



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

January 8, 2014

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.

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1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (Planning Commission Members)
Faktorovich__, Mello__, Spada__, Toscano__
4. APPROVAL OF AGENDA.

7:00 PM

Recommendation: Approve the agenda as submitted.

5. ADMINISTRATION OF OATH OF OFFICE TO NEW PLANNING COMMISSIONERS.
- Todd Baker
 - John Cates
 - Stephen Hammond

Recommendation: That the Assistant City Clerk administer the Oath of Office

6. ROLL CALL: (Planning Commission Members)

Baker __, Cates __, Faktorovich __, Hammond __, Mello __, Spada __, Toscano __

7. REORGANIZATION OF PLANNING COMMISSION - SELECTION OF NEW CHAIRPERSON AND VICE CHAIR.

Recommendation: Selection made by the consensus of the Planning Commission

8. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR MEETING OF OCTOBER 9, 2013.

Recommendation: Approve the minutes as submitted.

9. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR MEETING OF NOVEMBER 13, 2013.

Recommendation: Approve the minutes as submitted.

10. 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.

11. 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 Conditional Use Permit #2013-14 to Operate a Large Family Daycare Facility in the Low Density Residential Zoning District (R-1) Located at 1027 Cardoza Road, More Specifically Identified as Assessor's Parcel Number: 431-161-018.

- 1) Planning Commission Resolution No. 2014-01 – Approving Use Permit #2013-14 to operate a Large Family Daycare in the Low Density Residential Zoning District (R-1) Located at 1027 Cardoza Road, More Specifically Identified as Assessor's Parcel Number: 431-161-018.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2014-01 as submitted

- B. Public Hearing – To Consider Conditional Use Permit #2013-16 to Operate a Large Family Daycare Facility in the Low Density Residential Zoning District (R-1) Located at 714 Bordeaux Court, More Specifically Identified as Assessor's Parcel Number: 082-601-031.

1) Planning Commission Resolution No. 2014-02 – Approving Use Permit #2013-16 to Operate a Large Family Daycare in the Low Density Residential Zoning District (R-1) Located at 714 Bordeaux Court, More Specifically Identified as Assessor's Parcel Number: 082-601-031.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2014-02 as submitted.

- C. Public Hearing – To Consider Conditional Use Permit #2013-17 for the Operation of an Indoor Bounce House Business in the General Industrial Zoning District (I) Located at 115 W. G Street, Suite D, More Specifically Identified as Assessor's Parcel Number: 081-110-037.

1) Planning Commission Resolution No. 2014-03 – Approving Use Permit #2013-17 for AAA Jumpers & Slides Located at 115 W. G Street, Suite D, More Specifically Identified as Assessor's Parcel Number 081-110-037.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2014-03 as submitted.

12. COMMUNITY DEVELOPMENT DEPARTMENT REPORT.

13. COMMISSIONER REPORTS.

- A. Baker
- B. Cates
- C. Faktorovich
- D. Hammond
- E. Mello
- F. Spada
- G. Toscano

14. 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 9-3.2226)

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 3rd day of January 2014

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
OCTOBER 9, 2013**

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: The pledge of allegiance was led by Commissioner Spada.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members Arkady Faktorovich, Jose Gonzalez, Tom Mello, Vern Hixson, Tracey Rosin, Tom Spada, Susan Toscano.

STAFF MEMBERS PRESENT: Assistant City Clerk/Human Resources Technician Sousa and Assistant Planner Elms.

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

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR MEETING OF SEPTEMBER 11, 2013: Motion by Spada, seconded by Faktorovich to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. BILL KNOFF, Los Banos, spoke about how rural America is in crisis, environmental assaults are destroying services, rural Americans pay taxes, a Defend Rural America movement will soon be launched in Merced County to protect the rights of economies at the County level, over 30% of America's counties are on the verge of collapse, the upcoming event features Kirt McKensie who will speak on Saturday, November 9th at 1:30 at New Beginnings Church in Los Banos, invited the public and encouraged all to attend, stated that although he is known as a Tea Party member this is not a Tea Party event, if you like living in your rural community then please attend this event.

PUBLIC HEARING – TO CONSIDER TENTATIVE PARCEL MAP NO. 2013-01 TO SUBDIVIDE APPROXIMATELY 22.3 ACRES INTO TWO PARCELS IN THE PROFESSIONAL OFFICE AND LOW DENSITY RESIDENTIAL ZONING DISTRICTS LOCATED AT 1840 S. CENTER AVENUE, MORE SPECIFICALLY KNOWN AS ASSESSOR'S PARCEL NUMBER: 431-270-001. Assistant Planner Elms presented the staff report which included a PowerPoint presentation. Ms. Elms announced that City Attorney Vaughn was not present tonight because he owns property adjacent to the project and he made a decision to recuse himself.

Commissioner Mello inquired as to when the property was annexed and if there were any waterlines on the property. Assistant Planner Elms stated the property was annexed in 2006.

Anthony Whitehurst, property owner, stated he lives 300 feet from the property and at the time of annexation the property was class one CCID property, now it is class two and is about to be removed entirely because the time limit has run.

Chair Rosin stated she was very aware of the CCID situation and was curious about the configuration of the parcels.

Anthony Whitehurst stated all of the property is being used by the chapel and the other property will be using class two CCID water until it is developed, we've parceled off all of the property, he currently owns both parcels and does not intend to propose development on the property.

Chair Rosin stated there is an easement on the south side of the property that facilitates irrigation but not on the north side, feels that without any agriculture there it will be a dust bowl.

Anthony Whitehurst stated the portion on the south side is not his easement, we use a ditch that provides water to the property and distributes the property where it should go.

Chair Rosin stated there is a gate on the south side of the property that heads in the northerly direction and doesn't go anywhere so you're taking water and pushing it east, the natural fall of the ground goes to the east, should the area ever change ownership it needs to be maintained.

Anthony Whitehurst stated there are solutions which include grading the additional section of ground for gravity flow so the ground can be maintained, any future agreements he has with others will state they must maintain the ground.

Chair Rosin opened the public hearing.

TED MEZA, Los Banos, stated Tony (Mr. Whitehurst) did a good job but didn't do it all right, stated that if he didn't receive the public hearing notice and the picture of what is being requested he wouldn't be here speaking on the subject, believes there are some

adjustments on the line that need to be changed, when he first bought the property on the corner he bought based on what he saw and how it was presented to him, you can see the lines, the Whitehurst's drew the lines, how he believes he has stirred a pot of s***, for years he's been trying to get the Whitehurst's to adjust his property lines and now they're trying to adjust their lines, it's going to affect his property, believes there is some kind of trade going on and this project is going to happen anyway, hopes the Commission can see this change should not happen, maybe down the road but not today, unless the Whitehurst's come to him to discuss the matter he's not interested, how he left a dinner meeting to come here and is sorry he has to be here to discuss such a thing, sorry he built his house there and now he has to argue about his border lines not being straight, stated he's sorry this has caused a headache and a problem for people but "I'm a stubborn Mexican and I'm going to stick by it".

No one else came forward to speak and Chair Rosin closed the public hearing.

Chair Rosin made a motion to table the item. The motion died for lack of a second.

Chair Rosin stated she feels in light of the fact that we do not have the City Attorney present or the City Manager to guide us in this matter, we should continue the item to the next meeting so all questions can be answered.

Assistant Planner Elms advised the Commission that their role tonight is to look at the Los Banos Municipal Code to see if this project meets the code requirements and that the legality of the property lines is a civil matter.

Chair Rosin stated she feels it is inappropriate for the Commission to make a decision without an Attorney present.

Commissioner Faktorovich stated both property owners have certain rights, we are looking at the present condition, if the parcel meets the code requirements that is what we should be looking at. The City Attorney recused himself because he is a neighbor to the property, the staff report states this project met the requirements, and we should move forward.

Commissioner Mello stated he agrees with Mr. Faktorovich, it is not our job to get into the middle of this dispute.

Commissioner Spada stated that though he doesn't like the fact that the neighbors did not talk to each other about their disagreement, he also agrees with Commissioners Faktorovich and Mello, we can get any Attorney to come in here and tell us what we can and can't do.

Commissioner Faktorovich stated the Commission has to be able to make decisions on their own and wonders what the Commission is afraid of, the City has indicated that all requirements were met.

Chair Rosin stated she is not afraid of anything, not certain the property owners have had an opportunity to discuss the matter, doesn't feel anyone should rush to judgment on this item without all information, whether or not she agrees or disagrees doesn't matter.

Motion by Faktorovich, seconded by Spada to adopt Planning Commission Resolution No. 2013-27 – Approving Tentative Parcel Map No. 2013-01 for the Subdivision of Approximately 22.3 Acres into Two Parcels on Assessor's Parcel Number: 431-270-001. The motion carried by the affirmative action of all Planning Commission Members present.

Chair Rosin apologized that the meeting was a little out of order stating the Commission does its best to represent everyone.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT. Assistant Planner Elms announced that the New Caanan Missionary Baptist Church appealed the Planning Commission's decision on the Negative Declaration and the Site Plan, the City Council made a motion of intent to approve with modifications to mitigate any potential effects of the surrounding neighborhood; received a tract map for 57 single residential units from Alexis Gevorgian located on North Street and Wilmott Avenue with about 11 acres; the October 23, 2013 meeting will be cancelled as there are no agenda items.

Commissioner Hixson inquired as to what was currently going on at Walmart where everything is barricaded off. Assistant Planner Elms stated it was either part of their Storm Water Prevention Program or their staging plan noting that a resident actually called stating she spoke to a construction worker who told her they were building a correctional facility however, that is completely false.

PLANNING COMMISSION MEMBER REPORTS.

ROSIN: Chair Rosin stated she typically wouldn't do this but she was going out of order and would be speaking first tonight. She was appalled that our City Manager has not come to meet this Planning Commission, he has not made any attempt to attend the meetings and has not reached out to us at all which is a little disturbing, feels the recent change in staffing was handled in a very inadequate way, I recognize it is a personnel issue but there was no communication to the Planning Commission about the Community Development Director no longer being employed, personally concerned if the City Manager is restructuring the Planning Department then maybe the Planning Commission is next, concerned about the workload being placed on Assistant Planner Elms, when we had two staff people they were completely overwhelmed, how all of this information has been communicated by her to the City Council and the Mayor and there has been no response.

FAKTOROVICH: No report.

GONZALEZ: Stated he was invited to attend the Regional Transportation Impact Fee (RTIF) meeting and he was the only Commissioner there, only about 7 people total in attendance and that was sad.

HIXSON: Ditto to what Chair Rosin said.

MELLO: Would like to see the City Manager come and introduce himself and say thank you for serving the public on your own time; my niece Ally Mello will be on the Amazing Race so please tune in to watch her.

SPADA: Stated he totally agrees on the lack of communication from the City Manager, how he found out we lost the City Planning Director from a resident and not the City Manager.

Commissioner Spada asked about the process of a sign being remodeled (Shell sign) and wanted to know if that request would come through the Planning Department. Assistant Planner Elms stated that the sign came in without a permit and Shell blamed it on miscommunication, the City fined Shell and then they came in to get the permit, because of what the code says Shell gets double signage because it is on a corner, the Fire Chief grandfathered the sign height, if it hadn't met the sign requirements it would have went before the Planning Commission. Commissioner Spada stated the sign does block some of the traffic view. Assistant Planner Elms stated she will bring that issue up with the Building Official.

TOSCANO: Stated she is disappointed that City Manager Steve Carrigan has not come and introduced himself to the Commission, it's not like it hasn't been told to him, I guess he's just not going to do it; the Tomato Festival was great.

ADJOURNMENT. The meeting was adjourned at the hour of 7:42 p.m.

APPROVED:

Tracey Rosin, Chair

ATTEST:

Jana R. Sousa, Assistant City Clerk

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
NOVEMBER 13, 2013**

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: The pledge of allegiance was led by Commissioner Melo.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members Arkady Faktorovich, Jose Gonzalez, Vern Hixson, Tom Mello, Tracey Rosin, Tom Spada; **Absent:** Susan Toscano.

STAFF MEMBERS PRESENT: City Attorney Vaughn, Assistant City Clerk/Human Resources Technician Sousa and Assistant Planner Elms.

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

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR MEETING OF OCTOBER 9, 2013: Chair Rosin stated that the minutes were not ready and will be brought forth at the next regular meeting.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. TED MEZA, Los Banos, stated he was at the last Planning Commission meeting and it sounded like he presented his case a little weak, thinks it's wrong for this Commission to make a decision when they don't have all the information in front of them, it's wrong to state that he made a weak case, it's wrong to sit back and toss your pencil away, came today to make his case clear that he will be back as many times as it takes until we figure out what's going to happen out there right or wrong, he knows what he's talking about, none of the Commissioners came out to see him and he thinks it's the wrong way to do business, I'm finished with you guys, thank you for your time.

No one else came forward to speak and Chair Rosin closed the public forum.

PUBLIC HEARING – TO CONSIDER MOBILE VENDOR PERMIT #2013-03 TO ALLOW THE OPERATION OF A MOBILE TACO TRUCK TO VEND ON PRIVATE PROPERTY LOCATED AT 210 W. PACHECO BLVD., IN THE HIGHWAY COMMERCIAL ZONING DISTRICT, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 027-153-041.

Assistant Planner Elms presented the staff report which included a PowerPoint presentation, noting the applicant is present to answer any questions.

Commissioner Spada stated in looking at this, his first concern is that the Valero has grab and go food similar to what this taco truck is going to have and it's within 500 feet of Valero. City Attorney Vaughn stated he believes you can distinguish between a restaurant, grocery store, and a store selling food, and that he's not concerned about the 500 foot issue.

Commissioner Mello asked if the truck would be on the Nevada Street side. Assistant Planner Elms stated the truck won't be visible from Nevada Street as it will be on the Westside; this space became available because across the street (300 feet away) the Mexican restaurant was vacated and a new owner has taken over; it will now be another food restaurant and the owner is looking at a dessert shop; and about a year ago the City mapped out possible locations for this project.

Chair Rosin opened the public hearing.

STEVEN A. NUNES, Area Manager for the company which operates the Valero Comerstore, stated he would be concerned with this taco truck coming because Valero does serve tacos, burritos, tamales, which is the same basic food, since the opening of the AM/PM we've lost about 40% of our business, if this is an extremely busy location for the taco truck the customers are going to come and use our restroom facilities.

No one else came forward to speak and Chair Rosin closed the public hearing.

Commissioner Spada stated he agrees with Mr. Nunes' concerns and doesn't see this as fair when you're this close to an establishment that serves the same food, he's paying property taxes and they are not.

City Attorney Vaughn stated the distinction has been struck down by the courts that when you are prohibiting certain types of business its suspect, I look at the taco truck more as a restaurant where they are cooking on-site as opposed to the gas station that's selling packaged food.

Commissioner Spada asked Mr. Nunes if Valero prepares food. Mr. Nunes stated that Valero has a hotdog grill and rollers for tamales.

Commissioner Faktorovich stated the business has a right to open and provide service, it doesn't take away business, it's just a friendly competition, because an owner doesn't

want competition this reminds him of his former country the Soviet Union, nobody takes anybody's business, if you don't provide good service then someone else will.

Mr. Nunes stated his business is a cash business, taxes are paid and the City won't have a clue how much cash comes into that taco truck and doesn't know how much tax revenue it will be losing because of it.

Chair Rosin asked City Attorney Vaughn if she should be concerned that Valero is a brick and mortar business and the mobile business puts their business in jeopardy. City Attorney Vaughn answered no and referred to cases in court being challenged on the issue, and how you have to be really careful by saying it's providing the same service.

Commissioner Faktorovich stated this body is not in place to make decisions beyond its control, we are to make decisions based on City Ordinances and state rules and regulations, how he ran his own business for 25 years and understands the business environment and how hard it is to make a dollar, we should not put other people's business in jeopardy because we perceive that it will take away our business.

Commissioner Mello stated the truck is located on the westside of the building which has a building in between it, unless we change the codes in the City we're always going to have this problem, it's a perplexing and tough decision because we want the tax revenue.

Commissioner Hixson asked if the taco shop would have to leave if the battery outlet store ever went out of business. Assistant Planner Elms answered yes because of the truck's lease with the battery outlet. City Attorney Vaughn stated the municipal code states there has to be an ancillary use so you can't have a mobile vendor on a vacant lot which is exactly why the City puts a one year limit on these permits.

Chair Rosin stated the Planning Commission is very much in support of the City of Los Banos and that is why we volunteer our time up here, without these businesses we can't be a City.

Motion by Faktorovich, seconded by Gonzales to adopt Planning Commission Resolution No. 2013-29 – Approving Mobile Vendor Permit #2013-03 for the Operation of a Mobile Taco Truck on Private Commercial Property Located at 210 W. Pacheco Blvd. The motion carried by the following roll call vote: AYES: Faktorovich, Gonzalez, Hixson, Mello; NOES: Spada, Rosin; ABSENT: Toscano.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT. Assistant Planner Elms announced there will be no Planning Commission meeting on November 27, 2013, there will be one meeting in December, the community development department is selling calendars for \$10, there is a tentative tract map going through the environmental process, just working on day to day tasks.

PLANNING COMMISSION MEMBER REPORTS.

FAKTOROVICH: No report.

GONZALEZ: No report.

HIXSON: No report.

MELLO: No report.

ROSIN: Requested to revisit the mobile vendor ordinance at a time that is appropriate so the Commission can get a better handle on it, the 500 foot rule is confusing for her as to what she should be looking at with regards to a decision; inquired as to when the Community Development Director position would be filled, for which Assistant Planner Elms and City Attorney Vaughn stated they did not have any information on that. Chair Rosin asked where the department is with the General Plan. Assistant Planner Elms stated the General Plan is one of the department's top priorities and we are looking at including it in the budget. Chair Rosin stated there are 12,754 registered voters in the City of Los Banos and spoke about how more people need to register to vote.

SPADA: Wished the taco truck well with their business, also confused to a degree, does not want to compare brick and mortar to what's not brick and mortar, when people come to our City to do business there is some due diligence the City should provide.

TOSCANO: Absent.

ADJOURNMENT. The meeting was adjourned at the hour of 7:42 p.m.

APPROVED:

Tracey Rosin, Chair

ATTEST:

Jana R. Sousa, Assistant City Clerk



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIR PERSON AND COMMISSIONERS
FROM: STACY SOUZA ELMS, ASSISTANT PLANNER *SE*
FOR: PLANNING COMMISSION MEETING OF JANUARY 8, 2014
SUBJECT: CONDITIONAL USE PERMIT #2013-14 – LARGE FAMILY DAYCARE

RECOMMENDATIONS:

That the Planning Commission adopts Resolution #2014-01 approving Conditional Use Permit #2013-14 to operate a Large Family Daycare Facility, in the Low Density Residential Zoning District (R-1) located at 1027 Cardoza Road, more specifically identified as Assessor's Parcel Number: 431-161-018.

PROJECT BACKGROUND/DESCRIPTION:

The requested Conditional Use Permit is for the operation of a Large Family Daycare in the Low Density Residential District. Large Family Daycare facilities are regulated by the California Department of Social Services and are allowed to accommodate a maximum of 14 children.

The applicant, Sandy Gong, is requesting to operate Sandy Gong's Child Care from the hours of 7:30am to 5:30pm, Monday through Friday. The children in attendance will range from the ages of 3 to 8 years old, but primarily preschool aged. The requested use will be secondary to the primary residential use of the property. The applicant will be teaching preschool from her home with a curriculum for the children and is required by the State to have an attendant to care for more than 8 children.

LOCATION AND ACCESS:

The project site is located at 1027 Cardoza Road, more specifically identified as Assessor's Parcel Number: 431-161-018.



LAND USE:

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

R-1 = Low Density Residential

LDR = Low Density Residential

ENVIRONMENTAL ASSESSMENT:

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

USE PERMIT ANALYSIS

Code Requirements

A large family daycare, as specified in the Los Banos Municipal Code, shall be permitted in all residential zone districts subject to use permit approval. Pursuant to State Law (Health & Safety Code 1597.46) a Use Permit shall be granted if the large family day care home complies with local ordinances prescribing reasonable standards, restrictions and requirements concerning:

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

Noise Control

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

Parking

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

Traffic Control

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

Space/Concentration

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

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

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise on December 27, 2013 and notices were provided to adjacent property owners within a 300 foot radius of the subject property. As of the date of this staff report, no comments have been received.

CONCLUSION:

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

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan

Los Banos Municipal Code

Health and Safety Code

RECOMMENDATIONS:

That the Planning Commission adopts Resolution #2014-01 approving Use Permit #2013-14 for the use of a Large Family Daycare Facility, in the Low Density Residential zoning district located at 1027 Cardoza Road.

ATTACHMENTS:

1. Resolution #2014-01
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Site Photos
3. Plot Plan
4. Floor Plan
5. Public Hearing Notice – December 27, 2013

RESOLUTION No. 2014-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING USE PERMIT 2013-14 TO OPERATE A LARGE FAMILY DAYCARE IN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT (R-1) LOCATED AT 1027 CARDOZA ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 431-161-018

WHEREAS, the applicant has requested that the City of Los Banos consider a Use Permit to allow the operation of a large family daycare in the Low Density Residential zoning district (R-1) located at 1027 Cardoza Road, more specifically identified as Assessor's Parcel Number: 431-161-018; and

WHEREAS, Use Permit 2013-14 has been determined to be statutorily exempt from the provisions of CEQA per Article 18, Section 15274 (a), Family Day Care Homes; and

WHEREAS, in compliance with the Municipal Code and Health and Safety Code 1597.46 (c) it has been found that the proposal will be incidental to the residential use of the property; and

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

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

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

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

WHEREAS, in compliance with the Municipal Code it has been found that noise produced by the large family day care will not have a significant impact on surrounding properties and the applicant will be required to adhere to the City's Noise Ordinance requirements; and

WHEREAS, a Public Hearing Notice for the Los Banos Planning Commission was duly advertised on December 27, 2013 to consider and take testimony regarding these matters scheduled for its regular meeting on January 8, 2014; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Use Permit 2013-14 to permit the use of a Large Family Day Care facility in the Low Density Residential zoning district located at 1027 Cardoza Road, 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 8th day of January 2014 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:

Planning Commission Chair

ATTEST:

Stacy Souza Elms, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR USE PERMIT 2013-14 – SANDY GONG'S CHILD CARE

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, the City of Los Banos Environmental Guidelines, and Health and Safety Code 1597.46 (c), the project was evaluated within the context of those guidelines and found to be statutorily exempt from the provisions of CEQA per Article 18, Section 15274 (a) for large family day care homes
2. Use Permit 2013-14 was adequately noticed on December 27, 2013 for consideration at a public meeting on January 8, 2014.
3. No further environmental documentation is required as the Use Permit was contemplated and adequately analyzed in the initial review.
4. The proposal is consistent with the Los Banos General Plan as it meets the use and density standards specified within.
5. The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use and development standards specified within.

EXHIBIT B

FINDINGS FOR APPROVAL OF USE PERMIT 2013-14 – SANDY GONG'S CHILD CARE

FINDINGS FOR APPROVAL:

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

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

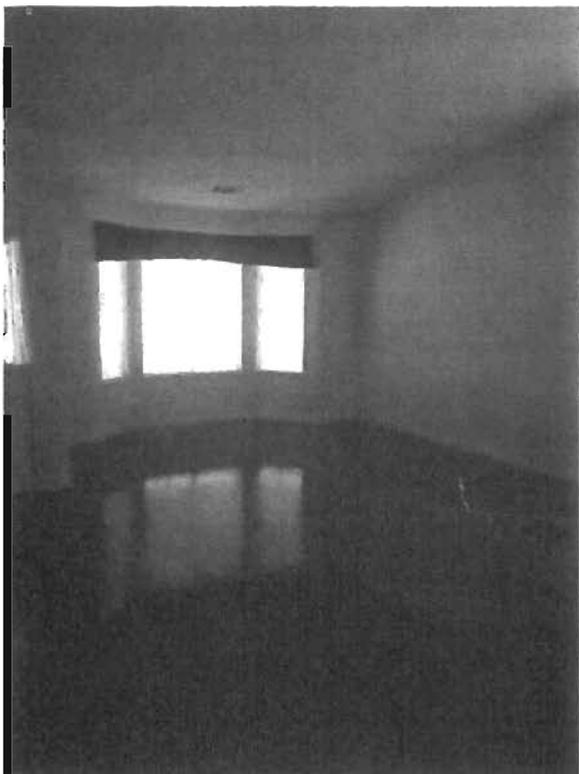
EXHIBIT C

CONDITIONS OF APPROVAL FOR USE PERMIT 2013-14 – SANDY GONG'S CHILD CARE

Planning:

1. The Use Permit is for a Large Family Day Care facility located at 1027 Cardoza Road; more specifically identified as Assessor's Parcel Number: 431-161-018. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit.
2. The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
3. The outside play area shall be contained within the fenced area of the yard, and shall not be allowed in the front yard of the home.
4. Temporary on-site parking shall be provided for the safe loading and unloading of children in the driveway.
5. The care provider shall provide a written notice to all parents notifying them not to park in front of property adjacent to the large family day care.
6. The Planning Commission reserves the right to review and/or revoke this permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval.
7. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
8. The use shall remain in compliance with the Conditions of Approval and shall not be operated in a manner that deviates from the approved use permit, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice.

9. Authorization of a Use Permit granted pursuant to the provisions of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.
10. If the use is discontinued for a period of six months, this Conditional Use Permit shall lapse and become void.



Child Care
Room



Child
care
B.R.

[Make Default](#)

- 07-18-2012.jpg



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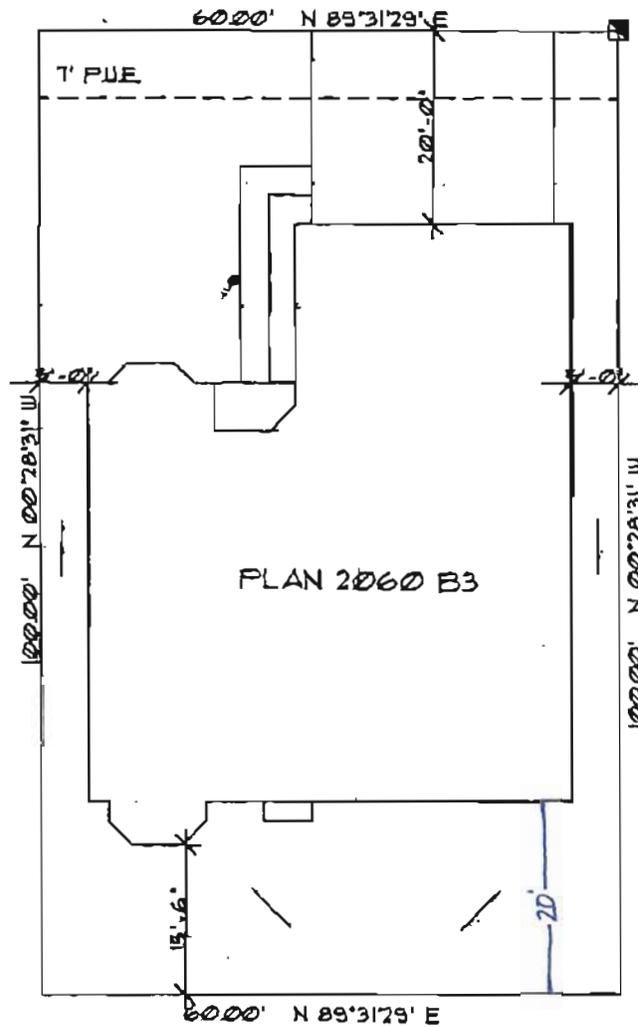
Kitchen





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CITY OF LOS BANOS

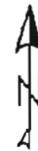
CARDOZA RD.



APPROVED

plans and specifications shall not be changed,
modified or altered without authorization
from the Building Official. 5/8/00

TRACT NO. 97-01
LOT NO. 13
LOS BANOS GARDENS NO. 3
UNIT 1
ANDERSON HOMES
DRAWN BY: JF SCALE: 1"=20'



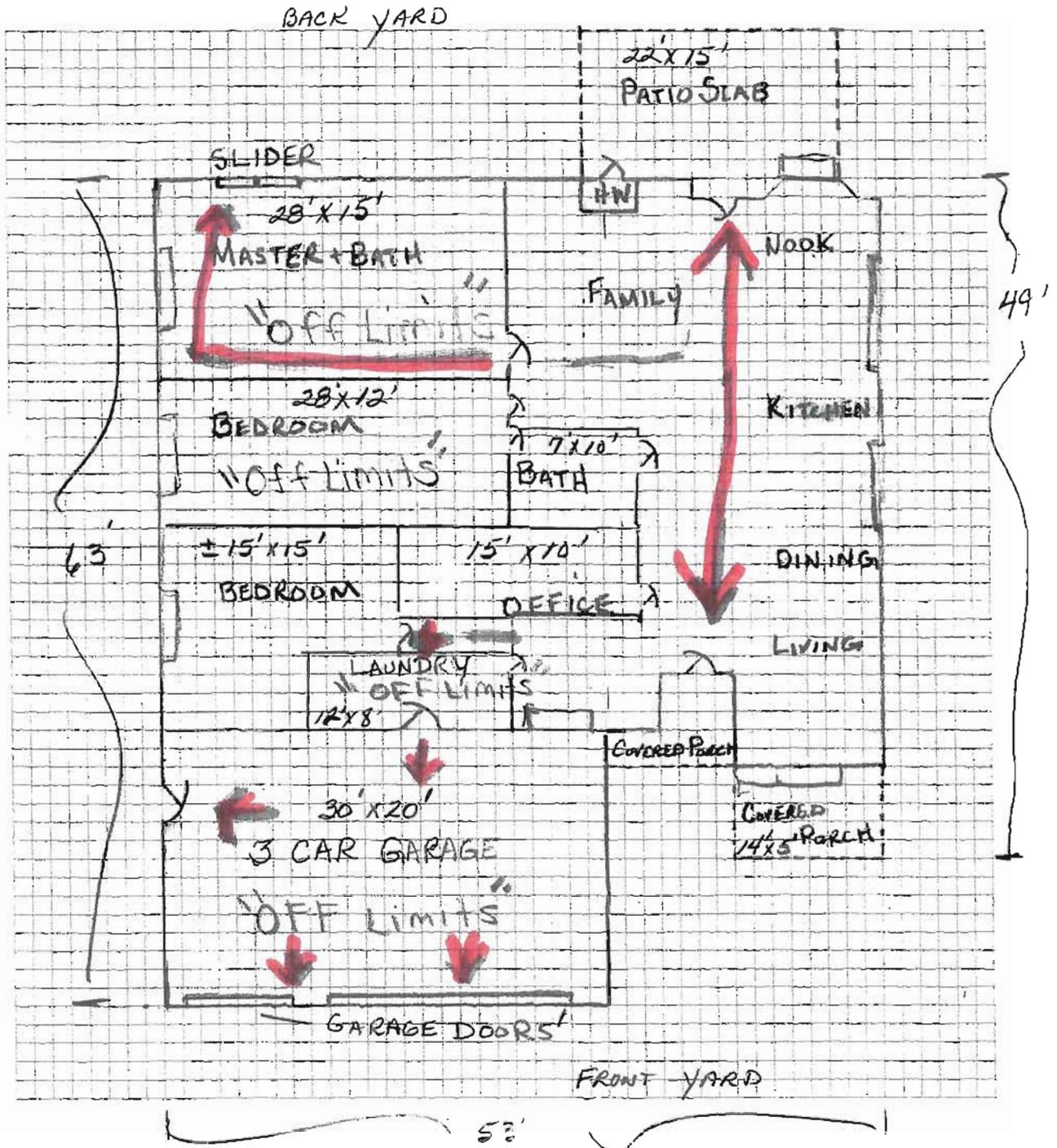
such as the kitchen, bath, living room, etc. Please identify areas which will be "off limits" to children. Door and window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes (e.g. 8.5 x 12). Keep close to scale. Use the space below. See back for yard sketch.

FACILITY NAME

Sandy Gong's

ADDRESS

1027 CARDOZA ST. LOS BANOS CA





City of
Los Banos
At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date: December 27, 2013

Regarding: Notice of Public Hearing

Proposal: Use Permit #2013-14 – Large Family Day Care

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Use Permit to allow the operation of a Large Family Day Care facility for Sandy Gong's Child Care operated by Sandy Gong. The subject property is located in the Low Density Residential zoning district at 1027 Cardoza Road; more specifically identified as Assessor's Parcel Number: 431-161-018.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, January 8, 2014 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 Stacy Souza Elms, Assistant Planner at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project 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. Please be advised that should this matter, at some future date go to court, testimony shall be limited to only those issues raised at the public hearing or in written correspondence delivered to the City prior to, or at, the public hearing 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 PERSON AND COMMISSIONERS
FROM: STACY SOUZA ELMS, ASSISTANT PLANNER *SE*
FOR: PLANNING COMMISSION MEETING OF JANUARY 8, 2014
SUBJECT: CONDITIONAL USE PERMIT #2013-16 – LARGE FAMILY DAYCARE

RECOMMENDATIONS:

That the Planning Commission adopts Resolution #2014-02 approving Conditional Use Permit #2013-16 to operate a Large Family Daycare Facility, in the Low Density Residential Zoning District (R-1) located at 714 Bordeaux Court, more specifically identified as Assessor's Parcel Number: 082-601-031.

PROJECT BACKGROUND/DESCRIPTION:

The requested Conditional Use Permit is for the operation of a Large Family Daycare in the Low Density Residential District. Large Family Daycare facilities are regulated by the California Department of Social Services and are allowed to accommodate a maximum of 14 children.

The applicant, Aurora Sughayar, is requesting to operate Ohana Family Child Care twenty-four (24) hours a day, seven (7) days a week. The children in attendance will range from the ages of 0 to 18 years old. The requested use will be secondary to the primary residential use of the property. The applicant will be teaching with a curriculum for children from 5am to 6:30 pm and is required by the State to have an attendant to care for 8 or more children.

LOCATION AND ACCESS:

The project site is located at 714 Bordeaux Court, more specifically identified as Assessor's Parcel Number: 082-601-031.



LAND USE:

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

R-1 = Low Density Residential

LDR = Low Density Residential

ENVIRONMENTAL ASSESSMENT:

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

USE PERMIT ANALYSIS

Code Requirements

A large family daycare, as specified in the Los Banos Municipal Code, shall be permitted in all residential zone districts subject to use permit approval. Pursuant to State Law (Health & Safety Code 1597.46) a Use Permit shall be granted if the large family day care home complies with local ordinances prescribing reasonable standards, restrictions, and requirements concerning:

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

Noise Control

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

Parking

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

Traffic Control

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

Space/Concentration

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

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

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise on December 27, 2013 and notices were provided to adjacent property owners within a 300 foot radius of the subject property. As of the date of this staff report, no comments have been received.

CONCLUSION:

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

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan

Los Banos Municipal Code

Health and Safety Code

RECOMMENDATIONS:

That the Planning Commission adopts Resolution #2014-02 approving Conditional Use Permit #2013-16 to operate a Large Family Daycare Facility, in the Low Density Residential Zoning District (R-1) located at 714 Bordeaux Court, more specifically identified as Assessor's Parcel Number: 082-601-031.

ATTACHMENTS:

1. Resolution #2014-02
Exhibit A CEQA Findings
Exhibit B Project Findings
Exhibit C Conditions of Approval
2. Site Photos
3. Plot Plan
4. Floor Plan
5. Public Hearing Notice – December 27, 2013

RESOLUTION No. 2014-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING USE PERMIT 2013-16 TO OPERATE A LARGE FAMILY DAYCARE IN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT (R-1) LOCATED AT 714 BORDEAUX COURT, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 082-601- 031

WHEREAS, the applicant has requested that the City of Los Banos consider a Use Permit to allow the operation of a large family daycare in the Low Density Residential zoning district (R-1) located at 714 Bordeaux Court, more specifically identified as Assessor's Parcel Number: 082-601-031; and

WHEREAS, Use Permit 2013-16 has been determined to be statutorily exempt from the provisions of CEQA per Article 18, Section 15274 (a), Family Day Care Homes; and

WHEREAS, in compliance with the Municipal Code and Health and Safety Code 1597.46 (c) it has been found that the proposal will be incidental to the residential use of the property; and

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

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

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

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

WHEREAS, in compliance with the Municipal Code it has been found that noise produced by the large family day care will not have a significant impact on surrounding properties and the applicant will be required to adhere to the City's Noise Ordinance requirements; and

WHEREAS, a Public Hearing Notice for the Los Banos Planning Commission was duly advertised on December 27, 2013 to consider and take testimony regarding these matters scheduled for its regular meeting on January 8, 2014; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Use Permit 2013-16 to permit the use of a Large Family Day Care facility in the Low Density Residential zoning district located at 714 Bordeaux Court, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 8th day of January 2014 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:

Planning Commission Chair

ATTEST:

Stacy Souza Elms, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR USE PERMIT 2013-16 – OHANA FAMILY CHILD CARE (AURORA SUGHAYAR)

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, the City of Los Banos Environmental Guidelines, and the Health and Safety Code 1597.46 (c) the project was evaluated within the context of those guidelines and found to be statutorily exempt from the provisions of CEQA per Article 18, Section 15274 (a) for large family day care homes
2. Use Permit 2013-16 was adequately noticed on December 27, 2013 for consideration at a public meeting on January 8, 2014
3. No further environmental documentation is required as the Use Permit was contemplated and adequately analyzed in the initial review.
4. The proposal is consistent with the Los Banos General Plan as it meets the use and density standards specified within.
5. The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use and development standards specified within.

EXHIBIT B

FINDINGS FOR APPROVAL OF USE PERMIT 2013-16 – OHANA FAMILY CHILD CARE (AURORA SUGHAYAR)

FINDINGS FOR APPROVAL:

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

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

EXHIBIT C

CONDITIONS OF APPROVAL FOR USE PERMIT 2013-16 – OHANA FAMILY CHILD CARE (AURORA SUGHAYAR)

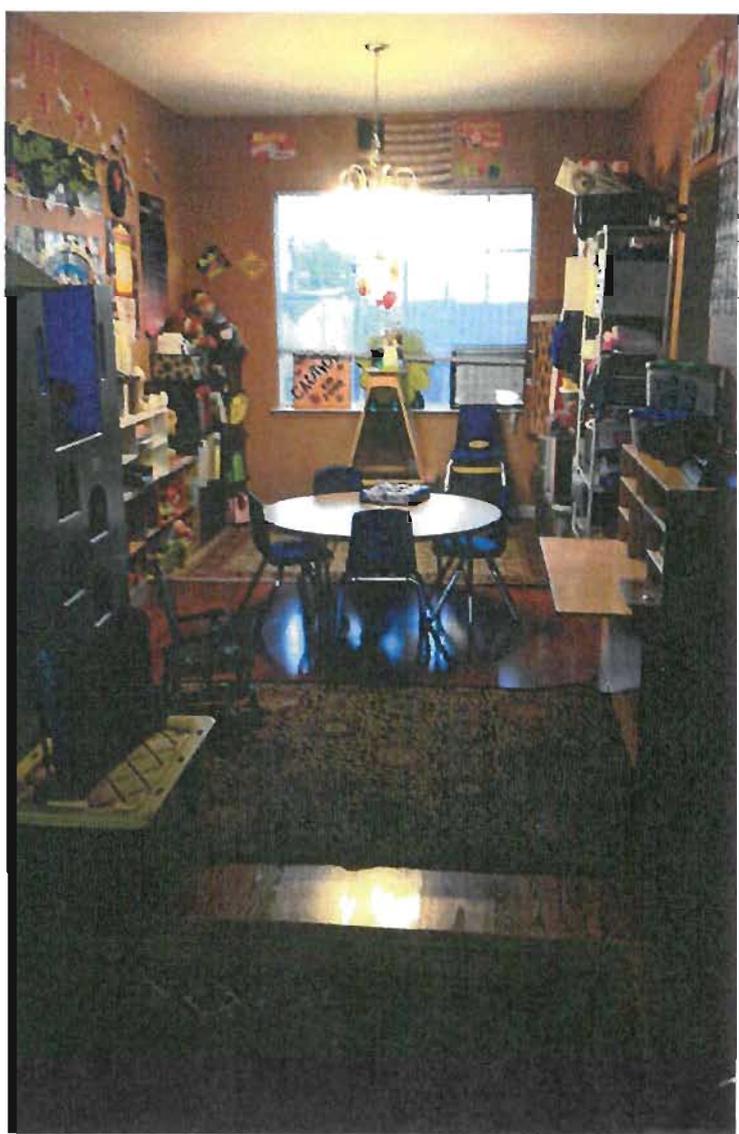
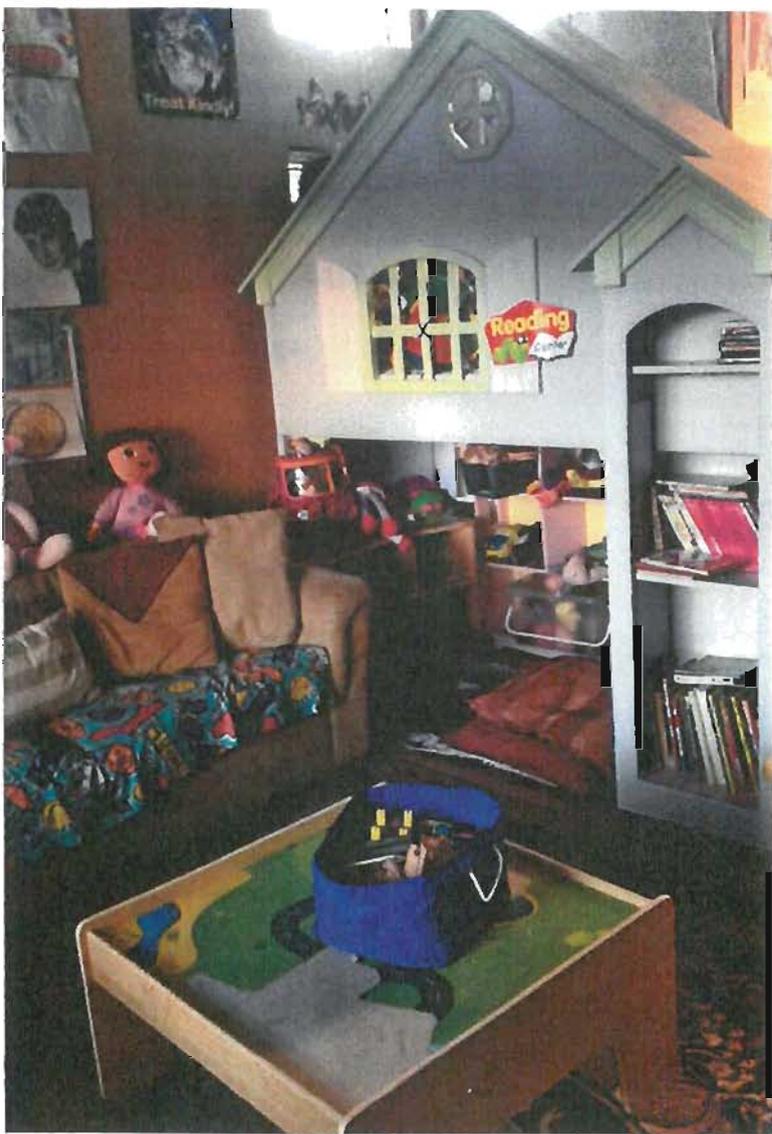
Planning:

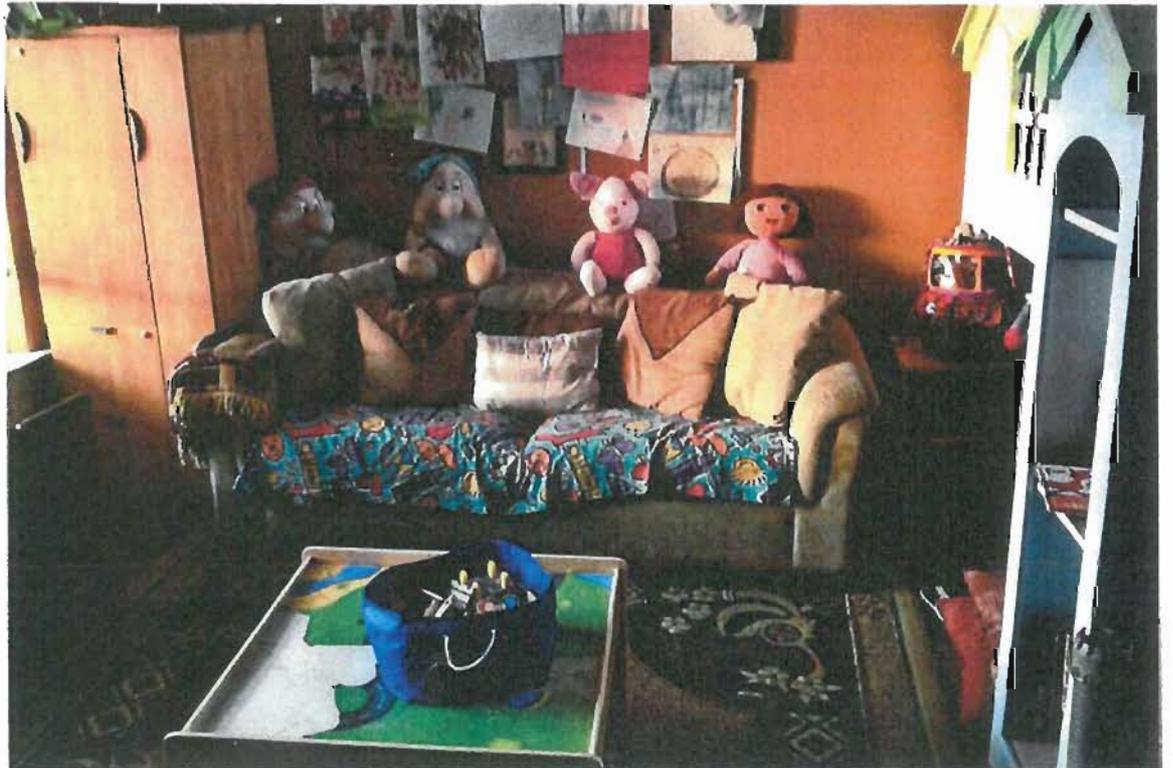
1. The Use Permit is for a Large Family Day Care facility located at 714 Bordeaux Court; more specifically identified as Assessor's Parcel Number: 082-601-031. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Use Permit.
2. The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
3. The outside play area shall be contained within the fenced area of the yard, and shall not be allowed in the front yard of the home.
4. Temporary on-site parking shall be provided for the safe loading and unloading of children in the driveway.
5. The care provider shall provide a written notice to all parents notifying them not to park in front of property adjacent to the large family day care.
6. The Planning Commission reserves the right to review and/or revoke this permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval.
7. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
8. The use shall remain in compliance with the Conditions of Approval and shall not be operated in a manner that deviates from the approved use permit, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice.

9. Authorization of a Use Permit granted pursuant to the provisions of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.
10. If the use is discontinued for a period of six months, this Conditional Use Permit shall lapse and become void.







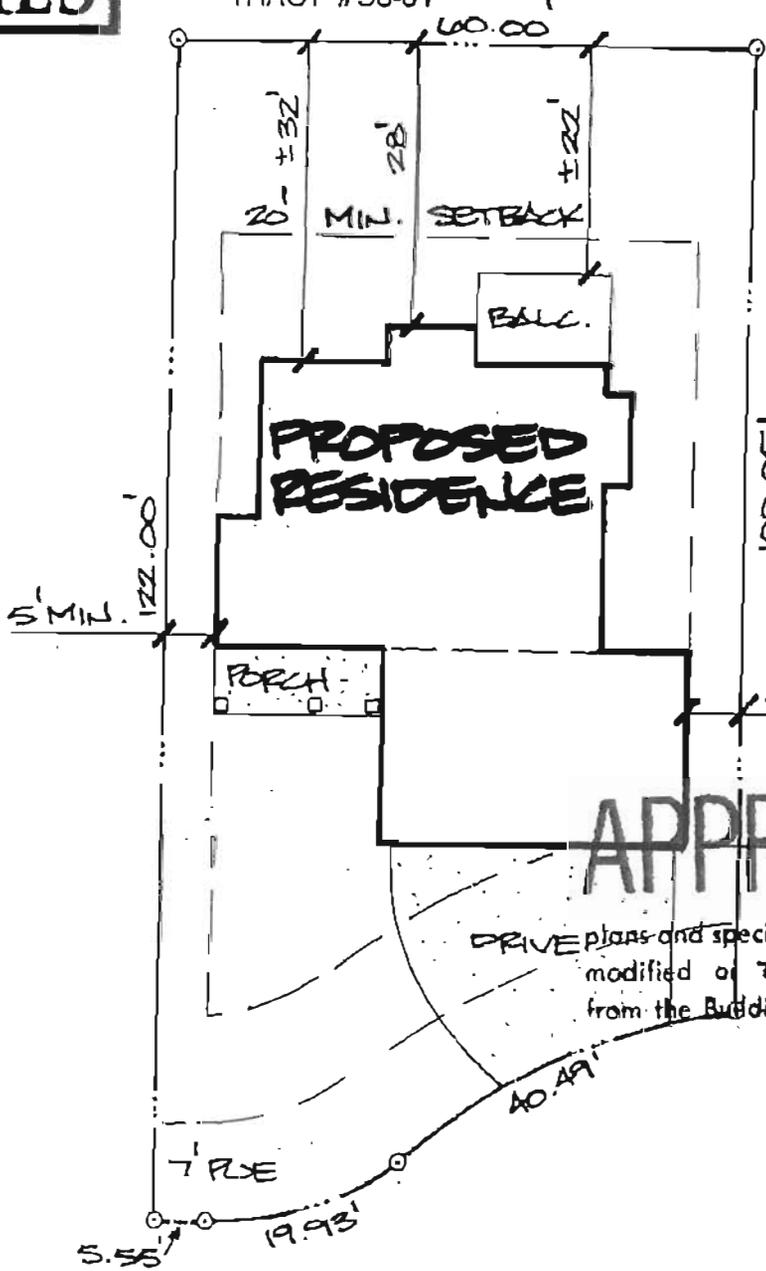




Scale: 1"=20.00'

THE VINEYARD

TRACT #96-01



RECEIVED
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 BY: _____

APPROVED

DRIVE plans and specifications shall not be changed, modified or altered without authorization from the Building Official. 607 12/22/60

XGR #43

714 BORDEAUX CT.

GENERAL SITE INFORMATION

1. Placement of house, sidewalks, approaches, fire hydrants, transformers, cable T.V. boxes, streetlights, etc. are subject to change according to local conditions.
2. All dimensions and setbacks shown herein are approximations and placement of buyer's home on lot can and may vary. Buyer acknowledges and consents to this variation.



1. Drainage .5% slope for entire site.
2. Min. slope away from building shall be 2% for a distance of 5'.
3. Driveway shall have a min. slope of 12% for a min. distance of 20' from the garage.
4. No portion of the driveway shall exceed grade of 18%

MODEL NUMBER: 207D LOT NUMBER: 403

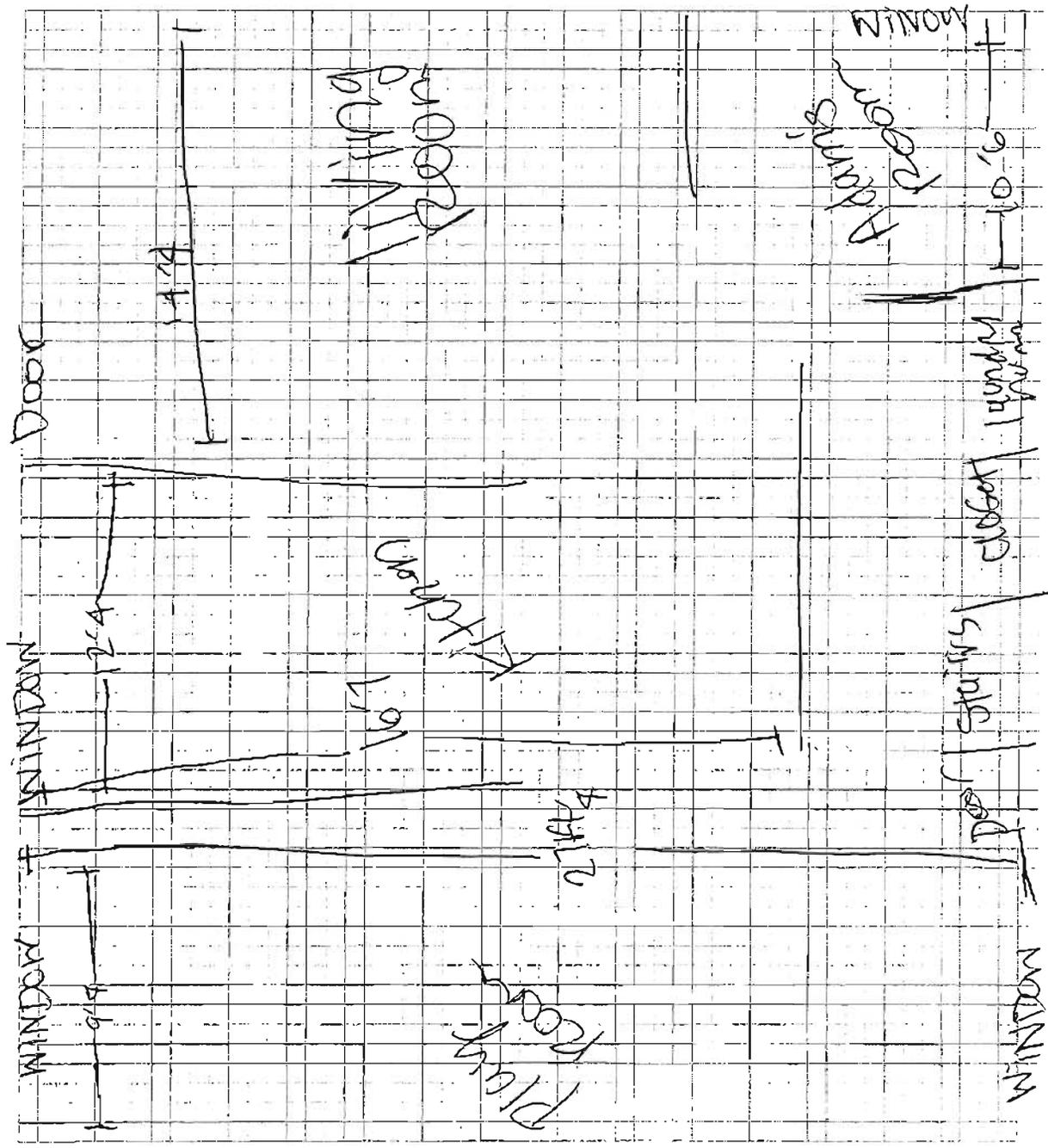
APN # 082 - 601 - 031

FACILITY SKETCH (Floor Plan)

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

FACILITY NAME: Neelam Sehgal

ADDRESS: 714 Bordeaux Ct
LOS BUNOS Ca 93635

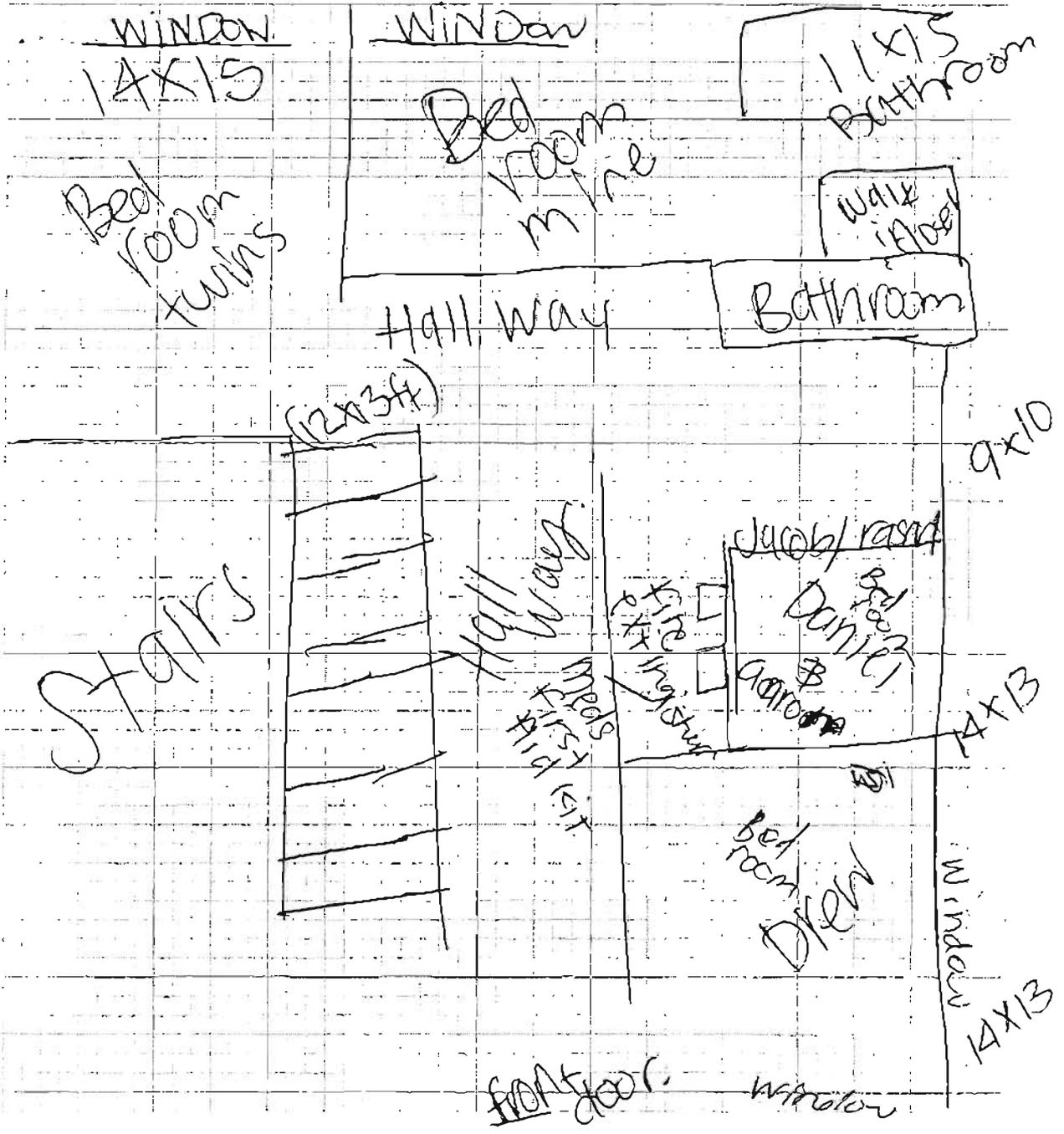


FACILITY SKETCH (Floor Plan) - Family Child Care Home

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

FACILITY NAME: Urvna Sughayal

ADDRESS: 714 Bordeaux Los Banos Ca 93635





City of Los Banos

At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date: December 27, 2013

Regarding: Notice of Public Hearing

Proposal: Use Permit #2013-16 – Large Family Day Care

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Use Permit to allow the operation of a Large Family Day Care facility for Ohana Family Child Care operated by Aurora Sughayar. The subject property is located in the Low Density Residential zoning district at 714 Bordeaux Court; more specifically identified as Assessor's Parcel Number: 082-601-031.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, January 8, 2014 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 Stacy Souza Elms, Assistant Planner at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project 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. Please be advised that should this matter, at some future date go to court, testimony shall be limited to only those issues raised at the public hearing or in written correspondence delivered to the City prior to, or at, the public hearing 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 PERSON AND COMMISSIONERS

FROM: STACY SOUZA ELMS, ASSISTANT PLANNER *se*

FOR: PLANNING COMMISSION MEETING OF JANUARY 8, 2014

SUBJECT: CONDITIONAL USE PERMIT #2013-17 – AAA JUMPERS & SLIDES

RECOMMENDATIONS:

That the Planning Commission adopt Resolution No. 2014-03 approving Conditional Use Permit #2013-17 for the operations of an indoor bounce house business in the General Industrial zoning district located at 115 W. G Street, Suite D.

PROJECT BACKGROUND/DESCRIPTION:

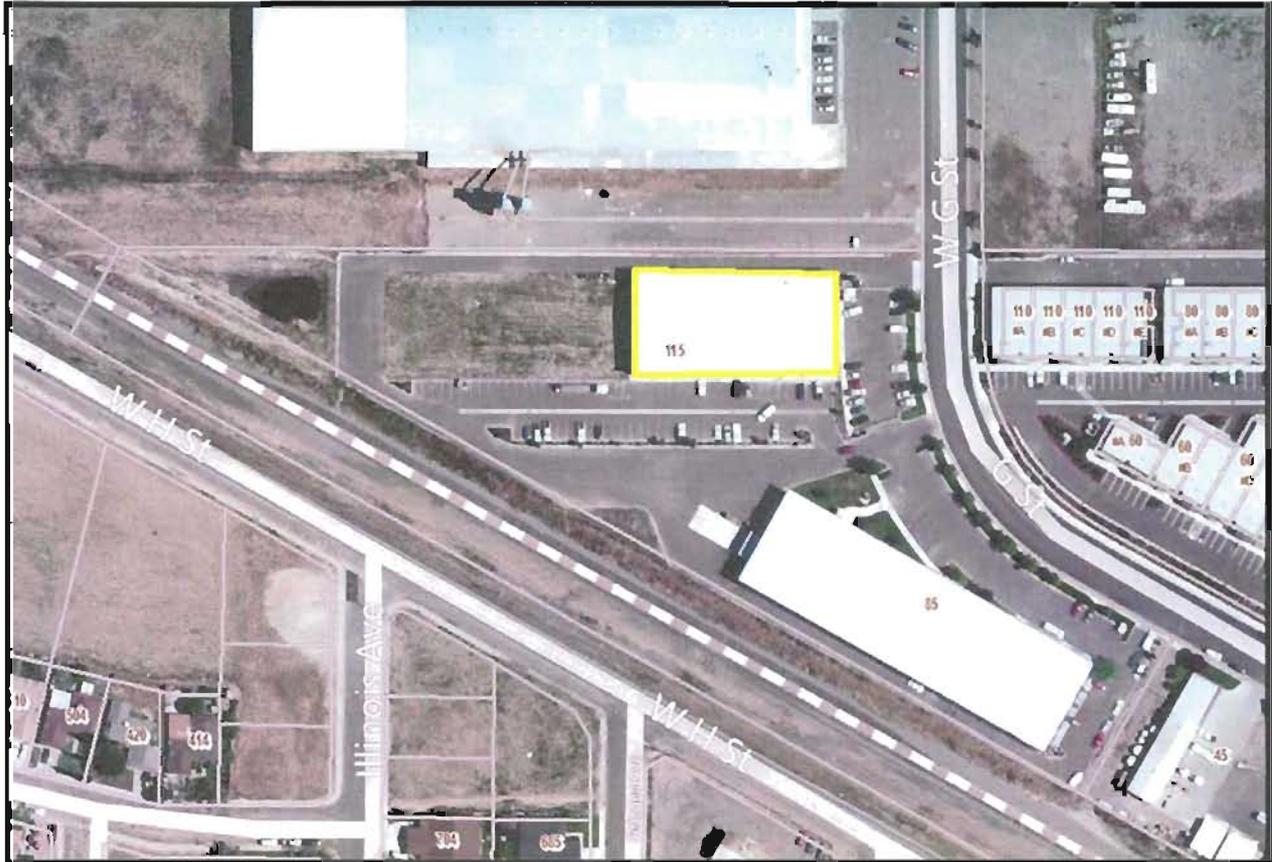
The requested application is for the use of an indoor bounce house business at 115 W. G Street, Suite D. The property is located within the General Industrial (I) zoning district. The Los Banos Municipal Code states that uses deemed appropriate by the Planning Commission may be granted subject to a Use Permit.

The applicant, Thomas Ruelas II, currently has an existing mobile bounce house business and is requesting a use permit to provide a year-round business. The applicant is planning to provide a location where families can have birthday parties and school field trips and where children can have indoor activities anytime. Simple concessions will be provided such as cotton candy, snow cones, popcorn and catered food (i.e. pizza).

The proposed operations will be seven days a week from 12pm-9pm based on demand.

LOCATION:

The project site is located at 115 W. G Street, Suite D, more specifically identified as Assessor's Parcel Number: 081-110-037.



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Project site	General Industrial		
North	Industrial		
South	Industrial		
East	Industrial		
West	Industrial		

I = Industrial

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

According to Section 9-3.2322 of the Los Banos Municipal Code, before any use permit may be granted, the Planning Commission shall make the following findings:

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.

Staff believes that this proposal is conforming to the criteria set forth in the Municipal Code. This specific use is conducive to the General Industrial zoning district in that it's a business that needs to be within a typical warehouse setting to meet ceiling heights and building width criteria. The proposed use is compatible with the surrounding properties and will provide a use for the community that is not currently available.

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 December 27, 2013. As of the date of this staff report, no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan

Los Banos Municipal Code

RECOMMENDATIONS:

That the Planning Commission adopt Resolution No. 2014-03 approving Conditional Use Permit #2013-17 for the operations of an indoor bounce house business in the General Industrial zoning district located at 115 W. G Street, Suite D.

ATTACHMENTS:

1. Resolution #2014-03 approving Use Permit #2013-17
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Site Plan
3. Site Photos
4. Public Hearing Notice

RESOLUTION No. 2014-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING USE PERMIT #2013-17 FOR AAA JUMPERS & SLIDES LOCATED AT 115 W. G STREET, SUITE D, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 081-110-037

WHEREAS, Thomas Ruelas II, dba: AAA Jumpers & Slides has requested that the City of Los Banos consider a Use Permit to allow the use of an indoor bounce house facility in the General Industrial zoning district located at 115 W. G Street, Suite D, more specifically identified as Assessor's Parcel Number: 081-110-037; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on December 27, 2013 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, 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, the project 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 City Council of the City of Los Banos does hereby approve Use Permit #2013-17 to allow the use of an indoor bounce house facility located at 115 W. G Street, Suite D, more specifically identified as Assessor's Parcel Number: 081-110-037, 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 8th day of January 2014 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:

Planning Commission Chair

ATTEST:

Stacy Elms, Assistant Planner/Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR USE PERMIT #2013-17– AAA JUMPERS & SLIDES

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

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

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, Use Permit #2013-17 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15301.
2. Use Permit #2013-17 was adequately noticed and circulated for public review and comment on December 27, 2013 for consideration at a public meeting on January 8, 2014 and no comments were received.
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.

EXHIBIT B

FINDINGS FOR APPROVAL OF USE PERMIT #2013-17 – AAA JUMPERS & SLIDES

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 in that the Industrial designation supports commercial services that are not large-scale retail uses.
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 and is conditioned to require the applicant to comply with applicable City ordinances specified in the Municipal Code for such use.
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 and its characteristics will not result in significant operational changes to the existing area or other detrimental effects. The use will be conducted entirely within the facility (enclosed existing building) and significant distance from residential properties. Noise from children will be contained inside the building and no outdoor activities will be permitted.
4. The proposed use is compatible with the adjacent uses which are primarily commercial in nature, 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 subject to conditions of approval which will mitigate any adverse or detrimental affects to the neighborhood and surrounding areas.

EXHIBIT C

CONDITIONS OF APPROVAL FOR USE PERMIT #2013-17 – AAA JUMPERS & SLIDES

Planning:

1. Use Permit 2013-17 is for AAA Jumpers & Slides located at 115 W. G Street, Suite D; more specifically identified as Assessor's Parcel Number: 081-110-037. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Use Permit.
2. Subject to and in addition to these conditions of approval for Use Permit #2013-17 shall substantially conform to the approved Use Permit including but not limited to the application on file with the Community Development Department, Staff Report and Floor Plan.
3. The applicant shall comply with all applicable City ordinances, specified in the Municipal Code and other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
4. 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 to the neighborhood.
5. 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.
6. The premises shall be operated as an indoor bounce house and slides facility with concessions as described in the application prepared by the applicant and filed with the Community Development Department. Any new use of modification/expansion of uses shall be subject to the review and approval of the Planning Commission.

7. The premises of the subject site shall remain in compliance with the Conditions of Approval and shall not be operated in a manner that deviates from the approved use permit or filed operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice.
8. Authorization of a Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.
9. All bounce houses, slides and concessions shall be located within the building.
10. If the use is discontinued for a period of six months, this Conditional Use Permit shall lapse and become void.

BACK DOOR

Arcade Room

20 x 20

Private Party Room

20 x 20

Private Party Room

20 x 20



FRONT DOOR

12 x 15
OFF.

BR.
8 x 15

BR.
8 x 15

14

70

60

50

10

30

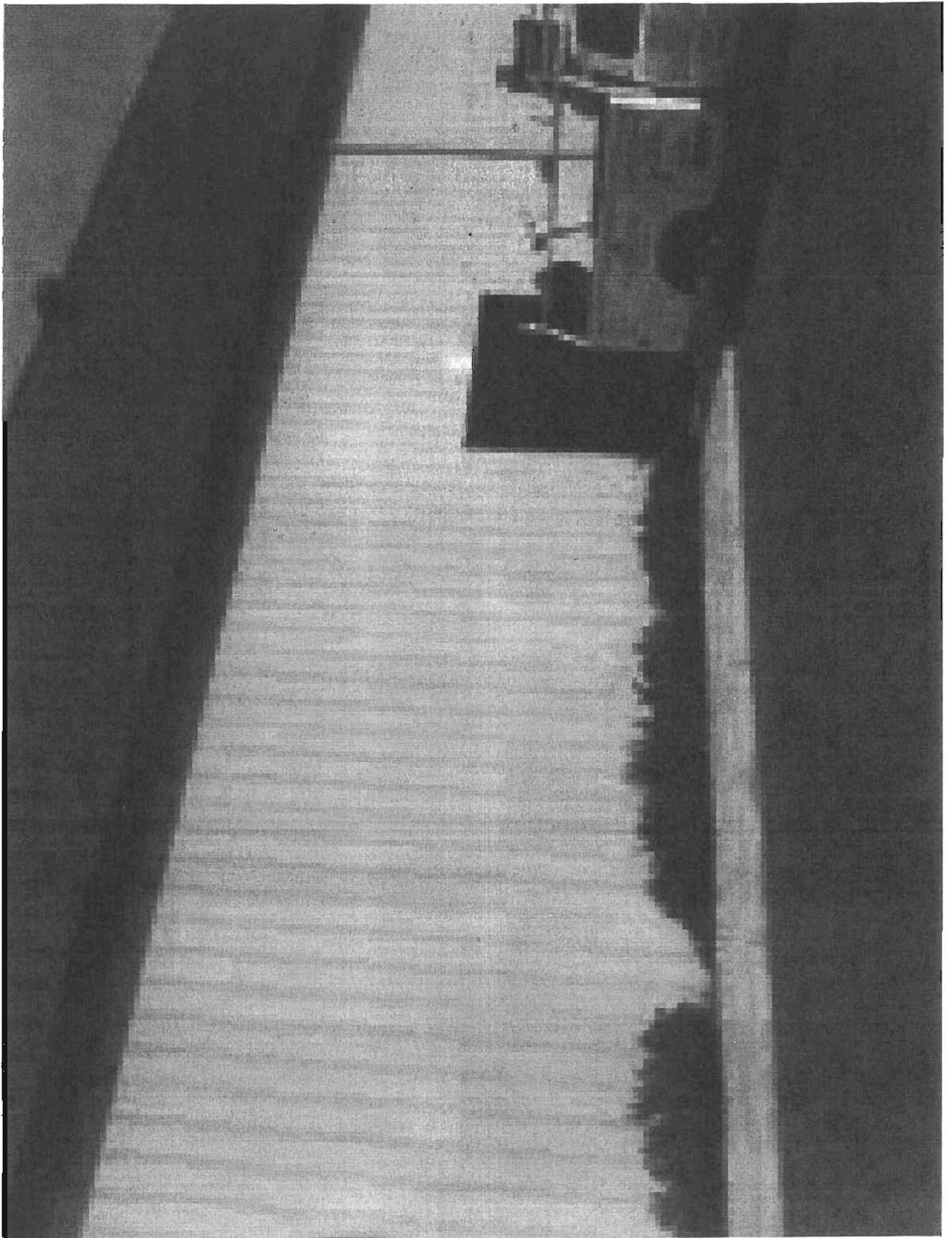
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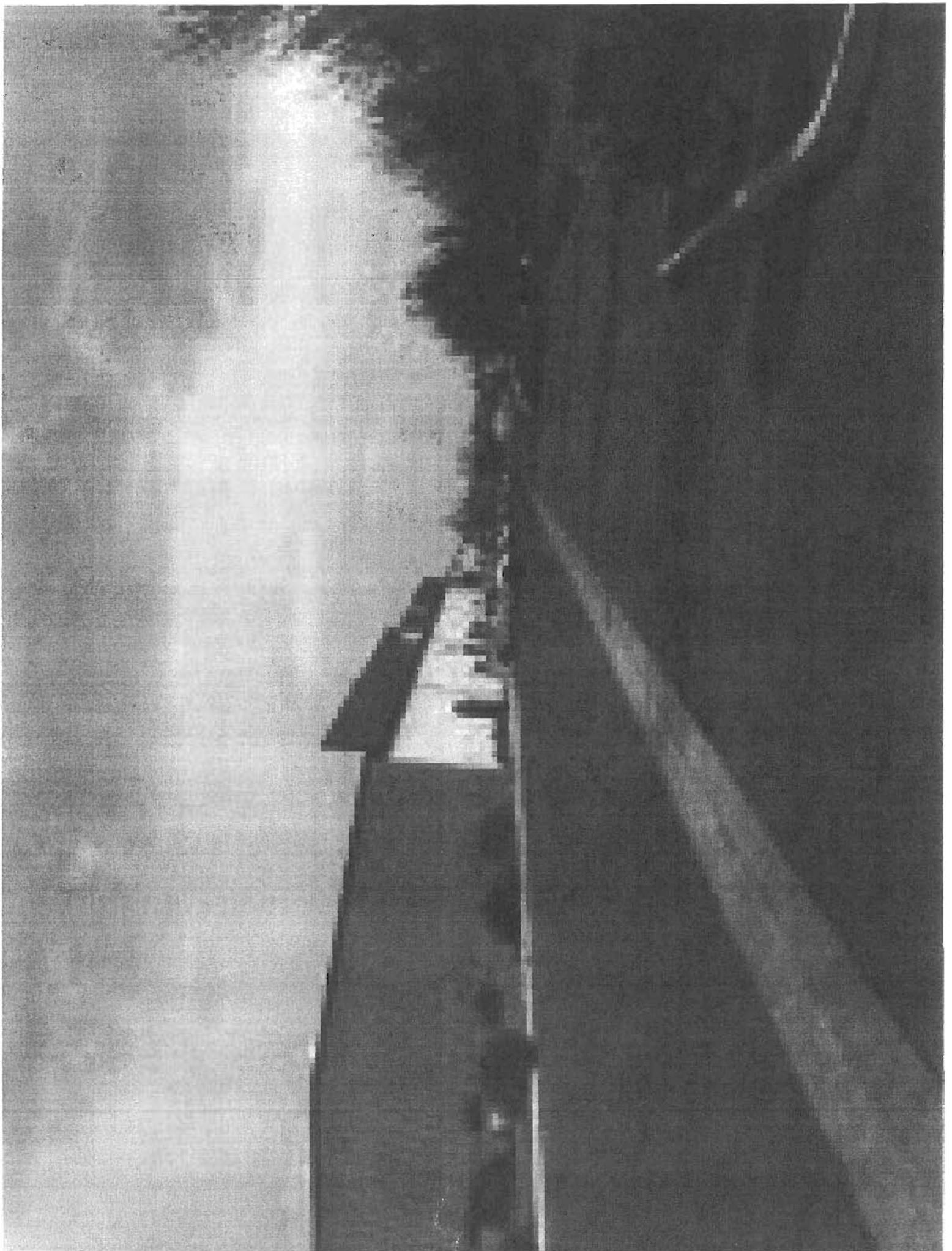
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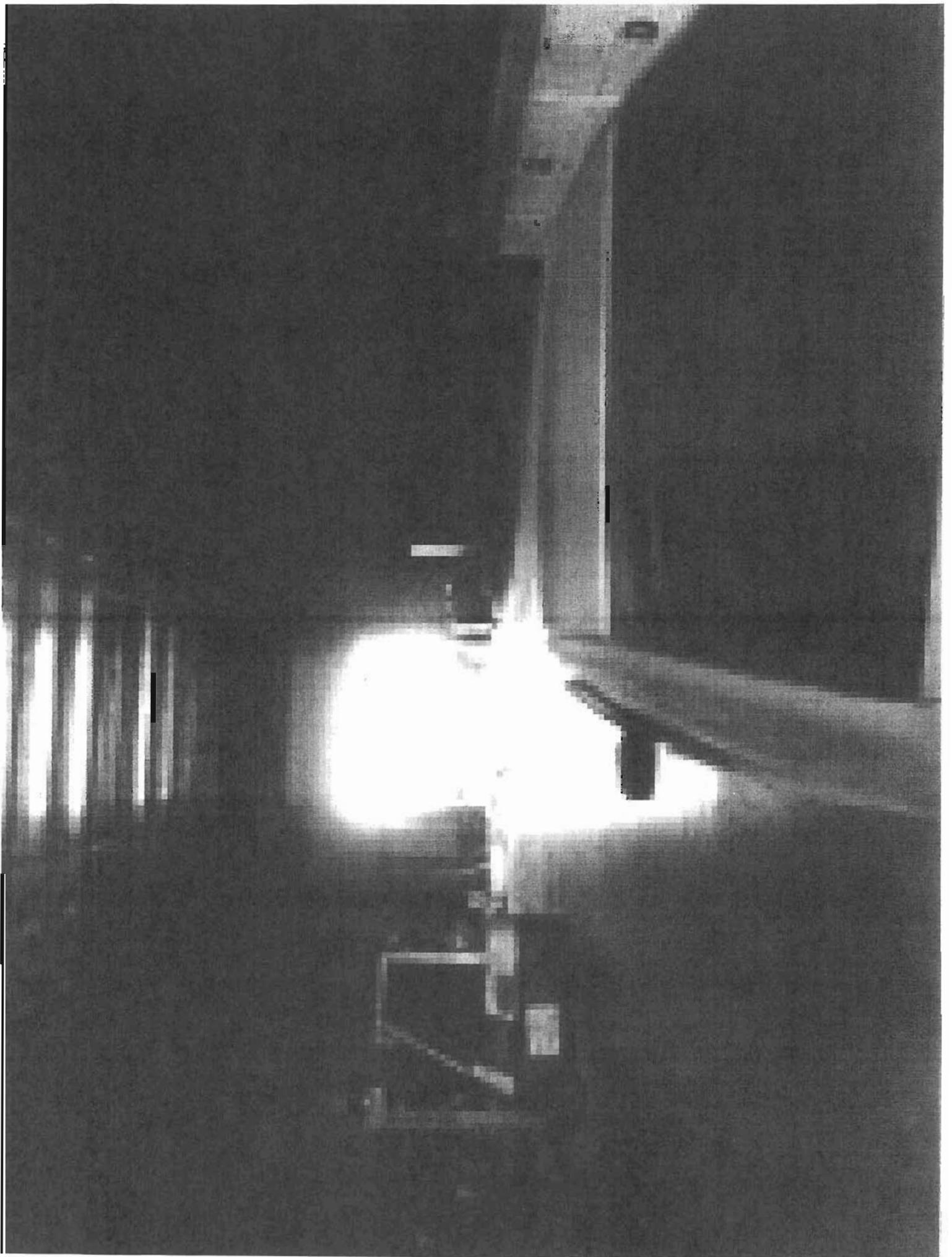


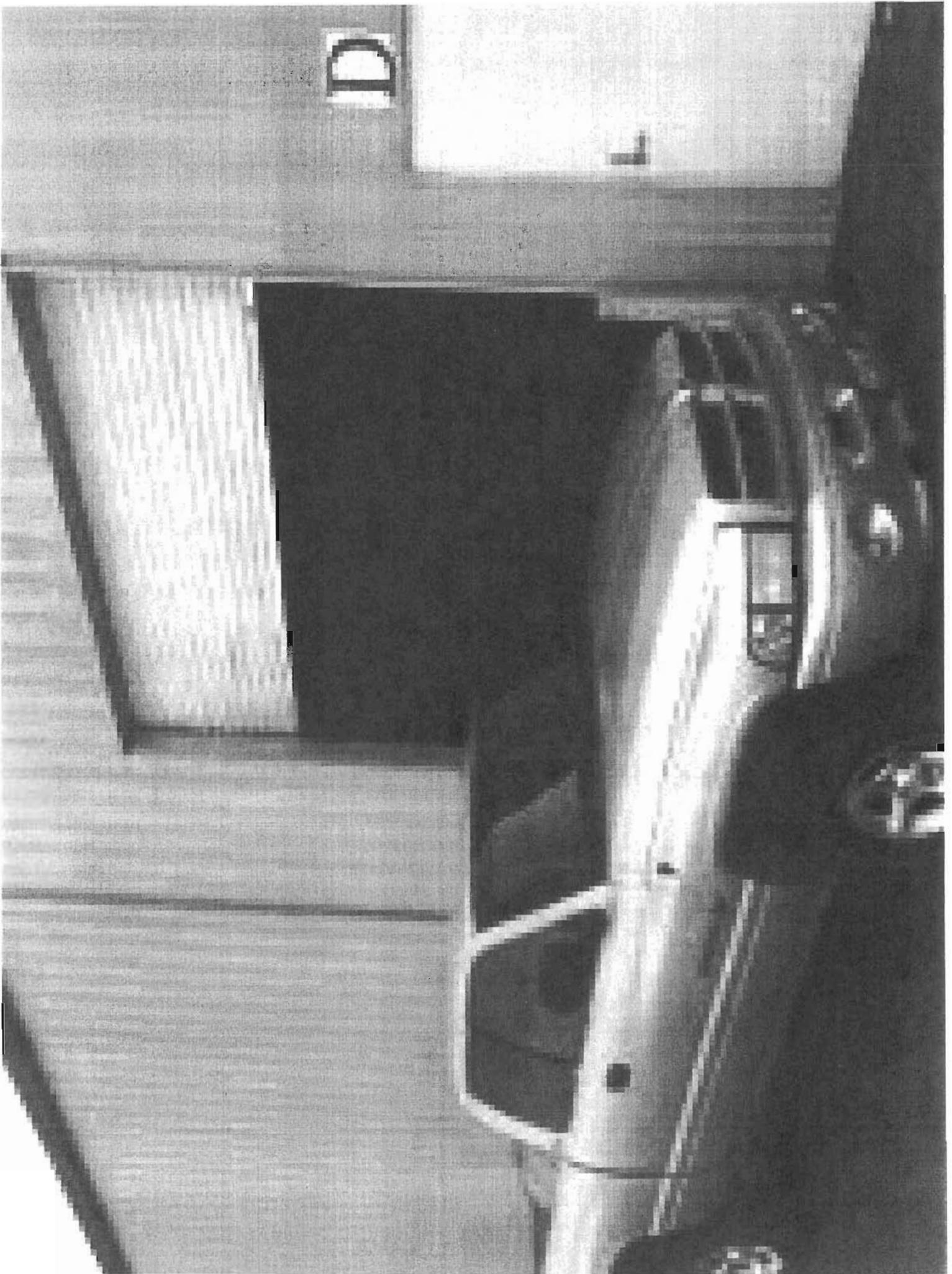














City of
Los Banos

At the Crossroads of California

COMMUNITY DEVELOPMENT DEPARTMENT

Date: December 27, 2013

Regarding: Notice of Public Hearing

Proposal: Use Permit #2013-17 – AAA Jumpers & Slides

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Use Permit to allow the operations of an indoor bounce house business operated by Thomas Ruelas II in the General Industrial zoning district. The subject property is located at 115 W. G Street, Suite D; more specifically described as Assessor's Parcel Number: 081-110-037.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, January 8, 2014 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 Stacy Souza Elms, Assistant Planner at City Hall or at (209) 827-7000, Ext. 133.

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