Community & Economic Development Department
520 J St.
Los Banos, CA 93635
Phone: (209) 827-7000 ext. 2432
www.losbanos.org

VARIANCE
PROCESS SHEET

I. What is a Variance?

a. A limited exception to a requirement of the Municipal Code. A Variance may be applied for when a parcel is more stringently burdened than another parcel in the same district without serving the public good.
b. Not granted in masses or in a way that would lead to another so that eventually it would lead to an unwanted effect on the zoning district.
c. It is not intended to give special privileges that are not enjoyed by neighboring properties in the same zoning district.
d. The hardship being relieved by a Variance should not be self-induced.
e. A Variance shall not be used to try to correct or avoid the requirements of the Municipal Code which should be properly correct through ordinance amendment or zone change.

II. Review Process

a. A complete application is submitted to the Community & Economic Development Department
b. Community & Economic Development Department determines completeness within ten (10) business days
c. Application is discussed at the next available Project Review Board (PRB) meeting
d. Applicant will receive minutes and responses regarding issues discussed at the Project Review Board meeting
e. Environmental Review
f. If there are no outstanding issues, scheduled for next available Planning Commission meeting
g. Public hearing noticed ten (10) days before the Planning Commission meeting
    - Newspaper
    - Mailed to property owners within 300' radius of subject property
h. Planning Commission may grant the Variance by resolution, subject to conditions, or may deny the Variance
i. If denied, may file a written notice with the Community & Economic Development Director or with the City Clerk within five (5) business days

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VARIANCE
SUBMITTAL REQUIREMENTS

- ☐ Completed Application
  - If the applicant is not the property owner(s), the property owner(s) shall designate the applicant as the authorized agent to act on his or her behalf by way of a signed, dated, and notarized statement and both (or all) shall sign the application.
- ☐ Application fee
- ☐ Cost Recovery Contract
- ☐ Completed Environmental Checklist
- ☐ Vicinity Map
  - 15 copies in an 8.5" x 11" format (to include a 600' radius)
- ☐ Project description fully explaining intended use, General Plan Designation, zoning, surrounding uses, proposed backbone and in tract infrastructure and circulation
- ☐ Evidence of property ownership, e.g. deed, title insurance policy
- ☐ Maps
  - 15 copies no smaller than 11"x 17" and no larger than 24"x 36" showing the following:
    - The location, design and dimensions of all lots and lot lines
    - The dimensions of all yard areas, setbacks, building separations, open space and patios
    - The location and dimensions of all proposed easement dedications and off-site improvements.
    - The land use, type of residential units and number of bedrooms in the residential use
    - The location, dimensions and number of off-street parking spaces
    - Pedestrian and vehicular access, circulation and ingress and egress
    - Grading plans and conceptual landscaping plans
    - Fencing and walls including location, height and materials
    - Phasing boundaries if the development is to be constructed in phases
    - Trash enclosure locations and screening materials if there are shared receptacles

- ☐ The preliminary architectural design and elevations showing all sides of the buildings and depicting the building materials
    - 15 copies, no smaller than 11”x 17”
- ☐ Site photos showing site and surrounding properties labeled clearly
- ☐ Electronic copy of full submittal on USB drive

Note: *Staff may deem additional submittal information necessary such as a noise study, biological assessment, parking study, drainage report, arborist report, sight line analysis, infrastructure calculations, or master plans to adequately analyze the project, complete environmental review, or make recommendations to Elected or Appointed Officials.*

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Uniform Application

In order for Applications to be deemed complete under California Government Code Section 65943, the following items must be provided:

1. Completed Uniform Application
2. Development Plans as required by Submittal Requirements
3. Appropriate Filing Fee

GENERAL REQUIREMENTS (Print Clearly or Type)		
Property Owner's Name:		**(staff use only)**
Address:		**File No.:**
Home/Cell No.:	Work No.:	**Related Files:**
E-mail Address:	Fax No.:	
Applicant's Name:		**Date Rec'd:**
Address:		**Rec'd by:**
Home/Cell No.:	Work No.:	**Fees Paid:**
E-mail Address:	Fax No.:	**Receipt No.:**
Representative's Name:		**Approved by:**
Address:		**Date Approved:**
Home/Cell No.:	Work No.:	**Resolution No(s).:**
E-mail Address:	Fax No.:	

Please Note: If the applicant is not the property owner, the property owner shall designate the applicant as the authorized agent to act on his or her behalf and both shall sign this application.

TYPE OF APPLICATION (check all that apply)

- ☐ Administrative Permit (AP)
- ☐ Annexation (ANX)
- ☐ Appeal
- ☐ Area Plan
- ☐ Block Party Permit
- ☐ Conditional Use Permit (CUP)
- ☐ Cottage Food Operations (CFO) Permit
- ☐ Donation/Collection Bins Permit
- ☐ Farmers' Market Permit
- ☐ Final Development Plan (FDP)
- ☐ General Plan Amendment (GPA)
- ☐ Initial Environmental Assessment
- ☐ Master Development Plan
- ☐ Mobile Food Vendor Permit (MFVP)
- ☐ Planned Development Reclassification (PDR)
- ☐ Pre-zone
- ☐ Rezone (ZC)
- ☐ Sign Review (SR)
- ☐ Site Plan Review (SPR)
- ☐ Special Events Permit (SEP)
- ☐ Temporary Uses Permit (TUP)
- ☐ Tentative Parcel Map (TPM)
- ☐ Tentative Tract/Subdivision Map (TTM)
- ☐ Vesting Tentative Tract/Subdivision Map (VTTM)
- ☐ Variance
- ☐ Other: _____

PROJECT DESCRIPTION (attach additional sheets if necessary)

Description and purpose of proposal:

Address and Location of Property:

Assessor's Parcel Number(s):

Current Zoning: Proposed Zoning (if applicable):

Current General Plan (GP) Designation: Proposed GP Designation (if applicable):

Existing Use of Property:

Description of Surrounding Uses:

NON-RESIDENTIAL PROJECTS
OFFICE/ RETAIL/ INDUSTRIAL/ INSTITUTIONAL
PROJECT SUMMARY TABLE

SITE AREA DISTRIBUTION

Site Area: Gross acres: _____ Net acres: _____

Proposed Phasing:

Building Area: Existing Structures: _____ sq ft New Structures: _____ sq ft

Existing Floor Area Ratio (FAR): _____ Proposed Floor Area Ratio (FAR): _____

Height: _____ sq ft Number of Floors: _____

For **Commercial** Developments:

Market/Service Area: ☐ Neighborhood ☐ City ☐ Regional

Square Footage: _____

For **Industrial** Developments:

Use: ☐ Warehouse/Distribution ☐ Manufacturing ☐ Multi-tenant ☐ Other

Square Footage: _____ Estimated Employees Per Shift: _____

For **Institutional** Developments:

Use/Function:

Estimated Employees Per Shift:

Estimated Number of Occupants:

BUILDING INFORMATION

Occupancy Classification:

Occupancy Code:

Type of Construction:

Roof Materials:

AREA DISTRIBUTION (based on net area)	**Acres/Sq Ft**	**% of Net Area**
Building Coverage:		
Vehicular (Paved) Coverage:		
Landscape Coverage:		

PARKING

Type of Use	Parking Ratio	# of Spaces Required	# of Spaces Provided
TOTALS			

Attach separate sheet(s) if necessary to provide complete Land Use/Unit/Density/Area Parking breakdown.

RESIDENTIAL
PROJECT SUMMARY TABLE (if applicable)

PROJECT AREA

Site Area: Gross acres: _____ Net acres: _____

No. of Phases: _____

DWELLING UNITS (based on net acres)		Number	Net Density
Single Family Detached			
Single Family Attached			
Multi-Family/Condominium			
	Studio		
	One Bedroom		
	Two Bedroom		
	Three Bedroom		
	Four or More Bedrooms		
	TOTAL		

AREA DISTRIBUTION (based on net area)	Acres/Sq Ft	% of Net Area
Building Coverage		
Landscape Coverage		
Vehicular (Paved) Coverage		
Common Open Space		
Private Open Space (per unit)		N/A

PARKING	Parking Ratio	# of Units	Spaces Req'd	Spaces Provided
Single-Family Detached				
Single-Family Attached				
Multi-Family/Condominium				
TOTAL				

Attach separate sheet(s) if necessary to provide complete Land Use/Unit/Density/Area Parking breakdown.

PROJECT LOCATION
LETTER OF AUTHORIZATION

PROJECT LOCATION

General Location/Address of Project:

Assessor's Parcel No(s):

Precise Legal Description (Attach. Required for the following : Rezoning, Annexation, Street or Alley Abandonment):

AFFIDAVIT

If property owner is a trust, partnership, LLC, then the signature shall be a corporate officer. Attach additional sheets if necessary.

I, _____, hereby certify that I am the applicant in the foregoing application, that I have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge.

_____
Applicant (signature)

_____
Applicant (print name)

I, _____, hereby certify that I am the owner (if other than the applicant) of real property involved in this application, do hereby consent to the filing of this application. Attach separate sheets if multiple property owners.

_____
Owner (signature)

_____
Owner (print name)

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ENVIRONMENTAL INFORMATION FORM

This questionnaire will assist the Community & Economic Development Department in evaluating the proposed project and its potential environmental impacts. Complete and accurate information will facilitate the environmental assessment and review, and will minimize future requests for additional information.

GENERAL INFORMATION

If the proposal is a component of an overall larger project, describe the phases below and indicate them on the site plan:

_____

_____

_____

If this project (as a whole, or) is part of another project for which a negative declaration or environmental impact report has been prepared by or for the City or County, please indicate name and document below:

_____

_____

Will the project require certification, authorization, or issuance of a permit by any public agency other than the City of Los Banos?

☐ Yes ☐ No

If yes, indicate what agencies: _____

Associated Projects: _____

SCHOOL INFORMATION

School District(s) serving site: _____

_____

ENVIRONMENTAL SETTING (site characteristics)

1. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, any cultural, historical or scenic aspects. Describe any existing structures on the site to be demolished, removed, or reused.

_____

_____

_____

_____

2. Are there any natural or man-made drainage channels through or adjacent to the project site? If yes, explain.

_____

_____

_____

3. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (single-family residential, apartments, shopping center, office building, etc.), and the scale of development (height, frontage, setback, rear yard etc.).

_____

_____

_____

4. Will the project increase noise, dust, light and glare, or use hazardous materials? If yes, discuss and explain mitigation measures:

_____

_____

_____

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

_____	_____
Date	Signature (Applicant/agent)
_____	_____
Phone No.:	Print Name and Title (Applicant/agent)

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COST RECOVERY BASED FEES CONTRACT

There are two types of fees for entitlements: a flat rate or a deposit plus staff time and materials (Cost Recovery). The Cost Recovery Based Fee Contract is for certain entitlements which require a public hearing or are, in general, more complex to process. These applications require a deposit and a completed Cost Recovery Based Fee Contract. This means that the applicant will be billed for the full cost of processing the application based on staff time and materials over and above the amount of the deposit. Staff's hourly rates shall be determined by annual regular work order rates established by the City of Los Banos Finance Department for the given fiscal year(s) in which the application is processed. For applications requesting multiple entitlements, the deposit shall be the sum of the individual application fees and/or deposits.

.....

Agreement for Payment of Full Cost Based Recovery Fees for Application Processing

Not required for flat fee applications. Please contact the Community & Economic Development Department or Consult the adopted fee schedule if you have questions.

1. Applicant *[Print names of Property Owner (or Authorized Agent) and Applicant (if different from Owner)]* _____

_____

_____

_____

agree(s) to:

2. Pay to the City of Los Banos all reimbursable costs, both direct and indirect, including State-mandated costs, associated with review and processing of the accompanying application for land use approval(s) with respect to the subject property or project located at *[Location, Address or Assessors Parcel Numbers(s)]:* _____

_____

_____

_____

3. Even if the application is withdrawn and/or not approved. Reimbursable costs include but are not limited to all items within the scope of the City's adopted Cost Recovery Program, Resolution No. 4026, as well as the cost of retaining professional and technical consultant services (may require separate reimbursement agreement) and any services necessary to perform functions related to review and processing of the applications and monitoring of the work. Owner and Applicant understand that one or more deposits will be required to be paid by Owner and/or Applicant to cover the costs noted above at such time(s) and of such amounts as requested by the Community & Economic Development Director and/or designee. The City agrees to review and process the application in a timely manner in accordance with this Agreement and all applicable laws, regulations, ordinances, standards, and policies. This agreement applies to all subsequent applications related to the project.

4. Owner and Applicant understand and agree that nonpayment of processing and inspection fees pursuant to the City's Cost Recovery Program may, at the sole and exclusive discretion of the Community & Economic Development Director and/or designee, result in temporary or permanent cessation of processing of the application and, after notice, may result in the denial of the application. Prior to completion of processing of any phase of the project, any and all outstanding amounts due pursuant to this agreement shall be paid. The Community & Economic Development Department will withhold issuance of further plan checks, entitlements, permits, certificates of occupancy, etc. until all required fees have been paid in full.

5. The Applicant agrees that questions regarding specific charges for processing, monitoring, and related services that may be questionable, lack sufficient documentation and/or that may be incorrect must be brought to the City's attention in writing no later than fifteen (15) days following receipt of invoice and corresponding documentation.

6. Failure to comply with the aforementioned procedure within the specific time indicated may, if research of billing information is requested, result in additional charges for clerical time spent and will be billed at our cost recovery rate. Please note that with the exception of documented disputed amounts, finance charges will be assessed at the rate of 10% per annum or .8334% per month on all past due amounts.

7. As part of this application, the Applicant agrees to defend, indemnify, release and hold harmless the City, its agents, offices, attorneys, employees, boards and

commissions from an claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the Applicant, third parties and/or the indemnities, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.

8. Nothing in this agreement shall prohibit the City from participating in the defense of any claim, action or proceeding. In the event that the Applicant is required to defend the indemnities in connection with any said claim, action or proceeding, the City shall retain the right to (i) approve the counsel to so defend the indemnities, (ii) approve all significant decisions concerning the matter in which the defense is conducted, and (iii) approve any and all settlements, which approvals shall not be unreasonably withheld by the City.

9. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the Applicant in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own defend any claim, action or proceeding where the Applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City.

10. The undersigned Owner/Authorized Agent hereby represents that he/she either

[ ] personally owns the subject property or
[ ] is a duly authorized agent of the Owner with full authority to execute this Agreement on behalf of Owner.

11. Applicant agrees to be jointly and severally liable with Owner for payment of all fees referenced above. Applicant agrees to notify City in writing prior to any change in ownership and to submit a written assumption of the obligations under this agreement signed by the new owner or his/her authorized agent.

Project Description:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

12. Invoices are due and payable within ten (10) days. A penalty will be charged on delinquent accounts at the rate of .8334% per month or 10% per annum. Owner agrees that delinquent amounts shall constitute a lien on the subject property and expressly consents to recordation of a notice of lien and/or copy of this Agreement against the subject property with respect to any amounts which are delinquent.

Name of Property Owner: _____
Title: _____
Address: _____
Telephone: _____

Name of Applicant: _____
Title: _____
Address: _____
Telephone: _____

_____ _____
Signature of Property Owner **Date:**

or

_____ _____
Signature of Authorized Agent/Written Verification Signed by Property Owners Must Be Submitted Designating the Authorized Agent **Date:**

and

_____ _____
Signature of Applicant (if different from Owner) **Date:**

_____ _____
Signature of Staff Member Verifying Agreement Complete **Date:**

City of Los Banos
Community and Economic Development
Planning Entitlements/Projects Fee Schedule

License/Permit/Entitlement Type	Basic Fee	State Fee	Additional Fee	Notes	Total Fee
Mobile/Sidewalk Vendor Permits					
Mobile Vendor Permit Initial	$ 625.83				**$ 625.83**
Mobile Vendor Permit Renewal	$ 97.62				**$ 97.62**
Sidewalk Vendor Permit Initial	$ 450.00				**$ 450.00**
Sidewalk Vendor Permit Renewal	$ 450.00				**$ 450.00**
Cottage Food Operator Permit					
Cottage Food Operator Permit (one time)	$ 455.43				**$ 455.43**
Planning Permits					
Administrative Permit - other	$ 720.98			Deposit/ Cost Recovery Contract Required	**$ 720.98**
Special Events Permit - minor event	$ 109.33				**$ 109.33**
Special Events Permit - major event	$ 311.14				**$ 311.14**
Special Events Permit - major event: Religious Processions (1.25 miles one way max)	$ 311.14		$ 444.22		**$ 755.36**
Special Events Permit - major event: Street Closures (3 blocks or less)	$ 311.14		$ 229.60		**$ 540.74**
Special Events Permit - major event: Parades (standard May Day Parade route)	$ 311.14		$ 1,517.64		**$ 1,828.78**
Residential Neighborhood Block Party Permit	$ 203.90				**$ 203.90**
Farmers' Market Permit	$ 230.42				**$ 230.42**
Temporary Use Permit - minor use	$ 230.42				**$ 230.42**
Temporary Use Permit - major use	$ 311.14				**$ 311.14**
Miscellaneous					**$ -**
Donation Collection Bin Initial	$ 432.81			Non-refundable	**$ 432.81**
Donation Collection Bin Renewal	$ 163.24			Non-refundable	**$ 163.24**
Signage					
Master Sign Plan	$ 1,681.41				**$ 1,681.41**
Sign Review	$ 82.00				**$ 82.00**
Temporary Sign Review	$ 82.00			Per occurrence	**$ 82.00**
Planning Project Entitlements					
Annexation	$ 23,731.72			Deposit/ Cost Recovery Contract Required	**$ 23,731.72**
General Plan Amendment	$ 8,034.82			Deposit/ Cost Recovery Contract Required	**$ 8,034.82**
Zone Change/Pre-Zone	$ 7,489.10			Deposit/ Cost Recovery Contract Required	**$ 7,489.10**
Conditional Use Permit	$ 1,940.24			Deposit/ Cost Recovery Contract Required	**$ 1,940.24**
Site Plan Review	$ 3,133.79			Deposit/ Cost Recovery Contract Required	**$ 3,133.79**
Variance	$ 1,594.30			Deposit/ Cost Recovery Contract Required	**$ 1,594.30**
Tentative Subdivision Map - up to 100 lots	$ 9,259.06			Deposit/ Cost Recovery Contract Required	**$ 9,259.06**
Tentative Subdivision Map - 101+ lots	$ 12,101.86			Deposit/ Cost Recovery Contract Required	**$ 12,101.86**
Revised Tentative Map	$ 4,575.05			Deposit/ Cost Recovery Contract Required	**$ 4,575.05**
Planned Development	$ 4,554.77			Deposit/ Cost Recovery Contract Required	**$ 4,554.77**
Development Agreement	$ 3,500.00			Deposit/ Cost Recovery Contract Required	**$ 3,500.00**
Final Development Plan	$ 2,000.00			Deposit/ Cost Recovery Contract Required	**$ 2,000.00**
Environmental Review/Categorical Exemption	$ 197.75			Deposit/ Cost Recovery Contract Required	**$ 197.75**
Negative Declaration/Initial Study	See Notes			Actual Cost + 20%/Deposit/Cost Recovery Contract	**$ -**
Environmental Impact Report	See Notes			Actual Cost	**$ -**
Minor Subdivision/Parcel Map	$ 1,024.15			Deposit/ Cost Recovery Contract Required	**$ 1,024.15**
Lot Line Adjustment/Parcel Merger	$ 415.16				**$ 415.16**
Reimbursement Agreement	$ 3,500.00			Deposit/ Cost Recovery Contract Required	**$ 3,500.00**
Appeal	$ 2,587.84				**$ 2,587.84**
Time Extension	$ 2,404.91				**$ 2,404.91**

Notes:
State established $1.00 fee for Business Licenses as mandated by Senate Bill 1186 effective January 1, 2013. State Fee increased to $4.00 as mandated by Assembly Bill 1379 effective January 1, 2018 thru December 31, 2023.

Fees adopted by City Council Resolution No. 6131 on 9/18/19; fees effective 12/1/19
Commercial Business License renewal basic fee subsidized/reduced by City Council Resolution No. 6158; adopted 11/20/19; fee effective 12/1/19