



City of Los Banos

At the Crossroads of California

www.losbanos.org

AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

May 23, 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.

Cualquier escritura o los documentos proporcionaron a una mayoría del Departamento de Planificación con respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina del Secretaria del Departamento de Planificación del City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la Ciudad en www.losbanos.org.

- 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 APRIL 25, 2012.

Recommendation. Approve the minutes as submitted.

6. 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

7. 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 – To Consider Approving an Addendum to Environmental Impact Report (SCH #2008111078) and Modifications to Conditions of Approval for Site Plan #2008-05 for the Walmart Store Expansion and Development of Commercial Retail Outlots Located at 1575 W Pacheco Blvd., More Specifically Identified as Assessor's Parcel Numbers: 430-010-012 and 430-010-041

1) Planning Commission Resolution No. 2012-06 – Approving the Certification of an Addendum to Final Environmental Impact Report (SCH#2008111078), Approving Revised Mitigation Measures Trans-1B, Trans-1C, Trans-1D, Trans-1F, Trans-2A, Trans-2B and Trans-3C for the Los Banos Walmart Expansion Project Located at 1575 W Pacheco Blvd., More Specifically Identified as Assessor's Parcel Numbers. 430-010-012 and 430-010-041

2) Planning Commission Resolution No. 2012-07 – Amending Condition No. 26 and 35 for Site Plan #2008-05 for the Expansion of the Existing Walmart Store and Development of Three Commercial Retail Outlots Located at 1575 W Pacheco Blvd.; More Specifically Identified as Assessor's Parcel Numbers. 430-040-012 and 430-010-041

Recommendation. Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2012-06 and 2012-07 as submitted.

B. Public Hearing – To Consider Approving a Revision to Site Plan #2011-03 for the Addition of a Car Wash in Conjunction with the Previously Approved AM/PM Gas Station/Convenience Store and McDonalds Restaurant Located on Assessor's Parcel Number 081-140-013

1) Planning Commission Resolution No. 2012-08 – Approving a Revision to Site Plan #2011-03 by Adding a Car Wash for an AM/PM Gas Station and McDonalds Restaurant at the Northwest Corner of Badger Flat Road and Pacheco Blvd.; More Specifically Identified as Assessor's Parcel Number 081-140-013.

Recommendation. Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2012-08 as submitted.

C Public Hearing – To Consider Certifying Negative Declaration (SCH #2012041060), Approve Associated Site Plan Review #2012-02 and Tentative Parcel Map #2012-01 for the Development of a 20,951 Square Foot Dollar General Market Located on the Southwest Corner of Santa Barbara Street and Mercey Springs Road, More Specifically Identified as Assessor's Parcel Number: 082-072-023

1) Planning Commission Resolution No. 2012-09 – Approving Tentative Parcel Map #2012-01 for the Subdivision of Approximately 7.31 Acres into Two Parcels Consisting of One with 2.58 Acres and One with 4.73 Acres on Assessor's Parcel Number: 082-072-023

2) Planning Commission Resolution No. 2012-10 – Certifying Negative Declaration (SCH#2012041060) and Approving Site Plan #2012-02 for the Construction of a 20,951 Square Foot Dollar General Market at the Southwest Corner of Santa Barbara and Mercey Springs, More Specifically Identified as Assessor's Parcel Number: 082-072-023

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2012-09 and 2012-10 as submitted.

8. PLANNING DEPARTMENT REPORT

9. COMMISSIONERS REPORTS

A. Faktorovich

B. Hixson

C. Lee

D. Lewis

E. Mello

F. Rosin

G. Toscano

10. ADJOURNMENT

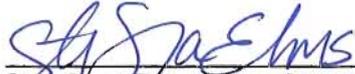
APPEAL RIGHTS AND FILING PROCEDURES

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filing written notice with the Planning Commission Secretary not later than five (5) business days (excluding holidays) after the day on which the act or determination was made. An appeal must state the act or determination which is being appealed, the identity of the applicant and his/her interest in the matter, and set forth in concise statement(s) the reasons which render the Commission's decision unjustified or inappropriate. (Los Banos Municipal Code Section 9-3.2326)

Concerning an action taken by the Planning Commission related to Chapter 2 Articles 1 through 17 of the Los Banos Municipal Code "Subdivisions", if a subdivider or other affected property owner is dissatisfied with any action of the Commission with respect to a tentative map or the nature and extent of improvements recommended or required he/she may within fifteen (15) days after such action appeal to the Planning Commission Secretary for a public hearing on the matter. An appeal must state the action being appealed, identify the agenda item by agency number or project title, and set forth in concise statement(s) the reasons for the appeal. (Los Banos Municipal Code Sections 9-2.807)

Appeals must be in writing and include the appellant's name and address and original signature. A filing fee of \$150.00 must accompany the notice of appeal.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.



Stacy Souza Elms, Planning Commission Secretary

Dated this 18th Day of May, 2012

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
APRIL 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: 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, Tracey Rosin and Susan Toscano. Absent: Tom Mello

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

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

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF APRIL 11, 2012: Motion by Hixson, seconded by Lee to approve the minutes as submitted. The motion carried by the affirmative vote of all Commission Members present. Absent: Mello.

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 – CONSIDERATION OF APPROVAL OF USE PERMIT 2012-03 FOR THE USE OF A LARGE FAMILY DAYCARE AT 1660 SUGARPINE COURT; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 431-105-011. Community Development Director Fitzgerald presented the staff report.

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

Motion by Lee, seconded by Faktorovich to adopt Planning Commission Resolution No 2012-05 – approving Use Permit #2012-03 for the use of a Large Family Day Care located at 1660 Sugarpine Court. The motion carried by the affirmative action of all Commission Members present. Absent: Mello.

PLANNING DEPARTMENT REPORT: Dollar General's environmental has been completed and is being circulated by State Clearinghouse and Merced County; the AM/PM-McDonalds project is going to LAFCo tomorrow.

PLANNING COMMISSION MEMBER REPORTS:

ARKADY FAKTOROVICH: Nothing to report.

VERN HIXSON: Three family members graduated from college this past weekend and is very proud

CHANDRA LEE: Relay for Life will be "Painting the Town Purple" tomorrow and invited the community to attend

DEBORAH LEWIS: Los Banos High School will be having their spring festival tonight and she will be attending to support the music program.

TOM MELLO: Absent.

TRACEY ROSIN: Nothing to report.

SUSAN TOSCANO: Nothing to report

ADJOURNMENT. The meeting was adjourned at the hour of 7:08 p.m.

APPROVED

Tracey Rosin, Planning Commission 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 MAY 23, 2012

SUBJECT: ADDENDUM TO ENVIRONMENTAL IMPACT REPORT (SCH# 2008111078) AND AMENDMENT TO CONDITIONS OF APPROVAL FOR WALMART EXPANSION PROJECT

RECOMMENDATIONS:

1. That the Planning Commission approve Resolution #2012-06 certifying the Addendum to the Final Environmental Impact Report (SCH # 2008111078) and revising transportation mitigation measures TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1f, TRANS-2a, TRANS-2b, AND TRANS-3c for the Los Banos Walmart Expansion Project located at 1575 W. Pacheco Blvd., more specifically identified as Assessor's Parcel Numbers. 430-010-012 and 430-010-041
2. That the Planning Commission approve Resolution #2012-07 amending condition #26 and #35 for Site Plan Review #2008-05 for the expansion of the existing Walmart store and the development of three commercial retail outlots located on Assessor's Parcel Numbers 430-010-012 and 430-010-041

PROJECT BACKGROUND:

The Los Banos Planning Commission on March 24, 1993 approved Site Plan #93-2 for the construction of a WalMart store. The existing store has been operating since 1994 in the City of Los Banos.

On October 27, 2010 the Planning Commission approved Site Plan Review #2008-05 for the expansion of the existing Walmart store and the development of three commercial retail outlots and certified Final Environmental Impact Report (SCH # 2008111078). As approved, the existing store will be expanded by 67,300 square feet and will operate 24 hours a day, 7 days a week and would retail groceries in addition to general merchandise. The project's three outlots will accommodate a maximum of 69,900 square feet of development to consist of retail and restaurant uses. As depicted on the project's site plan, Stonecreek Blvd was to be extended between W Pacheco Blvd. and Prairie Springs Dr. Stonecreek Boulevard was to be a four-lane divided road

with two left turns lanes at the intersection with Pacheco Boulevard. The adjacent property owners to the west of the Walmart property (the Andersons) and Walmart were to share in the costs of construction of Stonecreek Boulevard pursuant to a cost sharing agreement. Under the agreement, the each party would dedicate half of the land needed to build out Stonecreek Boulevard as shown on the project's site plan.

As approved, the project's transportation impacts were mitigated to a less than significant level by the imposition of mitigation measures. Those measures were based upon a traffic study prepared by Peters Engineering Group which was part of the certified EIR for the Walmart Expansion Project. Due to Walmart's inability to acquire the right-of-way necessary to implement the following mitigation measures, they have become infeasible. **a) MM Trans-1b: Intersection of SR 152 and Stonecreek Boulevard; b) MM Trans-1c: Intersection of SR 152 and Badger Flat Road; c) MM Trans-1d: Intersection of SR 152 and Mercey Springs Road; and d) MM Trans-1f: Intersection of SR 152 and West I St.**

According to the California Environmental Quality Act (CEQA), "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (Pub Res Code §21061 1). If a project proponent cannot acquire privately held property required to construct a required mitigation measure within a reasonable period of time, that measure becomes infeasible.

The project proponent has been unable to acquire Right-of-Way to fully implement the above-referenced mitigation measures and the construction of Stonecreek Boulevard as shown on the project's site plan. Since project approval, the property to the west has entered into foreclosure proceedings, and the owners have been unable to dedicate the land (or any interest in it) needed to build Stonecreek Boulevard as shown on the project site plan or otherwise share in the costs of its construction. The westerly property owner also would need to dedicate a small triangular portion of land to enable construction of a traffic signal as set forth in transportation measure TRANS-1b.

Transportation measures TRANS 1c, 1d and 1f have similarly become infeasible due to Walmart's inability to acquire the right-of-way required for their implementation as originally contemplated.

To determine if feasible alternative measures were available that would mitigate the project's impacts at the four affected intersections, Peters Engineering Group conducted a traffic analysis and prepared a technical memorandum outlining alternative measures. As set forth in the Addendum and attached technical memorandum, the revised mitigation measures fully mitigate the project's traffic impacts.

To enable the expanded Walmart store to open pending the resolution of the westerly property's foreclosure proceedings that preclude construction of Stonecreek Boulevard and the signal at its intersection at Pacheco Blvd Walmart has proposed to build the expansion of the existing store as a first phase to be followed by the development of the outlots at a subsequent time, in a second phase. Phase One would include the

construction of the Walmart store expansion and all required site improvement and mitigations related thereto and the rough grading of the outlots and the construction of access roads between the outlots and the curb and gutter on the east side of the future Stonecreek Boulevard. Phase Two would include development of the three outlots, construction of Stonecreek Boulevard, and installation of the traffic signal. These roadway improvements must be in place at the time of opening of the first business located on the outlots. The Addendum and technical memorandum indicate that as phased, the project's transportation-related impacts will still be mitigated to a level that is less than significant.

Additionally, there are revisions needed on three mitigation measures relating to the optimization of signals due to the practical infeasibility of an applicant directly optimizing signal timing along a City/State Right-of-Way. Those three mitigation measures are **d) MM Trans-2a: Pacheco Boulevard between 4th Street and 6th Street; e) MM Trans-2b: Pacheco Blvd. between 6th & 7th Streets; and f) MM Trans-3c: Intersection of Pacheco Boulevard and H Street.**

PROJECT DESCRIPTION:

a) MM Trans-1b: Intersection of SR 152 and Stonecreek Boulevard

The existing mitigation measure requires the project applicant to construct a traffic signal at the intersection of Pacheco Boulevard and Stonecreek Boulevard as an opening day mitigation. As revised, this measure will be required to be implemented before the first outlot business is open. As set forth in the Addendum, the other opening-day mitigation measures will accommodate the traffic generated by the expanded Walmart store alone such that revising mitigation measure TRANS-1b does not result in any new or more significant environmental impacts.

b) MM Trans-1c: Intersection of SR 152 and Badger Flat Road

The existing mitigation measure requires the modification of the southbound approach of the State Route 152/Badger Flat Road intersection to add a left-turn lane, a through lane, and a right-turn lane. During the design phase and plan check process, it became clear that to implement the mitigation as written, 3000 square feet of privately-owned right-of-way had to be acquired in the northwest corner of this intersection. Walmart representatives approached the property owner to discuss acquisition of the property. Upon doing so, they learned that acquisition is not possible because the property needed is part of the owner's larger parcel currently proceeding through the development due diligence process which will be followed by the land use entitlement stage.

Peters Engineering Group, through its additional traffic evaluation and analysis, evaluated alternatives to the measure as written. It was found that the project's traffic impacts can be mitigated by revising the mitigation measure so that Walmart will reconstruct the southbound approach to the intersection of Pacheco Boulevard and

Badger Flat Road to provide one southbound left turn lane and one shared southbound through/right turn lane. The new traffic analysis and technical memorandum have shown that this alternative still mitigates the project's (Phase One and Phase two) traffic related impacts to a level that is less than significant.

c) MM Trans-1d: Intersection of SR 152 and Mercey Springs Road

The existing mitigation measure currently requires the project applicant to construct a second northbound left-turn lane and second eastbound left-turn lane at the intersection of Pacheco Boulevard / Mercey Springs Road in addition to signal optimization

During the design phase and plan check process, it was discovered that construction of the second eastbound left-turn lane was not feasible due to the unavailability of the full right of way needed to build the second eastbound left turn lane, and also due to drainage constraints. The Peters Engineering Group's traffic study prepared as part of the certified EIR had recommended the second eastbound left turn lane as a long term measure which means it is not required to mitigate the project's opening-day traffic impacts. Therefore, this component of Trans-1d will be added to the City's next update of the transportation impact fee program. Walmart will pay a fair share of the cost of this measure to the City

As revised, mitigation measure Trans-1b requires the applicant to construct a second northbound left-turn lane at the intersection of Pacheco Boulevard / Mercey Springs Road. In addition, the traffic signal timing will be optimized. The new traffic analysis and technical memorandum have shown that as revised, this measure fully mitigates project's (Phase One and Phase two) traffic impacts at this location

d) MM Trans-1f: Intersection of SR 152 and West I St.

The existing mitigation measure requires the project applicant to improve the intersection of Pacheco Boulevard / West I Street to its ultimate lane configurations identified in the City of Los Banos Traffic Model and Transportation Master Plan, including the addition of southbound, eastbound, and northbound right turn lanes and a northbound left turn lane. The measure also requires the signal timing to be optimized

The traffic impact study completed for the project and utilized for the EIR concluded that optimization/modification of traffic signal timing was necessary (subject to Caltrans approval) to mitigate the project's opening-day traffic impacts (queuing) to a level that was less than significant. Construction of right-turn lanes on the southbound, eastbound, and northbound intersection approaches and a left-turn lane on the northbound approach at this intersection were identified as long-term improvements, required to mitigate impacts from the project and other long-term cumulative development (LOS and queuing) at this intersection, in the long-term and under full General Plan buildout conditions.

The project's (Phase One and Phase two) traffic impacts at this location can be fully mitigated by revising the mitigation measure to state that prior to the issuance of the

final certificate of occupancy for the expanded Walmart store, the project applicant shall pay a fair share of the cost of the future improvements required to construct the intersection of Pacheco Boulevard / West I Street to its ultimate lane configurations identified in the City of Los Banos Traffic Model and Transportation Master Plan, including the addition of southbound, eastbound, and northbound right turn lanes and a northbound left turn lane. In addition, the applicant shall pay its fair share of the cost of optimization of the signal timing. The new traffic analysis and technical memorandum have shown that this alternative, which includes the City's addition of the long-term component of measure Trans-1f, fully mitigates the project's (Phase One and Phase two) traffic related impacts.

d) MM Trans-2a: Pacheco Boulevard between 4th Street and 6th Street; e) MM Trans-2b: Pacheco Blvd. between 6th & 7th Streets; and f) MM Trans-3c: Intersection of Pacheco Boulevard and H Street.

All three existing mitigation measures require the applicant to optimize the signal timing and all three intersections. These three mitigation measures all need to be revised due to the practical infeasibility of an applicant directly optimizing signal timing along a City/State Right-of-Way

Accordingly, the mitigation measures have all been revised to state that prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall pay a fair share of the cost of the future optimization of the traffic signal coordination at all three intersections.

To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program. The new traffic analysis and technical memorandum have shown that this alternative still mitigates the traffic related impacts.

Finally, Condition #35 of the approved Conditions of Approval currently states. All work performed within/adjacent to the State Right-of-Way shall be subject to Caltrans Standards and Specifications, including an encroachment permit. No City permit shall be issued until a Caltrans encroachment permit is obtained. The Caltrans encroachment permit process is not complete, but the City is ready to issue permits for the project to move forward toward construction. Thus, the City is revising Condition No. 35 to read All work performed within/adjacent to the State Right-of-Way shall be subject to Caltrans Standards and Specifications, including an encroachment permit if necessary

Condition #26 of the approved Conditions of Approval currently states. Landscaping shall be continuously maintained 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). The City desires to insert additional language to this condition that would reference the Project's obligation to comply with the City's Shade Canopy Ordinance, and to make clear that the project's failure to maintain and replace landscaping and shade canopy in a healthy manner can result in administrative citations and fines. The applicant has requested language permitting the public works department to allow deceased landscape material to be replaced with an approved alternative landscaping material should the alternative material be determined to thrive better in the location, climate and soil conditions presented by the project site environment and Central Valley climate. As revised, Condition of Approval #26 will state: Landscaping shall be continuously maintained in a healthy and thriving manner that fulfills the City Shade Canopy Ordinance. Should any landscape material die, it shall be immediately replaced with landscaping of a similar type, size and quantity or an approved alternative should a different type of landscape material be determined to fare better than the deceased material in the project environment. 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). Failure to maintain and replace landscaping and shade canopy in a healthy manner can result in administrative citations and fines.

LOCATION AND ACCESS:

The project site is located at 1575 W Pacheco Blvd, more specifically identified as Assessor's Parcel Numbers 430-010-012 and 430-010-041. Access to the site will be from Pacheco Blvd, Badger Flat Rd, Prairie Springs Rd and Stonecreek Blvd.



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Commercial/ Vacant	H-C	C
North	Residential/ Commercial	AG/C	C
South	Residential	H-C	C
East	Stonecreek Plaza	H-C	C
West	Vacant/ Agriculture	H-C	C

H-C = Highway Commercial

C = Commercial

AG = Agriculture

ENVIRONMENTAL ASSESSMENT:

On October 27, 2010, the City of Los Banos certified the Environmental Impact Report (EIR) (SCH No 2008111078) A subsequent EIR is only prepared where substantial evidence shows that a certified EIR requires major revisions before it can be adequate to support the proposed action because of significant new or more severe impacts that the action would create.

Specifically, CEQA Guidelines Section 15162 (in pertinent part, summarized below) provides that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial evidence, one or more of the following.

1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects,

2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or

3) New information of substantial importance, which was not known and could not have been known when the EIR was certified shows any of the following:

A) The project will have one or more new significant effects not discussed in the previous EIR,

B) Significant effects the EIR previously examined will be substantially more severe than shown in the previous EIR,

When these tests are not triggered, a lead agency may prepare an addendum to the previously-certified EIR. CEQA Guidelines Section 15164 governs use of an addendum, and in pertinent part, states.

-
- a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred;
- b) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration,
- c) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project;
- d) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Section 15164 makes clear that unless a discretionary approval involves significant new or more severe impacts, which this project does not, the lead agency shall prepare an addendum to a previously certified EIR, not a subsequent EIR. The applicant's requested Project changes and revisions to several adopted mitigation measures require a discretionary approval by the City. In light of the fact that as revised, the Project's mitigation measures will continue to mitigate project impacts to less than significant, preparation of an Addendum is the appropriate form of CEQA compliance for the City to undertake when considering the applicant's requests. In reaching this conclusion, the City has determined that conditions that would trigger the need for a supplemental EIR also are not present in this case. (CEQA Guidelines, §15163)

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 May 11, 2012. As of the date of this report, no comments have been received

CONCLUSION:

The proposed Addendum meets the requirements of CEQA and that, coupled with the amended conditions allows the project to be built while still mitigating traffic impacts related to the project. Staff believes the Addendum and amended conditions will allow the project to go forward which will be a positive contribution to the area and recommends approval, subject to the attached conditions of approval

RECOMMENDATIONS:

1. That the Planning Commission approve Resolution #2012-06 certifying the Addendum to the Final Environmental Impact Report (SCH # 2008111078) and revising transportation mitigation measures TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1f, TRANS-2a, TRANS-2b, AND TRANS-3c for the Los Banos Walmart Expansion Project located at 1575 W Pacheco Blvd., more specifically identified as Assessor's Parcel Numbers. 430-010-012 and 430-010-041

2. That the Planning Commission approve Resolution #2012-07 amending condition #26 and #35 for Site Plan Review #2008-05 for the expansion of the existing Walmart store and the development of three commercial retail outlots located on Assessor's Parcel Numbers. 430-010-012 and 430-010-041

ATTACHMENTS:

- 1 Resolution #2012-06 certifying the Addendum to the Final Environmental Impact Report (SCH # 2008111078) and revising transportation mitigation measures TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1f, TRANS-2a, TRANS-2b, AND TRANS-3c for the Los Banos Walmart Expansion Project.
Exhibit A. CEQA Findings for: the certification of the Addendum, revision of mitigation measures TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1f, TRANS-2a, TRANS-2b, AND TRANS-3c, revision of conditions of site plan approval #2008-05 #26 and #35 and project site plan
Exhibit B MMRP: revised measures TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1f, TRANS-2a, TRANS-2b, AND TRANS-3c only).
- 2 Resolution #2012-07 amending condition #26 and #35 and the revised project site plan for Site Plan Review #2008-05 for the expansion of the existing Walmart store and the development of three commercial retail outlots
Exhibit A: Project Findings
Exhibit B: Conditions of Approval
- 3 Site Plan
4. Addendum to Environmental Impact Report SCH #2008111078
5. PEG Technical Memo- Traffic Analysis (with Exhibits).
6. Public Hearing Notice

RESOLUTION #2012-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS CERTIFYING AN ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2008111078), APPROVING REVISED MITIGATION MEASURES TRANS-1B, TRANS-1C, TRANS-1D, TRANS-1F, TRANS-2A, TRANS-2B, AND TRANS-3C FOR THE LOS BANOS WALMART EXPANSION PROJECT LOCATED AT 1575 W. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 430-010-012 AND 430-010-041

PROJECT NAME AND PROJECT NUMBER:

Walmart Expansion Project – Addendum to Final Environmental Impact Report (SCH #2008111078)

PROPOSAL DESCRIPTION:

Addendum to the Final EIR (SCH #2008111078) certified for the expansion of the Walmart store and three commercial outlots

LOCATION/ SUBJECT PROPERTY:

1575 W Pacheco Blvd , more specifically identified as Assessor's Parcel Numbers 430-010-012 and 430-010-041

WHEREAS, the City of Los Banos had approved an application for the expansion of the existing Walmart and the development of three commercial retail outlots in the Highway Commercial zoning district, located at 1575 W. Pacheco Blvd.; more specifically identified as Assessor's Parcel Numbers. 430-010-012 and 430-010-041, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, the project was evaluated in the Los Banos Walmart Expansion Project (SCH #2008111078), and

WHEREAS, it was found that transportation mitigation measures TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1f, TRANS-2a, TRANS-2b, AND TRANS-3c were infeasible, and

WHEREAS, a traffic analysis was completed and it was found that the impacts could be mitigated to still be less than significant with alternative mitigation measures, and

WHEREAS, Section 15164 of the California Environmental Quality Act (CEQA) provides for the lead agency's preparation of an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred, and

WHEREAS, an Addendum meeting all CEQA requirements, was prepared to described and evaluate the proposed revisions to the Project's Mitigation Monitoring Reporting Plan (Exhibit B), and

WHEREAS, a noticed public hearing was advertised in the Los Banos Enterprise on May 11, 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 Los Banos Planning Commission held a public hearing on May 23, 2012, at which time interested persons had an opportunity to provide testimony; and

WHEREAS, at the May 23, 2012 Planning Commission Meeting the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard, and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING AND RECORD including the staff report, the Addendum to the Final Environmental Impact Report the Planning Commission of the City of Los Banos does hereby make the appropriate findings set forth in Exhibit A (CEQA Findings), 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:

1. Certify the Addendum to the Final Environmental Impact Report (SCH #2008111078) for the Los Banos Walmart Expansion project located at 1575 W Pacheco Blvd.; more specifically identified as Assessor's Parcel Numbers. 430-010-012 and 430-010-041
2. Revise Mitigation Measures TRANS-1b, TRANS-1c, TRANS-1d, TRANS-1f, TRANS-2a, TRANS-2b, AND TRANS-3c as set forth in Exhibit B hereto.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 23th day of May, 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 Elms, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR THE LOS BANOS WALMART EXPANSION PROJECT EIR (SCH #2008111078):

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 project was evaluated within the context of the Los Banos Walmart Expansion Project Environmental Impact Report (SCH#2008111078)
- 2 Additionally, pursuant to CEQA, Specifically, under the CEQA Guidelines (Section 15162).

(a) When an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial evidence, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects,

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or

(3) New information of substantial importance, which was not known and could not have been known when the EIR was certified shows any of the following:

(A) The project will have one or more new significant effects not discussed in the previous EIR,

(B) Significant effects the EIR previously examined will be substantially more severe than shown in the previous EIR,

- 3 When these tests are not triggered, a lead agency may prepare an addendum to the previously-certified EIR. CEQA Guidelines Section 15164 governs use of an addendum, and in pertinent part, states.

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. . . .

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

4. Section 15164 makes clear that unless a discretionary approval involves significant new or more severe impacts, the lead agency shall prepare an addendum to a previously certified EIR, not a subsequent EIR. The applicant's requested Project changes and revisions to several adopted mitigation measures require a discretionary approval by the City. In light of the fact that as revised, the Project's mitigation measures will continue to mitigate Project impacts to less than significant, preparation of an Addendum is the appropriate form of CEQA compliance for the City to undertake when considering the applicant's requests. In reaching this conclusion, the City has determined that conditions that would trigger the need for a supplemental EIR also are not present in this case. (CEQA Guidelines, §15163)

Exhibit B

REVISED MITIGATION MEASURES TRANS 1b, 1c, 1d, 1f, 2a, 2b AND 2c FOR THE WALMART EXPANSION PROJECT AND ENVIRONMENTAL IMPACT REPORT (SCH #2008111078)

IMPACT	MITIGATION	RESPONSIBLE PARTY & TIMING	OVERSIGHT AUTHORITY
<p>TRANSPORTATION/TRAFFIC: TRANS-1b</p>	<p>Prior to issuance of the first final certificate of occupancy for a business developed on one of the outlots (Phase 2), the outlot developer shall construct Stonecreek Boulevard to reach Pacheco Boulevard and shall signalize the intersection. The signal shall provide protected westbound left-turn phasing and the signal operation shall be interconnected with the signal at Pacheco Boulevard / Badger Flat Road. Left-turn lanes shall be designed to accommodate the projected long-term 95th-percentile queues. The outlot developer shall be responsible for its fair share of the cost of these improvements. Reimbursement for costs incurred beyond the outlot developer's fair share responsibility for these improvements shall come from those properties identified in the Area of Benefit, according to their fair share responsibility that shall be identified and established in accordance with Caltrans HCM methodology. The Area of Benefit shall be identified by the applicant's traffic engineers and is subject to the City's review and agreement. The applicant is responsible for all costs in setting up the area of benefit, including any staff time required to review the Area of Benefit documents. The Area of Benefit documentation shall be recorded against the title for each identified property, as an obligation running with the land. To</p>	<p>Owner – during improvement plan and construction activities</p>	<p>Los Banos Public Works Department</p>

	<p>facilitate reimbursement, the City will require the applicant for a development permit for a property located within the Area of Benefit to submit proof of its fair share payment to the outlot developer prior to approval of the permit.</p>		
<p>TRANS-1c</p>	<p>Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall reconstruct the southbound approach to the intersection of Pacheco Boulevard and Badger Flat Road to provide one southbound left-turn lane (minimum length 150 feet), and one shared southbound through/right-turn lane,. The traffic signal phasing for the northbound and southbound left turns may be either permissive or protected subject to Caltrans approval. The project applicant shall be responsible for its fair share of the cost of this improvement. Reimbursement for costs incurred beyond the applicant's fair share shall come from those properties identified in the Area of Benefit and whose fair share shall be identified and established in accordance with Caltrans HCM methodology The Area of Benefit shall be identified by the applicant's traffic engineers and is subject to the City's review and agreement. The applicant is responsible for all costs in setting up the area of benefit, including any staff time required to review the Area of Benefit documents. The Area of Benefit documentation shall be recorded against the title for each identified property, as an obligation running with the land. To facilitate reimbursement, the City will require the applicant for a development permit for a property located within the Area of Benefit to submit proof of its fair share payment to the applicant prior to approval of the permit. As a condition of approval of a development plan for the northwest</p>	<p>Owner – during improvement plan and construction activities</p>	<p>Los Banos Public Works Department</p>

	<p>property, the City will require the northwest property owner to expand the intersection, as required by the new development's traffic impact study and CEQA document, and to dedicate the right-of-way needed to do so. With implementation of this mitigation measure as revised, the intersection will operate at LOS C and the Project's impact will continue to be mitigated to less than significant.</p>		
TRANS -1d	<p>Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall construct a second northbound left-turn lane at the intersection of Pacheco Boulevard / Mercey Springs Road. In addition, the traffic signal timing shall be optimized. The project applicant shall be responsible for its fair share of the cost of these improvements. Reimbursement for costs incurred beyond the applicant's fair share shall come from those properties identified in the Area of Benefit according to their fair share responsibility, which shall be identified and established in accordance with Caltrans HCM methodology. The Area of Benefit shall be identified by the applicant's traffic engineers and is subject to the City's review and agreement. The applicant is responsible for all costs in setting up the area of benefit, including any staff time required to review the Area of Benefit documents. The Area of Benefit documentation shall be recorded against the title for each identified property, as an obligation running with the land. To facilitate reimbursement, the City will require the applicant for a development permit for a property located within the Area of Benefit to submit proof of its fair share payment to the applicant prior to approval of the permit. The project applicant shall also be responsible for a fair share cost of the future</p>	Owner – during improvement plan and construction activities	Los Banos Public Works Department

	<p>construction of a second eastbound left-turn lane. To ensure that funding and a plan exists to construct the second eastbound left-turn lane and optimize the traffic signal at this location when the City and Caltrans determine that optimization is required, the City of Los Banos will add the second eastbound left-turn lane and associated traffic signal timing optimization/modification to its transportation impact fee program when it is next updated. The applicant will provide the City with a traffic fee program payment representing its fair share responsibility for the estimated cost of construction for the second eastbound left-turn lane and signal optimization.</p>		
TRANS-1f	<p>Prior to the issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall pay a fair share of the cost of the future improvements required to construct the intersection of Pacheco Boulevard / West I Street to its ultimate lane configurations identified in the City of Los Banos Traffic Model and Transportation Master Plan, including the addition of southbound, eastbound, and northbound right turn lanes and a northbound left turn lane. In addition, the applicant shall pay its fair share of the cost of optimization of the signal timing. To ensure that funding and a plan exist to optimize the traffic signals at this location when it is needed, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City will advise Walmart of the fair share payment required to be made. This payment would be added to the traffic fee program. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications as needed once Phase</p>	Owner – during improvement plan and construction activities	Los Banos Public Works Department

	1 opens, in response to changes in traffic conditions.		
TRANS-2a	<p>Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall pay a fair share of the cost of the future optimization of the traffic signal coordination on Pacheco Boulevard between 4th Street and 6th Street. The project applicant shall be responsible for its fair share of the cost of this improvement. To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program.</p>	Owner – during improvement plan and construction activities	Los Banos Public Works Department
TRANS-2b	<p>Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall pay a fair share of the cost of the future optimization of the traffic signal coordination on Pacheco Boulevard between 6th Street and 7th Street. The project applicant shall be responsible for its fair share of the cost of this improvement. To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in response to changes in traffic conditions. The City will advise Walmart of the fair</p>	Owner – during improvement plan and construction activities	Los Banos Public Works Department

	share payment required. This payment would be added to the traffic fee program.		
TRANS-3c	<p>Prior to issuance of the final certificate of occupancy for the expanded Walmart, the project applicant shall pay a fair share of the cost of the future optimization the signal timing at the intersection of Pacheco Boulevard / H Street. The signal timing shall be optimized and coordinated with the future improvements at the intersection of Pacheco Boulevard / Mercey Springs Road (Mitigation Measure TRANS-1d). The project applicant shall be responsible for its fair share of the cost of this improvement. To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program.</p>	Owner – during improvement plan and construction activities	Los Banos Public Works Department

RESOLUTION #2012-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS AMENDING CONDITION #26 AND #35 FOR SITE PLAN #2008-05 FOR THE EXPANSION OF THE EXISTING WALMART AND THE DEVELOPMENT OF THREE COMMERCIAL RETAIL OUTLOTS LOCATED AT 1575 W. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 430-010-012 AND 430-010-041

WHEREAS, Los Banos Planning Commission on October 27, 2010 certified Final Environmental Impact Report (SCH #2008111078) for the Los Banos Expansion Project pursuant to the California Environmental Quality Act (CEQA), and

WHEREAS, the mitigation measures reported in the Environmental Impact Report were incorporated as conditions of approval and will reduce potentially significant environmental effects to a less than significant level; and

WHEREAS, the Environmental Impact Report determined that the project would result in significant and unavoidable impacts to transportation, but the Planning Commission adopted statements of overriding considerations on October 27, 2010; and

WHEREAS, according to CEQA, several of the mitigation measures were infeasible and alternative mitigation measures were identified and an Addendum was prepared and certified on May 23, 2012, and

WHEREAS, in order to move the project forward, condition #35 needed to be modified as the project was going to be phased and Caltrans encroachment permits were not necessary to begin Phase One so the condition was modified , and

WHEREAS, the City wanted to insert additional language into condition #26 to reference the Project's obligation to comply with the City's Shade canopy Ordinance.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Resolution #2012-07 amending conditions #26 and #35 for the expansion of the existing Walmart store and development of three outlots located at 1575 W. Pacheco Blvd., more specifically identified as Assessor's Parcel Numbers 430-010-012 and 430-010-041, subject to the Conditions of Approval set forth in Exhibit B 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 23rd day of May, 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 Elms, Planning Commission Secretary

EXHIBIT A

FINDINGS FOR APPROVAL OF *REVISED* SITE PLAN #2008-05 – LOS BANOS WALMART EXPANSION PROJECT

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 intensity standards specified within.
- 2 The proposal is consistent with the Zoning Ordinance designation of Highway Commercial as it meets the use and development standards specified within.
- 3 Pursuant to section 9-3.2216 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 benefit City residents by removing blight.
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 existing retail store currently operates in a harmonious manner with the surrounding neighborhood and will continue to do so after the expansion occurs. Furthermore, the development of the three outlots will be tenanted by retail and restaurant uses which are permitted in the Highway Commercial zoning district and will complement the operation of the expanded Walmart store.

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 commercial building 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. The architecture and design of the building are in accordance with the Community Design Standards in that elements of the Standards have been incorporated throughout the project site and the existing Walmart building will be modernized while incorporating elements of the Community Design Standards.
9. Conditions have been imposed on the project that will ensure the project's consistency with the policies of the City's General Plan and Municipal Code are met.

EXHIBIT B

REVISED CONDITIONS OF APPROVAL FOR SITE PLAN #2008-05 – LOS BANOS WALMART EXPANSION PROJECT

Planning:

- 1 If the City's approval of the Walmart Expansion Project is not challenged in a court action under CEQA, then this Site Plan shall expire if an application for a building permit is not applied for within one year from date of approval. A one year extension may be allowed through a written submittal that would be approved by the Planning Director. If the City's approval of the Project is challenged in a timely-filed CEQA action against the City and the Applicant, the timeframes herein shall run from the date that any such CEQA action is terminated, either by settlement and dismissal, entry of judgment, or dismissal by the court for any other cause.
2. Development shall occur in substantial conformance with the final Site Plan approved by the Planning Commission or, if the Planning Commission's action is appealed, the City Council. Any proposed modifications to the approved Site Plan or its conditions of approval shall require approval by the Planning 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 or as needed to ensure that the right-of-way remains clear of obstruction.
- 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 the City of Los Banos, County of Merced, Caltrans or other jurisdictions prior to performing any work within that jurisdiction's right-of-way.
- 10 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.
- 11 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 approval of the Planning Department.
12. 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 approval of the Fire Chief.
13. 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 approval of the Public Works Director
- 14 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
- 15 Due to the possibility that 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 Planning 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.”
- 16 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 rebury 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."

- 17 To the maximum extent feasible, the site shall be kept in a dust-free condition during construction of the project. 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. The developer shall be responsible during construction for cleaning City streets, curbs, gutters and sidewalks of dirt tracked from the subject site. The flushing of dirt and debris to storm drain or sanitary sewer facilities shall not be permitted. The cleaning shall be done after each day's work or as directed by the Director of Public Works or Planning Department.
 - 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.
- 18 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.

Signage:

- 19 All advertising signage shall be subject to Sign Review and permit approval from both the Planning and Building Departments, prior to installation, consistent with the development criteria of the Los Banos Municipal Code Sign Ordinance (LBMC Sec. 9-3.2832).

Design/Aesthetics:

- 20 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
- 21 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 or landscaping or combination thereof.

Utilities and Drainage:

22. 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. A NPDES permit and SWPPP plan will be required and will meet current state standards.
23. Trash enclosures for outlot uses 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. Size of trash enclosure shall be coordinated with Allied Waste Industries to accommodate the necessary recycle bin. In lieu of a trash enclosure, the Walmart Store will construct and utilize trash compactors with an 8' high CMU screened wall, and a bale and pallet recycling area located outdoors at the rear of the building that will be enclosed within masonry block walls that match the building with two steel sliding gates.
24. Approved backflow devices shall be installed as required per City standards.

Landscape and Lighting:

25. Prior to issuance of a building permit the developer shall submit a lighting plan pursuant to the City of Los Banos Standards and Specifications. All exterior lighting shall meet the provisions set forth in Section 9-3.3408 of the Los Banos Municipal Code.
26. Landscaping shall be continuously maintained in a healthy and thriving manner that fulfills the City Shade Canopy Ordinance. Should any landscape material die, it shall be immediately replaced with landscaping of a similar type, size and quantity or an approved alternative should a different type of landscape material be determined to fare better than the deceased material in the project environment. 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). Failure to maintain and replace landscaping and shade canopy in a healthy manner can result in administrative citations and fines.

27. Aggressive planting of climbing vines shall be planted on the masonry walls for aesthetics and to discourage graffiti.
28. Landscape plans shall conform to the City's Landscape Ordinance and the City's Water Efficient Landscape Ordinance.

Public Works:

29. 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
30. The developer shall prepare, prior to issuance of a building permit, a landscape and lighting plan. The landscape and lighting plan shall be approved by the Planning Department and Public Works Department prior to issuance of a building permit, and shall include the size, type of fixtures to be used on site, and include a Lumen Dispersion Map and comply with the City of Los Banos shade tree ordinance.
31. 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.
32. All existing overhead utility lines along the public street frontages are required to be under-grounded
33. The applicant shall provide the Public Works Department an estimate of water usage (gallons per day) for each establishment.
34. All development fees shall be paid before the issuance of each building permit.
35. All work performed within/adjacent to the State Right-of-Way shall be subject to Caltrans Standards and Specifications, including an encroachment permit if necessary
36. All street design shall be per Caltrans requirements as stated in the Inter-Governmental Review.
37. An approved exterior Grease Interceptor shall be installed, if food use tenants are going to be in the buildings.
38. No storm drainage will be allowed to drain into Caltrans Right-of-Way.

- 39 Separate domestic and landscape water services shall be installed per City Standards. Reduced pressure backflow devices with cages shall be installed per City Standards. New water services shall pay connection fees based on meter size
40. The property shall annex into a Landscape and Lighting District for the purpose of maintaining public landscape areas and public lighting.
- 41 All design shall be done in conformance with the City's Standards and Specifications.
- 42 At the time of improvement submittal, storm drain calculations per the City's standards will need to be done for the proposed system and to verify that there is capacity in the existing system.
43. Show all easements and bearings and distances on the grading plans.
- 44 Full dedication improvements and SR152 frontage to match existing improvements to the east is required. This will include any utility and pole relocation. A striping plan is required for the frontage. A Caltrans Encroachment Permits is required for any work within the SR152 Right-of Way
45. Only traffic improvements listed in the City's Traffic Model are subject to Traffic Impact Fee (TIF) Reimbursements. Those eligible reimbursements are subject to the maximum amounts listed in the TIF and are subject to available TIF funds or TIF credits.
46. SR152 frontage improvements from Stonecreek Blvd. to Badger Flat Rd. shall include meandering sidewalk and a landscaped median to match improvements east of Badger Flat Road
- 47 Sidewalks need to be installed along the two private east-west streets to provide pedestrian connectivity
- 48 Commercial sidewalks along Stonecreek Blvd need to be a minimum 8 feet wide per City Detail ST10
- 49 The existing 24" storm line in SR152 shall be extended to the westerly extent of the Highway improvements.
- 50 Storm drainage calculations shall be provided at the design submittal showing that the on-site detention is adequate for the project.
- 51 Storm drainage improvements shall be designed and constructed per the City's Storm Drainage System Master Plan dated March 2010.

52 Water system improvements shall be designed and constructed per the City's Water Distribution System Master Plan dated March 2010. Minimum project fire flows need to be met and the Fire Department will need to review the fire flow calculations.

53 Sanitary sewer system improvement shall be designed and constructed per the City's Wastewater Collection System Master Plan dated March 2010

Fire Department

54. The building shall comply with all current Building and Fire Codes.

55 Knox Boxes will be required for each building (Applications can be obtained through the Fire Department).

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

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

58. The applicant shall provide the Fire Department with a CD at the time of permit issuance depicting floor plans and utilities (i.e. Fire pre-plan).



City of Los Banos

At the Crossroads of California

**COMMUNITY DEVELOPMENT DEPARTMENT
ADDENDUM TO ENVIRONMENTAL IMPACT REPORT SCH. # 2008111078
AND SUPPORTING TECHNICAL MEMORANDUM PREPARED BY
PETERS ENGINEERING GROUP**

I. INTRODUCTION

This Addendum contains the analysis, substantial evidence and findings necessary to support the following actions the applicant has requested be taken by the City:

- Approval of Project development into two phases: Phase One to include the expanded Walmart store and Phase Two to include development of the outlots.
- Revision of Project's approved site plan to reflect a phased development.
- Revision of Transportation Mitigation Measures TRANS-1b, TRANS-1c, TRANS-1d and TRANS-1f imposed when the project was approved in October 2010 due to their infeasibility as currently written;
- Revisions of TRANS-2a, TRANS-2b and TRANS-3c due to the practical infeasibility of an applicant directly optimizing signal timing along a City/State controlled Right of Way.
- Revision of Condition No. 35 of Site Plan Review #2008-05 to read "All work performed within/adjacent to the State Right-of-Way shall be subject to Caltrans Standards and Specifications, including an encroachment permit if necessary" The condition would no longer require issuance of Caltrans encroachment permits before the City could issue any construction-related permits for the project.
- Revision of Condition No. 26 of Site Plan Review #2008-05 to tie landscaping maintenance and condition of plantings to the City Shade Canopy Ordinance and to include the following language: "Failure to maintain and replace landscaping and shade canopy in a healthy manner can result in administrative citations and fines."

A. Background.

On October 27, 2010, the City of Los Banos certified the Environmental Impact Report (EIR) (SCH No. 2008111078) prepared to evaluate the expansion of the existing Walmart store located southwest of the intersection of Pacheco Boulevard (SR 152) and Badger Flat Road. The approved expansion project (hereinafter referred to as the "Project") will

add 67,300 square feet to the existing store and includes and development of three outlots located at the westernmost edge of the Walmart site.

The EIR recommended a number of transportation-related mitigation measures based upon the underlying Peters Engineering Group, Inc. (PEG) Traffic Impact Study dated August 18, 2010.¹ (The “TIS”) The purpose of the mitigation measures, as required by the California Environmental Quality Act (CEQA), was to mitigate the Project’s impacts on traffic levels and levels of service once the Project is completed and the expanded store and outlots are opened. Based upon the TIS and the EIR’s recommendations, the City imposed the mitigation measures which were incorporated into the Project’s Conditions of Approval.

By all estimations, the traffic-related mitigation measures appeared feasible at the time of Project approval in that enough right-of-way was available for their construction. However, when preparation of the detailed roadway engineering and design work plans that must be prepared for the Project’s off-site improvements began, it became apparent that the following four (4) mitigation measures and the site-adjacent Stonecreek Boulevard roadway improvements were in fact not feasible due to lack of adequate right-of-way. The mitigation measures in need of revision for the Project to move forward include:

- MM Trans-1b: Intersection of SR 152 and Stonecreek Boulevard.
- MM Trans-1c: Intersection of SR 152 and Badger Flat Road
- MM Trans-1d: Intersection of SR 152 and Mercey Springs Road (SR 165)
- MM Trans-1f: Intersection of SR 152 and West I Street

According to CEQA Guidelines Section 15364, “*Feasible*” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (Emphasis added). If a project proponent cannot acquire privately held property required to construct a required mitigation measure within a reasonable period of time, that measure becomes infeasible. Despite the Project applicant’s efforts, it has been unable to acquire right of way to fully implement the above-referenced mitigation measures and the construction of Stonecreek Boulevard. As discussed in Sections II and III, the measures cannot be implemented in a “successful manner” and are infeasible.

At the applicant’s request, the City has evaluated proposed revisions to the four (4) above-referenced measures imposed as conditions of Project approval in October 2010.

¹ Peters Engineering Group (PEG) performed a traffic impact analysis for the Project. PEG presented its conclusions in a written traffic impact study report (TIS) dated August 18, 2010. The Draft EIR relied upon the TIS, which is Appendix J to the certified EIR. The DEIR dated August 23, 2010 was then circulated for 45 days of review by the public and interested agencies, including Caltrans. After the City and PEG addressed several comments submitted by Caltrans staff, Caltrans indicated that it had no further concerns with the traffic study or with the EIR’s traffic analysis.

Three (3) mitigation measures require revision to ensure that the City together with Caltrans will determine when signal optimization is necessary due to changing traffic conditions. Finally, the City's Condition of Approval No. 35 of Site Plan Review No. 2008-05 requires revision to enable the Project to begin construction of Phase 1 on schedule to avoid delays to the new Store's opening projected to occur in late 2012.

B. Preparation of Addendum the Certified EIR.

Revision of the adopted mitigation measures and approved site plan is a discretionary action, subject to CEQA. Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. CEQA Guidelines, §15162. The lead agency must determine what type of documentation is necessary to evaluate the proposed discretionary action. A subsequent EIR is only prepared where substantial evidence shows that a certified EIR requires major revisions before it can be adequate to support the proposed action because of significant new or more severe impacts that the action would create. Specifically, under the CEQA Guidelines (Section 15162):

(a) When an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial evidence, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known when the EIR was certified shows any of the following:

(A) The project will have one or more new significant effects not discussed in the previous EIR;

(B) Significant effects the EIR previously examined will be substantially more severe than shown in the previous EIR; . . .

When these tests are not triggered, a lead agency may prepare an addendum to the previously-certified EIR. CEQA Guidelines Section 15164 governs use of an addendum, and in pertinent part, states:

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. . . .

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Section 15164 makes clear that unless a discretionary approval involves significant new or more severe impacts, the lead agency shall prepare an addendum to a previously certified EIR, not a subsequent EIR. The applicant's requested Project changes and revisions to several adopted mitigation measures require a discretionary approval by the City. In light of the fact that as revised, the Project's mitigation measures will continue to mitigate Project impacts to less than significant, preparation of an Addendum is the appropriate form of CEQA compliance for the City to undertake when considering the applicant's requests. In reaching this conclusion, the City has determined that conditions that would trigger the need for a supplemental EIR also are not present in this case. (CEQA Guidelines, §15163).

II. PROJECT PHASING

The applicant has requested the City's approval of Project development in two phases, as follows:

- **Phase 1:** Construction of the Walmart store expansion and all required site improvements and mitigation related thereto, the rough grading of the three outlots and the construction of access roads between outlots and the curb/gutter on the east side of the future Stonecreek Boulevard.
- **Phase 2:** Development of the three outlots, construction of Stonecreek Boulevard, and installation of the traffic signal required by MM Trans-1b. The roadway improvements must be in place at the time of opening of the first business located on any one of the three outlots.

The City has evaluated the applicant's revised site plan depicting the Project's phasing; the attached Technical Traffic memorandum analyzing the efficacy of the opening-day traffic mitigation measures the applicant will implement to accommodate the Project's Phase 1 traffic, and the revisions to Mitigation Measure TRANS-1b, discussed below

A. Basis for Proposed Project Phasing.

The EIR evaluated the entirety of the Project as a single-phase development of an expanded Walmart store and three outlots located on the Walmart parcel's western boundary. The Project's approved site plan depicts a four-lane divided Stonecreek Boulevard with two left-turn lanes at the intersection with Pacheco Boulevard. (See Attachment 2).

Walmart and the owners of the property to the west of Stonecreek Boulevard were to share in the costs of construction pursuant to a Cost-Sharing Agreement. Under that agreement, the westerly parcel and the Walmart parcel would each dedicate half of the land needed to build the four-lane Stonecreek Boulevard. Thus, the eastern half of Stonecreek Boulevard would align along the Walmart parcel's western boundary. The western half of the Stonecreek would align along the westerly parcel's eastern boundary. Stonecreek Boulevard would be constructed to reach Pacheco Boulevard creating a new intersection.

A small (approximately 500 square feet) slice of the northwestern corner of the westerly parcel would also need to be dedicated before the new intersection and traffic signal at Stonecreek Boulevard and Pacheco Boulevard required by Mitigation Measure Trans-1b could be constructed.

Since the Project was approved by the City in October 2010, the westerly property has entered into foreclosure proceedings. Over the past year, sustained efforts have been made to secure an agreement between the Andersons—the owners in foreclosure, and the bank—to allow Stonecreek and Trans-1b to be constructed as planned. These efforts have included repeated requests to dedicate the land required to allow Walmart to build Stonecreek Boulevard and install a traffic signal at the proposed intersection of Stonecreek and Pacheco Boulevards. The Andersons have advised Walmart that they do not have the funds necessary to perform their obligations under the CSA or the legal ability to dedicate the land and access rights to enable Walmart to do this work. The CSA will no longer be in effect once the foreclosure sale occurs.

As a result of Walmart's inability to obtain the dedicated right of way necessary to construct Stonecreek Boulevard and the traffic signal that MM Trans-1b requires at the proposed intersection of Stonecreek and Pacheco Boulevards, these improvements are infeasible. Walmart and the City discussed development of the Project in two phases so the Store could open, and the outlot development would only occur once the Stonecreek improvements and new signal at Pacheco had been made.

B. City Findings Regarding Project Phasing.

The PEG traffic analysis showed that with the outlot traffic removed from the calculations, the Project's opening-day mitigation measures (as revised) would continue to mitigate all transportation-related impacts to a level that is less than significant. Remaining transportation-related mitigation measures not addressed herein remain applicable and shall be constructed with Phase 1 of the Project.

- *Finding:* The City finds that Project implementation in two phases, with Phase 1 including the expanded Walmart store and Phase 2 including the later development of the three outlots will result in reduced vehicle traffic on the Project's opening day
- *Finding:* The City finds that with the implementation of all other required traffic mitigation measures that would be constructed with Phase 1 of the Project, the Project's transportation impacts will continue to be mitigated to less than significant.

- *Finding.* The City finds that until the opening of businesses on the three outlot parcels occurs, the buildout of Stonecreek Boulevard and new signal at its intersection with Pacheco Boulevard (SR 152) is not required in order to ensure that the Project's transportation related impacts are mitigated to a level that is less than significant. Deferring these improvements until Phase 2 is developed, as reflected on the Project's revised site plan will not result in any new, more significant or more severe impacts at the study intersections than were identified in the certified EIR. The Project's opening day mitigation measures, as revised, mitigate the Project's Phase 1 traffic.

III. MITIGATION MEASURE REVISIONS REQUIRED DUE TO PHYSICAL AND PRACTICAL INFEASIBILITY.

The EIR requires the Project to construct several roadway improvements to mitigate the Project's identified traffic impacts. During the design process the City and applicant determined that certain improvements are physically infeasible to construct as proposed due to the applicant's lack of control over the full amount of land required for the measures. The analysis set forth in the technical traffic memorandum prepared by Peters Engineering, Inc. and attached hereto as Attachment A confirms that as revised, the following four mitigation measures will adequately mitigate the Project's impacts.

- MM Trans-1b: Intersection of SR 152 and Stonecreek Boulevard.
- MM Trans-1c: Intersection of SR 152 and Badger Flat Road
- MM Trans-1d: Intersection of SR 152 and Mercey Springs Road (SR 165)
- MM Trans-1f: Intersection of SR 152 and West I Street

A. Mitigation Measure Trans-1b (Intersection of Pacheco Boulevard and Stonecreek Boulevard)

As originally drafted, MM Trans-1b requires the Project to construct a traffic signal at the intersection of Pacheco Boulevard and Stonecreek Boulevard as an opening-day improvement. Both the westerly property owner (The Andersons) and Walmart were to share in the costs of constructing Stonecreek Boulevard to Pacheco Boulevard, thereby creating an intersection at this location.

As adopted, Mitigation Measure Trans-1b states:

- TRANS-1b: Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall signalize the intersection of Pacheco Boulevard / Stonecreek Boulevard. The signals shall provide protected westbound left-turn phasing and the signal operation shall be interconnected with the signal at Pacheco Boulevard/Badger Flat Road. Left-turn lanes shall be designed to accommodate the projected long-term 95th-percentile queues.

This improvement cannot be constructed as written without the dedication of a small amount of property owned by the Andersons' westerly parcel. This property, as well as the right of way required to build out Stonecreek Boulevard to reach Pacheco Boulevard, is not available for dedication due to the property's pending foreclosure and trustee's sale. The City can require a subsequent owner of the Andersons' property to dedicate land adequate for the buildout of Stonecreek Boulevard and the new signal as a condition of approval, with a right of reimbursement from Walmart and other benefitted properties for costs incurred beyond its fair share. However, in the event that this does not occur prior to the Project's Phase 2, and to provide certainty that Trans-1b will be implemented when needed, the measure is revised as follows:

Revised Mitigation Measure Trans-1b:

- **TRANS-1b:** Prior to issuance of the first final certificate of occupancy for a business developed on one of the outlots (Phase 2) ~~the expanded Walmart store, the outlot developer project applicant~~ the project applicant shall construct Stonecreek Boulevard to reach the intersection of Pacheco Boulevard to create an intersection at Stonecreek Boulevard and shall signalize the intersection. The signal shall provide protected westbound left-turn phasing and the signal operation shall be interconnected with the signal at Pacheco Boulevard / Badger Flat Road. Left-turn lanes shall be designed to accommodate the projected long-term 95th-percentile queues. The outlot developer shall be responsible for its fair share of the cost of these improvements. ~~subject to review and negotiation with the City. R~~
- Reimbursement for costs incurred beyond the outlot developer's fair share responsibility for these improvements shall come from those properties identified in the Area of Benefit, according to their fair share responsibility that shall be identified and established in accordance with Caltrans HCM methodology. The Area of Benefit shall be identified by the applicant's traffic engineers and is subject to the City's review and agreement. The applicant is responsible for all costs in setting up the area of benefit, including any staff time required to review the Area of Benefit documents. The Area of Benefit documentation shall be recorded against the title for each identified property, as an obligation running with the land. To facilitate reimbursement, the City will require the applicant for a development permit for a property located within the Area of Benefit to submit proof of its fair share payment to the outlot developer prior to approval of the permit.

Finding The City finds that Mitigation Measure Trans-1b as adopted is infeasible due to the applicant's lack of control over the land required for implementation of this measure. As revised Trans-1b will fully mitigate Project-related transportation impacts to a level that is less than significant.

B. Mitigation Measure Trans-1c: (Intersection of State Route 152 and Badger Flat Road)

The EIR recommended this mitigation measure to ensure that the Project's opening day traffic impacts were fully mitigated to a level that is less than significant. The measure requires the modification of the southbound approach of the State Route 152/Badger Flat Road intersection to add a left-turn lane, a through lane, and a right-turn lane. In full, Mitigation Measure Trans-1c as adopted states:

- **TRANS-1c:** Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall reconstruct the southbound approach to the intersection of Pacheco Boulevard and Badger Flat Road to provide one southbound left-turn lane (minimum length 150 feet), one southbound through lane, and one southbound right turn lane. The traffic signal phasing for the northbound and southbound left turns may be either permissive or protected subject to Caltrans approval. The project applicant shall be responsible for its fair share of the cost of this improvement, subject to review and negotiation with the City

During the design process, it became clear that to construct MM Trans-1c as written, a full 3000 square feet of privately-owned right-of-way would have to be acquired in the northwest corner of this intersection. Walmart representatives approached the property owner to discuss acquisition of the property. Upon doing so, they learned that acquisition is not possible because the property needed is part of the owner's larger parcel currently proceeding through the development due diligence process which will be followed by the land use entitlement stage. The property owner is not in a position to dedicate the right of way needed to construct the lanes specified in Trans-1c.

Due to the unavailability of the additional land that is needed to construct this measure as adopted, it is not feasible. Based upon the analysis and data collected and evaluated as set forth in the Technical Traffic Memorandum, PEG developed the following feasible, alternate configuration that will fully mitigate the Project's identified traffic impacts. The measure would be constructed with Phase 1 of the Project and would mitigate the Project's Phase 1 and Phase 2 traffic impacts at this intersection.

Revised Mitigation Measure Trans-1c:

- **TRANS-1c:** Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall reconstruct the southbound approach to the intersection of Pacheco Boulevard and Badger Flat Road to provide one southbound left-turn lane (minimum length 150 feet), and one shared southbound through/right-turn lane, ~~and one southbound right-turn lane~~. The traffic signal phasing for the northbound and southbound left turns may be either permissive or protected subject to Caltrans approval. The project applicant shall be responsible for its fair share of the cost of this improvement ~~subject to review and negotiation with the City~~.

- Reimbursement for costs incurred beyond the applicant's fair share shall come from those properties identified in the Area of Benefit and whose fair share shall be identified and established in accordance with Caltrans HCM methodology. The Area of Benefit shall be identified by the applicant's traffic engineers and is subject to the City's review and agreement. The applicant is responsible for all costs in setting up the area of benefit, including any staff time required to review the Area of Benefit documents. The Area of Benefit documentation shall be recorded against the title for each identified property, as an obligation running with the land. To facilitate reimbursement, the City will require the applicant for a development permit for a property located within the Area of Benefit to submit proof of its fair share payment to the applicant prior to approval of the permit.
- As a condition of approval of a development plan for the northwest property, the City will require the northwest property owner to expand the intersection, as required by the new development's traffic impact study and CEQA document, and to dedicate the right-of-way needed to do so. With implementation of this mitigation measure as revised, the intersection will operate at LOS C and the Project's impact will continue to be mitigated to less than significant.

Finding The City finds Mitigation Measure Trans 1c infeasible due to the applicant's lack of control over the land needed for construction of the measure as written and further finds that the revisions to Trans-1c will continue mitigate the Project's impacts at this intersection to a level that is less than significant.

C. MM Trans-1d (Intersection of Pacheco Boulevard and Mercey Springs Road)

Mitigation Measure Trans-1d requires the Project to construct a second northbound left-turn and a second eastbound left-turn lane at the intersection of Pacheco Boulevard and Mercey Springs Road, along with optimization of the traffic signal timing. In full, this measure reads:

- TRANS-1d. Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall construct a second northbound left-turn lane and second eastbound left-turn lane at the intersection of Pacheco Boulevard / Mercey Springs Road. In addition, the traffic signal timing shall be optimized. The project applicant shall be responsible for its fair share of the cost of this improvement, subject to review and negotiation with the City.

The TIS had found that the Project's opening-day traffic impacts would be mitigated to a level that is less than significant with the construction of the second northbound left-turn lane.

Construction of the second eastbound left-turn lane at this intersection was identified as a long-term mitigation for long-term traffic impacts (LOS and queuing) at this intersection. This improvement was recommended to enable the intersection to handle all of the traffic projected to be generated, assuming the City builds out to the full extent forecast under

the General Plan full buildout scenario. Thus, the remainder of MM Trans-1d is not required in order to mitigate the Project's opening-day traffic impacts.

A project's payment of a traffic impact fee mitigates its traffic impacts to the extent that the impacted intersections and/or required improvements to those intersections are included in the traffic fee program. The second eastbound left-turn lane was not included in the City's traffic fee program in October 2010 when the Project was approved. Therefore, the Project's payment of impact fees could not have mitigated its impact at this location, and the mitigation measure had to include the second eastbound left-turn lane.

When a physical roadway improvement is required to mitigate a project's opening day impacts, the improvement must be constructed and the project can be reimbursed for the costs it incurred that exceed its fair share responsibility for the improvement. Walmart is responsible for a relatively small percentage of the traffic that required the improvement, and for this percentage of the costs for this improvement. Preliminary geometric layouts suggested that the mitigation was feasible.

During the design process it was discovered that construction of the second eastbound left-turn lane is not currently feasible due to the unavailability of the full right of way needed to build the second eastbound left turn lane, and also because of drainage constraints.

Since this component of MM Trans-1d is only required for the long-term traffic scenario, it is removed from the mitigation measure. To ensure that funds exist to build the improvement when it is needed, the City of Los Banos will add the second eastbound left-turn lane and associated traffic signal timing optimization/modification to the next update of the City's transportation impact fee program. Walmart will provide the City with traffic fee program payment representing its fair share responsibility for the estimated cost of construction for the second eastbound left-turn lane and signal optimization.

Revised Mitigation Measure Trans-1d:

- **TRANS-1d:** Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall construct a second northbound left-turn lane ~~and second eastbound left turn lane~~ at the intersection of Pacheco Boulevard / Mercey Springs Road. In addition, the traffic signal timing shall be optimized. The project applicant shall be responsible for its fair share of the cost of these improvements. ~~subject to review and negotiation with the City~~
- Reimbursement for costs incurred beyond the applicant's fair share shall come from those properties identified in the Area of Benefit according to their fair share responsibility, which shall be identified and established in accordance with Caltrans HCM methodology. The Area of Benefit shall be identified by the applicant's traffic engineers and is subject to the City's review and agreement. The applicant is responsible for all costs in setting up the area of benefit, including any staff time required to review the Area of Benefit documents. The Area of Benefit documentation shall be recorded against the title for each

identified property, as an obligation running with the land. To facilitate reimbursement, the City will require the applicant for a development permit for a property located within the Area of Benefit to submit proof of its fair share payment to the applicant prior to approval of the permit.

- The project applicant shall also be responsible for a fair share cost of the future construction of a second eastbound left-turn lane. To ensure that funding and a plan exists to construct the second eastbound left-turn lane and optimize the traffic signal at this location when the City and Caltrans determine that optimization is required, the City of Los Banos will add the second eastbound left-turn lane and associated traffic signal timing optimization/modification to its transportation impact fee program when it is next updated. The applicant will provide the City with a traffic fee program payment representing its fair share responsibility for the estimated cost of construction for the second eastbound left-turn lane and signal optimization.

Finding The City finds that with the required opening-day construction of a second northbound left-turn lane, subject to reimbursement as provided above beyond the applicant's fair share, and the applicant's payment of its fair share of the cost of the second eastbound left-turn lane, the Project will have adequately mitigated its opening-day and its long-term impacts at this intersection.

D. Mitigation Measure Trans-2c (signal optimization at Pacheco Boulevard between H Street and Mercey Springs Road) – No Changes Required.

The TIS concluded that signal optimization and the near-term portion of MM Trans-1d, (i.e. the addition of a northbound left-turn lane) would mitigate the Project's opening-day traffic impacts to this road segment to a level that is less than significant. In full, this measure reads:

- MM TRANS-2c. Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall optimize the traffic signal coordination on Pacheco Boulevard between H Street and Mercey Springs Road. The project applicant shall be responsible for its fair share of the cost of this improvement, subject to review and negotiation with the City.

The Project's construction of the northbound left-turn lane per Mitigation Measure Trans-1d includes adjustments to the traffic signal timing at Mercey Springs Road. Since the traffic signal timing at H Street is coordinated with an offset from Mercey Springs Road, any adjustments required to satisfy MM Trans-2c could be made at the same time as MM Trans-1d, if the City in consultation with Caltrans agree that optimization is warranted at that time due to changed traffic conditions. Therefore, the modifications to Trans-1d described above do not require any modifications of MM Trans-2c.

E. MM Trans-1f (Intersection of Pacheco Boulevard and West I Street)

This mitigation measure requires the Project to optimize traffic signal timing and to construct right-turn lanes on the southbound, eastbound, and northbound intersection approaches and a left-turn lane on the northbound approach. MM Trans-1f states that the

Project applicant shall be responsible for its fair share of the cost of the required improvements. In full, the measure states:

- TRANS-1f. Prior to the issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall improve the intersection of Pacheco Boulevard / West I Street to its ultimate lane configurations identified in the City of Los Banos Traffic Model and Transportation Master Plan, including the addition of southbound, eastbound, and northbound right turn lanes and a northbound left turn lane. In addition, the signal timing shall be optimized. The project applicant shall be responsible for its fair share of the cost of this improvement, subject to review and negotiation with the City.

It is important to note that the TIS recommended only the optimization/modification of traffic signal timing subject to Caltrans approval to ensure that the Project's opening-day traffic impacts (queuing) are mitigated to a level that is less than significant. The remainder of MM Trans-1f is not required in order to mitigate the Project's opening-day traffic impacts.

Construction of right-turn lanes on the southbound, eastbound, and northbound intersection approaches and a left-turn lane on the northbound approach at this intersection were identified as long-term improvements intended to mitigate impacts from the Project and other long-term cumulative development (LOS and queuing) at this intersection in the long-term and under full General Plan buildout conditions.

Therefore, the City of Los Banos will include in its traffic fee program the remainder of Trans-1f: construction of right-turn lanes on the southbound, eastbound, and northbound intersection approaches and a left-turn lane on the northbound approach at this intersection. The Project will pay into the fee program an amount representing the Project's fair share responsibility for the costs of these improvements will mitigate the Project's long-term impact at this intersection.

As set forth in the attached PEG traffic memo, signal optimization is no longer required to mitigate the Project's opening day impacts. The optimization can occur when the improvements are built, the City in consultation with Caltrans find it is warranted by changed traffic conditions. To ensure that funding and a plan exist to optimize the traffic signals at this location when it is needed, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City will advise Walmart of the fair share payment required to be made. This payment would be added to the traffic fee program. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications as needed once Phase 1 opens, in response to changes in traffic conditions.

Revised Mitigation Measure Trans-1f:

- **TRANS-1f:** Prior to the issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall pay a fair share of the cost of the future improvements required to construct the intersection of Pacheco Boulevard / West I Street to its ultimate lane configurations identified in the City of Los Banos Traffic Model and Transportation Master Plan, including the

addition of southbound, eastbound, and northbound right turn lanes and a northbound left turn lane. In addition, the applicant shall pay its fair share of the cost of optimization of the signal timing. To ensure that funding and a plan exist to optimize the traffic signals at this location when it is needed, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City will advise Walmart of the fair share payment required to be made. This payment would be added to the traffic fee program. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications as needed once Phase 1 opens, in response to changes in traffic conditions.

Finding: The City finds that as revised, Mitigation Measure Trans-1f will continue to mitigate Project-related traffic impacts at the intersection of Pacheco Boulevard / West I Street.

IV. MITIGATION MEASURE REVISIONS REQUIRED TO ALLOW FOR THE SUCCESSFUL SIGNAL OPTIMIZATION ALONG A CITY/STATE-CONTROLLED RIGHT OF WAY.

A. Mitigation Measure Trans-2a: Pacheco Boulevard between 4th Street and 6th Street.

MM Trans-2a requires the Project to pay a fair share of the cost to optimize traffic signal coordination on Pacheco Boulevard between 4th Street and 6th Street. This mitigation is described in the TIS as being needed under long-term 2030 conditions to mitigate to less than significant the Project's traffic-related impacts to this road segment's levels of service. In full, the measure states:

- MM TRANS-2a. Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall optimize the traffic signal coordination on Pacheco Boulevard between 4th Street and 6th Street. The project applicant shall be responsible for its fair share of the cost of this improvement, subject to review and negotiation with the City.

To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long-term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program.

Revised Mitigation Measure Trans-2a:

- **TRANS-2a:** Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall pay a fair share of the cost of the future optimization of the traffic signal coordination on Pacheco Boulevard between 4th Street and 6th Street. The project applicant shall be responsible for its

fair share of the cost of this improvement. To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program.

Finding The City finds that as revised, Mitigation Measure Trans-2a will continue to mitigate Project-related traffic impacts requiring signal optimization on Pacheco Boulevard between 4th Street and 6th Street.

B. Mitigation Measure Trans-2b: Pacheco Blvd. between 6th & 7th Streets.

MM Trans-2b requires the Project to pay a fair share of the cost to optimize the traffic signals on Pacheco Boulevard between 6th Street and 7th Street. This mitigation is described in the TIS as being needed **under long-term 2030 conditions** to mitigate to less than significant the Project's traffic-related impacts that affect this road segment's levels of service. In full, the measure states:

- MM TRANS-2b. Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall optimize the traffic signal coordination on Pacheco Boulevard between 6th Street and 7th Street. The project applicant shall be responsible for its fair share of the cost of this improvement, subject to review and negotiation with the City.

To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program and constitutes adequate mitigation of the Project's impacts at this location.

Revised Mitigation Measure Trans-2b:

- **TRANS-2b:** Prior to issuance of the final certificate of occupancy for the expanded Walmart store, the project applicant shall pay a fair share of the cost of the future optimization of the traffic signal coordination on Pacheco Boulevard between 6th Street and 7th Street. The project applicant shall be responsible for its fair share of the cost of this improvement, ~~subject to review and negotiation with the City.~~ To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in

response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program.

Finding The City finds that as revised, Mitigation Measure Trans-2b will continue to mitigate Project-related traffic impacts requiring signal optimization on Pacheco Boulevard between H Street and Mercey Springs Road.

V. **Mitigation Measure Trans-3c: Intersection of Pacheco Boulevard and H Street**

Mitigation measure Trans-3c requires the Project to pay a fair share of the cost to optimize traffic signal timing at the intersection of Pacheco Boulevard and H Street. The TIS recommended this improvement to mitigate long-term queuing impacts to a level that is less than significant. The signal timing is to be optimized and coordinated with the long-term improvements described in MM Trans-1d. In full, Trans-3c states:

- TRANS-3c. Prior to issuance of the final certificate of occupancy for the expanded Walmart, the project applicant shall optimize the signal timing at the intersection of Pacheco Boulevard / H Street. The signal timing shall be optimized and coordinated with the improvements at the intersection of Pacheco Boulevard / Mercey Springs Road (Mitigation Measure TRANS-1d). The project applicant shall be responsible for its fair share of the cost of this improvement, subject to review and negotiation with the City

To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program.

Revised Mitigation Measure Trans-3c:

- **TRANS-3c:** Prior to issuance of the final certificate of occupancy for the expanded Walmart, the project applicant shall pay a fair share of the cost of the future optimization the signal timing at the intersection of Pacheco Boulevard / H Street. The signal timing shall be optimized and coordinated with the future improvements at the intersection of Pacheco Boulevard / Mercey Springs Road (Mitigation Measure TRANS-1d). The project applicant shall be responsible for its fair share of the cost of this improvement, ~~subject to review and negotiation with the City~~ To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in

response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program.

Finding The City finds that as revised, Mitigation Measure Trans-3c will continue to mitigation Project-related traffic impacts requiring signal optimization at the intersection of Pacheco Boulevard / H Street.

V. REVISIONS TO SITE PLAN 2008-05 CONDITIONS # 35 AND # 26.

A. Condition No. 35.

As written, COA #35 precludes the City from issuing any construction-related permits for the approved Walmart Expansion Project. The condition reads:

35. All work performed within/adjacent to the State Right-of-Way shall be subject to Caltrans Standards and Specifications, including an encroachment permit. No City permit shall be issued until a Caltrans encroachment permit is obtained.

The Caltrans encroachment permit process is not complete, but the City is ready to issue permits for the Project to move forward toward construction. Thus, the City is revising Condition No. 35 to read:

- 35 All work performed within/adjacent to the State Right-of-Way shall be subject to Caltrans Standards and Specifications, including an encroachment permit if necessary. ~~No City permit shall be issued until a Caltrans encroachment permit is obtained.~~

B. Condition No. 26:

Project condition of approval (COA) No. 26 governs project site landscaping, stating in full:

26. Landscaping shall be continuously maintained 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).

The City desires to insert additional language to this condition that would reference the Project's obligation to comply with the City's Shade Canopy Ordinance, and to make clear that the project's failure to maintain and replace landscaping and shade canopy in a healthy manner can result in administrative citations and fines. The applicant has requested language permitting the public works department to allow deceased landscape material to be replaced with an approved alternative landscaping material should the alternative material be determined to thrive better in the location, climate and soil

conditions presented by the project site environment and Central Valley climate.

As revised, COA #26 will state:

26: Landscaping shall be continuously maintained in a healthy and thriving manner that fulfills the City Shade Canopy Ordinance. Should any landscape material die, it shall be immediately replaced with landscaping of a similar type, size and quantity or an approved alternative should a different type of landscape material be determined to fare better than the deceased material in the project environment. 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). Failure to maintain and replace landscaping and shade canopy in a healthy manner can result in administrative citations and fines.

VI. CONCLUSION.

The City has evaluated the proposed revisions to Revision of Transportation Mitigation Measures TRANS-1b, TRANS-1c, TRANS-1d and TRANS-1f as well as the clarifications being made to ensure successful implementation of TRANS-2a, TRANS-2b and TRANS-3c; the project's two-phased buildout; and the modifications to conditions of approval nos. 26 and 35. The fact that the mitigation measures as revised will continue to mitigate the Project's identified impacts to a level that is less than significant indicates that none of the following scenarios triggering a subsequent EIR exist here: (a) the approved Walmart project will have *one or more significant effects not discussed in the certified EIR*, or (b) Significant effects previously examined will be *substantially more severe* than shown in the previous EIR.

- *Finding.* The information contained in this Addendum and supporting Technical Traffic Memorandum prepared by PEG demonstrates that revisions to the approved mitigation measures and Project do not to trigger any of the conditions that would trigger a subsequent or supplemental EIR.
- *Finding:* The City's Addendum and supporting Technical Memorandum contain minor technical changes and additions to the certified EIR that ensure that it adequately address the above-referenced Project revisions.
- *Finding.* The City has determined that with the minor technical changes and additions to the certified EIR evaluated in this Addendum and supporting Technical Memorandum, the certified EIR continues to fully evaluate and mitigate the Project's identified impacts.

- *Finding* The City finds that amending COA #35 and COA #26 of Site Plan Review #2008-05 as discussed above will not alter the intent or goal of either condition or create any new impacts not identified in the certified EIR.
- *Finding* The City finds that the mitigation measures, as revised, will mitigate Project traffic to a level that is less than significant and that no new or more significant impacts than those disclosed in the EIR will result from the Project.
- *Finding* The following changes may be made to the Project as approved without triggering the need for a subsequent EIR.
 - The Project may be phased as described herein and in the attached PEG traffic analysis, and as depicted on the Project's revised site plan;
 - The Project's transportation-related impacts will still be mitigated to a level that is less than significant with the implementation of the seven (7) revised mitigation measures.



PETERS ENGINEERING GROUP

A CALIFORNIA CORPORATION

952 POLLASKY AVENUE
CLOVIS, CALIFORNIA 93612

PHONE (559) 299-1544
FAX (559) 299-1722

TECHNICAL MEMORANDUM

To: Ms. Paula Fitzgerald, AICP, Planning Director
Mr. Mark Fachin, Public Works Director/City Engineer
City of Los Banos

cc: Mr Ron Reilly, CEI

From: John Rowland, PE, TE

Subject: Traffic Analysis for EIR Addendum
Walmart Expansion Project
Los Banos, California

Date: May 4, 2012

INTRODUCTION AND BACKGROUND

The purpose of this memorandum is to present a discussion of traffic analyses of revisions requested by the Project applicant that the City is evaluating in an Addendum to the environmental impact report prepared for the approved Los Banos Walmart Expansion Project.

Peters Engineering Group (PEG) performed a traffic impact study for the Walmart expansion and presented the results in a report dated August 18, 2010 (TIS). The results of the TIS were utilized in the preparation of the DEIR dated August 23, 2010 (SCH No. 2008111078). A Final EIR was subsequently prepared and a public hearing was held on October 27, 2010 at which time the Planning Commission of the City of Los Banos certified the EIR and approved the Project.

The approved Project includes expansion of the existing Walmart store and development of three outlots. The Project site plan also reflected build out of Stonecreek Boulevard west of the Project site, which was planned to occur in conjunction and cooperation with the owners of the property west of the Project site (the Andersons).

The applicant is proposing to construct the Project in two phases. The first phase would consist of construction of the Walmart expansion. The second phase would consist of development of the proposed outlots and related Stonecreek improvements, including the new signal required by Mitigation Measure (MM) Trans-1b. Analyses were performed and are presented herein to determine if Project phasing will create any impacts in the near-term conditions not previously identified. We have also evaluated the proposed revisions to

several mitigation measures to determine if, as revised, the measures will continue to mitigate the Project's traffic related impacts.

DISCUSSION OF PHASED DEVELOPMENT

Background

The EIR evaluated the entirety of the Project as a single-phase development of an expanded Walmart store and three outlots located on the Walmart parcel's western boundary. The Project site plan depicts a four-lane divided Stonecreek Boulevard with two northbound-to-westbound left-turn lanes at the intersection with Pacheco Boulevard.

Walmart and the Andersons (owners of the property located west of the Project site and the Stonecreek right of way) were to share in the costs of construction pursuant to their negotiated cost-sharing agreement. The eastern half of Stonecreek Boulevard would align along the Walmart parcel's western boundary. The other half of the road would align along the westerly parcel's eastern boundary. The westerly parcel and the Walmart parcel would each dedicate half of the land needed to build the four-lane Stonecreek Boulevard. This configuration is set forth in written agreements between the development entities controlling the westerly parcel and Walmart. A small (approximately 500 square feet) slice of the northwestern corner of the westerly parcel would also need to be dedicated before Walmart could comply with MM Trans-1b and construct the intersection and new traffic signal at Stonecreek Boulevard and Pacheco Boulevard.

Since the Project was approved by the City in October 2010, the westerly property has entered into foreclosure proceedings and the Cost-Sharing Agreements between the Andersons and Walmart are of no effect. Control over the land required for Stonecreek and the intersection improvements is not available. The bank in control of the assets has not been willing to dedicate the land or share in the costs required to build Stonecreek Boulevard and install a traffic signal at the proposed intersection of Stonecreek and Pacheco Boulevards. As a result of Walmart's inability to obtain an easement necessary to construct Stonecreek Boulevard and the traffic signal that MM Trans-1b requires at the proposed intersection of Stonecreek and Pacheco Boulevards, the Project now must be developed in two phases.

Description of Phased Development – Phase 1 and Phase 2

- **Phase One** would include the construction of the Walmart store expansion and all required site improvements and mitigations related thereto, the rough grading of the outlots and the construction of access roads between the outlots and the curb and gutter on the east side of the future Stonecreek Boulevard.
- **Phase Two** would include development of the three outlots, construction of Stonecreek Boulevard, and installation of the traffic signals required by MM Trans-1b. The roadway improvements must be in place at the time of opening of businesses located on the outlots.

Evaluation of Potential for New or More Severe Impacts to Result from Phased Development

Prior to construction of the Phase 2 improvements, vehicle trips generated by the Phase 1 expansion of the Walmart building would access the site via one existing driveway located on Pacheco Boulevard, four existing driveways located on Badger Flat Road, and one new driveway connecting to Prairie Springs Drive to the south of the site. A supplemental near-term analysis is presented below to evaluate whether the mitigation that would be constructed as part of Phase 1 will be adequate to mitigate traffic impacts resulting from the vehicle trips generated by Phase 1 development, or whether the deferral of Stonecreek Boulevard and the traffic signal at the proposed intersection of Stonecreek and Pacheco Boulevards would create any impacts in the near-term conditions not previously identified in the EIR.

Trip generation calculations were presented in the TIS. Similar trip generation calculations are presented in the tables below with traffic generated by the full outlot development removed. Since there are no outlots in Phase 1, internal capture will not occur during Phase 1 and has been excluded from the trip generation calculations. The following table numbers correspond to the tables in the TIS.

Table 7.1 (Phase 1)
Weekday Project Trip Generation

Land Use	Size	Daily		A.M. Peak Hour				P.M. Peak Hour					
		Rate	Total	Rate	In:Out	In	Out	Total	Rate	In:Out	In	Out	Total
Free-Standing Discount Superstore (813)	173.455 ksf	53.13	9,216	1.67	56:44	162	128	290	4.61	49:51	392	408	800
Free-Standing Discount Store (815)	104.16 ksf	57.24	(5,962)	1.06	68:32	(75)	(36)	(111)	5.00	50:50	(261)	(260)	(521)
TOTALS			3,254			87	92	179			131	148	279

Reference: *Trip Generation, 8th Edition*, Institute of Transportation Engineers 2008
 ksf = 1,000 square feet Rates are reported in trips per ksf In:Out are percentages of the total.

Table 7.2 (Phase 1)
Saturday Project Trip Generation

Land Use	Size	Daily		Peak Hour				
		Rate	Total	Rate	In:Out	In	Out	Total
Free-Standing Discount Superstore (813)	173.455 ksf	64.07	11,114	5.64	50:50	490	490	980
Free-Standing Discount Store (815)	104.16 ksf	71.07	(7,403)	7.39	51:49	(393)	(377)	(770)
TOTALS		-	3,711	-	-	97	113	210

Reference: *Trip Generation, 8th Edition*, Institute of Transportation Engineers 2008
 ksf = 1,000 square feet Rates are reported in trips per ksf In:Out are percentages of the total.

Table 7.5 (Phase 1)
Peak-Hour Pass-By Project Trips

Land Use	Weekday P.M. Peak Hour			Saturday Peak Hour		
	Pass-By Percentage	In	Out	Pass-By Percentage	In	Out
Free-Standing Discount Superstore (813)	28	109	114	15	73	73
Free-Standing Discount Store (815)	17	(44)	(44)	23	(90)	(86)
TOTALS	-	65	70	-	(17)	(13)

Table 7.6 (Phase 1)
External Weekday Peak-Hour Non-Pass-By Project Trips

Land Use	A.M. Peak Hour			P.M. Peak Hour		
	In	Out	Total	In	Out	Total
Free-Standing Discount Superstore (813)	162	128	290	283	278	561
Free-Standing Discount Store (815)	(75)	(36)	(111)	(217)	(216)	(433)
TOTALS	87	92	179	66	62	128

Table 7.7 (Phase 1)
External Saturday Peak-Hour Non-Pass-By Project Trips

Land Use	Peak Hour		
	In	Out	Total
Free-Standing Discount Superstore (813)	417	417	834
Free-Standing Discount Store (815)	(303)	(291)	(594)
TOTALS	114	126	240

Phase 1 of the Project will generate fewer trips than the complete Project at each of the study intersections, even after considering redistribution of the Phase 1 Project trips to Badger Flat Road to account for Stonecreek Boulevard not having been constructed. The Phase 1 Project trips at the intersection of Pacheco Boulevard and Badger Flat Road (without Stonecreek Boulevard) are presented in the attached Figures 1 and 2. For comparison purposes, the full Project trips at the intersection (Phases 1 and 2 with Stonecreek Boulevard constructed) are presented in Figures 3 and 4. A comparison indicates that Phase 1 without Stonecreek Boulevard generates fewer trips at the intersection of Pacheco Boulevard and Badger Flat Road than the complete Project with Stonecreek Boulevard constructed.

Since Phase 1 generates fewer trips at every study intersection than the full Project, deferring the construction of Stonecreek Boulevard (MM Trans-1b) until Phase 2 is constructed does

not create new impacts at the study intersections that were not already identified in the EIR, as long as all other required mitigations at those intersections are still constructed with Phase 1 of the Project.

REVISIONS NEEDED TO FOUR MITIGATION MEASURES DUE TO THE PHYSICALLY INFEASIBLE IMPROVEMENTS THEY REQUIRE

The EIR requires the Project to construct several improvements to mitigate traffic impacts. During the design process the City and applicant determined that certain mitigations are physically infeasible to construct as proposed. The analyses included herein and in the TIS illustrate that the following four mitigation measures, as revised, will adequately mitigate the Project's opening-day traffic impacts.

- MM Trans-1b: Intersection of SR 152 and Stonecreek Boulevard.
- MM Trans-1c: Intersection of SR 152 and Badger Flat Road
- MM Trans-1d: Intersection of SR 152 and Mercey Springs Road (SR 165)
- MM Trans-1f: Intersection of SR 152 and West I Street

The following sections describe the traffic mitigation measures that are proposed to be revised by the City and evaluated in an addendum to the EIR.

1. MM Trans-1b (Intersection of Pacheco Boulevard and Stonecreek Boulevard)

This mitigation measure requires the Project applicant to construct a traffic signal at the intersection of Pacheco Boulevard and Stonecreek Boulevard as an opening day mitigation.

The applicant is proposing to defer construction of the outlots and Stonecreek Boulevard until Phase 2 of the Project (estimated to occur within two to five years after Phase 1), when analyses demonstrate that it would be needed. This would create a period during which the vehicle trips generated by the Phase 1 expansion of the Walmart building would access the site via existing driveways. As described above, additional near-term analyses have been performed to determine if Phase 1 of the Project will create any impacts in the near-term conditions not previously identified in the EIR.

2. MM Trans-1c (Intersection of Pacheco Boulevard and Badger Flat Road)

This mitigation measure requires the Project to widen the southbound approach to the intersection of Pacheco Boulevard and Badger Flat Road to include one left-turn lane, one through lane, and one right-turn lane.

During the design process, it became clear that, to construct MM Trans-1c as written, a full 3,000 square feet of privately-owned right of way would have to be acquired in the northwest corner of this intersection. Walmart representatives approached the property owner to discuss acquisition of the property. Upon doing so, they learned that acquisition is not possible because the property needed is part of the owner's larger parcel currently proceeding

through the development due diligence process which will be followed by the land use entitlement stage. The property owner is not in a position now to dedicate the right of way needed to construct the lanes specified in MM Trans-1c. Due to the unavailability of additional land that is needed, this mitigation measure is not feasible.

PEG has developed the following alternate configuration that fully mitigates the Project's traffic impacts to a less than significant level.

- Reconstruct the southbound approach to provide a dedicated left-turn lane (minimum 150 feet) with protected left-turn phasing and a shared through/right-turn lane.

The improvement would be constructed with Phase 1 of the Project and would mitigate the Project's traffic impacts at this intersection. The City would require future new development on the northwest corner to expand the intersection as required by that new development's traffic impact study and CEQA document and dedicate the right-of-way needed to do so.

Operational analysis sheets are included in Attachment 2 at the end of this memorandum. Comparison with the analyses in the TIS indicate that the intersection would operate at levels of service better than the existing levels of service for each peak hour study scenario and that acceptable queues will result. These facts suggest that the Project would have been "over-mitigating" its traffic impacts, since the full scope of MM Trans-1c required a greater intersection expansion than needed to mitigate the Walmart Project's impacts.

3. MM Trans-1d (Intersection of Pacheco Boulevard and Mercey Springs Road)

MM Trans-1d requires the Project to construct a second northbound left-turn and a second eastbound left-turn lane at the intersection of Pacheco Boulevard and Mercey Springs Road, along with optimization of the traffic signal timing.

However, the TIS recommended only the construction of the second northbound left-turn lane to ensure that the Project's opening-day traffic impacts (LOS and queuing) are mitigated to a level that is less than significant. The remainder of MM Trans-1d is not required in order to mitigate the Project's opening-day traffic impacts.

Construction of the second eastbound left-turn lane at this intersection was identified as a long-term mitigation for long-term traffic impacts (LOS and queuing) at this intersection. This improvement was recommended to enable the intersection to handle all of the traffic projected to be generated, assuming the City builds out to the full extent forecast under the General Plan full buildout scenario.

The second eastbound left-turn lane was not included in the City's traffic fee program in October 2010 when the Project was approved. Therefore, the improvement was added to the Project's list of mitigation measure measures as MM Trans-1d. Since Walmart was only responsible for a percentage of the traffic that required the improvement, Walmart would have been entitled to reimbursement for the "overspend" on this improvement (i.e. the construction costs that exceeded its fair share responsibility). Preliminary geometric layouts suggested that the mitigation was feasible.

However, during the design process it was discovered that construction of the second eastbound left-turn lane is not currently feasible due to the unavailability of the full right of way needed to build the second eastbound left turn lane, and also because of drainage constraints. The City of Los Banos will add the second eastbound left-turn lane and associated traffic signal timing optimization/modification to the next update of the City's transportation impact fee program. Walmart will provide the City with traffic fee program payment representing its fair share responsibility for the estimated cost of construction for the second eastbound left-turn lane and signal optimization.

As revised, MM Trans-1d would require Walmart's construction of the northbound left-turn lane with Phase 1 of the Project. This improvement would adequately mitigate the Project's traffic-related impacts. With the required opening-day construction and Walmart's payment of its fair share of the costs of the second eastbound left-turn lane, the Project will have adequately mitigated its opening-day and its long-term impacts at this intersection by these two actions.

- **No changes needed to MM Trans-2c (signal optimization at Pacheco Boulevard between H Street and Mercey Springs Road)**

The TIS recommended **signal optimization** and the **near-term portion** of MM Trans-1d, (i.e. the **addition of a northbound left-turn lane**) to mitigate the Project's opening-day traffic impacts to this road segment. MM Trans-2c requires the Project to optimize traffic signal coordination on Pacheco Boulevard between H Street and Mercey Springs Road. The signal timing is to be optimized and coordinated with the improvements described in MM Trans-1d. The Project's construction of the northbound left-turn lane per MM Trans-1d includes adjustments to the traffic signal timing at Mercey Springs Road. Since the traffic signal timing at H Street is coordinated with an offset from Mercey Springs Road, any adjustments required to satisfy MM Trans-2c would be made at the same time as MM Trans-1d. Therefore, the modifications to MM Trans-1d described above do not require any modifications of MM Trans-2c.

4. MM Trans-1f (Intersection of Pacheco Boulevard and West I Street)

This mitigation measure required the Project to optimize traffic signal timing and to construct right-turn lanes on the southbound, eastbound, and northbound intersection approaches and a left-turn lane on the northbound approach.

The TIS recommended only the **optimization/modification of traffic signal timing** subject to Caltrans approval to ensure that the Project's **opening-day** traffic impacts (queuing) are mitigated to a level that is less than significant.

The remainder of MM Trans-1f is not required in order to mitigate the Project's opening-day traffic impacts. Construction of right-turn lanes on the southbound, eastbound, and northbound intersection approaches and a left-turn lane on the northbound approach at this intersection was identified as a long-term improvement intended to mitigate the Project's and other long-term, cumulative development's traffic impacts (LOS and queuing) at this intersection in the long-term and under full General Plan buildout conditions.

MM Trans-1f states that the Project applicant shall be responsible for its fair share of the cost of the required improvements. The City of Los Banos will include in its next traffic fee program update the remainder of Trans-1f: *construction of right-turn lanes on the southbound, eastbound, and northbound intersection approaches and a left-turn lane on the northbound approach at this intersection*, such that the Project's fee program payment of an amount representing the Project's fair share responsibility for the costs of these improvements will mitigate the Project's long-term impact at this intersection.

To ensure that funding and a plan exist to optimize the traffic signals at this location when it is needed, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City will advise Walmart of the fair share payment required to be made. This payment would be added to the traffic fee program. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications as needed once Phase 1 opens, in response to changes in traffic conditions.

REVISIONS NEEDED FOR THREE MITIGATION MEASURES DUE TO THE PRACTICAL INFEASIBILITY OF AN APPLICANT DIRECTLY OPTIMIZING SIGNAL TIMING ALONG A CITY/STATE-CONTROLLED RIGHT OF WAY

1. MM Trans-2a (Pacheco Boulevard between 4th Street and 6th Street)

MM Trans-2a requires the Project to pay a fair share of the cost to optimize traffic signal coordination on Pacheco Boulevard between 4th Street and 6th Street. This mitigation is described in the TIS as being needed under long-term 2030 conditions to mitigate to less than significant the Project's traffic-related impacts to this road segment's levels of service.

To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long-term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program.

2. MM Trans-2b - Pacheco Boulevard between 6th Street and 7th Street)

MM Trans-2b requires the Project to pay a fair share of the cost to optimize the traffic signals on Pacheco Boulevard between 6th Street and 7th Street. This mitigation is described in the TIS as being needed under long-term 2030 conditions to mitigate to less than significant the Project's traffic-related impacts that affect this road segment's levels of service.

To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long-term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing

modifications in response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program.

3. MM Trans-3c (Intersection of Pacheco Boulevard and H Street)

MM Trans-3c requires the Project to pay a fair share of the cost to optimize traffic signal timing at the intersection of Pacheco Boulevard and H Street. The TIS recommended this improvement to mitigate long-term queuing impacts to a level that is less than significant. The signal timing is to be optimized and coordinated with the long-term improvements described in MM Trans-1d.

To ensure that funding and a plan exist to optimize traffic signal timing when it is needed under long-term conditions, the City of Los Banos will include signal optimization and its related costs in the City's transportation impact fee program at the next update to occur. The City may utilize the funds in cooperation with Caltrans to implement traffic signal timing modifications in response to changes in traffic conditions. The City will advise Walmart of the fair share payment required. This payment would be added to the traffic fee program.

CONCLUSION

In our professional judgment and based upon our experience with the Project, stemming from our preparation of the Project's August 2010 traffic impact study, our assistance responding to DEIR comments, including Caltrans District 10 comments, and our post-approval work to process the Caltrans encroachment permits required in order for the Project to begin construction, we conclude that the Project may be phased as described herein without creating any new or more significant impacts than were disclosed in the certified EIR for the Project. The Project's transportation-related impacts will be fully mitigated to a level that is less than significant with the implementation of the following mitigation measures, as revised.

Phase 1. Phase 1 will be required to implement the following mitigation measures, summarized as follows:

- **MM Trans-1c:** Reconstruct the southbound approach at the intersection of Pacheco Boulevard and Badger Flat Road to provide a dedicated left-turn lane (minimum 150 feet long) with protected left-turn phasing and a shared through/right-turn lane.
- **MM Trans-1d:** Construct a second northbound left-turn lane with associated traffic signal timing modifications at the intersection of Pacheco Boulevard and Mercey Springs Road with Phase 1 of the Project. Provide the City with a fair share payment to mitigate the long-term impact that will require future construction of a second eastbound left-turn lane.
- **MM Trans-1f:** Provide the City with a fair share payment for traffic signal timing optimization/modification and for the future widening of the intersection of Pacheco Boulevard and West I Street.

- **MM Trans-2a:** Provide the City with a fair share payment for traffic signal timing optimization/modification for near-term and long-term impacts on Pacheco Boulevard between 4th Street and 6th Street.
- **MM Trans-2b:** Provide the City with a fair share payment for traffic signal timing optimization/modification for near-term and long-term impacts on Pacheco Boulevard between 6th Street and 7th Street.
- **MM Trans-2c:** In conjunction with the Project's implementation of MM Trans-1d, traffic signal timing will be optimized at Pacheco Boulevard and Mercey Springs Road. The timing modifications would also include coordination and timing at the intersection of Pacheco Boulevard and H Street to optimize the road segment operation on Pacheco Boulevard between H Street and Mercey Springs Road.
- **MM Trans-3c:** Provide the City with a fair share payment for traffic signal timing optimization/modification for long-term impacts at the intersection of Pacheco Boulevard and H Street.
- Remaining transportation-related mitigation measures not addressed herein remain applicable and shall be constructed with Phase 1 of the Project.

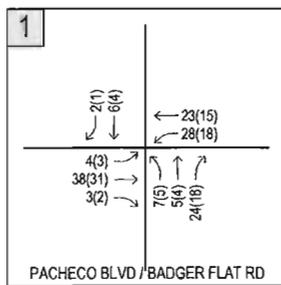
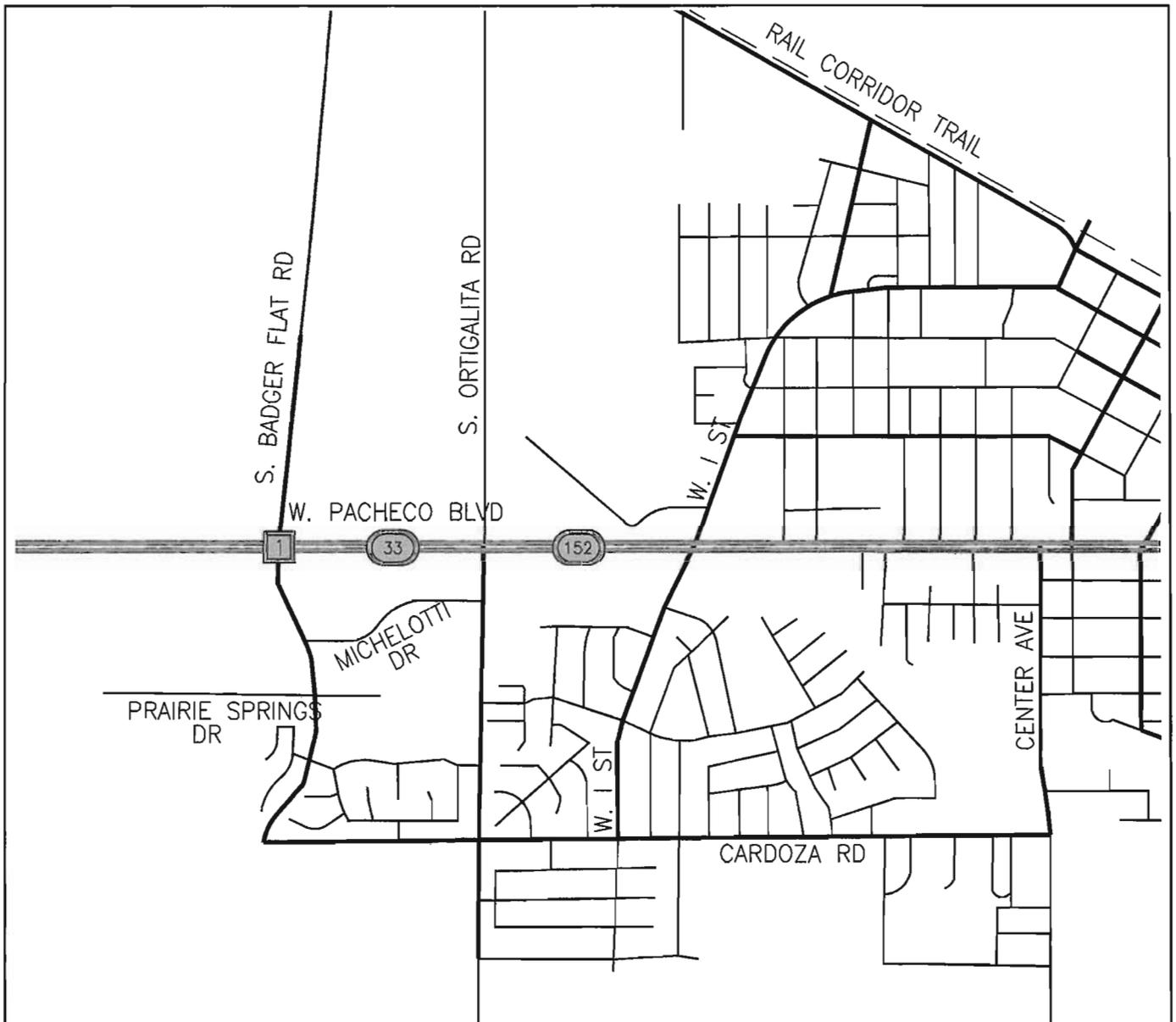
Phase 2: The construction of Stonecreek Boulevard and installation of the traffic signal at the intersection of Stonecreek and Pacheco Boulevards would be deferred until the outlots are developed. These improvements must be in place at the time the first outlot is developed and open for business.

* * *

If you have any questions do not hesitate to contact me at (559) 299-1544 extension 112 or David Peters at (559) 299-1522 extension 111

Attachments: Figures 1 through 4
Attachment 2. Intersection Analysis Sheets (Pacheco Boulevard/Badger Flat Road)

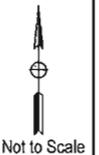
FIGURES



TOTAL PROJECT TRIPS
ENTERING THE INTERSECTION
140 (101)

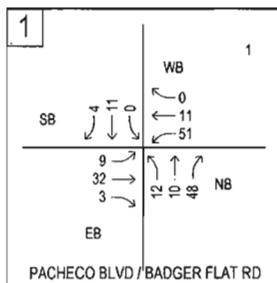
LEGEND

-  STUDY AREA INTERSECTIONS
- XX (YY) AM (PM) VOLUMES



PHASE 1 PEAK HOUR TRAFFIC VOLUMES
Proposed Walmart Expansion
Los Banos, California





TOTAL PROJECT TRIPS
ENTERING THE INTERSECTION
191

LEGEND

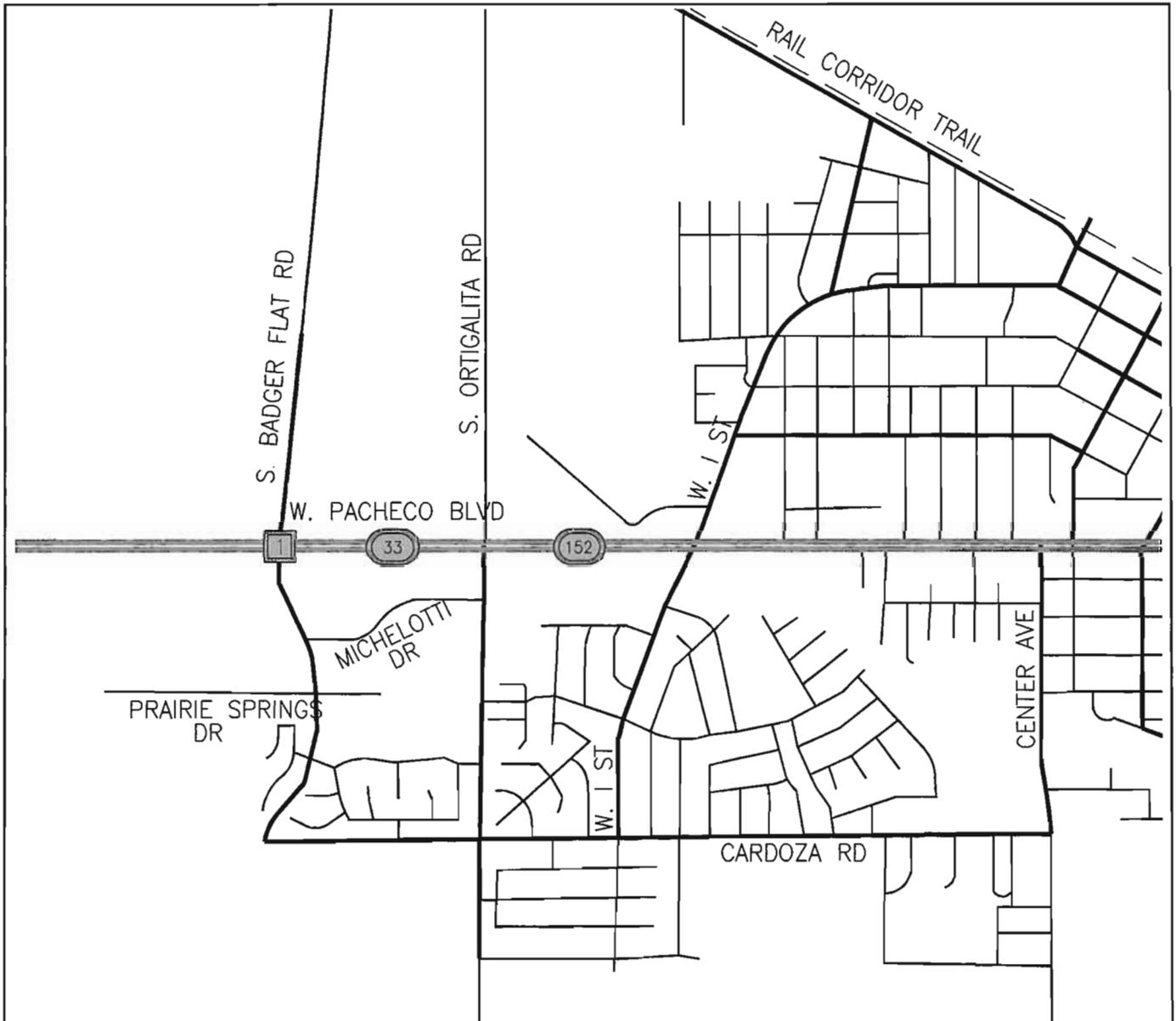
- STUDY AREA INTERSECTIONS
- XX SATURDAY VOLUMES



PHASE 1 SATURDAY PEAK HOUR TRAFFIC VOLUMES

Proposed Walmart Expansion
Los Banos, California





1	
PACHECO BLVD / BADGER FLAT RD	

TOTAL PROJECT TRIPS
ENTERING THE INTERSECTION
176 (188)

LEGEND

- STUDY AREA INTERSECTIONS
- XX (YY) AM (PM) VOLUMES



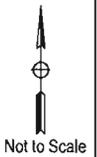
FULL PROJECT PEAK HOUR TRAFFIC VOLUMES
Proposed Walmart Expansion
Los Banos, California



1	
PACHECO BLVD / BADGER FLAT RD	

TOTAL PROJECT TRIPS
ENTERING THE INTERSECTION
420

- LEGEND**
- X STUDY AREA INTERSECTIONS
 - XX SATURDAY VOLUMES



FULL PROJECT SATURDAY PEAK HOUR TRAFFIC VOLUMES
Proposed Walmart Expansion
Los Banos, California



ATTACHMENT 1

John Rowland

Subject: FW: Los Banos Walmart Expansion

-----Original Message-----

From: Sinarath Pheng [mailto:sinarath_pheng@dot.ca.gov]
Sent: Monday, October 18, 2010 2:13 PM
To: L. Elizabeth Strahlstrom; paula.fitzgerald@losbanos.org
Cc: Tom Dumas
Subject: Los Banos Walmart Expansion

Elizabeth and Paula,

We have reviewed the FEIR and have no further comments. We look forward to working with you through the Encroachment process.

Thank you.

Sinarath Pheng
Associate Transportation Planner
Department of Transportation, District 10
(209) 942-6092 Office
(209) 948-7194 Fax

ATTACHMENT 2

HCM Signalized Intersection Capacity Analysis Near-Term 2012 Plus Project-AM - Mitigated
 3: Pacheco Blvd & Badger Flat Rd 11/3/2011

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95		1.00	1.00	1.00	1.00	1.00	
Flt	1.00	1.00	0.85	1.00	0.99		1.00	1.00	0.85	1.00	0.88	
Flt Protected	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)	1626	3252	1455	1626	3212		1770	1863	1583	1770	1646	
Flt Permitted	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (perm)	1626	3252	1455	1626	3212		1770	1863	1583	1770	1646	
Volume (vph)	26	361	30	68	629	56	78	55	55	70	41	142
Peak-hour factor, PHF	0.86	0.86	0.86	0.91	0.91	0.91	0.79	0.79	0.79	0.74	0.74	0.74
Adj. Flow (vph)	30	420	35	75	691	62	99	70	70	95	55	192
RTOR Reduction (vph)	0	0	18	0	6	0	0	0	60	0	151	0
Lane Group Flow (vph)	30	420	17	75	747	0	99	70	10	95	96	0
Heavy Vehicles (%)	11%	11%	11%	11%	11%	11%	2%	2%	2%	2%	2%	2%
Turn Type	Prot		Perm	Prot			Prot		Perm	Prot		
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases			2						8			
Actuated Green, G (s)	2.5	36.5	36.5	7.1	41.1		7.4	9.9	9.9	7.4	9.9	
Effective Green, g (s)	2.5	38.9	38.9	7.1	43.5		7.4	11.2	11.2	7.4	11.2	
Actuated g/C Ratio	0.03	0.48	0.48	0.09	0.54		0.09	0.14	0.14	0.09	0.14	
Clearance Time (s)	4.0	6.4	6.4	4.0	6.4		4.0	5.3	5.3	4.0	5.3	
Vehicle Extension (s)	3.0	4.5	4.5	3.0	4.5		3.0	3.0	3.0	3.0	3.0	
Lane Grp Cap (vph)	50	1570	702	143	1734		163	259	220	163	229	
v/s Ratio Prot	0.02	0.13		c0.05	c0.23		c0.06	0.04		0.05	c0.06	
v/s Ratio Perm			0.01						0.01			
v/c Ratio	0.60	0.27	0.02	0.52	0.43		0.61	0.27	0.04	0.58	0.42	
Uniform Delay, d1	38.6	12.4	10.9	35.1	11.1		35.2	31.0	30.1	35.1	31.7	
Progression Factor	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2	17.9	0.4	0.1	3.4	0.3		6.3	0.6	0.1	5.2	1.2	
Delay (s)	56.4	12.8	11.0	38.6	11.4		41.5	31.6	30.1	40.3	33.0	
Level of Service	E	B	B	D	B		D	C	C	D	C	
Approach Delay (s)		15.4			13.9			35.3			35.0	
Approach LOS		B			B			D			D	
Intersection Summary												
HCM Average Control Delay			20.8	HCM Level of Service				C				
HCM Volume to Capacity ratio			0.45									
Actuated Cycle Length (s)			80.6	Sum of lost time (s)				12.0				
Intersection Capacity Utilization			51.9%	ICU Level of Service				A				
Analysis Period (min)			15									
c Critical Lane Group												

Queues
3: Pacheco Blvd & Badger Flat Rd

Near-Term 2012 Plus Project-AM - Mitigated
11/3/2011



Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	30	420	35	75	753	99	70	70	95	247
v/c Ratio	0.24	0.27	0.05	0.43	0.41	0.50	0.26	0.24	0.48	0.64
Control Delay	43.2	16.0	6.5	42.5	13.5	43.7	33.3	10.5	43.2	19.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	43.2	16.0	6.5	42.5	13.5	43.7	33.3	10.5	43.2	19.0
Queue Length 50th (ft)	14	68	0	35	92	46	32	0	44	33
Queue Length 95th (ft)	42	119	17	83	218	89	61	26	80	64
Internal Link Dist (ft)		700			1810		350			1045
Turn Bay Length (ft)	235		405	400		195				
Base Capacity (vph)	137	1570	721	221	1819	242	405	399	241	494
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.22	0.27	0.05	0.34	0.41	0.41	0.17	0.18	0.39	0.50

Intersection Summary

HCM Signalized Intersection Capacity Analysis
 3: Pacheco Blvd & Badger Flat Rd

Near-Term 2012 Plus Project-PM Mitigated

11/3/2011

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95		1.00	1.00	1.00	1.00	1.00	
Frt	1.00	1.00	0.85	1.00	0.98		1.00	1.00	0.85	1.00	0.95	
Flt Protected	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)	1703	3406	1524	1703	3346		1770	1863	1583	1770	1763	
Flt Permitted	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (perm)	1703	3406	1524	1703	3346		1770	1863	1583	1770	1763	
Volume (vph)	192	993	104	166	542	72	62	93	121	69	108	60
Peak-hour factor, PHF	0.88	0.88	0.88	0.82	0.82	0.82	0.86	0.86	0.86	0.86	0.86	0.86
Adj. Flow (vph)	218	1128	118	202	661	88	72	108	141	80	126	70
RTOR Reduction (vph)	0	0	67	0	9	0	0	0	120	0	20	0
Lane Group Flow (vph)	218	1128	51	202	740	0	72	108	21	80	176	0
Heavy Vehicles (%)	6%	6%	6%	6%	6%	6%	2%	2%	2%	2%	2%	2%
Turn Type	Prot		Perm	Prot			Prot		Perm	Prot		
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases			2						8			
Actuated Green, G (s)	14.4	36.2	36.2	13.1	34.9		7.5	12.1	12.1	7.9	12.5	
Effective Green, g (s)	14.4	38.6	38.6	13.1	37.3		7.5	13.4	13.4	7.9	13.8	
Actuated g/C Ratio	0.16	0.43	0.43	0.15	0.42		0.08	0.15	0.15	0.09	0.16	
Clearance Time (s)	4.0	6.4	6.4	4.0	6.4		4.0	5.3	5.3	4.0	5.3	
Vehicle Extension (s)	3.0	4.5	4.5	3.0	4.5		3.0	3.0	3.0	3.0	3.0	
Lane Grp Cap (vph)	276	1477	661	251	1402		149	280	238	157	273	
v/s Ratio Prot	c0.13	c0.33		0.12	0.22		0.04	0.06		c0.05	c0.10	
v/s Ratio Perm			0.03						0.01			
v/c Ratio	0.79	0.76	0.08	0.80	0.53		0.48	0.39	0.09	0.51	0.64	
Uniform Delay, d1	35.8	21.3	14.8	36.7	19.3		38.9	34.1	32.5	38.7	35.3	
Progression Factor	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2	13.9	3.8	0.2	16.9	0.6		2.5	0.9	0.2	2.6	5.1	
Delay (s)	49.8	25.1	15.0	53.6	19.9		41.4	35.0	32.7	41.3	40.4	
Level of Service	D	C	B	D	B		D	C	C	D	D	
Approach Delay (s)		28.0			27.0			35.4			40.7	
Approach LOS		C			C			D			D	
Intersection Summary												
HCM Average Control Delay			29.6					HCM Level of Service		C		
HCM Volume to Capacity ratio			0.66									
Actuated Cycle Length (s)			89.0					Sum of lost time (s)		8.0		
Intersection Capacity Utilization			63.5%					ICU Level of Service		B		
Analysis Period (min)			15									
c Critical Lane Group												

Queues

Near-Term 2012 Plus Project-PM Mitigated

3. Pacheco Blvd & Badger Flat Rd

11/3/2011

										
Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	218	1128	118	202	749	72	108	141	80	196
v/c Ratio	0.78	0.76	0.16	0.80	0.53	0.41	0.38	0.39	0.44	0.66
Control Delay	57.7	27.1	4.4	62.1	22.3	46.3	39.7	10.0	46.5	43.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	57.7	27.1	4.4	62.1	22.3	46.3	39.7	10.0	46.5	43.6
Queue Length 50th (ft)	123	301	0	116	175	41	57	0	45	94
Queue Length 95th (ft)	#237	405	32	#208	222	80	106	46	86	163
Internal Link Dist (ft)		700			1810		350			1045
Turn Bay Length (ft)	235		405	400		295				
Base Capacity (vph)	306	1491	734	270	1424	292	331	398	293	336
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.71	0.76	0.16	0.75	0.53	0.25	0.33	0.35	0.27	0.58

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

HCM Signalized Intersection Capacity Analysis Saturday Near-Term Plus Project - Mitigated
 3. Pacheco Blvd & Badger Flat Rd 11/3/2011

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		 			 						 	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95		1.00	1.00	1.00	1.00	1.00	
Frt	1.00	1.00	0.85	1.00	0.99		1.00	1.00	0.85	1.00	0.96	
Flt Protected	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)	1703	3406	1524	1703	3369		1770	1863	1583	1770	1789	
Flt Permitted	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (perm)	1703	3406	1524	1703	3369		1770	1863	1583	1770	1789	
Volume (vph)	95	683	53	328	717	56	99	118	217	84	186	67
Peak-hour factor, PHF	0.94	0.94	0.94	0.95	0.95	0.95	0.96	0.96	0.96	0.83	0.83	0.83
Adj. Flow (vph)	101	727	56	345	755	59	103	123	226	101	224	81
RTOR Reduction (vph)	0	0	38	0	5	0	0	0	182	0	13	0
Lane Group Flow (vph)	101	727	18	345	809	0	103	123	44	101	292	0
Heavy Vehicles (%)	6%	6%	6%	6%	6%	6%	2%	2%	2%	2%	2%	2%
Turn Type	Prot		Perm	Prot			Prot		Perm	Prot		
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases			2						8			
Actuated Green, G (s)	9.1	29.4	29.4	23.8	44.1		9.0	18.3	18.3	8.8	18.1	
Effective Green, g (s)	9.1	31.8	31.8	23.8	46.5		9.0	19.6	19.6	8.8	19.4	
Actuated g/C Ratio	0.09	0.32	0.32	0.24	0.46		0.09	0.20	0.20	0.09	0.19	
Clearance Time (s)	4.0	6.4	6.4	4.0	6.4		4.0	5.3	5.3	4.0	5.3	
Vehicle Extension (s)	3.0	4.5	4.5	3.0	4.5		3.0	3.0	3.0	3.0	3.0	
Lane Grp Cap (vph)	155	1083	485	405	1567		159	365	310	156	347	
v/s Ratio Prot	0.06	c0.21		c0.20	0.24		c0.06	0.07		0.06	c0.16	
v/s Ratio Perm			0.01						0.03			
v/c Ratio	0.65	0.67	0.04	0.85	0.52		0.65	0.34	0.14	0.65	0.84	
Uniform Delay, d1	43.9	29.6	23.5	36.4	18.8		44.0	34.6	33.3	44.1	38.8	
Progression Factor	0.88	0.84	0.56	1.00	1.00		1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2	9.2	3.3	0.1	15.7	1.2		8.8	0.6	0.2	8.9	16.6	
Delay (s)	47.9	28.0	13.3	52.1	20.0		52.7	35.2	33.5	53.0	55.5	
Level of Service	D	C	B	D	C		D	D	C	D	E	
Approach Delay (s)		29.3			29.6			38.3			54.9	
Approach LOS		C			C			D			D	
Intersection Summary												
HCM Average Control Delay			34.4			HCM Level of Service				C		
HCM Volume to Capacity ratio			0.76									
Actuated Cycle Length (s)			100.0			Sum of lost time (s)			16.0			
Intersection Capacity Utilization			69.7%			ICU Level of Service			C			
Analysis Period (min)			15									
c Critical Lane Group												

Queues
3: Pacheco Blvd & Badger Flat Rd

Saturday Near-Term Plus Project - Mitigated

11/3/2011



Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	101	727	56	345	814	103	123	226	101	305
v/c Ratio	0.58	0.64	0.10	0.88	0.50	0.71	0.34	0.46	0.57	0.85
Control Delay	50.2	27.2	4.4	61.4	20.1	70.8	39.4	8.5	55.0	59.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	50.2	27.2	4.4	61.4	20.1	70.8	39.4	8.5	55.0	59.1
Queue Length 50th (ft)	61	213	0	207	193	65	70	0	62	178
Queue Length 95th (ft)	115	282	12	#350	252	#150	128	65	104	#273
Internal Link Dist (ft)		700			1810		350			1045
Turn Bay Length (ft)	235		405	400		295				
Base Capacity (vph)	204	1138	547	426	1626	149	365	492	212	373
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.50	0.64	0.10	0.81	0.50	0.69	0.34	0.46	0.48	0.82

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.



City of
Los Banos
At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date: May 11, 2012

Regarding: Notice of Public Hearing

Proposal: Walmart Expansion EIR Addendum and Condition Modification

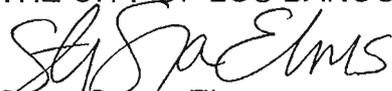
NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider an addendum to Environmental Impact Report (SCH#2008111078) and modifications to Conditions of Approval for Site Plan #2008-05 for the Walmart Store expansion located at 1575 W Pacheco Blvd , more specifically identified as Assessor's Parcel Number 430-010-012 and 430-010-041

The Walmart Expansion EIR was certified and Conditions of Approval were adopted by the Los Banos Planning Commission through Resolutions #2010-18 and #2010-19 on October 27, 2010. The applicant is requesting to build the project in two phases with associated mitigations being completed at the time of construction for each phase. With this request, an addendum has been prepared to the certified EIR and modifications to Conditions of Approval have been made. The addendum and modifications are needed for the project to be built in requested phases.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, May 23, 2012 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Paula Fitzgerald, AICP, Community Development Director at City Hall or at (209) 827-7000, Ext. 114.

Persons wishing to provide oral comments on the described proposal may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. If no comments are received prior to or on the above date, it will be assumed that no comments are being offered. The public is also informed that should this matter, at some future date go to court, court testimony is limited to only those issues raised at the hearings per Government Code Section 65009.

THE CITY OF LOS BANOS


Stacy Souza Elms
Assistant Planner



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIR ROSIN AND PLANNING COMMISSIONERS

FROM: PAULA FITZGERALD, AICP, COMMUNITY DEVELOPMENT DIRECTOR

FOR: PLANNING COMMISSION MEETING OF MAY 23, 2012

SUBJECT: CARWASH AT AM/PM & MCDONALD'S AT THE NORTHWEST CORNER OF BADGER FLAT AND PACHECO BOULEVARD

RECOMMENDATION:

- 1 That the Planning Commission Approves Resolution #2012-08 revising Site Plan Review #2011-03 by adding a carwash to the 6800 square foot building to accommodate an AM/PM Gas Station and a McDonald's at the northwest corner of Badger Flat Road and Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 081-140-013.

BACKGROUND:

In December of 2011, the Planning Commission approved the Site Plan for the AM/PM & McDonald's conditioned upon the fact that the City Council and LAFCo approved the Annexation and Pre-Annexation Development Agreement, which has happened

Project Description

Due to the cost of the improvements that must be completed, the project proponent is proposing to add a carwash to the Site Plan so that it can be an economically viable project.

The project proponent was able to add the car wash behind the drive through in the landscaping area without shifting the location of the building or shared drive. All the conditions on the previous Site Plan will apply.

Architecture

The proposed architecture for the car wash reflects a contemporary style and is similar to the approved 6,800 square foot building utilizing the same color palette and glazing on the three sides of the building that will be viewed from the east, west and north

Landscaping

The Project landscaping will still need to meet the City's 50% shade tree canopy ordinance and the 4% landscaping requirement and the landscape plans will be further reviewed by a licensed Landscape Architect prior to approval during the improvement plan stage.

Environmental

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 Project. Through the initial study, staff determined that the Project would not result in any significant adverse affects with mitigation. Staff prepared a Notice of Intent for a Mitigated Negative Declaration which was posted at the Merced County Clerk's Office and sent to the State Clearinghouse (SCH# 2011101054) for circulation and review on October 20, 2011 and closed on November 29, 2011.

No additional environmental review is necessary for the addition of the carwash as the use was already adequately analyzed

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the Project site on May 11, 2012. As of the date of this staff report, no comments have been received

RECOMMENDATION:

1. That the Planning Commission Approves Resolution #2012-08 revising Site Plan Review #2011-03 by adding a carwash to the Site Plan for an AM/PM Gas Station and a McDonald's at the northwest corner of Badger Flat Road and Pacheco Boulevard, more specifically identified as Assessor's Parcel Number 081-140-013.

ATTACHMENTS:

1. Resolution 2012-08
2. Color elevations
3. Amended Site Plan
4. Previously approved Site Plan
5. Public Hearing Notice – May 11, 2012

RESOLUTION #2012-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING A REVISED SITE PLAN (#2011-03) ADDING A CARWASH TO THE AM/PM GAS STATION AND MCDONALD'S AT THE NORTHWEST CORNER OF BADGER FLAT ROAD AND PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 081-140-013.

WHEREAS, the Los Banos Planning Commission approved Site Plan #2008-03 on December 14, 2011 for the use of a cobranded AM/PM gas station/convenience store and McDonald's, and

WHEREAS, due to the cost of the necessary improvements, the project proponent needs to add a car wash to make the numbers work from an economic perspective, and

WHEREAS, the car wash was added behind the drive through and does not impact the location of the building or the shared drive aisle, and

WHEREAS, the Project was adequately analyzed in the Northwest Corner of Badger Flat and Pacheco Boulevard Annexation and Site Plan Initial Study and proposed Mitigated Negative Declaration and the appropriate environmental review has been completed (SCH #2011101054), and

WHEREAS, the Los Banos Planning Commission held a public hearing on May 23, 2012, at which time interested persons had an opportunity to provide testimony; and

WHEREAS, Exhibits A (CEQA Findings), B (Findings of Approval), C (Conditions of Approval) and D (Mitigation Monitoring Reporting Program) attached to the previous Site Plan Review and Resolution #2011-20 are all still applicable and are incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Revised Site Plan #2011-03 adding a car wash to the AM/PM Gas Station and McDonald's approved with Site Plan 2011-03 on December 14, 2011 located at the northwest corner of Badger Flat Road and Pacheco Boulevard., more specifically identified as Assessor's Parcel Number: 081-140-013.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 23rd day of May 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:

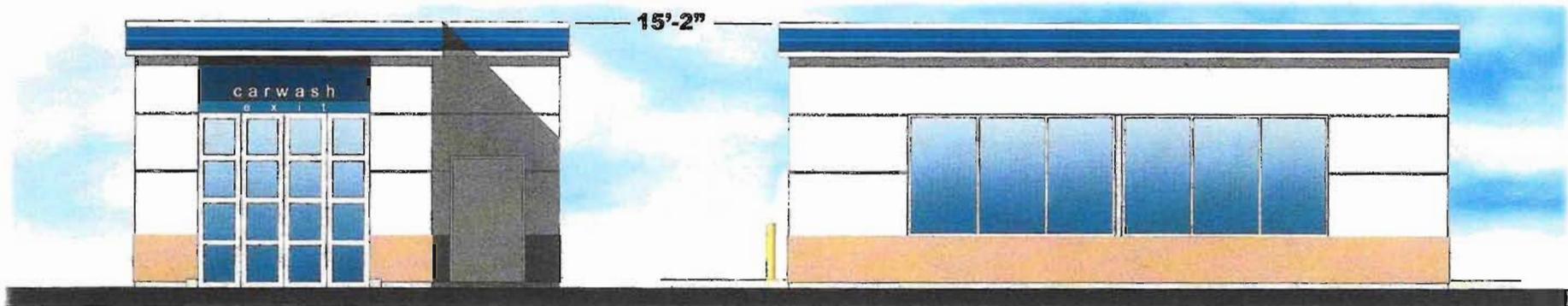
ABSENT

APPROVED

Tracey Rosin, Planning Commission Chair

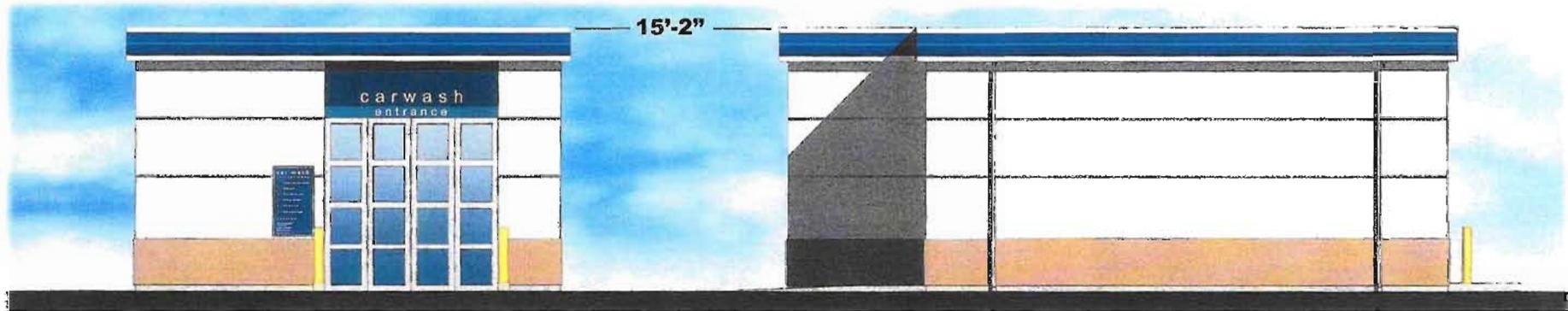
ATTEST

Stacy Elms, Planning Commission Secretary



WEST ELEVATION

NORTH ELEVATION



EAST ELEVATION

SOUTH ELEVATION



ICI Paint "BP Pearl" aka "Indian Legend"

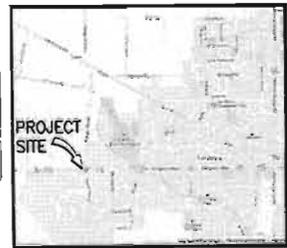
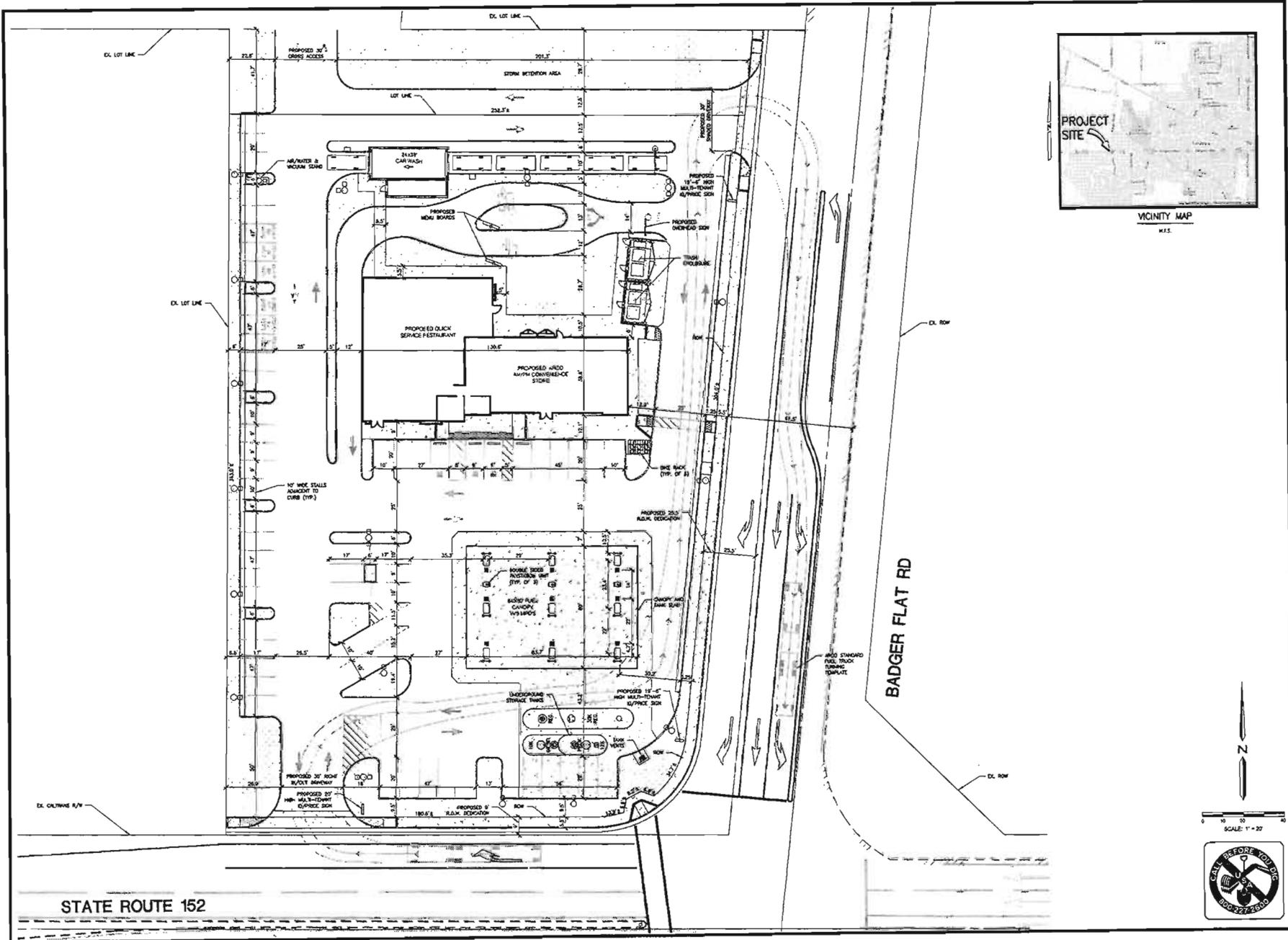


ICI Paint "Onionskin Tan"



Car Wash Elevations
 Badger Flat Road @ Highway 152
 Los Banos, California





Plan Revisions

Rev. No.	Date	Applicable Sheets/Revisions



1145 Scenic Drive, Suite B
 Modesto, CA 95350
 Ph 208.571.1785
 Fax 208.571.2466
 odelengineering.com

ARCO-MCDONALD'S
 LOS BANOS, CALIFORNIA

PRELIMINARY SITE PLAN



Approved: _____

Designed: sw
 Drawn: sw
 Checked: md
 Scale: 1"=20'
 Date: 05/08/2012
 Job No.: 21150
 File No.: 21150-SP1.dwg

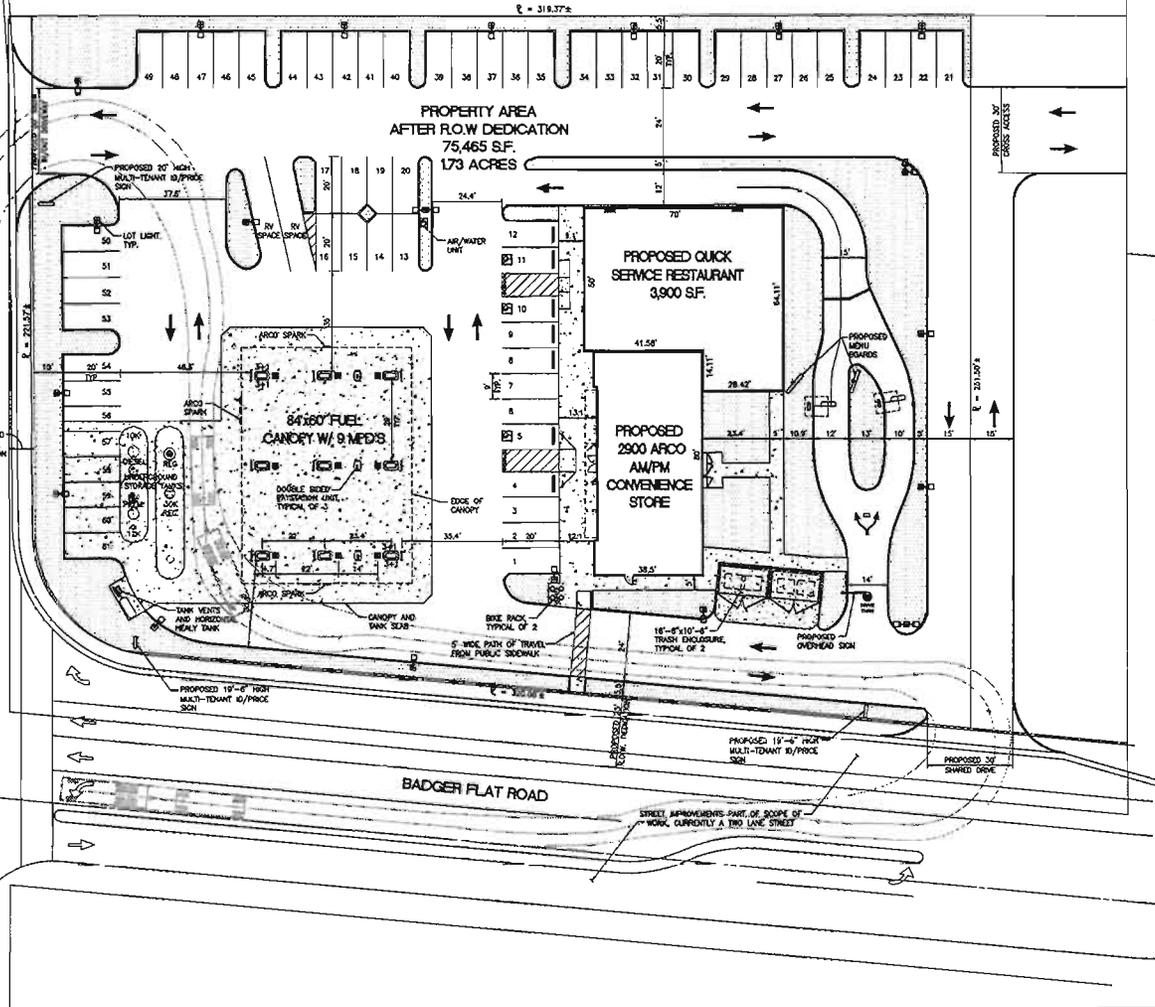
Sheet No.

SP-1

STATE ROUTE 152

BADGER FLAT RD

PRELIMINARY SITE PLAN



PROJECT DATA

LOCATION: PUBLIC OF BADGER FLAT ROAD AT HIGHWAY 152
 LOS BANOS, CALIFORNIA
 ZONING: M-C HIGHWAY COMMERCIAL
 PARKING SPACES REQUIRED:
 2 STALLS PER SERVICE BAY = 4 STALLS
 5 STALLS PER 1,000 S.F. = 8 STALLS
 TOTAL = 8 STALLS REQUIRED
 PARKING SPACES PROVIDED: 61

SCOPE OF WORK

TO CONSTRUCT A NEW 3,900 S.F. CONVENIENCE STORE WITH AN ATTACHED 3,900 S.F. QUICK SERVICE RESTAURANT WITH DRIVE THRU. SITE IMPROVEMENTS WILL ALSO INCLUDE A NEW 84'x60' FUEL CANOPY WITH 9 MED'S-PRODUCT DISPENSERS AND TWO UNDERGROUND STORAGE TANKS (1) SPLIT 22,000 GALLON AND (1) 30,000 GALLON.



12115 72ND AVENUE SOUTH
 HUNTSVILLE, ALA 35893
 (256) 251-6222
 (256) 251-6222 FAX

DRN: ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES

NO.	DATE	REVISION DESCRIPTION
1	11/1/11	ADD OVERHEAD SIGNAGE
2	11/1/11	ALA CHANGES
3	11/1/11	CLUTCH CHANGES
4	11/1/11	ALA CHANGES
5	11/1/11	REVISION OVERHEAD SIGNAGE
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		

DEVELOPMENT INFORMATION
ARCO NTI
 2900 am/pm
 w/ 3,900 CSFR
 84'x60' CANOPY
 w/ 9 MPD'S

DEVELOPER
 BADGER FLAT ROAD
 @ HIGHWAY 152
 LOS BANOS, CALIFORNIA

FACILITY # TBD

DESIGNER	DATE	REVISION
SCOTT MC	BT	BY SCOTT
DATE	BY	PROJECT NO.
11/21/11	SCOTT	15435

PRELIMINARY SITE PLAN
 11/21/2011

SP-1

Preliminary Not For Construction

NOTES
 THIS PLAN, AS SHOWN, HAS BEEN APPROVED BY THE TRANSPORTATION FOR APPROVAL OF FACILITY OCCUPANT BY:
 TERMINAL MANAGER SCOTT MURDOCK
 DATE 10/25/2011 8:30 AM

ANY DEVIATION TO THIS PLAN NEEDS TO BE APPROVED THROUGH THE TRANSPORTATION TERMINAL MANAGER AND INCORPORATED INTO THE PERMIT DOCUMENTS. CONTACT FRANCHISEE FOR MORE DETAILS.



City of
Los Banos
At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date May 11, 2012

Regarding Notice of Public Hearing

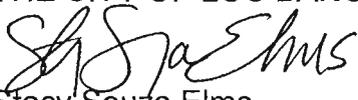
Proposal: Site Plan Review #2011-03 – AM/PM & McDonalds

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a modification to Site Plan #2011-03 for the addition of a car wash in conjunction with the previously approved AM/PM gas station/convenience store and relocated McDonalds restaurant. The property is located at the northwest corner of Badger Flat and Pacheco Blvd.; more specifically described as Assessor's Parcel Number: 081-140-013.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, May 23, 2012 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Paula Fitzgerald, Community Development Director at City Hall or at (209) 827-7000, Ext. 114.

Persons wishing to provide oral comments on the described proposal may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U S Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. If no comments are received prior to or on the above date, it will be assumed that no comments are being offered. The public is also informed that should this matter, at some future date go to court, court testimony is limited to only those issues raised at the hearings per Government Code Section 65009.

THE CITY OF LOS BANOS


Stacy Souza Elms
Assistant Planner



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIR ROSIN AND PLANNING COMMISSIONERS

FROM: PAULA FITZGERALD, AICP, COMMUNITY DEVELOPMENT DIRECTOR

FOR: PLANNING COMMISSION MEETING OF MAY 23, 2012

SUBJECT: TENTATIVE PARCEL MAP #2012-01, SITE PLAN REVIEW #2012-02 AND NEGATIVE DECLARATION (SCH #2012041060) – DOLLAR GENERAL

RECOMMENDATIONS:

- 1 That the Planning Commission consider adopting Resolution #2012-09 approving Tentative Parcel Map #2012-01 splitting a 7.31 acre property into the 2.58 acre project site and a 4.73 acre remainder, located at the southwest corner of Santa Barbara and Mercey Springs, more specifically identified as Assessor's Parcel Number: 082-070-023.
2. That the Planning Commission consider adopting Resolution #2012-10 certifying Negative Declaration (SCH#2012041060) and approving Site Plan Review #2012-02 for the development of a 20,951 square foot Dollar General Market with a grocery component, located at the southwest corner of Santa Barbara and Mercey Springs, more specifically identified as Assessor's Parcel Number: 082-070-023.

BACKGROUND:

The proposal is for a minor subdivision of 7.31 acres into the 2.58 acre project site and a 4.73 acre remainder and the construction of a 20,951 square foot Dollar General Market which is a general retail store with a grocery component in the Highway Commercial zoning district.

DISCUSSION:

Project Location

The Project site is directly south of Santa Barbara and directly east of Mercey Springs. The entire parcel is approximately 7.31 acres. The 2.58 acre Project site is surrounded by a church to the north, multi family dwelling units and a mobile home park to the east, vacant commercial land to the south and single family residential units to the west.



Parcel Map

The applicant has submitted a parcel map which divides the property into two parcels, the 2.58 acre project site (highlighted in yellow above) and the 4.73 acre remainder (the full parcel is highlighted in blue). You will notice that the parcel map includes a 40' strip to the west of the project site. The project proponent will be constructing an ingress and egress entirely on their property and has been conditioned to provide an access and construction easement so that when the property to the south is developed they will have a shared access and construct a driveway along the property line. The developer of the property to the south will then be responsible for mitigating any impacts relating to noise levels along the western property line.

Site Plan Project Description

The Project proposes a 20,951 square foot commercial structure to be utilized as a Dollar General Market. The project includes 103 parking spaces with one van accessible handicap parking and 4 handicapped parking stalls and landscaping which will meet City standards. Access to the site will be from Santa Barbara and Mercey Springs. The truck loading dock is located on the southern side of the building and is approximately 100 feet from the residential properties with 25' of building plus landscaping between the dock and the residential properties which will help to buffer noise and bring it below the required decibel level.

Site Characteristics

The Project site consists of one (1) parcel covering a total of 7.31 acres. A Tentative Parcel Map has been submitted so the property can be divided in a minor subdivision which will include 2.58 acres for the Project site. The Assessor's Parcel Number for the property is: 082-070-023. Principal vehicular access to the site is provided along Santa Barbara and Mercey Springs.

Traffic

A traffic study was completed for the Project by KDA. Implementation of the proposed Project would not involve any additional dedication of Right-of-Way or restriping, but full frontage improvements will be required along Santa Barbara and Mercey Springs.

The Project will also construct an access on the northwest side of the Dollar General property for use by the Project and the remainder parcel to the south when it is developed so access is not restricted

Architecture

The building consists of one-story construction with variations in the colors and roof heights. A canopy, parapets, and split and smooth block accents add to the aesthetics of the building. The walls are finished with earth tone colors with the darker colors at the bottom, an intermediate accent and lighter colors towards the top of the building with darker colors as accents. The use of contrasting colors has been incorporated to provide visual interest and to articulate expanses of blank walls and an architectural enhancement has been added to the north elevation to add to the aesthetics

Staff believes the proposed architecture integrates many of the design concepts of the design standards, brings the massing of the building to a human-scale, breaks up the expanses of the walls and clearly communicates specific elements desired for commercial buildings

Landscaping

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 and the 4% landscaping requirement, but the landscape plans will be further reviewed by a licensed Landscape Architect prior to approval during the improvement plan stage.

Infrastructure

Water: The City of Los Banos would provide water service to the Project site. Water service would be provided off Santa Barbara via an existing 8" line. The Project will connect to the existing line with a domestic and landscape line to the Project site.

Sewer: The City of Los Banos would provide wastewater service to the Project site. The Project site will connect to the sewer main located on Santa Barbara.

Drainage: The City of Los Banos would provide storm water services to the Project site. The Project will connect to the existing 24' line in Santa Barbara.

It should be noted that all City infrastructure has been sized to accommodate this use and will be in accordance with the Master Plans.

Environmental

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 Dollar General. Through the initial study staff determined that the project would not result in any significant adverse affects. Staff prepared a Notice of Intent 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 April 20, 2012 and closed on May 21, 2012. At the time of this report, no comment letters have been received.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the Project site on May 11, 2012. As of the date of this staff report, no comments have been received.

RECOMMENDATION:

- 1 That the Planning Commission consider adopting Resolution #2012-09 approving Tentative Parcel Map #2012-01 splitting a 7.31 acre property into the 2.58 acre project site and a 4.73 acre remainder, located at the southwest corner of Santa Barbara and Mercey Springs, more specifically identified as Assessor's Parcel Number: 082-070-023.

-
2. That the Planning Commission consider adopting Resolution #2012-10 certifying Negative Declaration (SCH#2012041060) and approving Site Plan Review #2012-02 for the development of a 20,951 square foot Dollar General Market with a grocery component, located at the southwest corner of Santa Barbara and Mercey Springs, more specifically identified as Assessor's Parcel Number: 082-070-023

ATTACHMENTS:

1. Resolution 2012-09
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval
2. Resolution 2012-10
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval
3. Site Plan
4. Elevations
5. Tentative Parcel Map
6. Notice of Completion
7. Traffic Study
8. Public Hearing Notice

RESOLUTION 2012-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING TENTATIVE PARCEL MAP 2012-01 FOR THE SUBDIVISION OF APPROXIMATELY 7.31 ACRES INTO TWO PARCELS CONSISTING OF ONE WITH 2.58 ACRES AND ONE WITH 4.73 ACRES ON ASSESSOR'S PARCEL NUMBER: 082-070-023

PROJECT NAME AND PROJECT NUMBER:

Tentative Parcel Map 2012-01

LOCATION/ SUBJECT PROPERTY:

Located on the southwest corner of Santa Barbara and Mercey Springs Road, more specifically identified as Assessor's Parcel Number 082-070-023

PROJECT APPLICANT/ PROPERTY OWNER:

Evergreen Development/EMH Properties, LLC

WHEREAS, the subject property is zoned Highway Commercial by the Los Banos Zoning Map, and

WHEREAS, the Tentative Parcel Map was reviewed by the City Engineer and complies with the criteria within the Los Banos Municipal Code, and

WHEREAS, the Tentative Parcel Map has been determined to be categorically exempt from the provisions of CEQA per Article 19, Class 32, Section 15315 – Minor Land Divisions, and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise 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 on May 11, 2012, and

WHEREAS, the Los Banos Planning Commission held a public hearing, reviewed said Tentative Parcel Map request and staff report, has studied the compatibility of the applicant's request with the Subdivision Map Act and has considered this request in accordance with the criteria established in the Los Banos Municipal Code, and

WHEREAS, the Planning Commission of the City of Los Banos does hereby make the appropriate findings set forth in Exhibit A (California Environmental Quality Act (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 approve Tentative Parcel Map 2012-01 for the subdivision of approximately 7.31 acres into two parcels, one being 2.58 acres and one being 4.73 acres on property located on the southwest corner of Santa Barbara and Mercey Springs Road; more specifically identified as Assessor's Parcel Number: 082-070-023, 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 23th day of May 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, Chair

ATTEST

Stacy Elms, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR TENTATIVE PARCEL MAP #2012-01 – DOLLAR GENERAL/EMH PROPERTIES, LLC

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 project was evaluated and found to be categorically exempt from the provisions of CEQA per Article 19, Section 15315 – Minor Land Divisions.
2. The Tentative Parcel Map was adequately noticed on May 11, 2012 for consideration at a public meeting on May 23, 2012
3. No further environmental documentation is required since the Tentative Parcel Map was contemplated and adequately analyzed in the initial review
4. The proposal is consistent with the Los Banos Municipal Code as it meets the use and subdivision standards specified within

EXHIBIT B

FINDINGS FOR APPROVAL OF TENTATIVE PARCEL MAP #2012-01 – DOLLAR GENERAL/EMH PROPERTIES, LLC:

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

1. The proposal is consistent with the Los Banos Municipal Code as it meets the use and subdivision standards specified within.
2. Pursuant to the Los Banos Municipal Code the applicant has submitted a Tentative Parcel Map, which meets the criteria set forth in the section.
3. The Tentative Parcel Map complies with the Los Banos Subdivision Ordinance and the California Subdivision Map Act.
4. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing or working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City in that the subdivision of the parcel will benefit the area with future commercial development and improve the community.

EXHIBIT C

CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP #2012-01 – DOLLAR GENERAL/EMH PROPERTIES, LLC:

Planning:

- 1 The Tentative Parcel Map shall be consistent with the Los Banos Municipal Code and the California Subdivision Map Act.
- 2 A request for time extension, in accordance with Section 66452 6(a) (1) of the Subdivision Map Act, shall be requested prior to the date of expiration, along with a fee for processing the request and is subject to City Council approval.
- 3 A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
- 4 A Parcel Map Guarantee shall be prepared and provided to the County Recorder.
5. When the submittal has been technically approved, the original mylars and a confirmed mylar will be signed and notarized, (notary shall not be stamped on the map) and delivered to the City Engineer's Office.
6. The Final Map shall be subject to Resolution 2012-09, which describes the development, project and conditions of approval
- 7 City easements shall be dedicated in the Owner's Statement, shown on the Final Map and accepted in the City Clerk's Statement, subject to improvements. The City Clerk's statement of Council acceptance completes the dedication process
8. Only one encroachment permit will be granted on Santa Barbara, access is to be shared between the 2.58 acre parcel and the 4.73 acre parcel. A reciprocal access agreement and construction access agreement is to be recorded with the final map.

Engineering:

9. A Final Map shall be prepared by a Professional Land Surveyor licensed in California or a Professional Engineer licensed in California and qualified to practice land surveying, according to the approved tentative map, the Subdivision Map Act and local ordinances.
- 10 At least two points shown on the map shall be tied to the California State Plan Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
- 11 The developer shall annex into or create a landscape and lighting district for public maintenance of public infrastructure, lighting and storm drainage

RESOLUTION #2012-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS CERTIFYING NEGATIVE DECLARATION (SCH#2012041060) AND APPROVING SITE PLAN REVIEW #2012-02 FOR THE CONSTRUCTION OF A 20,951 SQUARE FOOT BUILDING TO ACCOMMODATE DOLLAR GENERAL MARKET AT THE SOUTHWEST CORNER OF SANTA BARBARA AND MERCY SPRINGS, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 082-070-023

PROJECT NAME AND PROJECT NUMBER:

Dollar General Market –Negative Declaration (SCH#20120410060) and Site Plan Review #2012-02

PROPOSAL DESCRIPTION:

Environmental review and the development of a 20,951 square foot retail building for a Dollar General Market.

LOCATION/ SUBJECT PROPERTY:

Southwest corner of Santa Barbara and Mercey Springs, more specifically identified as Assessor's Parcel Number: 082-070-023.

PROJECT APPLICANT/ PROPERTY OWNER:

Evergreen (Applicant)
EMH Properties, LLC(Owner)

WHEREAS, the subject property is zoned Highway Commercial by the Los Banos Zoning Map, and

WHEREAS, a noticed public hearing was advertised in the Los Banos Enterprise on May 11, 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 #2012041060), 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#2012041060) and approve Site Plan #2012-02 for the construction of a 20,951 square foot commercial building for Dollar General Market on Assessor's Parcel Number 082-070-023, 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 23th day of May 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 Elms, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2012-02 – DOLLAR GENERAL MARKET

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 Dollar General Market 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 #2012041060) 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 #2012-02 – DOLLAR GENERAL MARKET

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

- 1 The proposal is consistent with the Zoning Ordinance as it meets the use and development standards specified within.
- 2 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.
- 3 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.
- 4 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 Dollar General Market, will operate in a harmonious manner with the surrounding neighborhood
- 5 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 general retail sales is a permitted use as designated in the Municipal Code and the applicant has met the criteria required for a Site Plan Review application.

- 6 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

EXHIBIT C

CONDITIONS OF APPROVAL FOR SITE PLAN #2012-02 – DOLLAR GENERAL MARKET

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 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

11. 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
12. 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.
13. 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.
14. 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.
15. 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
16. 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.
17. 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."

18. 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 rebury 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.”

19. 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.

20 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

21 Bicycle racks are to be installed close to the front of the building.

22 A reciprocal access agreement and construction access agreement for the Santa Barbara driveway need to be drafted and recorded prior to building permit so the property to the south has access off of Santa Barbara as no separate encroachment permit will be permitted

23 Shopping carts are to remain on site and carts found off the premises are cause for fines and citations.

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 Mercey Springs Frontage. All exterior lighting including parking lot lighting, shall meet the provisions of the Los Banos Municipal Code.
- 29 Landscaping shall be continuously maintained in a healthy and thriving manner that fulfills the City Shade Canopy Ordinance. Should any landscape material die, it shall be immediately replaced with landscaping of a similar type, size and quantity or an approved alternative should a different type of landscape material be determined to fare better than the deceased material in the project environment. 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). Failure to maintain and replace landscaping and shade canopy in a healthy manner can result in administrative citations and fines.
- 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 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

42. 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.
- 43 All new utility services are to be under-grounded
44. All development fees shall be paid before the issuance of the building permit.
- 45 All work performed within/adjacent to the State Right-of-Way will be subject to Caltrans Standards and Specifications, including an encroachment permit.
- 46 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.



OWNER

EMH PROPERTIES, LLC
5132 N. PALM, SUITE 139
FRESNO, CA 93704

SUBDIVIDER

EVERGREEN DEVELOPMENT
2300 CAMELBACK ROAD, SUITE 410
PHOENIX, AZ 85016

ENGINEER

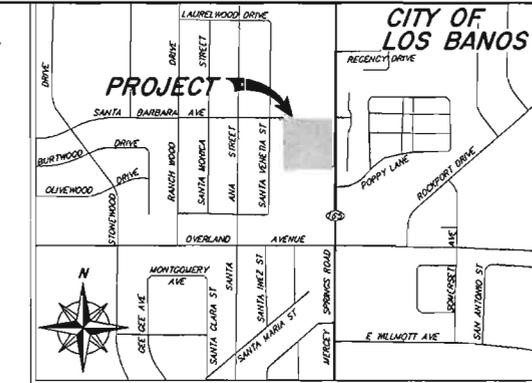
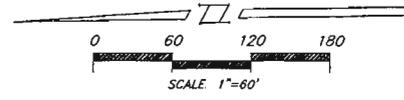
MVE, Inc.
1117 L STREET
MODESTO, CA 95354
PHONE: (209) 526-4214

GENERAL NOTES

1. APN 082-072-023
2. Total Area . 7.3 Acres
3. No structures or trees on site.

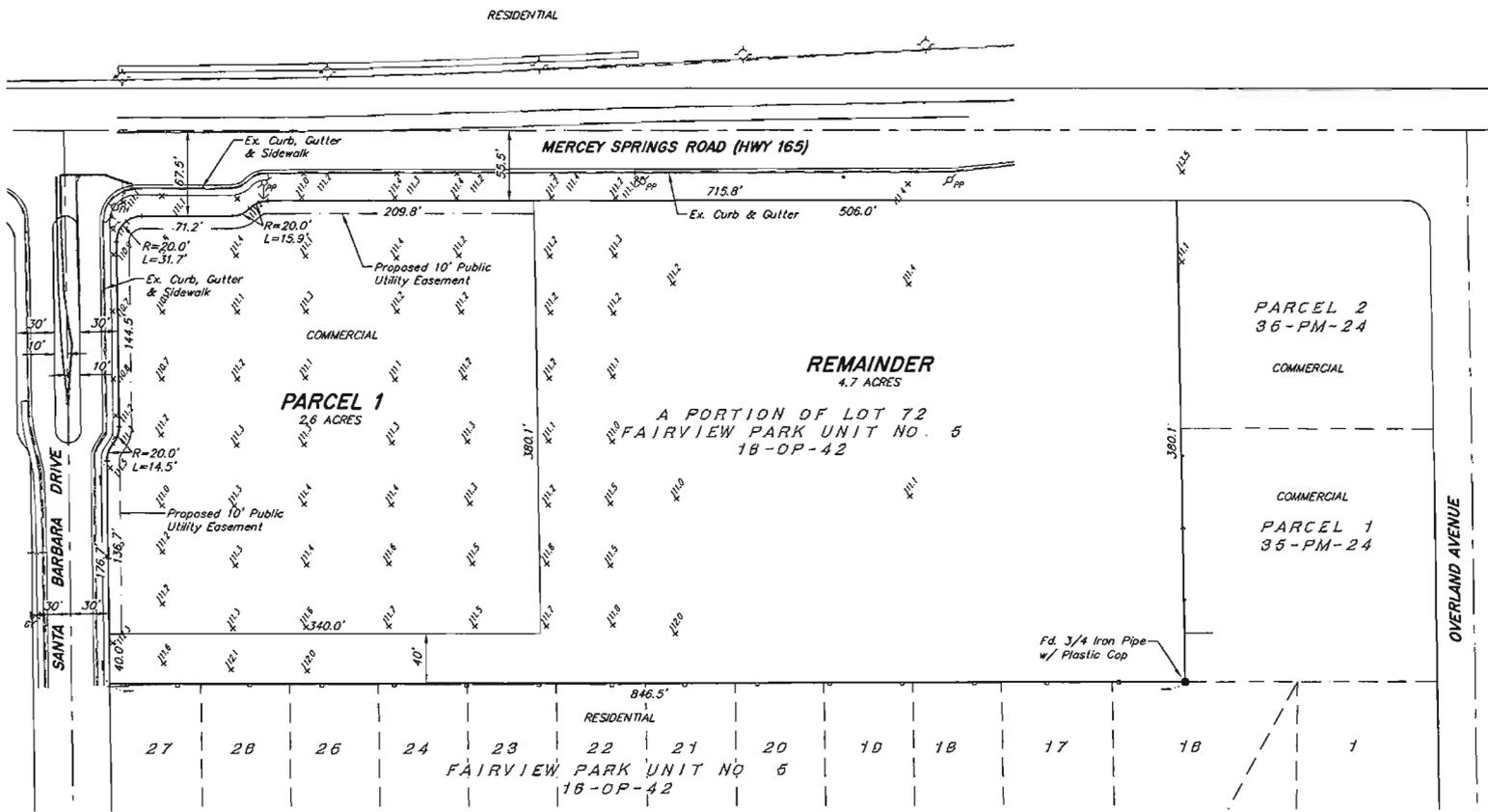
LEGEND

- * 100.0 GROUND ELEVATION
- FWH FIRE HYDRANT
- VALVE
- GAS VALVE
- ELECTRICAL BOX
- POWER POLE
- UTILITY POLE WITH GUY WIRE
- SIGN
- ELECTROTROLER
- WOOD FENCE
- CHAIN LINK FENCE



VICINITY MAP
NTS

Drawn	CHK	DATE	DESCRIPTION
05/03/12			



VESTING TENTATIVE PARCEL MAP
BEING A PROPOSED DIVISION OF A PORTION OF LOT 72, FAIRVIEW PARK UNIT NO. 5 AS SHOWN ON THE PLAT OF FAIRVIEW PARK UNIT NO. 5, FILED IN THE COUNTY RECORDS AND LINKS IN THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT Diablo MERRIAM.

MERCED COUNTY, CALIFORNIA

CITY OF LOS BANOS

MVE INC.
1117 L Street Modesto, CA 95354, Tel: 209-526-4214
Merced, California | Southern California | Inland Empire



Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2012041060

Project Title: Dollar General

Lead Agency: City of Los Banos Contact Person: Paula Fitzgerald, AICP
Mailing Address: 520 J Street Phone: (209)827-7000 ext. 114
City: Los Banos Zip: 93635 County: Merced

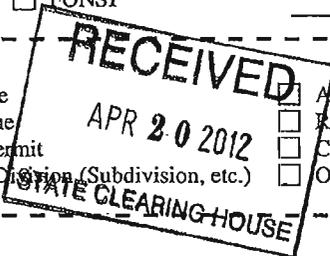
Project Location: County: Merced City/Nearest Community: Los Banos
Cross Streets: Santa Barbara Street & SR 165 (Merced Springs Rd.) Zip Code: 93635
Longitude/Latitude (degrees, minutes and seconds): ... N / ... W Total Acres:
Assessor's Parcel No.: 082-072-023 Section: Twp.: Range: Base:
Within 2 Miles: State Hwy #: 165 Waterways:
Airports: Railways: Schools:

Document Type:

- CEQA: [] NOP [] Draft EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] EA [] Final Document
[X] Neg Dec (Prior SCH No.) [] Draft EIS [] Other
[] Mit Neg Dec Other:

Local Action Type:

- [] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [X] Site Plan [] Land Division (Subdivision, etc.) [] Other



Development Type:

- [] Residential: Units Acres
[] Office: Sq.ft. Acres Employees
[X] Commercial: Sq.ft. 20,951 Acres Employees
[] Industrial: Sq.ft. Acres Employees
[] Educational:
[] Recreational:
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type MW
[] Waste Treatment: Type MGD
[] Hazardous Waste: Type
[] Other:

Project Issues Discussed in Document:

- [X] Aesthetic/Visual [] Fiscal [X] Recreation/Parks [X] Vegetation
[X] Agricultural Land [X] Flood Plain/Flooding [X] Schools/Universities [X] Water Quality
[X] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [X] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [X] Sewer Capacity [X] Wetland/Riparian
[X] Biological Resources [X] Minerals [X] Soil Erosion/Compaction/Grading [X] Growth Inducement
[] Coastal Zone [X] Noise [X] Solid Waste [X] Land Use
[] Drainage/Absorption [X] Population/Housing Balance [X] Toxic/Hazardous [X] Cumulative Effects
[] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [] Other:

Present Land Use/Zoning/General Plan Designation:

Present: Vacant; Zoning: Highway Commercial (H-C); General Plan Designation: Commercial

Project Description: (please use a separate page if necessary)

The Project proposes a site plan for a 20,951 square foot retail market with a grocery component. The proposed Project would provide 103 parking spaces, according to the Code, 95 spaces would be required. Exhibit A, Site Plan, displays the conceptual site plan for the Project.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X"
 If you have already sent your document to the agency please denote that with an "S"

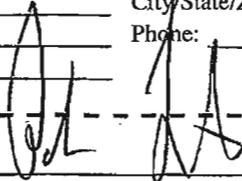
- | | |
|--|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Fish & Game Region # _____ | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | |
| <input type="checkbox"/> Health Services, Department of | Other: _____ |
| <input type="checkbox"/> Housing & Community Development | Other: _____ |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date April 20, 2012 Ending Date May 21, 2012

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative:  **Date:** April 19, 2012

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

TRAFFIC IMPACT ANALYSIS

FOR

DOLLAR GENERAL STORE

Los Banos, CA

Prepared For:

Vermeltfoort Architects, Inc.
8525 North Cedar Avenue, Suite 106
Fresno, CA 93720

Prepared By:

KD Anderson & Associates, Inc.
3853 Taylor Road, Suite G
Loomis, CA 95650
(916) 660-1555

March 16, 2011

9275-001

Los Banos Dollar General Store.rpt

KD Anderson & Associates, Inc.
Transportation Engineers

**TRAFFIC IMPACT ANALYSIS FOR
DOLLAR GENERAL STORE
Los Banos**

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	1
INTRODUCTION.....	6
Study Purpose and Objectives	6
Project Description.....	6
EXISTING SETTING	8
Study Area Streets	8
Bicycle and Pedestrian Facilities	9
Public Transit.....	10
Study Area Intersections	10
Level of Service Analysis	11
Existing Traffic Operating Conditions.....	12
PROJECT CHARACTERISTICS	16
Trip Generation.....	16
Trip Distribution	17
Trip Assignment.....	18
PROJECT IMPACTS.....	20
Opening Day Plus Project Conditions	20
Impacts to Non-Automotive Transportation Modes	25
CUMULATIVE IMPACTS	27
Existing Plus Approved/Pending Projects (EPAP) Conditions	27
Year 2030 Cumulative Impact Analysis	32
APPENDIX.....	36

March 16, 2011

KDA

**TRAFFIC IMPACT ANALYSIS FOR
DOLLAR GENERAL STORE
Los Banos**

EXECUTIVE SUMMARY

- **Project Description.** The project is a 20,951 sf retail store to be located in northeastern Los Banos. The store will occupy a portion of a vacant site on the west side of SR 165 (Mercey Springs Road) at the Santa Barbara Street intersection, as shown in Figure 1. The store is across Santa Barbara Street from the Church of the Nazarene, and an apartment project is across SR 165 from the site.

The Trip Generation forecast for this store has been based on consideration of trip generation rates published by the Institute of Transportation Engineers, but primarily uses the results of a survey of similar stores conducted in 2011 for the Florida Department of Transportation (FDOT). The project is expected to generate approximately 887 new daily trips on a weekday basis (i.e., ½ inbound and ½ outbound). It will generate 40 new trips during the a.m. peak hour and 97 new trips during the evening commute hour. The site will be visited by 3 or 4 large trucks (STAA) each week, although single unit trucks will likely make deliveries each day. A loading dock is planned on the southern end of the site. Approximately 103 on site parking stalls will be available, as shown in Figure 2.

The site plan indicates that access to the site is proposed at driveways on Santa Barbara Street and on SR 165. These driveways are roughly 300 feet from the SR 165 / Santa Barbara Street intersection. The feasibility of maintaining full access at the new driveway on SR 165 is an issue to be addressed in this analysis.

- **Study Scope.** The breadth of this traffic study was determined in consultation with Caltrans District 10 intergovernmental review staff. The study evaluates immediate and long term traffic impacts at locations immediately adjoining the site, and at the SR 165 / SR 152 (Pacheco Blvd) intersection roughly 1 mile to the south. This study adheres to Caltrans guidelines for the preparation of traffic impact studies.
- **Existing Setting.** SR 165 (Mercey Springs Road) is a major arterial route serving eastern Los Banos. While SR 165 generally has one travel lane in each direction today, the highway has been widened to its ultimate four lane section as local development has occurred. Nearly all widening has been the responsibility of fronting developers. In the area of the project the east side of SR 165 has been widened to its ultimate width, but the west side of the road has not. A continuous center two-way left turn lane exists on SR 165 in this area. SR 165 is reported to carry 12,400 vehicles per day in the area of the project between Overland Avenue and Henry Miller Road.

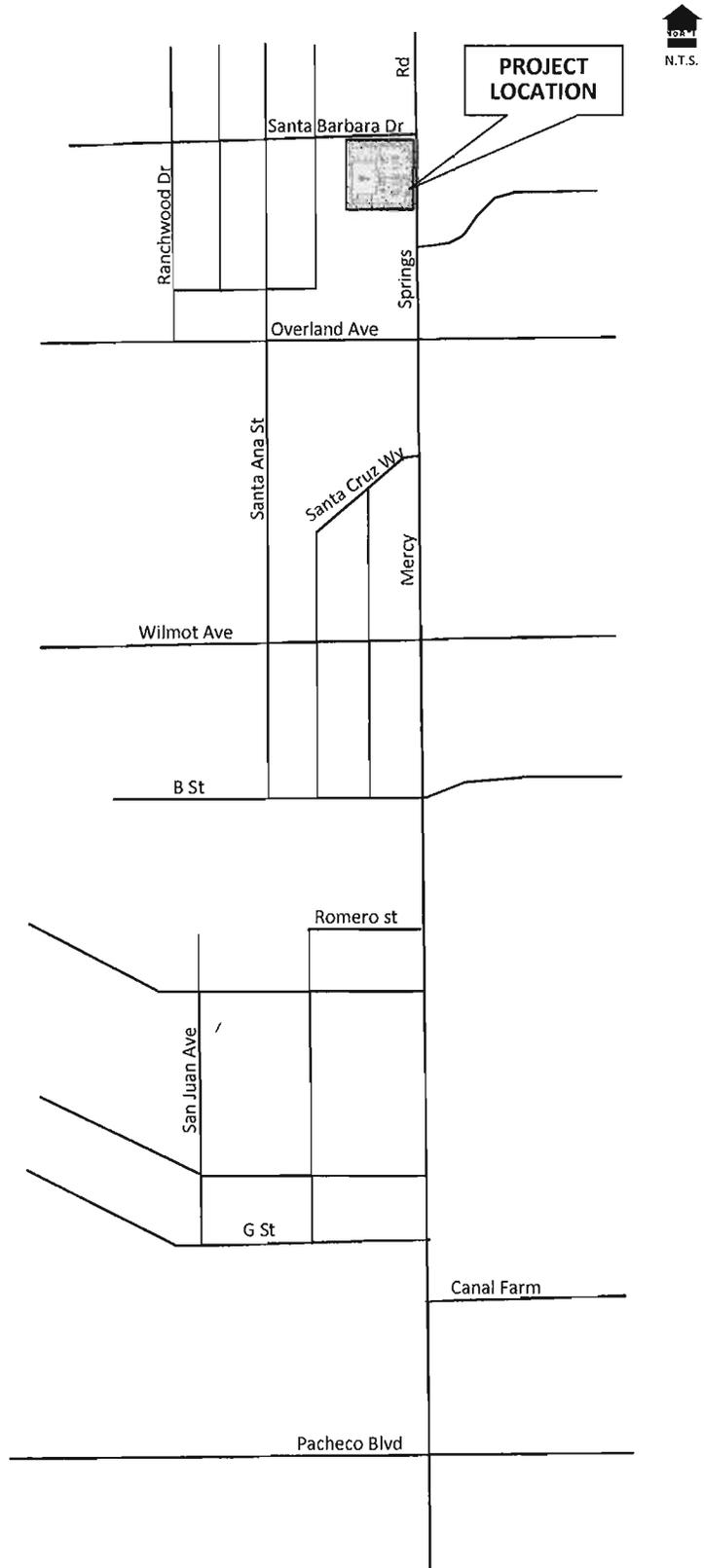
Peak hour traffic operations were evaluated at the local intersections on SR 165 near the site and at SR 165 / SR 152. Local intersections deliver LOS C, while the signalized SR 165 / SR 152 intersection operates at LOS D in the a.m. peak hour and LOS C during the p.m. peak hour. These conditions satisfy the City of Los Banos' minimum LOS D standards but exceed Caltrans LOS C minimum.

- **Project Traffic Impacts on Existing Traffic Conditions.** The project will add traffic to the area street system, but without improvements, study area intersections will still maintain acceptable Levels of Service in the vicinity of the project. The project will slightly exacerbate LOS D conditions already occurring at the SR 152 / SR 165 intersection in the a.m. peak hour, but the incremental change in delay accompanying the project is not appreciable.
- **Project Impacts on Alternative Transportation Modes.** The project may result in some pedestrians walking across SR 165 at the Santa Barbara Street intersection. As part of project improvements, the proponents should work with Caltrans to determine whether a marked crosswalk is needed and to install a marked crosswalk if it is determined to be preferred by Caltrans.
- **Project Access Issues.** The project's two points of access will operate with acceptable Levels of Service, and queuing between adjoining intersections is not expected to be a factor. While the existing two-way left turn lane on SR 165 provides opportunities for both inbound and outbound left turns, the new driveway on SR 165 is within the deceleration area for northbound motorists wishing to turn left at Santa Barbara Street. Thus, the possibility of conflicts between entering and exiting vehicles exists. While such conflicts are not unusual in commercial areas, this issue will need to be considered by Caltrans, particularly in light of the traffic signal that may eventually be installed at the SR 165 / Santa Barbara Street intersection. The need for and timing of measures to prohibit left turns should be reviewed with Caltrans and the City of Los Banos. It is important to note that measures to deliver full deceleration distance at major intersections would limit access to right turns only along the entire ¼ mile length of SR 165 from Santa Barbara Street to Overland Avenue. If access limitations are required, then the project proponents should install a physical barrier to left turns, either in the median or in the new driveway.

The site will occasionally be visited by STAA trucks. The site driveways should be configured to accommodate the paths of these vehicles into and through the site in a manner that does not result in conflicts between opposing vehicles, and this path will need to be illustrated on plans submitted to Caltrans as part of an encroachment permit application.

- **EPAP Plus Project Impacts.** The introduction of traffic generated by other Approved Projects identified by the City of Los Banos will exacerbate the LOS D conditions occurring at the SR 152 / SR 165 intersection, but satisfactory conditions will remain at other locations. Other approved projects are conditioned to install auxiliary left turn lanes at the SR 152 / SR 165 intersection.

- **Year 2030 Plus Project Impacts.** Long term circulation improvements are provided in Los Banos by a combination of city and regional fees and developer frontage improvements. These long term improvements will include widening SR 165 to four lanes and signaling the SR 165 / Santa Barbara Street intersection. With these improvements, satisfactory operating conditions are expected at study intersections. The project proponents shall contribute their fair share to the cost of long term improvements by widening SR 165 to its ultimate width along the site frontage.



INTRODUCTION

Study Purpose and Objectives

This study evaluates the traffic impacts associated with developing a free-standing 20,951 sf Dollar General Store proposed in northeastern Los Banos.

This study adheres to Caltrans traffic study guidelines and direction from the City of Los Banos. This study addresses the following scenarios, and considers conditions occurring during the a.m. and p.m. peak hour periods:

- 1 Existing traffic conditions in Year 2012,
- 2 Existing Plus Dollar General Store conditions;
- 3 Existing Plus Other Approved / Pending Projects (EPAP) conditions;
- 4 EPAP Plus Dollar General Store conditions;
- 5 Year 2030 conditions as presented in the City of Los Banos Street master Plan without the project; and,
- 6 Year 2030 conditions with the Dollar General Store.

The objectives of this study are:

- To identify whether the intersections in the area of the project or of regional importance will operate with minimum Levels of Service when the Dollar General Store is operating
- To evaluate the adequacy of site access, with specific consideration of the relationship between the proposed SR 165 access and the adjoining Poppy Lane and Santa Barbara Street intersections
- To evaluate the adequacy of internal circulation, with specific consideration of the path of delivery trucks
- To evaluate the adequacy of bicycle and pedestrian facilities in this area of the city
- To evaluate long term impacts within the context of other known development projects and within the context of long term traffic conditions assuming development under the Los Banos General Plan and with completion of the SR 152 Los Banos Bypass

Project Description

Dollar General Stores is a chain of small to medium sized convenience oriented discount stores that are prevalent on the east coast but have only recently appeared in California. While store hours vary from store to store, this Dollar General Store is expected to be open from 7:00 a.m. to 11:00 p.m.

The Dollar General Store will occupy a 2½ acre portion of a vacant site on the west side of SR 165 (Mercey Springs Road) at the Santa Barbara Street intersection, as shown in Figure 1. The store is across Santa Barbara Street from the Church of the Nazarene, and a multi-family residential project is across SR 165 from the project site.

The site plan (Figure 2) indicates that access to the site is proposed at driveways on both Santa Barbara Street and SR 165. The Santa Barbara Street driveway is roughly 325 feet from the SR 165 / Santa Barbara Street intersection. The driveway on SR 165 is roughly 315 feet from Santa Barbara Street and 385 feet from Poppy Lane, a minor intersection that provides access to Casa Mobile Home Park. Each driveway is shown in the plan to include one entry lane and separate outbound left and right turn lanes.

The project parking lot provides 103 parking spaces and includes a truck loading area. The truck loading area is at the south end of the site. Trucks would enter from Santa Barbara Street, move along the front of the building and position themselves facing the SR 165 exit before backing into the loading dock. Project proponents indicate full size trucks will make deliveries to the site three or four times a week and that STAA sized trucks could be involved.

EXISTING SETTING

Study Area Streets

This study addresses traffic conditions on City streets and state highways in the vicinity of the proposed project within a study area identified in consultation with Caltrans District 10 Intergovernmental Review and City of Los Banos staff. The text that follows describes the facilities included in this analysis.

Regional access to Los Banos is provided by State Route 152 (Pacheco Boulevard) and State Route 165 (Mercey Springs Road). Primary local access to the Dollar Store will be via the east-west city streets that connect the community to SR 165 and via other local streets being constructed as the eastern Los Banos area develops. The text that follows describes these existing and proposed facilities.

Functionally, study area streets are classified as Arterials, Collectors or Local Streets. The applicable designation is presented in the Los Banos General Plan Circulation Element.

SR 165 (Mercey Springs Road). SR 165 is an Arterial street providing north/south circulation to eastern Los Banos. The highway also provides regional access to the north to SR 99 in the City of Turlock and to the south to an interchange on Interstate 5. Currently the width of Mercey Springs Road varies. A five lane section exists in the commercial area around the SR 152 (Pacheco Blvd) intersection and in the area north and south of Overland Avenue. While SR 165 is ultimately planned to be a five-lane facility, only two through travel lanes exist in the area from Canal Farm Road to East Wilmot Road and from Poppy Lane north along the project site.

In some locations construction to the five lane standard has been completed but the length of widening is not sufficient to permit the road to be striped for both lanes. This is the case on the east side of SR 165 in the area of the project and on the west side in the immediate area of the Santa Barbara Street intersection. At Santa Barbara Street both curb returns were placed at their ultimate location but only 70 feet of the road was widened south of the curb return due to the presence of utility poles.

The California Department of Transportation (Caltrans) regularly monitors the volume of traffic on state highways. The most recent Caltrans traffic counts (2010) reveal that SR 165 carries an *Annual Average Daily Traffic (AADT)* volume of 12,400 vehicles per day in the area of the proposed project between Overland Avenue and Henry Miller Road.

SR 165 is designated a Terminal Access Route for STAA trucks. Trucks comprise 8% of the daily traffic volume on this portion of SR 165. The posted speed limit on SR 165 is 50 mph in this area.

SR 152 (Pacheco Blvd). The roadway is part of the state highway system and is designated an Arterial in the Los Banos General Plan. SR 152 begins in Watsonville, in Santa Cruz County, continues easterly across Interstate 5 through the City of Los Banos and terminates at an

interchange on SR 99 in Madera County. Through Los Banos, the roadway is identified as Pacheco Blvd. In Los Banos, Pacheco Blvd is a conventional four lane roadway with a continuous left turn lane (CLTL). The long range plan for SR 152 involves construction of the Los Banos Bypass, a project that would follow an alignment around the north side of the City and which is currently included in the Regional Traffic Impact Fee program.

The most recent traffic volume counts for SR 152 indicate the highway carried 26,500 AADT west of SR 165 and 32,000 AADT east of the SR 165 intersection. SR 152 is also an STAA Terminal Access route, and trucks comprise 9% to 10% of the daily traffic on this portion of SR 152. The posted speed limit along SR 152 is 40 mph.

Santa Barbara Street. Santa Barbara Street is a two lane collector street that provides access to SR 165 from the existing residential neighborhoods in north Los Banos. Today Santa Barbara Street extends west from SR 165 for about a mile to Nantes Avenue as a two lane street with residential frontage and on-street parking. The General Plan Circulation Diagram indicates that Santa Barbara Street will be extended westerly from Nantes Avenue to an intersection on Badger Flat Road near Ingomar Grade Road. The access to an existing apartment complex is directly opposite the terminus of Santa Barbara Street on the east side of SR 165.

No daily traffic volume counts are available for Santa Barbara Street, but it is possible to suggest a rough daily volume based on observed peak hour traffic. Assuming roughly 10% of the daily volume occurs in the p.m. peak hour, Santa Barbara Street probably carries 3,000 vehicles per day. The prima facie speed limit on Santa Barbara Street is 25 mph.

Poppy Lane is a local street that provides access to the Casa Mobile Home Park. Based on the peak hour traffic volumes observed for this study, this two lane street carries about 400 vehicles per day.

Bicycle and Pedestrian Facilities

The City of Los Banos is surrounded by natural and man-made features that lend themselves to use for both pedestrians and bicyclists. The City has adopted a "Commuter Bicycle Plan" which has been incorporated by reference into the City's General Plan. As part of this plan, bicycle lanes and bike paths are being incorporated into a system linking residential areas to commercial and educational resources.

Sidewalks exist today along study area streets in those areas where new development has occurred. There are sidewalks along both sides of Santa Barbara Street and on the east side of SR 165. Sidewalk exists on the west side of SR 165 in the immediate vicinity of the Santa Barbara Street intersection, but no sidewalk exists for about 575 feet in the area between the Overland Avenue and Santa Barbara Street intersections. Crosswalks are striped across SR 165 at the signalized Overland Avenue intersection roughly ¼ mile south of Santa Barbara Street.

The Los Banos General Plan notes that Class II bicycle lanes will be created on SR 165 when this highway is widened to its ultimate width. While formal bicycle lanes have not yet been marked on SR 165, much of the route has paved shoulders that already accommodate bicycles.

Public Transit

The City of Los Banos and the balance of Merced County is served by a countywide consolidated transit service under a joint powers authority “The Bus” operates Monday – Friday from 7:00 a.m. to 6:00 p.m. and on Saturdays from 9:30 a.m. to 5:30 p.m. Routes 10 and 14 serve Los Banos. Route 14 connects eastern Los Banos with the downtown area via San Luis Street and SR 165 and passes the project site. Route 10 links Los Banos with the City of Merced via SR 152.

Study Area Intersections

The quality of traffic flow in urban areas is often governed by the operation of major intersections. For this study the following three existing intersections were identified for evaluation in consultation with Caltrans and City of Los Banos staff:

1. Mercey Springs Road (SR 165) / Santa Barbara Street
2. Mercey Springs Road (SR 165) / Poppy Lane
3. Mercey Springs Road (SR 165) / Pacheco Blvd (SR 152)

The **Mercey Springs Road (SR 165) / Santa Barbara Street intersection** is controlled by stop signs on the Santa Barbara Street approaches. There are two lanes on the eastbound Santa Barbara Street approach (i.e., left turn + through and separate right turn lane), but the exit from the apartments on the east side of the intersection is a single lane. A continuous left turn lane exists on SR 165. While not striped as a formal northbound right turn lane, SR 165 is wide enough to easily accommodate right turns into the apartment.

The **Mercey Springs Road (SR 165) / Poppy Lane intersection** is controlled by a stop sign on Poppy Lane, and the Poppy Lane approach is a single lane. The continuous two way left turn lane on SR 165 is available at this intersection.

The **Mercey Springs Road (SR 165) / Pacheco Blvd (SR 152) intersection** is controlled by an eight-phase actuated traffic signal. In addition to two through lanes in each direction, auxiliary right turn lanes have been created on the southbound, eastbound and westbound approaches. The intersection is illuminated by street lights on all four corners, and crosswalks are striped across each leg of the intersection.

Level of Service Analysis Methodology / Thresholds of Significance

Methodology. The *2000 Highway Capacity Manual* was used to provide a basis for describing the quality of existing traffic operating conditions and for evaluating the significance of project traffic impacts based on operating Level of Service. Level of Service (LOS) measures the *quality* of traffic flow and is represented by letter designations from "A" to "F", with a grade of "A" referring to the best conditions, and "F" representing the worst conditions. Table 1 presents typical Level of Service characteristics.

**TABLE 1
LEVEL OF SERVICE DEFINITIONS**

Level of Service	Signalized Intersection	Unsignalized Intersection	Roadway (Daily)
"A"	Uncongested operations, all queues clear in a single-signal cycle. Delay ≤ 10.0 sec	Little or no delay Delay ≤ 10 sec/veh	Completely free flow
"B"	Uncongested operations, all queues clear in a single cycle. Delay > 10.0 sec and ≤ 20.0 sec	Short traffic delays. Delay > 10 sec/veh and ≤ 15 sec/veh	Free flow, presence of other vehicles noticeable.
"C"	Light congestion, occasional backups on critical approaches. Delay > 20.0 sec and ≤ 35.0 sec	Average traffic delays. Delay > 15 sec/veh and ≤ 25 sec/veh	Ability to maneuver and select operating speed affected
"D"	Significant congestion of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. Delay > 35.0 sec and ≤ 60.0 sec	Long traffic delays. Delay > 25 sec/veh and ≤ 35 sec/veh	Unstable flow, speeds and ability to maneuver restricted.
"E"	Severe congestion with some long standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es). Delay > 60.0 sec and ≤ 80.0 sec	Very long traffic delays, failure, extreme congestion. Delay > 35 sec/veh and ≤ 50 sec/veh	At or near capacity, flow quite unstable.
"F"	Total breakdown, stop-and-go operation. Delay > 80.0 sec	Intersection blocked by external causes. Delay > 50 sec/veh	Forced flow, breakdown.

Sources: 2000 Highway Capacity Manual, Transportation Research Board (TRB) Special Report 209.

Level of Significance. The City of Los Banos has jurisdiction over and established minimum Level of Service standards for city streets. However, Caltrans has jurisdiction over SR 152, SR 165 and their intersections.

According to the City of Los Banos General Plan, a traffic impact is considered significant if it renders an unacceptable Level of Service at an intersection. The City has adopted a minimum LOS D at intersections.

Caltrans employs various minimum Level of Service standards for its facilities depending on the type of facility and the characteristics of the location. Caltrans general minimum standard of LOS C is noted in Caltrans' Traffic Study Guidelines, but exceptions to that standard are documented in various planning and policy documents. In the case of intersections on SR 165, the *2004 SR 165 Transportation Concept Report (TCR)* identified LOS D as the Concept Level of Service for the eventual 4 lane facility. Based on these criteria, LOS C is the minimum Level of Service for the current intersection configurations, but LOS D could be accepted once the intersection is fully improved.

The conditions described using Levels of Service vary for different types of intersections. Where traffic signals or all-way stops are installed, the Level of Service is based on the length of delays experienced by motorists stopped at the intersection, and overall average Level of Service is considered. At unsignalized intersections controlled by side street stop signs, individual Levels of Service can be determined for all motorists who must yield the right of way.

At unsignalized intersections, an individual Level of Service on a particular approach may exceed the City's minimum Level of Service standard, particularly during peak traffic periods around schools. A traffic impact can be considered "adverse but not significant" if the LOS standard is exceeded but the projected traffic volumes do not satisfy traffic signal warrants. Under these conditions, the only means to completely alleviate delays to stop controlled vehicles would be to install a traffic signal or prohibit turns. However, the unmet signal warrants would imply that the reduction in delay for the stop-controlled vehicles may not justify the new delays that would be incurred by the major street traffic (which is not otherwise stopped). Under these circumstances, installation of a signal may not be recommended and the substandard LOS for stop-controlled vehicles would be considered an "adverse but not significant" impact. The need for traffic signals has been judged based on peak hour warrant criteria published in the *California Manual of Uniform Traffic Control Devices (CMUTCD)*.

Existing Traffic Operating Conditions

Traffic Volumes. Current a.m. and p.m. peak hour turning movement counts were assembled for study intersection from available data and new traffic counts. New turning movement counts were made at the Santa Barbara Street and Poppy Lane intersections during the a.m. peak hour (7:00 to 9:00 a.m.) and p.m. peak hour (4:00 to 6:00 p.m.) in March 2012. Peak hour traffic counts conducted in May 2011 were available for the SR 152 / SR 165 intersection.

Figure 3 identifies the current intersection lane configuration used for the Level of Service analysis, as well as the results of the peak hour turning movement counts.

Intersection Levels of Service. Table 2 summarizes current Levels of Service at the study area intersections during the highest volume hour within each analysis period.

As shown, the current Level of Service at the signalized Mercey Springs Road (SR 165) / Pacheco Blvd (SR 152) intersection is LOS C in the p.m. peak hour and LOS D in the a.m. peak hour. These conditions are within the City's LOS D minimum but a.m. peak hour conditions exceed the Caltrans's minimum LOS C.

The Level of Service occurring at the two un-signalized intersections is also presented. As shown, the delays at these locations are indicative of LOS C conditions, with the exception of the westbound approach to the Santa Barbara Street intersection, which operates at LOS D.

Left Turn Lane Queues. The presence of queuing in the left turn lanes on SR 165 in the area of the project's proposed access is a consideration in access feasibility. Table 3 identifies the number of peak hour left turns occurring at un-signalized intersections on SR 165, the 95th percentile queue length calculated at each location, and the length of storage available to accommodate identified queues. Currently peak hour queues are relatively short. The available storage identified on SR 165 between Santa Barbara Street and Poppy Lane is relative to the proposed access driveway.

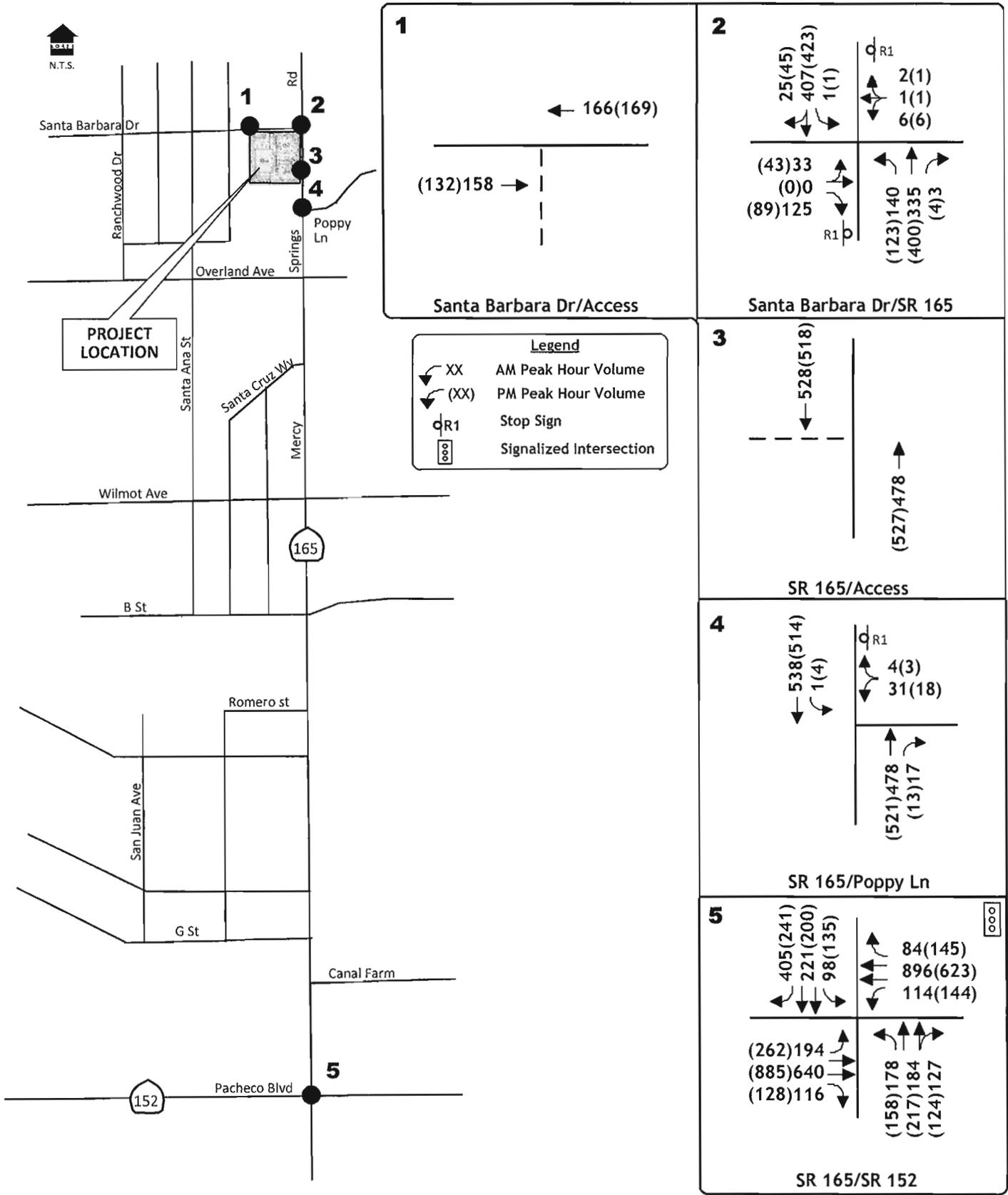
Traffic Signal Warrants. As noted in Table 2, neither un-signalized intersection carries traffic volumes that reach a level that would satisfy peak hour warrants for signalization.

**TABLE 2
EXISTING PEAK HOUR LEVELS OF SERVICE AT INTERSECTIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Traffic Signal Warranted?
		LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	
SR 165 (Mercey Springs Rd) / Santa Barbara St NB left turn SB left turn EB left+thru+right turn WB left+thru+right turn	EB/WB Stop	A A C E	9.2 8.2 21.1 47.4	A A C D	8.9 8.2 21.5 35.0	No
SR 165 (Mercey Springs Rd) / Poppy Lane SB left turn WB left+thru+right turn	WB Stop	A C	8.9 17.5	A C	8.8 15.5	No
SR 165 (Mercey Springs Rd) / SR 152 (Pacheco Blvd)	Signal	D	40.4	C	31.6	Not applicable

**TABLE 3
EXISTING PEAK HOUR QUEUES AT INTERSECTIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Available Storage Distance
		Volume	95 th Percentile Queue (feet)	Volume	95 th Percentile Queue (feet)	
SR 165 (Mercey Springs Rd) / Santa Barbara St NB left turn SB left turn EB left+thru	EB/WB Stop	140 1 33	15 0 33	123 1 43	11 0 32	275' Unlimited 275'
SR 165 (Mercey Springs Rd) / Poppy Lane SB left turn	WB Stop	1	0	4	0	230'



PROJECT CHARACTERISTICS

The relative impacts of developing the Dollar General Store and the adequacy of site access is dependent on the physical characteristics of the adjoining street system, as well as the amount of traffic generated by the proposed project. The amount of additional traffic on a particular section of the street network is dependent upon two factors:

- I. Trip Generation, the number of new trips generated by the project, and
- II. Trip Distribution and Assignment, the specific routes that the new traffic takes.

Trip Generation

This analysis considered trip generation rates derived from several sources. The Institute of Transportation Engineers (ITE) publication "*Trip Generation, 8th Edition*" provides information on the characteristics of various retail uses. However, this reference does not specifically address small discount stores. Another study prepared for the Florida Department of Transportation (FDOT) in early 2011 deals specifically with "Small Box Stores", and this information was used to suggest the trip generation characteristics of the proposed Dollar General Store¹. Pertinent sections from the FDOT study are included in the appendix to this report.

The FDOT study noted that a Small Box Store is a discount retail store providing health care & beauty aids, cleaning supplies, snack food, household items and some apparel. This is not a "dollar store" where everything is priced at one dollar, but rather is a small neighborhood store offering value and convenience. The stores studied were free-standing and catered to the local neighborhood. The 15 sites studied had building floor areas that ranged from roughly 8,000 to 17,000 square feet.

Table 4 identifies the trip generation rates presented in the FDOT report and rates for somewhat comparable uses reported by ITE. As noted, the FDOT study did not include data for the morning a.m. peak hour. For this analysis it has been assumed that the project would generate trips at a rate similar to a small shopping center (ITE code 820) during this time period.

**TABLE 4
TRIP GENERATION RATES**

Land Use / Source	Unit	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Small Box Store (FDOT)	ksf	-	-	-	50%	50%	6.82
Specialty Retail Center (814)	ksf	-			44%	56%	2.71
Shopping Center (820: 21 ksf)	ksf	61	39%	2.92	49%	51%	10.65
Pharmacy / Drugstore without Drive Thru Window (880)	ksf	59%	44%	3.20	50%	50%	8.42
Source: ITE Code or FDOT Study							

¹ Trip Generation Characteristics of Discount/Home Improvement Superstores/Major Distribution Centers and Small Box Stores, Wilbur Smith Associates, February 2, 2011

Trip Generation Forecasts. Table 5 displays the a.m. and p.m. peak hour trip generation forecasts for the 21 ksf Dollar General Store. As shown, the FDOT study acknowledged that a portion of the traffic drawn to Small Box retail stores was drawn from the stream of traffic already passing each site. Customer surveys conducted for the FDOT study revealed that on average 34% of the weekday trips were “pass-by” This rate is comparable to the average pass-by rates reported by ITE for all shopping centers (i.e., also 34%).

As noted in Table 5, the project is expected to generate 40 new trips during the a.m. peak hour, with 94 new trips occurring during the p.m. peak hour

**TABLE 5
TRIP GENERATION FORECASTS**

Land Use	Quantity	AM Peak Hour			Afternoon Peak Hour		
		In	Out	Total	In	Out	Total
Dollar General Store	21.0 ksf	37	24	61	71	72	143
Pass By	34%	<13>	<8>	<21>	<24>	<25>	<49>
Net New Trips		24	16	40	47	47	94

The volume of traffic generated by Small Box Stores is highest at midday and during the evening commute period. On daily basis, the FDOT study indicated that a Small Box generates 64.01 trips per ksf. After discount for “pass-by trips”, the proposed project may generate 887 new daily trips (1/2 inbound and 1/2 outbound).

As a note, the citywide traffic model populates the project site with medium density residential development at a density of 6 dwellings per unit in the Year 2030. The resulting 15 dwellings would generate 11 a.m. and 14 p.m. peak hour trips. Thus the net change in new trips resulting from this project is 29 a.m. and 80 p.m. peak hour trips under Year 2030 conditions.

Truck Trips. The proposed project will receive regular deliveries from the Dollar General Stores regional distribution center serving this area of California. Project proponents anticipate that 3 full size trucks will visit the store each week, although smaller single unit trucks may visit each day to deliver perishables. Some of the full size trucks are expected to be STAA trucks (53’) permitted on California highways under the Surface Transportation Authorization Act.

Trip Distribution

The distribution of project traffic was determined based on knowledge of the demographic distribution of residences in the Los Banos area and on market characteristics of Small Box Retail Stores. As noted in Table 6, much of the new traffic attracted to the site will reach SR 165 via the arterial streets serving the North Los Banos area (i.e., Overland Avenue, Willmott

Avenue, B Street, etc), although a share may reach the site using Pacheco Blvd and southern Mercey Springs Road. The share oriented to the north will be greater in the future with planned north Los Banos development and completion of the SR 152 Los Banos Bypass.

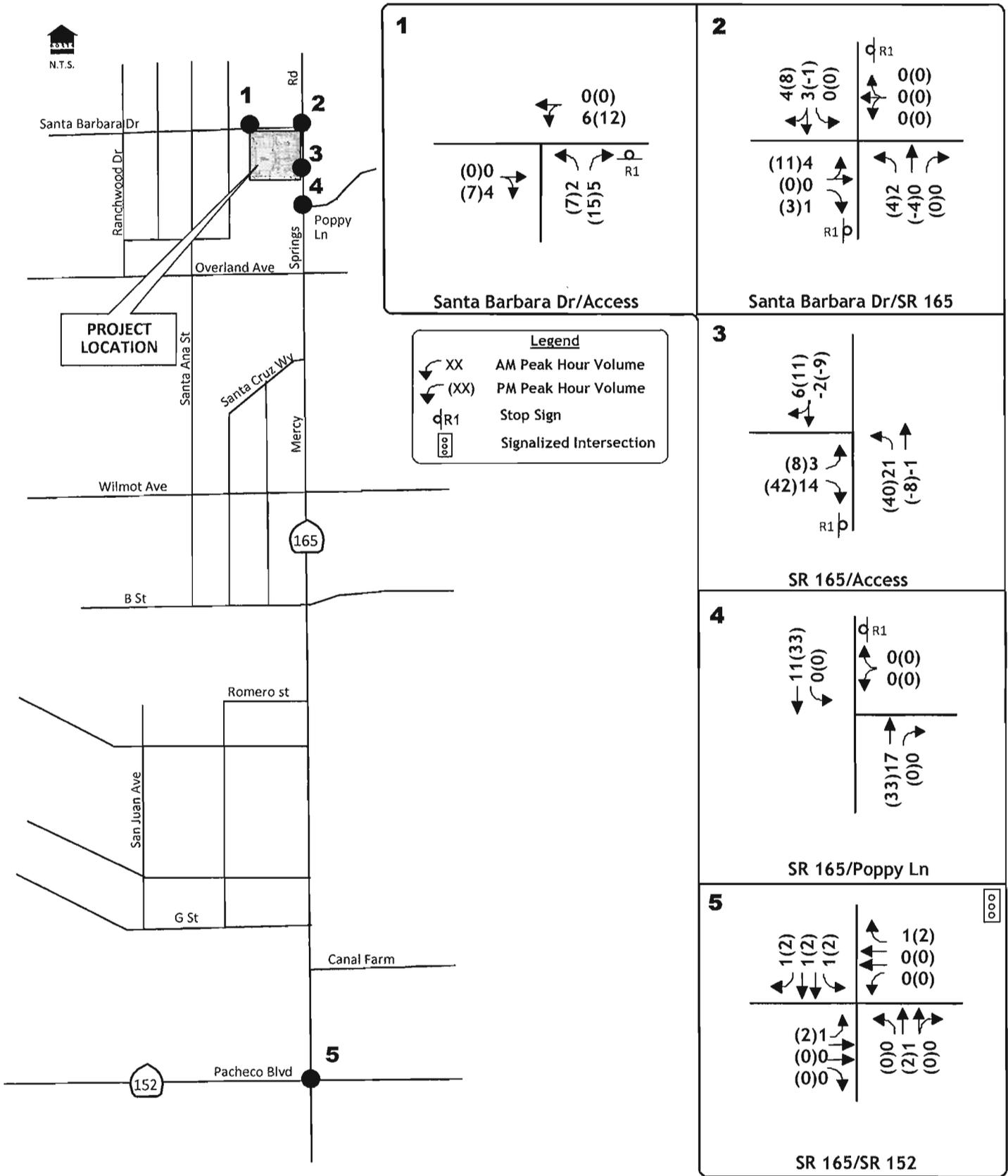
**TABLE 6
PROJECT TRIP DISTRIBUTION**

Direction	Route	Percentage of All Trips		
		Pass-By	New	
			2012	2030
North	SR 165	-	15%	25%
West	Santa Barbara Street	-	15%	15%
East or West	Northern Los Banos Arterials such as Overland Avenue, Willmott Avenue, B Street	-	55%	45%
East	SR 152 (Pacheco Blvd)	-	5%	5%
South	SR 165 beyond SR 152	-	5%	5%
West	SR 152 (Pacheco Blvd)	-	5%	5%
Northbound on SR 165		50%		-
Southbound on SR 165		50%		-
Total		100%	100%	100%

Trip Assignment

Project trips were assigned to the adjacent streets assuming the access at the two project driveways that are shown on the site plan. For this assessment full access was assumed at both driveways in order to provide a “worst case” assessment of conditions at each location for use in determining the feasibility of access as proposed.

Figure 4 illustrates the projected “Dollar General Store Traffic Only” traffic volumes forecast for the a.m. and p.m. peak hours.



PROJECT IMPACTS

Opening Day Plus Project Traffic Conditions

The impacts of operating the proposed project have been identified by superimposing project trips onto the existing background condition. Resulting intersection Levels of Service were then calculated and used as the basis for evaluating potential project impacts. Figure 5 presents the “Existing Plus Project” traffic volumes used for this analysis.

Intersection Levels of Service. Table 7 compares Existing and Plus project peak hour Levels of Service and average delay per vehicle at each study intersection and at the two project driveways.

As shown, the level of service occurring at study intersections will not change as a result of the additional traffic contributed by this project, and conditions at the site access driveways will meet minimum Level of Service standards. The SR 152 / SR 165 intersection will continue to operate at LOS D in the a.m. peak hour. The length of delays at existing intersections may increase slightly, but the incremental change is not appreciable.

Left Turn Lane Queues. As shown in Table 8, there are 40 northbound left turns from SR 165 into the project access expected during the weekday p.m. peak hour. These vehicles could create a short 95th percentile queue (i.e., <25 feet) under “Existing Plus Project” conditions. Concurrently, 4 southbound vehicles would be turning left into the Casa Mobile Home Park. This southbound traffic would rarely queue. Measured centerline to centerline, the distance from driveway to Poppy Lane is roughly 285 feet. This leaves roughly 230 of storage in the two-way left turn lane for waiting vehicles that may queue.

Similar, there would be 142 northbound vehicles turning onto Santa Barbara Street in the a.m. peak hour when the project is in operation. The 95th percentile queue accompanying these vehicles is also one vehicle or less (i.e., <25 feet long). The distance from driveway on SR 165 to intersection is 315 feet (centerline to centerline), leaving roughly 275 feet of storage for any waiting vehicles.

Access Controls / Design. Based on the length of queues, as well as the acceptable Level of Service at the new driveway, queuing in the SR 165 two-way left turn lane would not be a reason to limit site access. However, there are other Caltrans criteria that may govern site access to the state highway

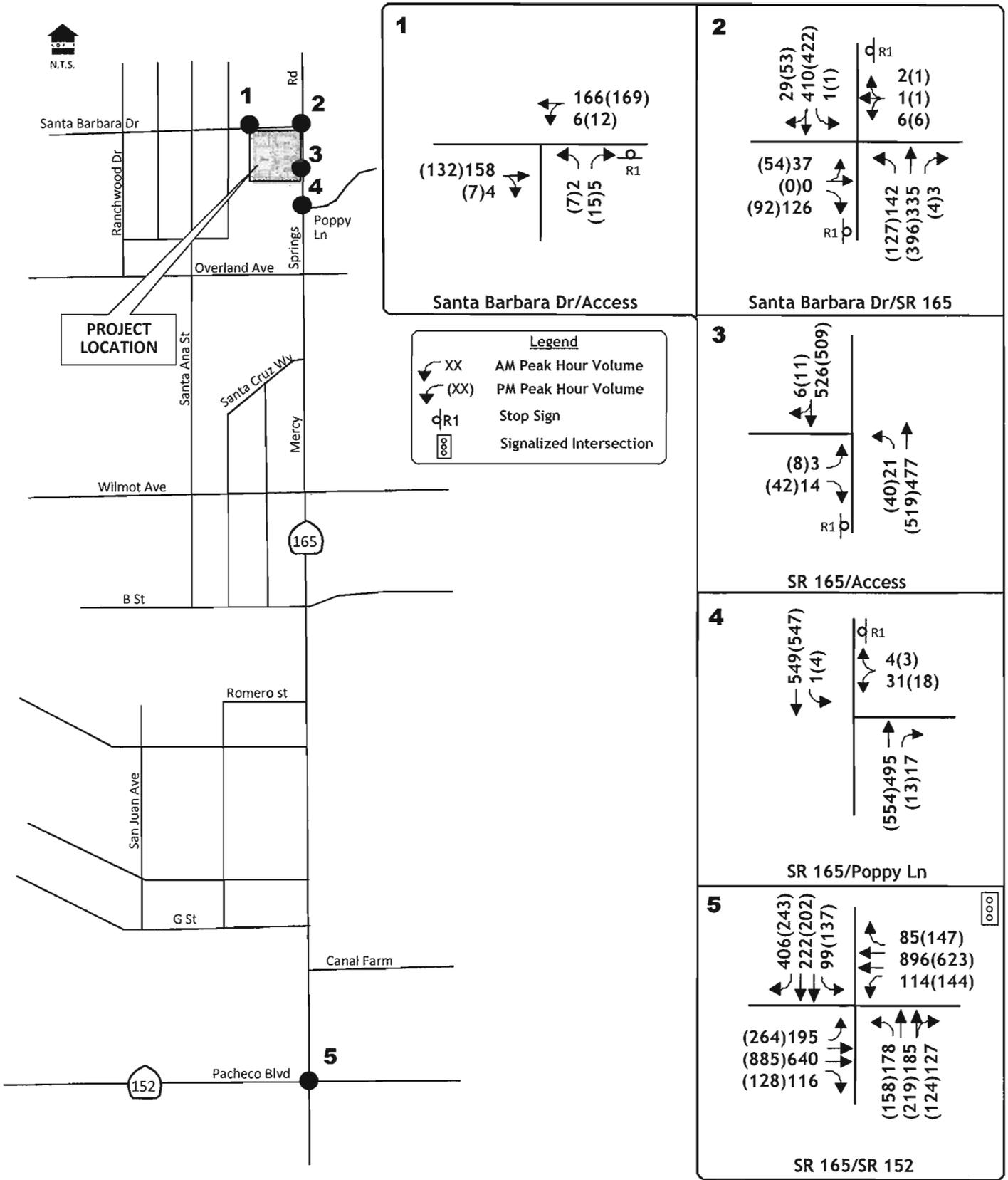
Caltrans typically designs left turn facilities to accommodate both waiting vehicles and the deceleration requirements of vehicles making turns. HDM Table 405.2b notes the distance recommended for a vehicle to come to a stop at various speeds. For a 50 mph design a distance of 435 feet is noted, although the HDM does permit designs that assume partial deceleration in the travel lane prior to entering the left turn lane. For example, a distance of 275 feet is needed to stop from a speed of 35 mph. Thus, a separate left turn lane would typically be designed with

bay taper and turn lane that together were 485 feet long (i.e., storage for two vehicles and 435 feet of deceleration).

In this case, because of the short distances between intersections, northbound motorists turning left at Santa Barbara Street may actually enter the two-way left turn lane near the new access. This situation is not unusual in downtown commercial areas but may be a factor in Caltrans' decision to eventually preclude full access at the new driveway. It should be noted that fully adhering to HDM deceleration requirements would eliminate all left turn access in the ¼ mile area between Santa Barbara Street and Overland Avenue.

The design of site access will also need to conform to Caltrans requirements for truck access. Specifically, the driveways will need to be configured so as to allow STAA trucks to enter and exit without encroaching into opposing lanes. While this issue may be resolved when improvement plans are submitted to Caltrans, it is possible that the driveways may need to be reconfigured with wider entry aisles and/or single exit lanes, and Caltrans will likely require an exhibit illustrating the path of a truck through the site when the project's encroachment permit application is made.

Other larger projects along SR 152 and SR 165 have further widened the state highway to provide separate right turn lanes. This has been the case on SR 152 in the area of the new Home Depot and in the area of the new shopping centers on the west end of Los Banos. However, the background traffic volume on SR 152 is much greater than that occurring or expected on SR 165. Given the relatively low trip generation associated with the project, and the background traffic levels of SR 165, widening beyond the planned 5 lane section for an additional right turn lane at the site access should not be necessary.



EXISTING PLUS PROJECT
TRAFFIC VOLUMES
AND LANE CONFIGURATIONS

**TABLE 7
EXISTING PLUS PROJECT PEAK HOUR LEVELS OF SERVICE AT INTERSECTIONS**

Location	Control	AM Peak Hour				PM Peak Hour				Traffic Signal Warranted?
		Existing		Existing Plus Project		Existing		Existing Plus Project		
		LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	
Santa Barbara St / Access WB left turn NB left+right turn	NB Stop	-	-	A	0.3	-	-	A	0.6	No
SR 165 (Mercey Springs Rd) / Santa Barbara St NB left turn SB left turn EB left+thru+right turn WB left+thru+right turn	EB/WB Stop	A	9.2	A	9.2	A	8.9	A	8.9	No
		A	8.2	A	8.2	A	8.2	A	8.2	
		C	21.2	C	22.8	C	21.5	C	24.8	
		E	47.4	E	48.6	D	35.0	E	35.7	
SR 165 (Mercey Springs Rd) / Access NB left turn EB left+right turn	EB Stop	-	-	A	9.0	-	-	A	8.7	No
				B	13.7			B	13.1	
SR 165 (Mercey Springs Rd) / Poppy Lane SB left turn WB left+thru+right turn	WB Stop	A	8.9	A	8.9	A	8.8	A	8.9	No
		C	17.5	C	17.9	C	15.5	C	16.2	
SR 165 (Mercey Springs Rd) / SR 152 (Pacheco Blvd)	Signal	D	40.4	D	40.5	C	31.6	C	31.7	Not applicable

**TABLE 8
EXISTING PLUS PROJECT PEAK HOUR QUEUES AT INTERSECTIONS**

Location	Control	AM Peak Hour		PM Peak Hour		Available Storage Distance
		Volume	95 th Percentile Queue (feet)	Volume	95 th Percentile Queue (feet)	
Santa Barbara St / Access WB left turn	NB Stop	6	0	12	1	No separate lane
SR 165 (Mercey Springs Rd) / Santa Barbara St NB left turn	EB/WB Stop	142	15	127	11	275'
SB left turn		1	0	1	0	Unlimited
EB left+thru		37	39	54	44	275'
SR 165 (Mercey Springs Rd) / Access NB left turn	WB Stop	21	2	40	3	230'
SR 165 (Mercey Springs Rd) / Poppy Lane SB left turn	WB Stop	1	0	4	0	230'

Impacts to Non-Automotive Transportation Modes

Pedestrian Impacts. The proposed project is likely to attract pedestrians from the existing neighborhoods west of the site off of Santa Barbara Street. Pedestrians may also be attracted from the neighborhoods across SR 165 north of Regency Drive, from the existing apartments and from the Casa Mobile Home Park.

The number pedestrians attracted to a retail store at this location may represent 5% to 10% of the total sales based on factors such as weather and time of day. Assuming 600 to 700 customers per day, that ratio could suggest 30 to 70 pedestrians. Given the relative distribution of residences within ½ mile of the site, the majority of pedestrians are likely to be approaching from the west along Santa Barbara Street, but roughly 10 to 15 pedestrians might cross SR 165 each day to reach the site.

This pedestrian traffic could result in conflicts with motor vehicles, and an associated safety issue could arise in locations where the available pedestrian facilities are inadequate. The site plan identified designated pedestrian routes from adjoining sidewalks through the site that provide access to both Santa Barbara Street and to SR 165. Sidewalks are available on Santa Barbara Street to serve the pedestrians arriving from the west. There are also sidewalks along the east side of SR 165 for pedestrians on that side of the highway. However, there is currently no designated pedestrian crossing across SR 165 in the area north of the signalized Overland Avenue intersection.

Under the California Vehicle Code, a legal pedestrian crossing exists at any intersection. Thus, pedestrians are already permitted to cross SR 165 at Santa Barbara Street today.

There are no formal guidelines that suggest when a crossing should be marked, although the MUTCD lists the factors to be considered. In this application the most relevant consideration would be the need to focus pedestrian activity at a single readily identifiable location, as random crossings of SR 165 would be undesirable. While striping a crossing at the Santa Barbara Street intersection would help channelize pedestrians and could be installed fairly easily, a new marked crossing at an uncontrolled intersection would be a departure from current Caltrans practice on Mercey Springs Road. The only crossing not associated with a traffic signal occurs south of SR 152 at Scripps Drive on the designated pedestrian route to Los Banos H.S.

Bicycle Impacts. Similarly, the project may attract bicycle traffic, although the areas generating bicyclists may be farther from the store than the areas generating pedestrians.

Some bicyclists could arrive from the west on Santa Barbara Street. There are no designated bicycle facilities, and Santa Barbara Street is not a designated bicycle route. However, the current traffic volume on Santa Barbara Street is moderate, and it is unlikely that appreciable bicycle – automobile conflict will occur.

Today SR 165 is wide enough to accommodate bicyclists, although the roadway itself has not been striped with bicycle lanes. These facilities would be adequate for the limited number of bicyclists accompanying this project.

Transit Impacts. The project might occasionally attract customers or employees who would ride The Bus. As route 14 already passes the site, there is no need for changes to the current transit operation or for additional amenities to accommodate transit users.

CUMULATIVE IMPACTS

Based on Caltrans traffic study guidelines, this analysis considers two cumulative traffic conditions:

- 1 Existing Plus Approved or Pending Projects (EPAP), and
2. Year 2030 Conditions Under the City of Los Banos General Plan.

Existing Plus Approved / Pending Projects (EPAP) Conditions

Approved Projects. The status of other development projects in Los Banos was discussed with City Planning Department staff. From those discussions it is understood that little new residential construction has been occurring in eastern Los Banos recently, and that the prospect for new residential construction in the immediate future is slight. No new residential building permits were pulled in 2010.

Locally, City staff report that most of the vacant homes in the eastern Los Banos area that resulted from the housing “bubble” have been acquired, with many properties now rented. While some vacant properties may continue to be occupied over the next two years, Planning Department staff indicated that the additional traffic accompanying re-sales would not be appreciable.

Some non-residential projects have been approved and are proceeding. A freestanding pharmacy was approved at the SR 165 / Overland Avenue intersection. However, Planning Department staff note that its proponents have asked for an extension of its approvals, and construction of this project is not expected any time soon.

Four other non-residential projects are farther from the project site and according to City staff can be considered to be “approved” A Fresh & Easy Market is approved along SR 152 immediately east of the SR 165 intersection. Its traffic study indicated that this 14.0 ksf store could generate 1,862 daily trips with 50 trips in the a.m. and 166 trips in the p.m. peak hour

The Los Banos Unified School District has plans for a new elementary school at Place Road / B Street in the area east of SR 165. The new school could generate 660 trips in the a.m. peak hour and 124 trips in the p.m. peak hour. The District also plans to open a new Middle School on Pioneer Road. The new Middle School will reduce enrollment at the existing Jr High School on Place Road.

An expansion of the existing Walmart in west Los Banos has also been approved. This project will expand the existing Walmart by 67.3 ksf and add 69.9 ksf of new retail and restaurant uses on the site. While the Walmart Expansion is located more than four miles from the Dollar Store project, its traffic study identified a traffic increase at the SR 165 / SR 152 intersection.

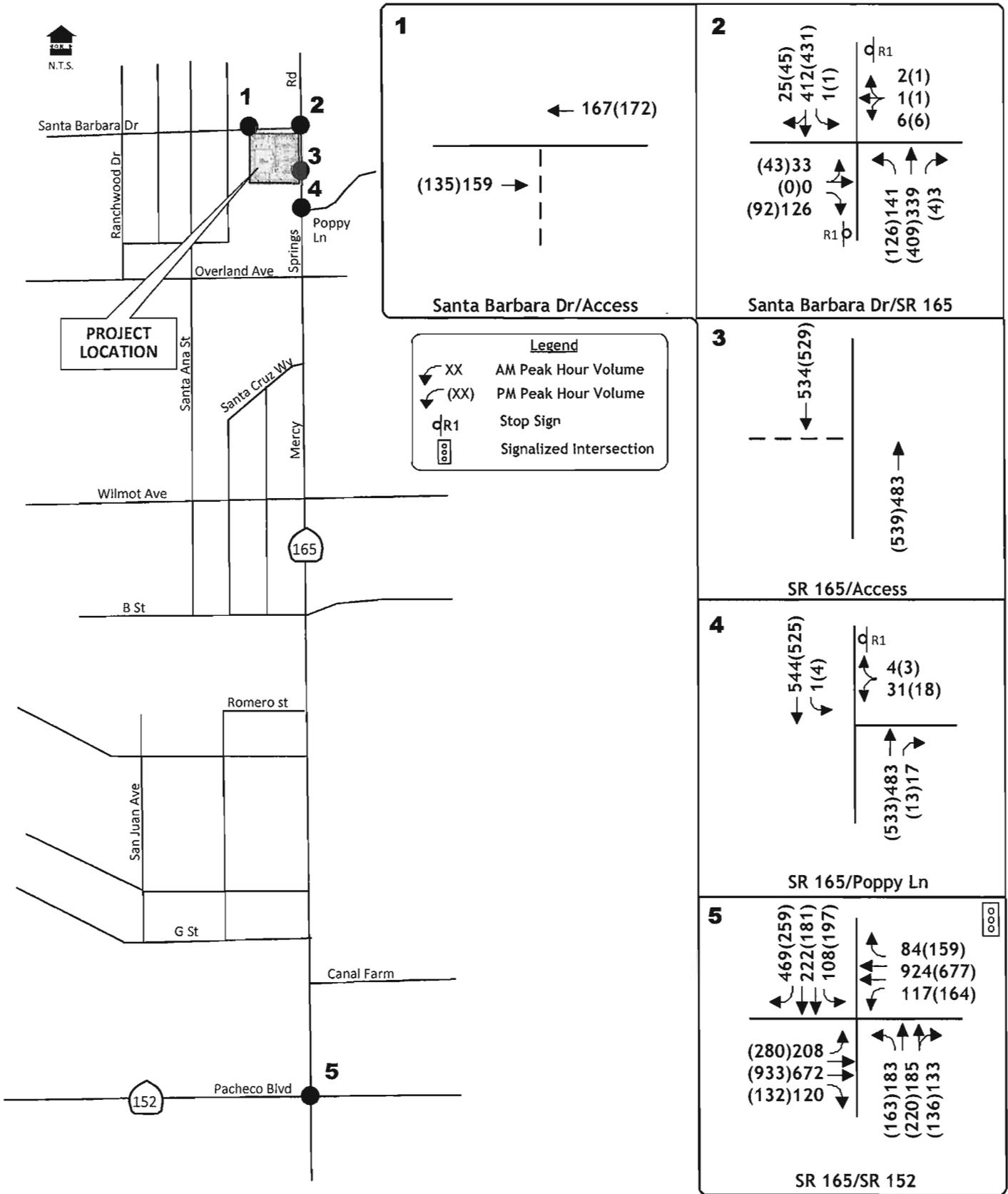
A Les Schwab Tire Store is proposed on SR 152 (East Pacheco Blvd) east of SR 165. That project could generate 25 new a.m. and 35 new p.m. peak hour trips.

EPAP Lane Configurations. The Walmart Expansion EIR identified major improvements to the SR 152 / SR 165 intersection that would be that project's responsibility. These mitigations included widening SR 152 and SR 165 to provide second left turn lanes on the eastbound and northbound approaches. The proponents of the Walmart expansion have suggested that this project may be developed in phases and have suggested that SR 152 / SR 165 improvements might also be phased. For that reason, Levels of Service at SR 152 / SR 165 have been determined for conditions with and without those improvements.

EPAP Plus Project Levels of Service. The trips associated with approved projects were superimposed onto the current traffic counts to create the baseline EPAP volumes presented in Figure 6. Figure 7 illustrates EPAP plus Project volumes. Resulting Levels of Service under these conditions are compared in Table 9. As shown, the intersections in the immediate vicinity of the proposed project are expected to operate with Levels of Service that are satisfactory, and traffic signal warrants are not satisfied. Motorists exiting the apartments on the east side of the SR 152 / Santa Barbara Street intersection will continue to experience relatively long delays, but the number of affected vehicles is very low. Without improvements the intersection of SR 152 / SR 165 is projected to operate at LOS D with and without the project, but the incremental change in delay associated with the proposed project is so slight as to be considered to be insignificant. With the addition of mitigation measures already required of the Walmart Expansion, the intersection is projected to operate at LOS C.

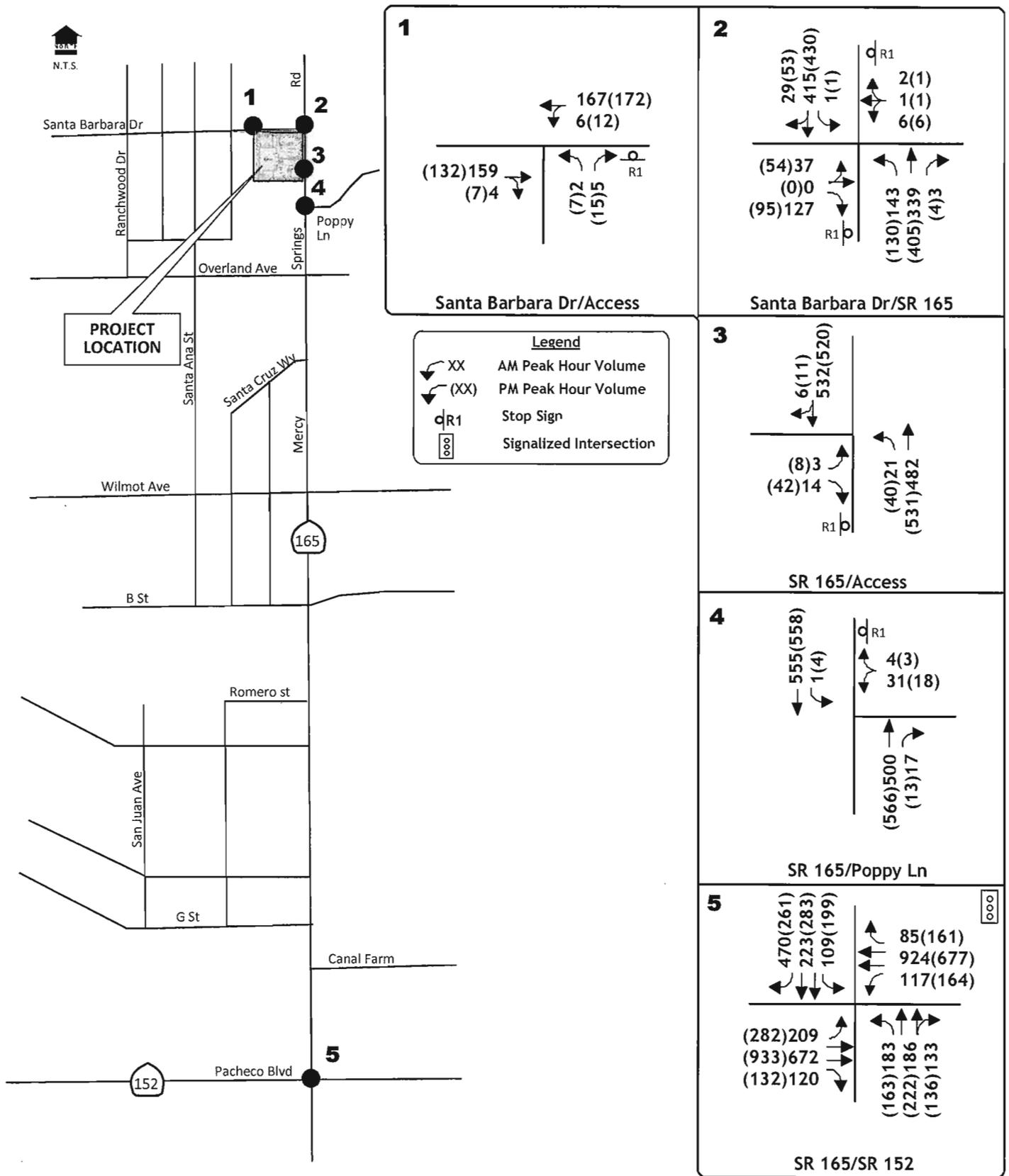
Because the incremental traffic volume change associated with approved projects is very slight in the area of the project, analysis of queue lengths was not repeated for EPAP Plus Project conditions and is assumed to be the same as Existing Plus Project queues.

Traffic signal warrants are not satisfied under EPAP Plus Project conditions.



EXISTING PLUS APPROVED PROJECTS
 TRAFFIC VOLUMES
 AND LANE CONFIGURATIONS

KD Anderson & Associates, Inc.
 Transportation Engineers



EXISTING PLUS APPROVED PROJECTS
PLUS PROJECT TRAFFIC VOLUMES
AND LANE CONFIGURATIONS

**TABLE 9
EPAP PLUS PROJECT PEAK HOUR LEVELS OF SERVICE AT INTERSECTIONS**

Location	Control	AM Peak Hour				PM Peak Hour				Traffic Signal Warranted?
		Existing Plus Approved Projects		EPAP Plus Dollar General Store		Existing Plus Approved Projects		EPAP Plus Dollar General Store		
		LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	
Santa Barbara St / Access WB left turn NB left+right turn	NB Stop	-	-	A	0.3	-	-	A	0.6	No
				A	9.8			A	9.6	
SR 165 (Mercey Springs Rd) / Santa Barbara St NB left turn SB left turn EB left+thru+right turn WB left+thru+right turn	EB/WB Stop	A	9.2	A	9.3	A	8.9	A	9.0	No
		A	8.2	A	8.2	A	8.2	A	8.2	
		C	21.5	C	23.2	C	22.1	D	25.7	
		E	48.8	F	50.1	E	36.8	E	37.5	
SR 165 (Mercey Springs Rd)/ Access NB left turn EB left+right turn	EB Stop	-	-	A	9.0	-	-	A	8.8	No
				B	13.7			B	13.3	
SR 165 (Mercey Springs Rd)/ Poppy Lane SB left turn WB left+thru+right turn	WB Stop	A	8.9	A	9.0	A	8.8	A	9.0	No
		C	17.6	C	18.0	C	15.7	C	16.4	
SR 165 (Mercey Springs Rd)/ SR 152 (Pacheco Blvd)	Signal	D	47.6	D	47.9	D	37.0	D	38.0	Not applicable
	NB & EB dual left lanes	C	33.4	C	33.5	C	34.0	C	34.2	

Year 2030 Cumulative Impact Analysis

Available data suggests that the volume of traffic on streets in eastern Los Banos will change in the future as the community continues to be built out and new roads are completed. Locally, the planned extensions of existing collector streets will provide residents with new circulation alternatives. On a city-wide basis, completion of the SR 152 Los Banos Bypass will change the routes used to reach the state highway, and the volume of traffic on SR 152 (Pacheco Blvd) and SR 165 (Mercey Springs Road) may actually be reduced.

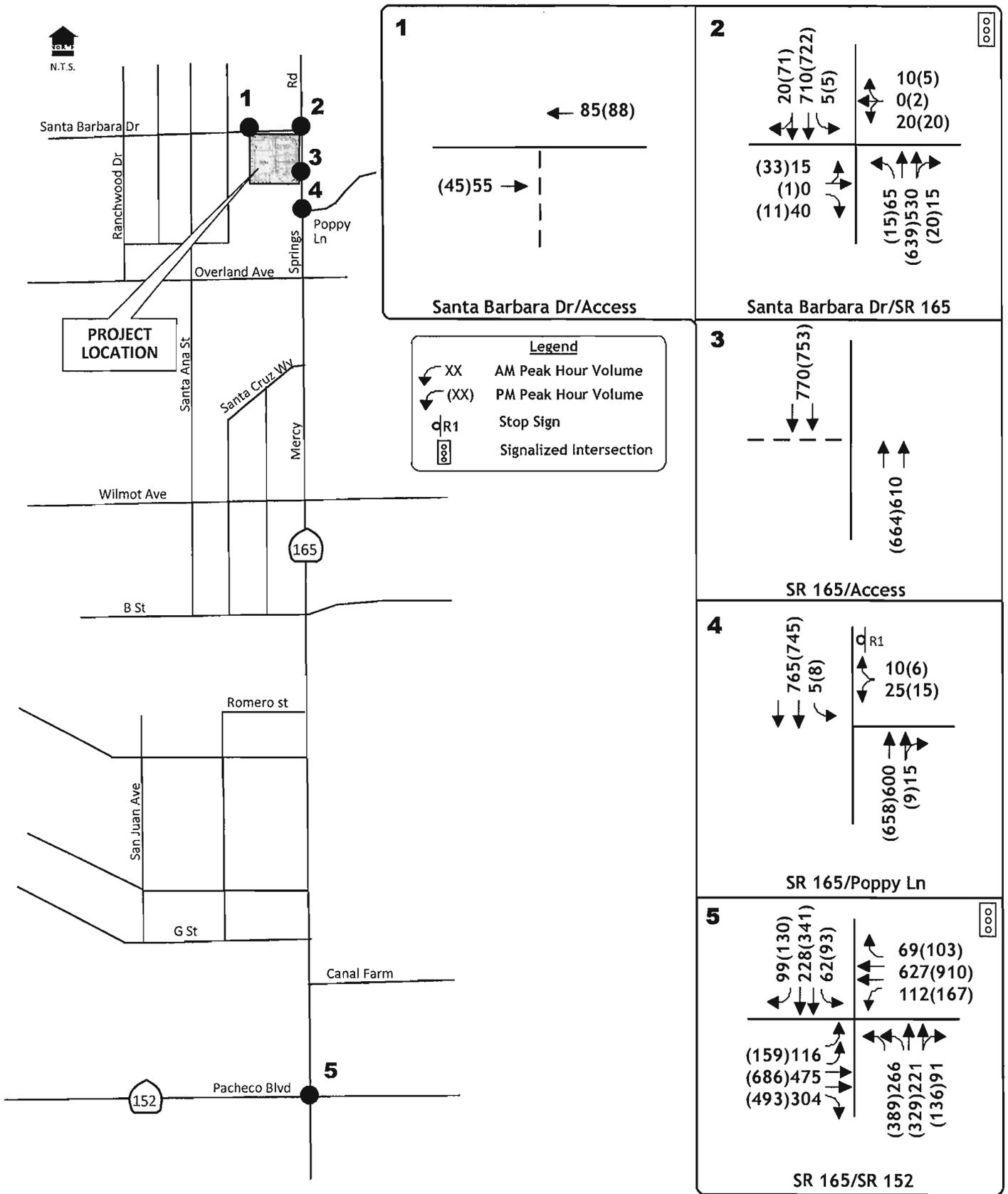
Basis for Year 2030 Traffic Volume Forecasts. The City of Los Banos Transportation Master Plan provides Year 2030 p.m. peak hour traffic volumes forecasts for 50 intersections based on projections from the City's regional travel demand forecasting model. Projections are available for the SR 165 / Santa Barbara Street intersection. Because the Master Plan did not address a.m. peak hour conditions, the growth rates implied by p.m. peak hour forecasts were assumed to be applicable to a.m. peak hour volumes. While the Master Plan did not address the Pacheco Blvd / SR 165 intersection, traffic volume forecasts for that location were part of the Walmart S.C. Expansion DEIR traffic impact analysis, and those forecasts have been assumed as the Year 2030 baseline for this analysis. Figure 8 identifies Year 2030 traffic volumes from available sources.

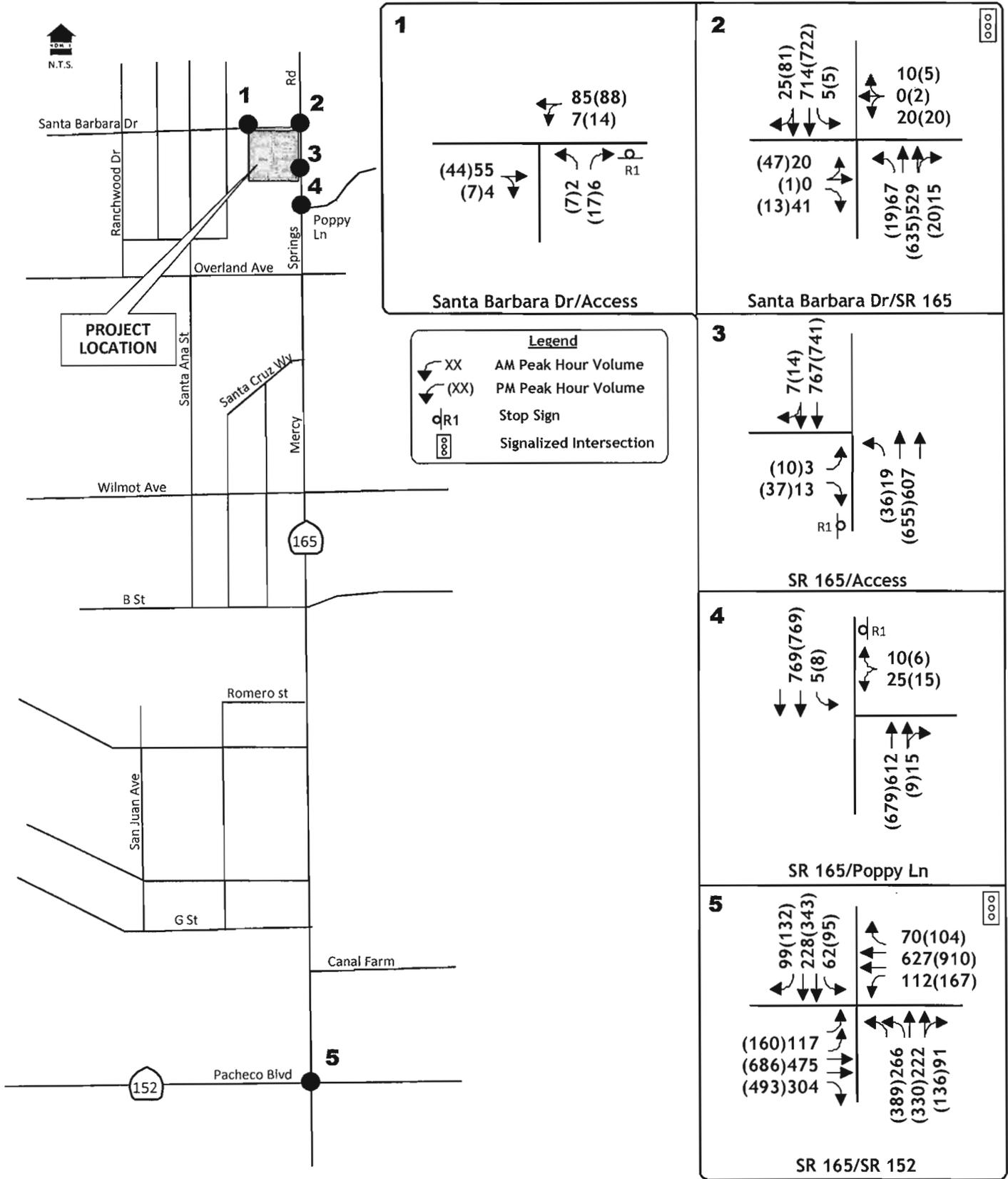
Review of the land use data incorporated into the City-wide traffic model reveals that the project site had been assumed to be developed with multiple family residential uses at a density of 6 dwellings per acre. The 2½ acre project site would have resulted in 15 dwellings generating 11 a.m. and 14 p.m. peak hour trips. For this analysis the original site trip generation was deleted and then trips generated by the Dollar General Store project were superimposed onto the baseline Year 2030 volumes to create the Year 2030 Plus Project condition, as shown in Figure 9

Year 2030 Improvements. The extent of potential improvements to study area intersections can be determined from review of the General Plan, the City's Transportation Master Plan, the existing Traffic Impact Fee program and the Merced County Regional Impact Fee Program. For example, the General Plan and Master Plan anticipates that SR 165 will be widened to a four lane section through the study area. This work is expected to be accomplished through a combination of developer funded frontage improvements and regional fees. In the area of the Dollar General Store widening SR 165 would necessarily include relocation of utility poles and extension of existing widening that begins at the Santa Barbara Street intersection but does not yet extend through the project's frontage. Traffic signals are typically installed by the City through the existing City traffic impact fee program, and the Master Plan indicates that this location will be signalized.

Major improvements to the Pacheco Blvd / SR 165 (Mercey Springs Road) intersection have been discussed in many documents although the SR 152 Los Banos Bypass is the major improvement. For this analysis it has been assumed that the EB and NB dual left turn lanes described for EPAP conditions are the only improvements made to the intersection by Year 2030.

Year 2030 Intersection Levels of Service. Table 10 identifies Year 2030 intersection Levels of Service with and without the proposed Dollar General Store project. As shown, Levels of Service meeting the City's minimum Levels of Service standards will occur at all locations with and without the project.





YEAR 2030 PLUS PROJECT
TRAFFIC VOLUMES
AND LANE CONFIGURATIONS

**TABLE 10
YEAR 2030 PLUS PROJECT PEAK HOUR LEVELS OF SERVICE AT INTERSECTIONS**

Location	Control	AM Peak Hour				PM Peak Hour				Traffic Signal Warranted?
		Year 2030		Year 2030 Plus Dollar General Store		Year 2030		Year 2030 Plus Dollar General Store		
		LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	
Santa Barbara St / Access WB left turn NB left+right turn	NB Stop	-	.	A A	0.6 8.8	-	-	A A	1.1 8.9	No
SR 165 (Mercey Springs Rd) / Santa Barbara St	Signal	B	10.4	B	10.6	A	6.3	A	7.9	No
SR 165 (Mercey Springs Rd) / Access NB left turn EB left+right turn	EB Stop	.	.	A B	9.8 11.5			A B	9.6 11.6	No
SR 165 (Mercey Springs Rd) / Poppy Lane SB left turn WB left+thru+right turn	WB Stop	A C	9.3 16.7	A C	9.3 16.5	A C	9.2 15.2	A C	9.2 15.3	No
SR 165 (Mercey Springs Rd) / SR 152 (Pacheco Blvd)	Signal	C	23.5	C	23.8	C	31.0	C	30.2	Not applicable

KDA



City of
Los Banos
At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date May 11, 2012

Regarding Notice of Public Hearing

Proposal Site Plan Review #2012-02 and Negative Declaration (SCH#2012041060)
– Dollar General Market

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider Site Plan Review #2012-02 and associated Negative Declaration (SCH #2012041060) for Dollar General Market. The project proposal is for the development of a new 20,951 square foot retail market with a grocery component. The project site is located within the Highway Commercial zoning district on the southwest corner of Santa Barbara Street and Mercey Springs Road, more specifically described as Assessor's Parcel Number: 082-072-023

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, May 23, 2012 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Paula Fitzgerald, AICP, Community Development Director at City Hall or at (209) 827-7000, Ext 114

Persons wishing to provide oral comments on the described proposal may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. If no comments are received prior to or on the above date, it will be assumed that no comments are being offered. The public is also informed that should this matter, at some future date go to court, court testimony is limited to only those issues raised at the hearings per Government Code Section 65009.

THE CITY OF LOS BANOS

Stacy Souza Elms
Assistant Planner