones complement the red roof of the historic Espania's Restaurant nearby, and is in harmony with the Mission style roof tiles common to this preferred architectural theme. Yet the clean lines and geometry of the building facade do not clash with the industrial buildings to the east.

Consistent Architectural Style and Detail: Through a series of refinements informed by decades of successful business practice, the owner and architects together have designed a building that is elegant and functional. Parapet and canopy details maintain the inviting horizontal nature of the facade while the contrasting lighter colors break up the building into smaller, human-scaled, structures.

360-degree Design: The site design accounts for visitors circulating around the building. The truck service canopy at the north end of the building maintains the high quality of the street facade by matching building materials and established elevation datum. The trash enclosure areas also match the building facade and screen unsightly containers. A landscape buffer along the site boundary encourages continuity with neighboring sites.

Building Variations: The glass showroom with a wrapping canopy is presented to local patrons and travelers passing through Los Banos. The glass showroom windows, multiple shades of CMU wall and metal panel details create variation along the building's facade.



Human Scale: Although intended to provide service for the automobile, the design considers the human scale also. The narrow facade of the showroom with a continuous landscape buffer is oriented along the street frontage. Horizontal parapet and canopy styles minimize the building's vertical presence.

Building Entries: The entry vestibule is prominent in the design of the building. It projects from the facade into a pedestrian only area defined by a change in hardscape and protected by bollards. The vestibule is integrated with a feature canopy that wraps around the glass facade and provides solar shading for the showroom. In addition, the site plan provides visitors with direct access from the sidewalk to building entry points.



Parapet Walls: Parapet walls and louvered screening elements conceal roof-mounted mechanical equipment.

Roofs: A flat roof with articulated parapet walls minimizes the vertical presence of the building and keeps the design at human scale and in scale with existing architecture nearby.

Window Design: The showroom facade, with large display windows, is most prominently presented at the street frontage. The windows are vertically oriented and provide views to and from the public showroom. The windows are shaded by a canopy that provides additional architectural detail along the street frontage.

Characteristics of Materials: The design utilizes building materials to express how different parts of the building are used. The service bays and related program elements are clad in solid CMU materials, while the glassy showroom draws greater visual attention because of the strong contrast of materials. The metal panel parapet and details, which has qualities of both, links these very different elements together to achieve a dynamic facade.

Compatible Height: The building height is in scale with the surrounding buildings.

Service Areas: Service areas are located at the rear of the building. Landscape buffers are provided long property boundary lines and wide landscaped islands are proposed along the west property line, to provide screening for customers at Espania's restaurant.

Building Energy Efficiency: The proposed design utilizes passive strategies to reduce energy consumption. A shading canopy to the south reduces solar heat gain in the glass showroom and vestibule access is provided to maintain the conditioned showroom space. A high-performance cool roof product and reduced glazing area minimizes solar gain throughout.

Signs: Signage is intended to be compatible with the building scale, materials and colors, and to complement the building architecture.



Pacheco Core Buildings: Door and window openings of the building showroom are at human scale. Two sidewalk access points are provided, and the primary showroom access is near the street frontage with adjacent sidewalk access.

Spanish / Mission Style

Spanish / Mission Characteristics: The proposed architectural design complements traditional interpretations of the Spanish / Mission style. The red parapet detailing and glazed CMU blocks enhance the architecture of the building much like red-tiled Spanish roofs. A horizontal shading canopy replaces traditional pronounced roof overhangs but similarly brings the building into human scale. Glazed, polished and honed CMU in earthy reds and dusty grays take the place of plaster and stucco textured finishes. Yet the architecture remains true to its function as a car service center. The integrity of this design will endure and maintain its value over time.

While the design does not exhibit explicit Spanish or Mission style architectural details, the design fulfills and even exceeds the General Building Design Standards established in the Los Banos Highway Commercial Design Standards. Furthermore, the materiality, scale and orientation of the building, in combination with a thoughtful regional landscape design, complements the existing architectural diversity in this area of transition approaching Downtown Los Banos.

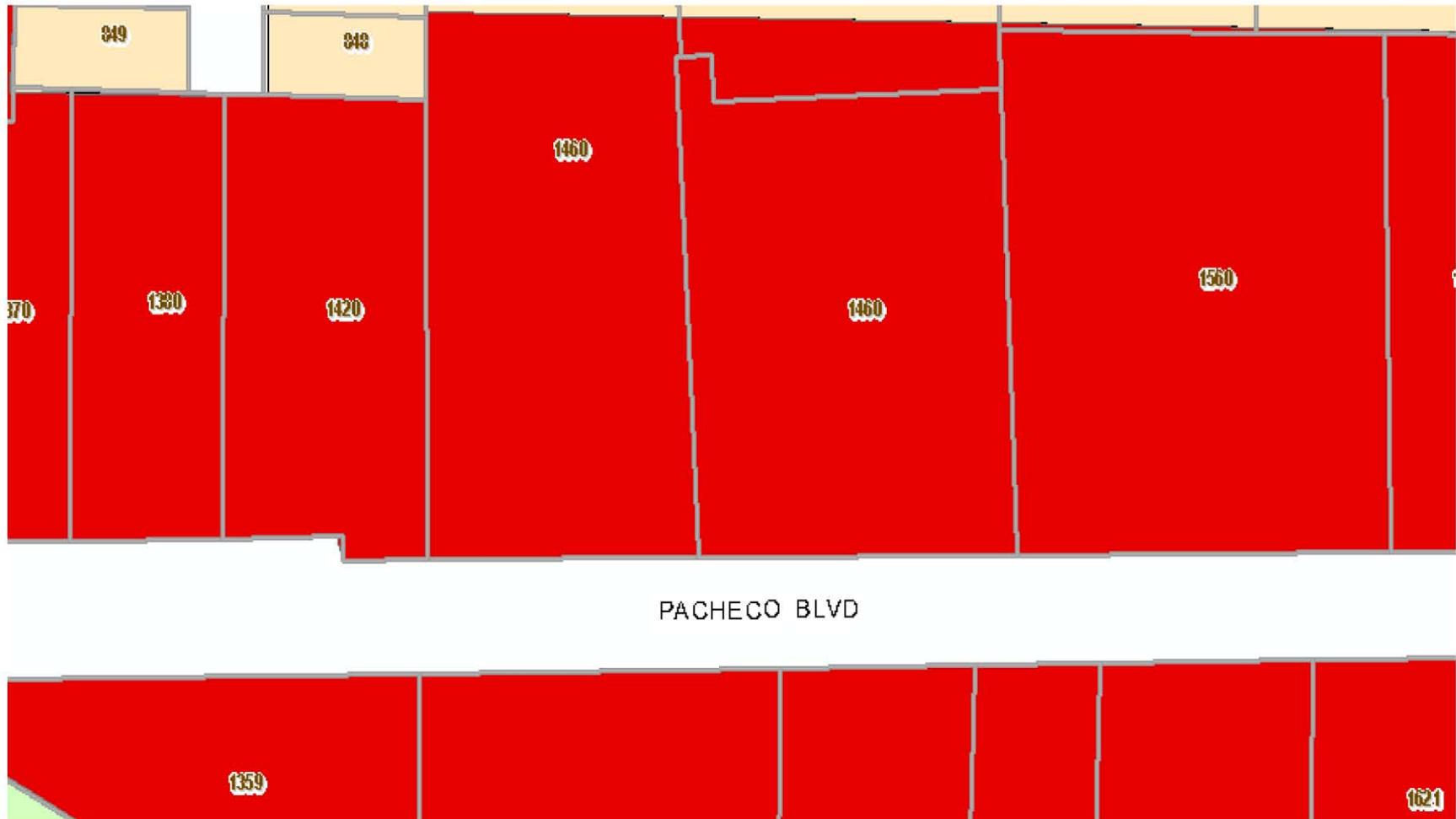
VICINITY MAP

(NOT TO SCALE)



PROJECT SITE

SITE SPECIFIC ZONING MAP – LES SCHWAB TIRE CENTER



Highway Commercial



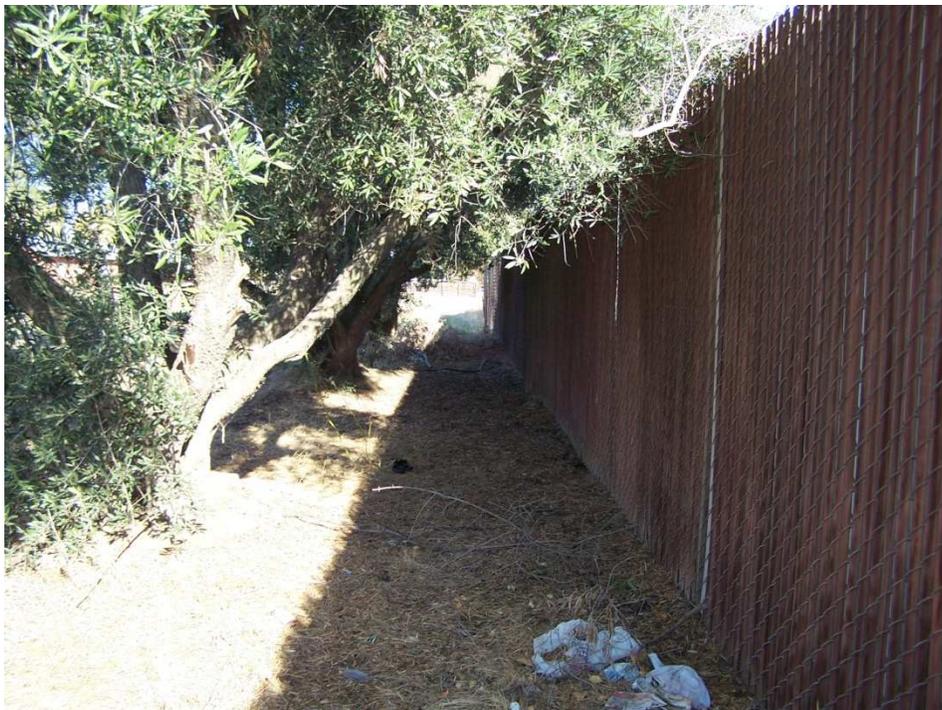
1A SOUTH



1B SOUTHWEST



1C WEST



2A NORTH



2B WEST



2C SOUTH



3A NORTH



3B NORTHWEST



3C WEST



4A EAST



4B NORTH



4C WEST



5A EAST



5B NORTHEAST



5C NORTH



5D WEST



6A EAST





7B EAST



7C NORTH



8A SOUTH



8B SOUTHEAST



8C EAST



9A WEST



9B SOUTH



10A WEST (ADJACENT FRONTAGE)



10B EAST (ADJACENT FRONTAGE)



11A EAST (PACHECO BLVD)



11B NORTHEAST (ACROSS PACHECO BLVD)

PROJECT TEAM

OWNER/DEVELOPER/APPLICANT

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Plumbing/Fire Sprinkler
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LANDSCAPE

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Contact: Nathan Gleaves
ngleaves@precisioneng.net

SITE INFORMATION

ADDRESS: NONE ASSIGNED
ASSESSOR'S PARCEL NUMBER: 428-140-049
ZONING: H-C (HIGHWAY COMMERCIAL)
EXISTING LAND USE: COMMERCIAL / RESIDENTIAL
PROPOSED LAND USE: TIRE SALES AND SERVICE

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA, DESCRIBES AS FOLLOWS:

PARCEL 3, AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP NO 2007-08 FOR MICHAEL AMABILE" FILE JANUARY 23, 2008 IN BOOK 109 OF PARCEL MAPS, PAGES 1 & 2, MERCED COUNTY RECORDS.

PROJECT DATA

AREA CHART

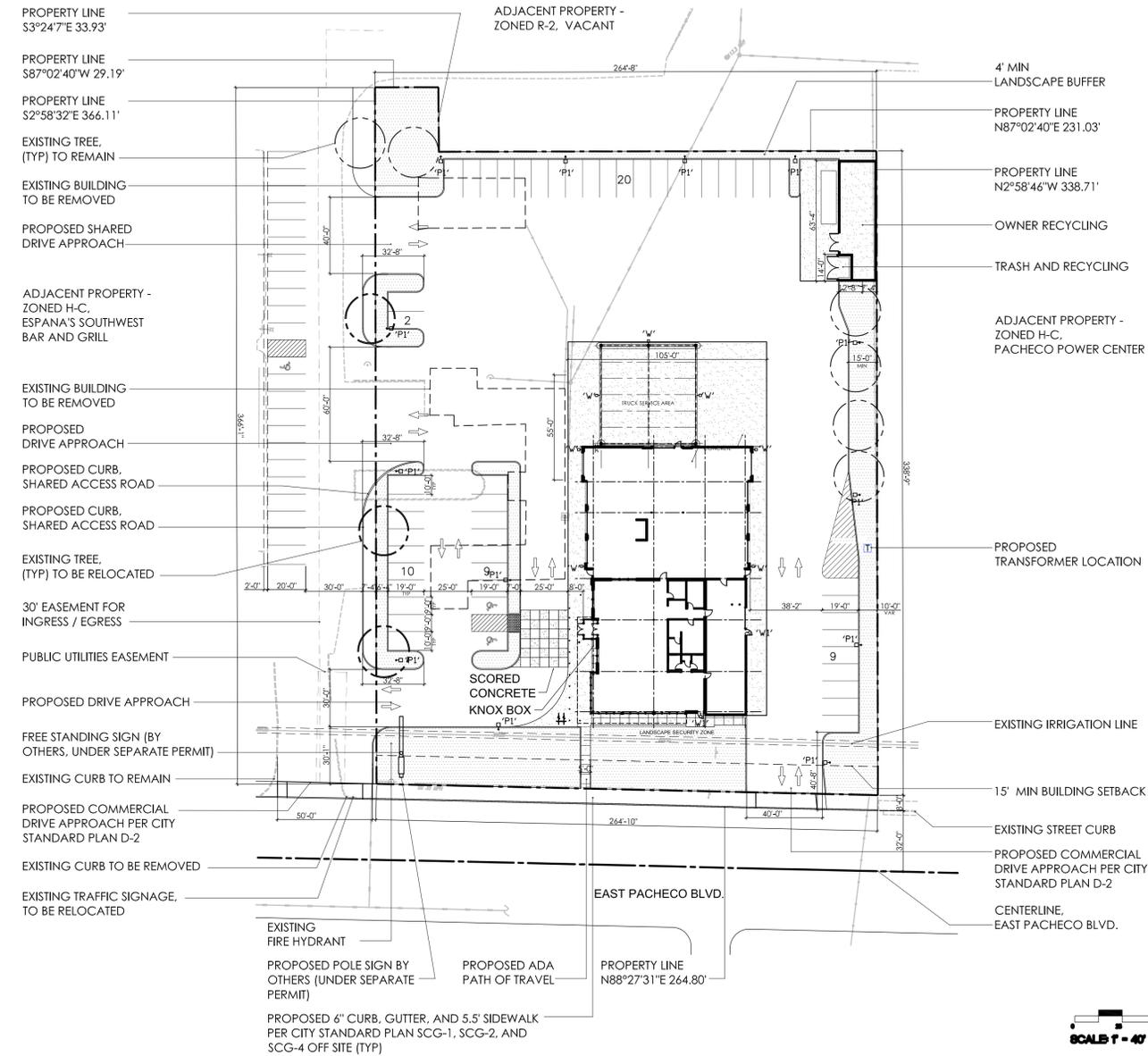
GROSS SITE AREA:	89,733	SQ. FT.	(2.06 ACRES)
NET SITE AREA:	85,763	SQ. FT.	
HARDSCAPE AREA:	64,844	SQ. FT.	
LANDSCAPE AREA:	15,165	SQ. FT.	
BUILDING GROSS AREA:	12,009	SQ. FT.	
TRASH AND RECYCLING AREA:	1,267	SQ. FT.	
PROPOSED BUILDING COVERAGE:	12,765	SQ. FT.	
PROPOSED CANOPY AREA:	2,500	SQ. FT.	

MAXIMUM BUILDING HEIGHT

TOP OF PARAPET:	22'-8"	FT.
TOP OF MECHANICAL:	25'-7.5"	FT.

PARKING STALLS

STANDARD:	48 STALLS
ADA:	2 STALLS



'W'	WALL MOUNT SITE LIGHT TYP.
'W1'	FLUSH WALL MOUNT SITE LIGHT TYP.
'P1'	POLE MOUNT SITE LIGHT TYP.



PROJECT SITE

GENERAL NOTES

- REFER TO CIVIL DRAWINGS FOR LOCATION AND SIZE OF EXISTING AND PROPOSED SEWER LINES AND MANHOLES.
- REFER TO CIVIL DRAWINGS FOR LOCATION AND SIZE OF EXISTING AND PROPOSED WATER LINES.
- REFER TO CIVIL DRAWINGS FOR LOCATION OF EXISTING AND PROPOSED STORM DRAINS.
- REFER TO CIVIL DRAWINGS FOR LOCATION OF EXISTING AND PROPOSED UTILITY VAULTS, TRANSFORMERS, BACK FLOW PREVENTION DEVICES, GAS METERS, AND FIRE HYDRANTS.
- REFER TO LANDSCAPE PLANS FOR PLANTING AND IRRIGATION.

SHEET INDEX

1 of 5	SITE PLAN
2 of 5	FLOOR PLANS
3 of 5	ELEVATIONS
4 of 5	RENDER ELEVATIONS
5 of 5	MATERIALS



LES SCHWAB TIRE CENTER SITE PLAN REVIEW

LOS BANOS, CA

APPLICANT/OWNER:
LES SCHWAB
20900 Cooley Rd.
Bend, OR 97701
Phone: (541) 416.5184
Contact: George Bunting

PREPARER:
GBD ARCHITECTS, INC
1120 NW Couch St., Ste. 300
Portland, OR 97209
Phone: (503) 224-9656
Contact: Craig Stockbridge

PROJECT NUMBER:
20113005

SHEET TITLE:
COVER

DATE:
10 FEBRUARY 2012

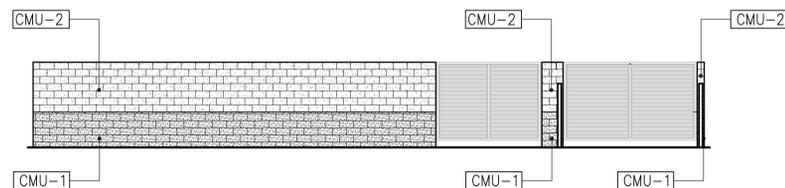
SHEET NUMBER:
1

MATERIAL LEGEND

- CMU-1** POLISHED GROUND FACE CMU TYPE (RUTHERFORD)
TRENWYTH INDUSTRIES/TRENDSTONE PLUS
- CMU-2** POLISHED GROUND FACE CMU TYPE-2 (MISSION WHITE)
TRENWYTH INDUSTRIES/TRENDSTONE PLUS
- CMU-3** GLAZED CMU TYPE-3 (MAHOGANY)
TRENWYTH INDUSTRIES/ASTRA-GLAZE SW+/SW 9-23-11-02
- CMU-4** GLAZED CMU TYPE-4 (VIVID RED)
TRENWYTH INDUSTRIES/ASTRA-GLAZE SW+/SW 9-23-11-01
- MP-1** METAL PANEL TYPE-1 (COLONIAL RED)
CITADEL/0.024"
- MP-2** METAL PANEL TYPE-2 (CHARCOAL GRAY)
CITADEL/0.024"
- EP-1** EXTERIOR PAINT TYPE-1 (COLONIAL RED)
TO MATCH MP-1
- EP-2** EXTERIOR PAINT TYPE-2 (CHARCOAL GRAY)
TO MATCH MP-2
- EP-3** EXTERIOR PAINT TYPE-3 (DURANGO DUST)
BENJAMIN MOORE/2165-60

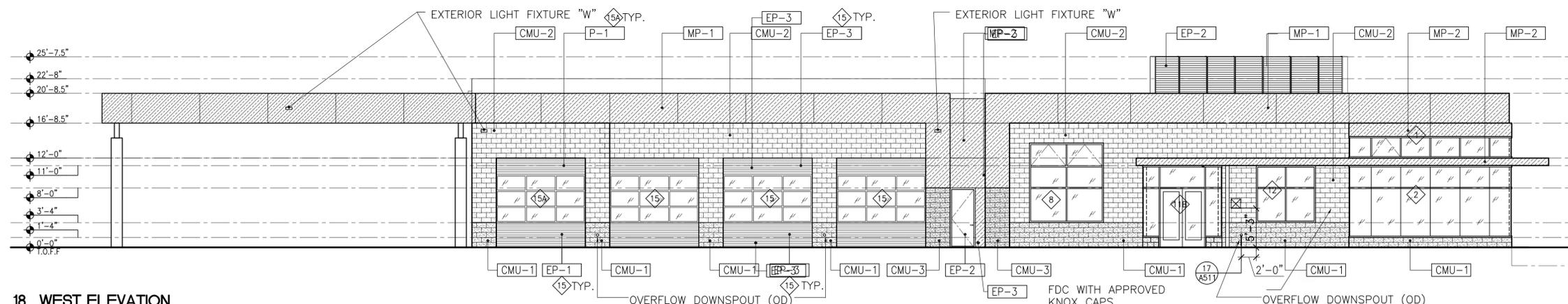
NOTES

- SEE SHEET A015 FOR WINDOW SCHEDULES
- GLASS- CLEAR INSULATED GLASS
- ALL EXTERIOR SIGNAGE TO BE F.O.I.O.
- PROVIDE POWER FOR ALL EXTERIOR SIGNAGE
- SEE SHEET E001 FOR LIGHT FIXTURE TYPES



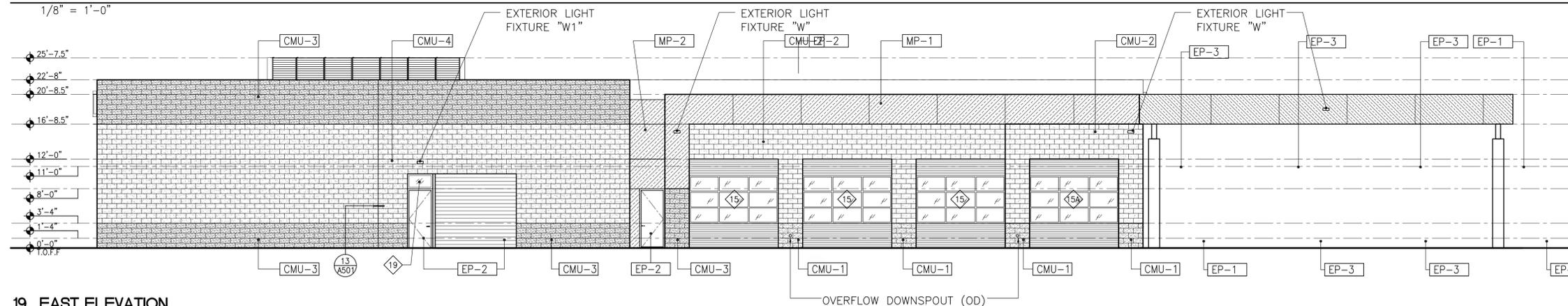
17 RECYCLING AND TRASH ELEVATORS

1/8" = 1'-0"



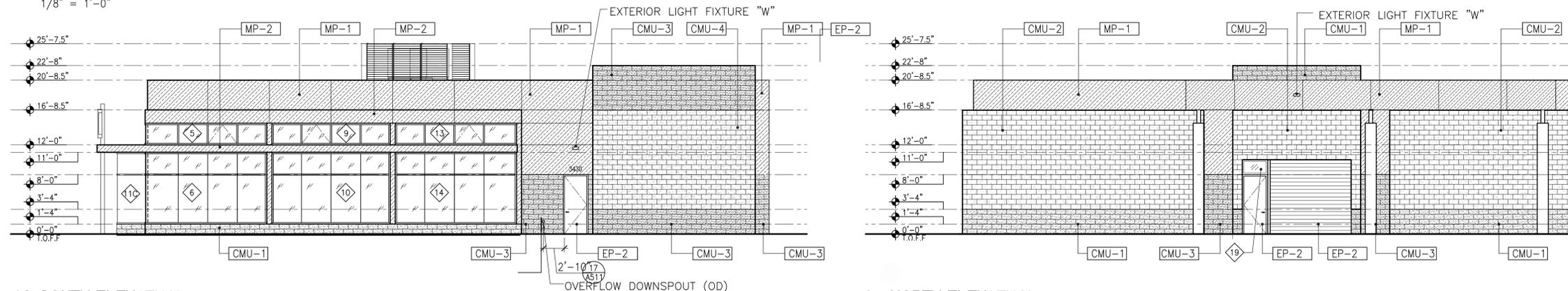
18 WEST ELEVATION

1/8" = 1'-0"



19 EAST ELEVATION

1/8" = 1'-0"



20 SOUTH ELEVATION

1/8" = 1'-0"

8 NORTH ELEVATION

1/8" = 1'-0"



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Phone: (503) 224-9656
Contact: Craig Stockbridge

PROJECT NUMBER:
20113005

SHEET TITLE:
FLOOR PLANS

DATE:
10 FEBRUARY 2012

SHEET NUMBER:



SOUTHWEST PERSPECTIVE



SOUTHEAST PERSPECTIVE



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

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20113005

SHEET TITLE:
RENDER ELEVATIONS

DATE:
10 FEBRUARY 2012

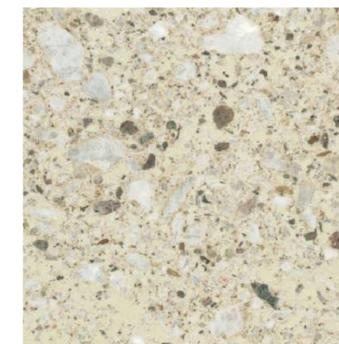
SHEET NUMBER:
4
4 OF 5



ARCHITECTS



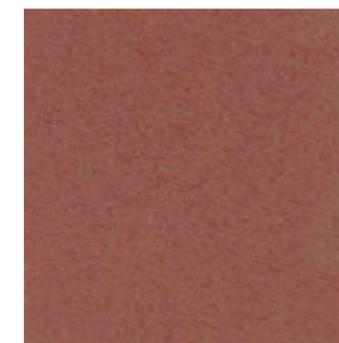
CMU-1



CMU-2



CMU-3



CMU-4



MT-1



MT-2

LES SCHWAB TIRE CENTER

SITE PLAN REVIEW

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SHEET TITLE:
MATERIALS

DATE:
10 FEBRUARY 2012

SHEET NUMBER:

5

5 OF 5

PLANT LIST

SYMBOL SIZE	BOTANICAL NAME / COMMON NAME	QUANTITY	WATER USE
TREES			
 15 GAL.	Nerium o. 'Sister Agnes' / Oleander	3	LOW
 15 gal.	Pistachia chinensis / Chinese pistache	19	LOW
 15 GAL.	Parkinsonia microphylla / Foothill palo verde	4	LOW
 Existing	Olea europaea / Common olive	6	LOW
 Transplanted	Olea europaea / Common olive	3	LOW
SHRUBS AND GROUND COVERS			
 5 GAL.	Agave deserti / Desert agave	9	LOW
 5 GAL.	Agave victoriae-reginae / Queen Victoria agave	27	LOW
 5 GAL.	Aloe vera / Medicinal aloe	49	LOW
 5 GAL.	Calamagrostis foliosus / Meadow reed grass	52	LOW
 5 GAL.	Callistemon viminalis 'Little John' / Dwarf weeping bottlebrush	134	LOW
 5 GAL.	Cistus purpureus / Orchid rock rose	58	LOW
 1 GAL.	Festuca glauca 'Elijah Blue' / Blue fescue	66	LOW
 5 GAL.	Kniphofia uvaria / Red-hot poker	65	LOW
 5 GAL.	Lantana camara X 'Feston Rose' / Lantana	60	LOW
 5 GAL.	Miscanthus sinensis 'Yakushima' / Dwarf Maiden Grass	128	LOW
 5 GAL.	Phormium tenax 'Dark Delight' / New Zealand Flax	26	MEDIUM
 5 GAL.	Phormium tenax 'Guardamant' / New Zealand Flax	15	MEDIUM
 5 GAL.	Yucca gloriosa / Spanish dagger	15	LOW

 LANDSCAPE PLANTER

SHADE CALCULATIONS

SHADE REQUIREMENTS
 THE PARKING LOT SURFACE SHALL BE 50% SHADED WITHIN 15 YEARS

EXISTING OLIVE TREES - 30'-35' DIA.	QTY	COVERAGE	SUB-TOTAL
3	FULL-962 Sq. Ft.	2,886 Sq. Ft.	
4	HALF-481 Sq. Ft.	1,924 Sq. Ft.	
15	FULL-962 Sq. Ft.	14,430 Sq. Ft.	
4	HALF-481 Sq. Ft.	1,924 Sq. Ft.	
2	HALF-481 Sq. Ft.	962 Sq. Ft.	
3	HALF-158 Sq. Ft.	474 Sq. Ft.	
TOTAL SHADE PROVIDED:		22,600 Sq. Ft.	

PERCENT OF SHADE PROVIDED: 47%

Water Efficient Landscape Worksheet

WATER ALLOWANCE
 $MAWA = (Eto) \{ (0.62) \{ [(0.7xLA) + (0.3xSLA)] \} \}$
 $ETWU = (Eto) \{ (0.62) \{ [PFxHA / IE] + SLA \} \}$

Net Evapotranspiration for Los Banos (inches per year)
 These numbers have been modified to remove effective precipitation (Eppt) from the affected months

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total Annual Eto
Historic Eto	0.87	1.67	3.40	5.54	7.29	8.21	8.62	7.44	5.52	3.77	1.82	0.93	55.08
Eppt	0.40	0.40	0.35	0.18	0.08	0.03	0.00	0.00	0.08	0.15	0.35	0.33	2.35
Net Eto	0.47	1.27	3.05	5.36	7.21	8.18	8.62	7.44	5.44	3.62	1.47	0.60	52.73

Maximum Applied Water Allowance Calculation

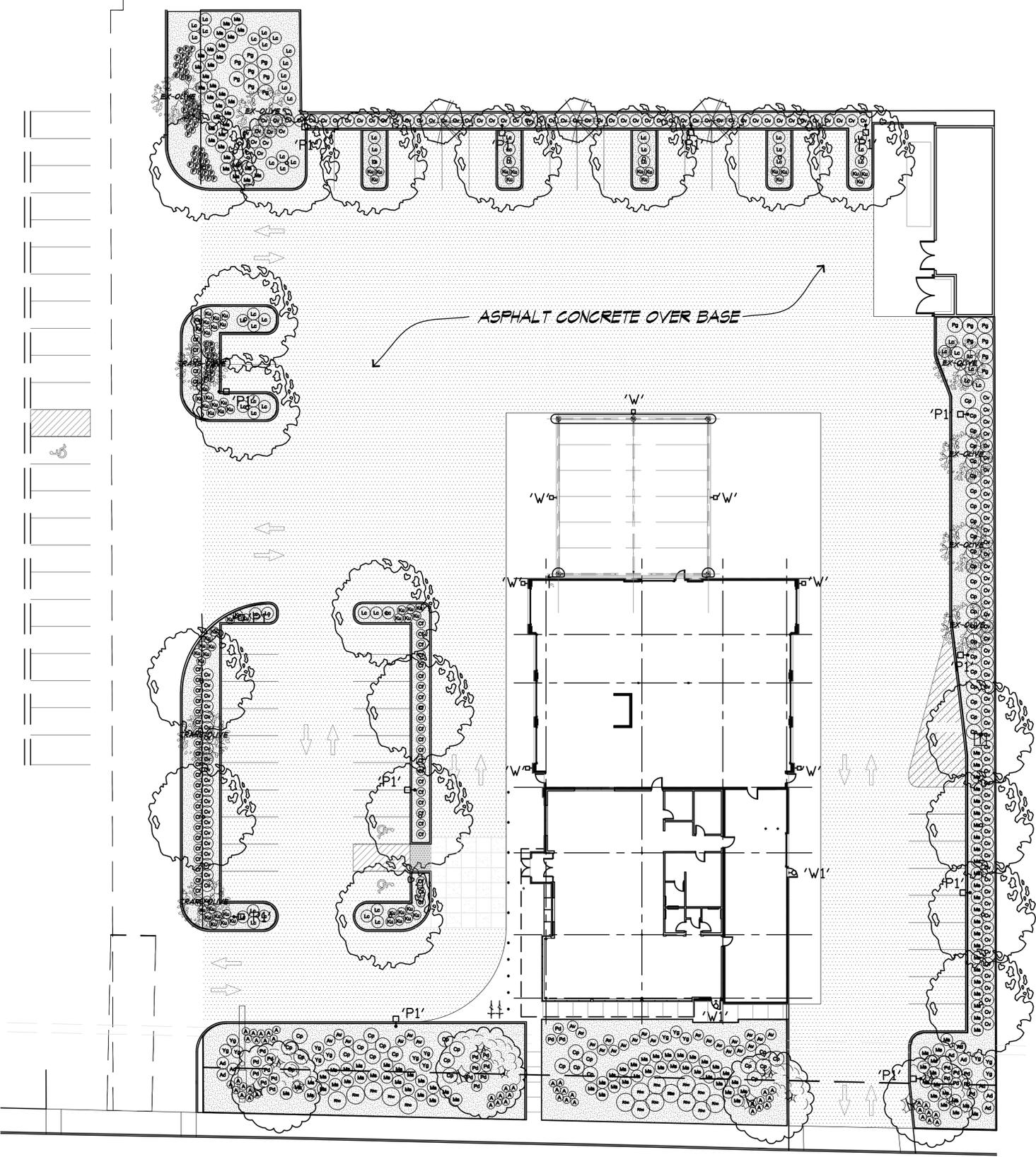
Enter Total Landscaped Area	17,028	x	0.7	=	11,920			
MAWA =	52.7	x	0.62	x	11,920	=	389,683	gallons per year

Water Efficient Landscape Worksheet

Estimated Total Water Use Calculation
 $ETWU = (Eto) \{ (0.62) \{ [PFxHA / IE] + SLA \} \}$

Hydrozone	Plant Water Use Type (low, medium or high)	Plant Factor (PF) (0-1.0, see below)	Hydrozone Area (HA) (sq ft)	Type of Irrigation (rotors, spray, drip, bubblers, etc.)	Irrigation Efficiency (IE) (71-100%, see below)	PFxHA/IE
1	low	0.30	2,067	spray	75%	827
2	low	0.30	2,658	spray	75%	1,063
3	low	0.30	1,973	spray	75%	789
4	low	0.30	1,270	spray	75%	508
SUM						3,187

ETWU = 52.7 x 0.62 x 3,187 = **104,198** gallons per year



NOTES:

- THE DEVELOPER, HIS SUCCESSORS AND ASSIGNS, SHALL BE RESPONSIBLE FOR INSTALLATION, MAINTENANCE AND REPLACEMENT OF ALL LANDSCAPING MATERIALS SHOWN OR INDICATED ON THE APPROVED SITE PLAN OR LANDSCAPE PLAN ON FILE IN THE PLANNING DEPARTMENT. ALL LANDSCAPING WILL BE INSTALLED AS DELINEATED ON THE PLAN PRIOR TO ISSUANCE OF CERTIFICATES OF OCCUPANCY UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION AND/OR COUNCIL.
- THE SITE LANDSCAPING WILL BE IRRIGATED BY MEANS OF AN AUTOMATIC CONTROL SYSTEM.
- THE ABOVE GROUND SITE UTILITIES WILL BE SCREENED BY LANDSCAPING.