



City of Los Banos

At the Crossroads of California

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AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

July 25, 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 JULY 11, 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 Recommending Approval of Use Permit #2012-04 for the Use of a Type 20 Alcohol License to Permit the Off-Sale of Beer and Wine for Los Banos Valero at 1063 E Pacheco Blvd , More Specifically Identified as Assessor's Parcel Number 026-182-021

1) Planning Commission Resolution No. 2012-13 – Recommending Approval of Use Permit #2012-04 to the Los Banos City Council for the Off-Sale of Beer and Wine for Los Banos Valero Located at 1063 E Pacheco Blvd

Recommendation Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2012-13 as submitted.

8 COMMUNITY DEVELOPMENT 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 20th Day of July, 2012

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JULY 11, 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 Lewis led the Pledge of Allegiance.

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

STAFF MEMBERS PRESENT: Community Development Director Fitzgerald, City Attorney Vaughn and Assistant Planner Elms.

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

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF JUNE 13, 2012: Motion by Toscano, seconded by Hixson to approve the minutes as submitted. The motion carried by the affirmative vote of all Commission Members present. Absent: Faktorovich and Lee.

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

PUBLIC HEARING – TO ANALYZE AND DETERMINE CONFORMITY WITH THE UNDERLYING GENERAL PLAN LAND USE DIAGRAM OF AN ELEMENTARY SCHOOL ON THE SITE OF THE FORMER MERCED COMMUNITY COLLEGE BY THE LOS BANOS UNIFIED SCHOOL DISTRICT LOCATED ON APPROXIMATELY 10 ACRES AT THE SOUTHEAST CORNER OF MERCEY SPRINGS ROAD AND SCRIPPS DRIVE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 083-100-036. Community Development Director Fitzgerald presented the staff report.

Commissioner Toscano, asked if the traffic study would include the pedestrian walkway on Mercey Springs, Community Development Director Fitzgerald, the traffic study would need to analyze all the items considered to be affected by the use of the elementary school, and should include crosswalks, Mercey Springs Highway, traffic and pedestrians, Commissioner Toscano, if the study does not analyze pedestrians, can the Planning Commission ask pedestrians be included, Community Development Director Fitzgerald, if the School District does go forward with the City's recommendation for a traffic study, noise study and full CEQA analysis, the City would have an opportunity to comment on all of those items.

Commissioner Lewis, asked staff if it is normal to attach conditions of approval separately or before the whole item comes before the Planning Commission; City Attorney Vaughn, the Planning Commission is only reporting to the community on findings regarding suitability of the site; the Planning Commission would be making recommendations that have been brought before them by staff that the School District should look into, Commissioner Lewis, asked if once the recommendations and analysis are done, would this item come back to the Planning Commission; City Attorney Vaughn, the item would not come back before the Planning Commission as the School District is its own Government entity;

Commissioner Mello, asked if Caltrans will require an additional traffic signal on Mercey Springs in the future, Community Development Director Fitzgerald; Caltrans will have an opportunity to comment on the environmental study; Commissioner Mello, in the past there had been a big push to extend Page Avenue to Mercey Springs; if that could be done, it would be a simple solution to resolve a lot of issues in that area.

Commissioner Hixson, asked if the acoustical study will be based on the existing buildings or will they be torn down to determine how much they need to be insulated, Community Development Director Fitzgerald, the study would be based from the State Highway and then determined where the locations of buildings need to be.

Dr Steve Tietjen, Los Banos Unified School District (LBUSD), wanted to clarify the process as this item does come before the Planning Commission for review and then goes to the State Department of Education for site approval; the items identified by the City will be addressed during the review process with the State Department of Education, the School District is prepared to collaborate with the City to resolve any issues that may arise out of the traffic study; the proposed school site is planned to serve the citizens that live in College Greens and the apartments east of College Greens and will be a walking campus, one of the early recommendations from the preliminary traffic study was to differentiate start times so that Los Banos High parents/kids are not competing with Elementary school parents/kids to get to school at the same time, anticipating growth in Los Banos and the proposed elementary is critical in helping solve overcrowding schools.

Commissioner Mello, asked how much of the old campus will be utilized, Dr Steve Tietjen, LBUSD, the existing preschool building will be used, but not for kids; the other classrooms are not viewed as habitable classrooms; planning to remove the old

buildings and build pieces off-site and assemble them on-site with stucco finishes; the buildings will not look portable and will be permanent construction, Commissioner Mello, asked if this will be a K-6th grade school; Dr Steve Tietjen, LBUSD, yes, they anticipate two classrooms per grade level; ten acres are available to expand the school if necessary; current plan is not to expand the school but only to serve the eastern quadrant of town

Chair Rosin, stated that the School District and the City should work together mutually and consistently for the greater good of the community

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

Motion by Mello, seconded by Toscano to adopt Planning Commission Resolution No 2012-12 – pursuant to Government Code Section 65402 and Public Resources Code Section 21151.2 relative to the Los Banos Unified School District's proposed acquisition of property located on the southeast corner of Mercey Springs and Scripps Drive on the former Merced Community College site. The motion carried by the affirmative action of all Commission Members present. Absent: Faktorovich and Lee.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT: the Community Development Department is continuing to do the digital sign contest and receiving a lot of feedback from businesses interested in advertising; the EDAC board will be analyzing an appropriate cost for advertisement on the sign and providing a recommendation to the City Council; lots of new restaurants and little business opening.

PLANNING COMMISSION MEMBER REPORTS:

ARKADY FAKTOROVICH: Absent.

VERN HIXSON: Nothing to report.

CHANDRA LEE: Absent.

DEBORAH LEWIS: Nothing to report.

TOM MELLO: Nothing to report.

TRACEY ROSIN: Nothing to report.

SUSAN TOSCANO: Nothing to report

ADJOURNMENT. The meeting was adjourned at the hour of 7:27 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 JULY 25, 2012

SUBJECT: USE PERMIT #2012-04 – OFF-SALE BEER AND WINE

RECOMMENDATIONS:

- 1 That the Planning Commission makes the appropriate findings and recommends approval of Use Permit #2012-04 to the Los Banos City Council for the use of a Type 20 alcohol license for the off-sale of beer and wine for Los Banos Valero located at 1063 E Pacheco Blvd

PROJECT BACKGROUND/DESCRIPTION:

The requested application is for the use of a Type 20 alcohol license to permit the off-sale of beer and wine for Los Banos Valero located at 1063 E Pacheco Blvd in the Highway Commercial zoning district. The primary use of the facility is a gas station and convenience store. The applicant's intent is to meet the demands of their consumers and allow the store to compete with businesses similar in nature.

LOCATION AND ACCESS:

The project site is located at 1063 E Pacheco Blvd , more specifically identified as Assessor's Parcel Number 026-182-021



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Project site	Commercial	H-C	C
North	Commercial	H-C	C
South	Residential	R-1	LDR
East	Commercial	H-C	C
West	Commercial	H-C	C

LDR = Low Density Residential
 C = Commercial

H-C = Highway Commercial
 R-1 = Low Density Residential

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA – Article 19, Section 15301 – Existing Facilities.

USE PERMIT ANALYSIS

Code Requirements

A use permit, as specified in the Los Banos Municipal Code Section 9-3.2322, is required for any establishment dispensing for sale or other consideration alcoholic beverages, including beer and wine, for on-sale or off-sale. A use permit may be granted if the proposal is conforming to the following criteria

Standard:

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code,
2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use,
3. That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City

On-Sale and Off-Sale Alcoholic Beverages:

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues, public, parochial, or private elementary, junior high, or high schools, public parks or recreation centers, or public or parochial playgrounds,
3. That the proposal will not interfere with the movement of people along an important pedestrian street; and
4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00pm and 7:00am

Staff believes that this proposal is conforming to the criteria set forth in the Municipal Code. The project will not contribute to the proliferation of alcohol in the area or cause an increase in crime in that the proposed use will be ancillary to the convenience merchandise of the existing store. The proposal is not in close proximity to places of worship, schools, or playgrounds. Staff believes that the proposal will not have an affect with the movement of people in that no alcohol will be allowed to be consumed on-site at any time. In addition, the project will be subject to conditions which will mitigate any adverse affects on the surrounding neighborhood

Alcoholic Beverage Control

The Alcoholic Beverage Control Board (ABC) has the authority according to Section 23801 of the Business and Professions Code to exercise certain conditions under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

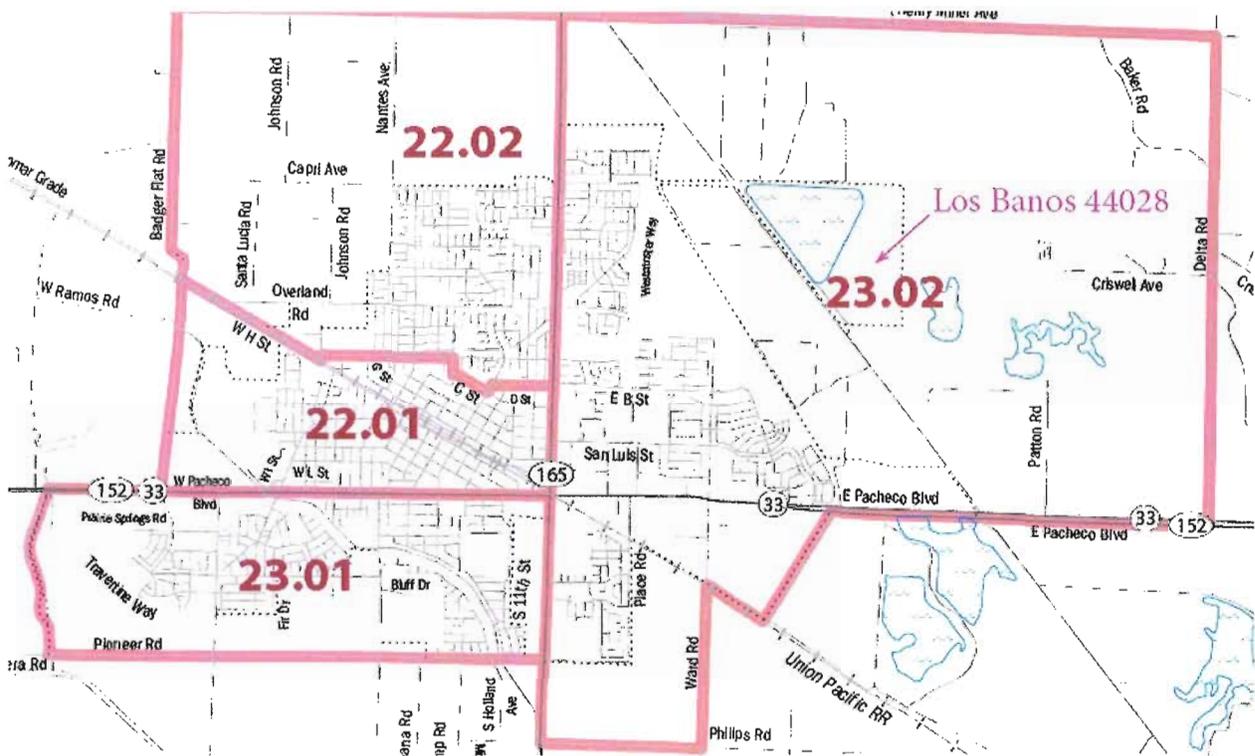
- a) Restrictions as to hours of sale
- b) Display of signs
- c) Employment of designated persons.

- d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law
- e) The portion of the privileges to be exercised under the license.
- f) The personal conduct of the licensee.

ABC may also refuse to issue a license to any person who has violated the Alcoholic Beverage Control Act, has a disqualifying criminal record, or is otherwise disqualified

Census Tract

The project site is located in census tract 23 01



You will notice that Census Tract 23 01 extends from Mercey Springs on the east to the western edge of town on the south side of Pacheco Boulevard. As of the date of this report, there are four other off sale beer and wine licenses in this Census Tract and they are all gas stations and there are four general alcohol licenses in this Census Tract and they are primarily larger scale retail stores.

Project Specifics

The beer will be kept in a specific cooler that is located directly next to a security camera and the cashier has a clear line of site to the cooler.

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 July 13, 2012. As of the date of this staff report, no comments have been received.

CONCLUSION:

The proposed use permit will conditionally authorize the off-sale of beer and wine at Los Banos Valero located at 1063 Pacheco Boulevard. The requested use will allow the gas station/convenience store to compete with other similar businesses in the community. Staff believes this use meets the criteria of the Los Banos Municipal Code and is conforming to the Los Banos General Plan.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan

Los Banos Municipal Code – 9-3 2322

ABC Act, California Business and Professions Code

RECOMMENDATIONS:

1. That the Planning Commission makes the appropriate findings and recommends approval of Use Permit #2012-04 to the Los Banos City Council for the use of a Type 20 alcohol license for the off-sale of beer and wine for Los Banos Valero located at 1063 Pacheco Boulevard.

ATTACHMENTS:

1. Resolution #2012-13 recommending approval of Use Permit #2012-04 to the Los Banos City Council.
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Floor Plan
3. Public Hearing Notice – July 13, 2012

RESOLUTION No. 2012-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING APPROVAL OF USE PERMIT #2012-04 TO THE LOS BANOS CITY COUNCIL FOR THE OFF-SALE OF BEER AND WINE FOR LOS BANOS VALERO LOCATED AT 1063 PACHECO BOULEVARD

WHEREAS, the applicant has requested that the City of Los Banos consider a Use Permit to allow the use of a Type 20 alcohol license for the off-sale of beer and wine for Los Banos Valero located at 1063 Pacheco Blvd, further identified as Assessor's Parcel Number 026-182-021, and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on July 13, 2012 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091, and

WHEREAS, it has been found that the proposal will not contribute to undue proliferation of crime, loitering or create traffic problems or capacity issues, and

WHEREAS, it has been found that the proposal will not adversely affect churches, schools or public areas, and

WHEREAS, it has been found the proposal will not interfere with the movement of people along an important pedestrian street; and

WHEREAS, the use is located and will be operated so as to avoid disruption of residents sleep, and

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

WHEREAS, Use Permit #2012-04 has been determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 - Existing Facilities

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby recommend the approval of Use Permit #2012-04 to the Los Banos City Council to allow for the off-sale of alcoholic beverages in conjunction with an ABC License, Type 20, off-sale beer and wine for Los Banos Valero located at 1063 Pacheco Blvd, 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 25th day of July 2012 by Planning Commissioner _____ who moved its adoption, which motion was duly seconded by Planning Commissioner _____, and the Resolution adopted by the following vote

AYES

NOES

ABSENT

APPROVED:

Tracey Rosin, Planning Commission Chair

ATTEST

Stacy Souza Elms, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR USE PERMIT #2012-04 – LOS BANOS VALERO

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

The City of Los Banos Planning Commission hereby finds as follows

- 1 Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, the project was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15301 The request of Use Permit 2010-05 for the use of a Type 20 alcohol license for the off-sale of beer and wine involves the permitting and licensing of an existing private structure and involves no expansion of the existing building.
2. Use Permit #2012-04 was adequately noticed on July 13, 2012 for consideration at a public meeting on July 25, 2012
3. No further environmental documentation is required as the Use Permit was contemplated and adequately analyzed in the initial review
4. The proposal is consistent with the Los Banos General Plan as it meets the use specified within.
- 5 The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use requirements specified within Sections 9-3.901 to 9-3.906 and 9-3.2322 of the Code

EXHIBIT B

FINDINGS FOR APPROVAL OF USE PERMIT #2012-04 – LOS BANOS VALERO

FINDINGS FOR APPROVAL.

The City of Los Banos Planning Commission hereby finds as follows

- 1 The project is consistent with the City of Los Banos General Plan “Commercial” designation in that the project meets the use specified within.
2. The proposal is consistent with the Los Banos Municipal Code in that it meets the criteria and required findings as specified in Section 9-3.2322 of the Code
- 3 The proposed use will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use in that the proposed use will be conducted in the Highway Commercial zoning district where similar uses are already being utilized in the area and also will not result in significant operational changes to the existing commercial area.
- 4 The proposed Use Permit is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City in that the requested use will be secondary to the sale of gas and convenience items
- 5 The proposal will not contribute to undue proliferation of alcohol sales in an area where additional ones would be undesirable with consideration given to the area’s function and character, problems of crime and loitering and traffic problems and capacity because the operational characteristics of the store, with the addition of alcohol sales, will not contribute to an increase in crime. Furthermore, the sale of alcohol will ancillary to the primary use of the store.
- 6 The proposal will not adversely affect adjacent or nearby churches, temples, or synagogues, public, parochial, or private elementary, junior high, or high schools, public parks or recreation centers, or public or parochial playgrounds in that provisions have been added to the Conditions of Approval (Exhibit C) to ensure that all nearby uses will not be adversely affected by the proposed use.
- 7 The proposed use will not interfere with the movement of people along an important pedestrian street as on-site consumption of alcohol will not be permitted at any time on the premises

- 8 The proposed use will not disrupt the sleep of residents in that operational characteristics of the store will operate in harmony with the existing neighborhood and there is a large enough distance from residential uses.

EXHIBIT C

CONDITIONS OF APPROVAL FOR USE PERMIT #2012-04 – LOS BANOS VALERO

Planning.

- 1 Use Permit 2012-04 is for Los Banos Valero located at 1063 Pacheco Boulevard, more specifically identified as Assessor's Parcel Number 026-182-021 and the requested use shall expire after one (1) year from date of approval by the Los Banos City Council unless implemented. The City for cause may revoke this Use Permit.
2. The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business
- 3 The applicant shall obtain and maintain an active Type 20 "Off-Sale Beer and Wine" license as defined by the Department of Alcoholic Beverage Control and shall provide a copy of said license upon issuance by the Alcoholic Beverage Control to the Planning Department prior to the sale of alcohol on the premises.
- 4 A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
5. The applicant shall be responsible for maintaining the property free of litter at all times in the parking lot area and the areas adjacent to the premises over which they have control.
6. The Planning Commission reserves the right to review and/or revoke this permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects in the neighborhood resulting from the use of alcohol on the premises.
- 7 The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.

8. The exterior of the premises, including adjacent public sidewalks and the parking lot areas, shall be illuminated during all hours of darkness when the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel.
9. The premises shall be operated primarily as a gas station/convenience store as described in the application prepared by the applicant and filed with the Planning Department. Any substantial or significant changes in use or operation of the premises may cause a review, amendment or revocation of the Use Permit.
10. The premises of the subject site shall not be inconsistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved use permit or filed application, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.
- 11 Authorization of a Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be subject to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.
12. Chilled beer and wine is to be stored in the refrigerated section at the front of the store, closest to the security camera

Office
AREA

Office
Door

BACK ROOM

STORAGE⁸
AREA

CUSTOMER

COUNTER AREA

Coffee
AREA

Fountain
AREA

shelves

shelves

COOLER
ENTRANCE

C
O
L
E
R

18'

ENTRANCE
DOOR

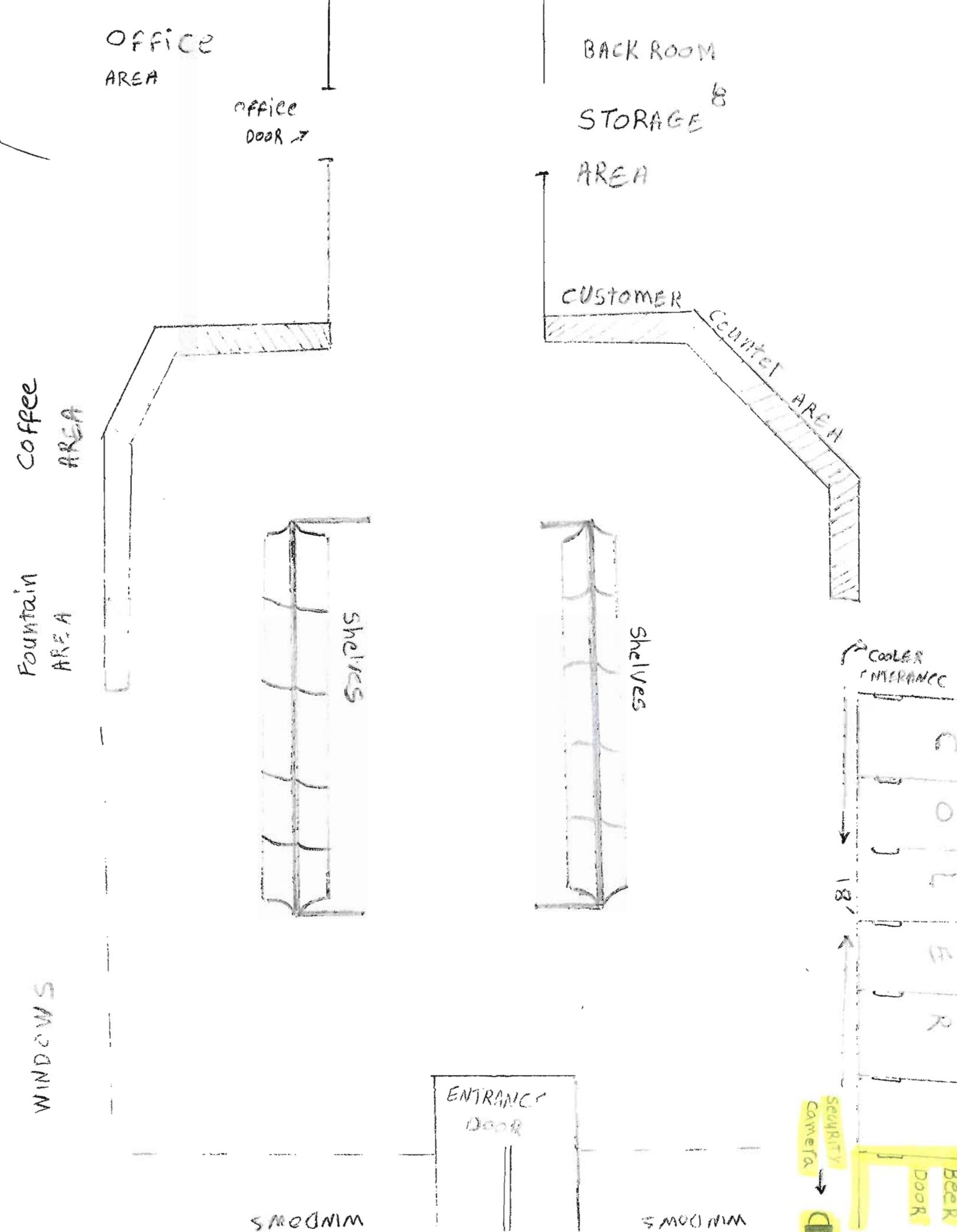
SECURITY
Camera

Beer
Door

WINDOWS

WINDOWS

WINDOWS



ENCLOSURE

TABELS

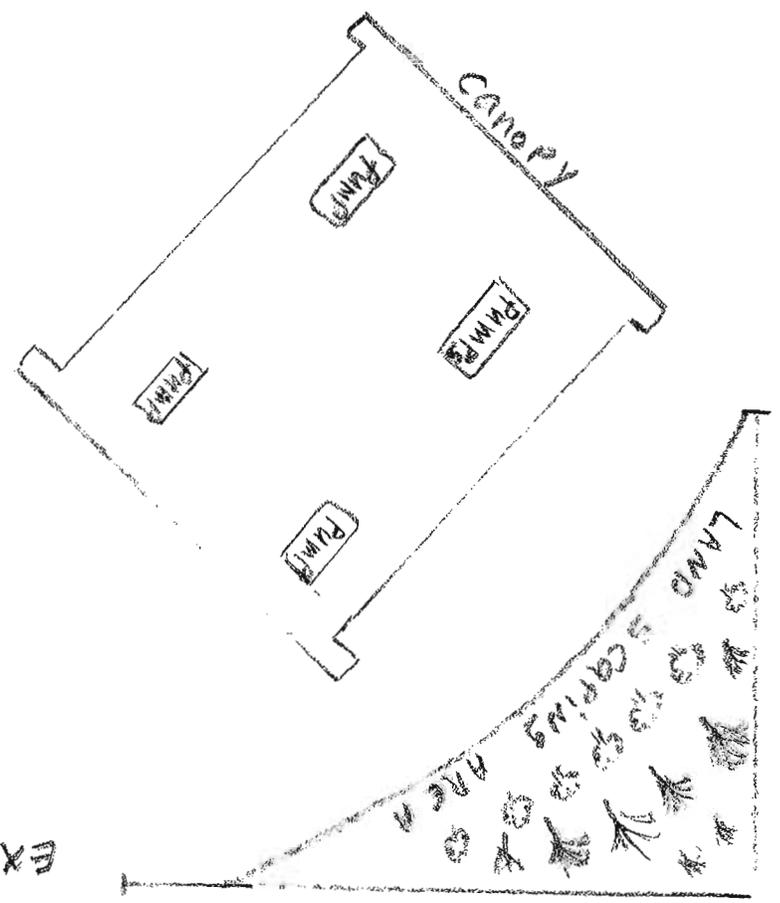
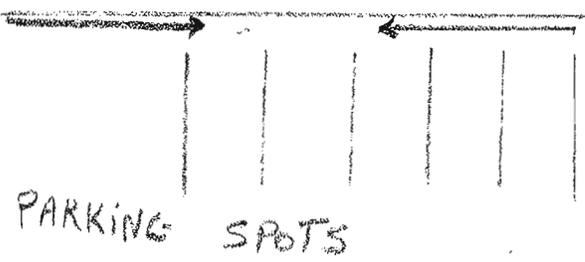
TABELS

PRICE SIGN



GROCERY STORE

PACHACO BLV
ENTRANCE



EXIT

ELEVENTH AVE



City of
Los Banos
At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date July 13, 2012

Regarding Notice of Public Hearing

Proposal: Use Permit #2012-04 – Los Banos Valero

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Use Permit for the use of a Type 20 alcohol license to permit the off-sale of beer and wine. The requested Use Permit is for Los Banos Valero Service Station located at 1063 E Pacheco Blvd, more specifically described as Assessor's Parcel Number: 026-182-021

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission to consider a recommendation to the Los Banos City Council on Wednesday, July 25, 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, Planning 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