



City of Los Banos

At the Crossroads of California

www.losbanos.org

AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

March 9, 2011

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

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

* * * * *

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

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

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

* * * * *

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

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

Recommendation: Approve the agenda as submitted.

5. REORGANIZATION OF PLANNING COMMISSION – SELECTION OF NEW CHAIRPERSON AND VICE CHAIR.
6. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR MEETING OF FEBRUARY 23, 2011

Recommendation. Approve the minutes as submitted.

7. PUBLIC FORUM: Members of the public may address the Commission on any item of public interest that is within the jurisdiction of the Commission, including agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation.
8. PUBLIC HEARINGS: If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.

A. Public Hearing – Consider Recommending Adoption of an Ordinance to the City Council Adopting Minor Revisions to the Comprehensive Zoning Ordinance Update Amending Title 9, Chapter 3 of the Los Banos Municipal Code.

- 1) Planning Commission Resolution No. 2011-04 – Recommending to the City Council Adoption of an Ordinance of the City of Los Banos Adopting Minor Revisions to the Recently Adopted Comprehensive Zoning Ordinance Update Amending Title 9, Chapter 3 of the Los Banos Municipal Code.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2011-04 as submitted.

B. Public Hearing – Consider Tentative Tract Map #2001-04 and Final Development Plan #2008-01 to Subdivide 24.54 Acres for a Medium Density Residential Development within a Planned Development District Located within the Villas Area Plan (Assessor's Parcel Number: 431-270-005)
(Continued from February 23, 2011)

Recommendation: Receive staff report, open the public hearing, receive public comment, and continue the item to an undetermined date.

9. PLANNING DEPARTMENT REPORT
10. COMMISSIONERS REPORTS.
 - A. Faktorovich
 - B. Lee
 - C. Lewis

D Mello

E Toscano

11 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 filling 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:



Norma Fuentes, Planning Commission Secretary

Dated this 4th day of March, 2011

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
FEBRUARY 23, 2010**

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

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

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

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

STAFF MEMBERS PRESENT: City Attorney Vaughn, Assistant Planner Souza, Planning Director Fitzgerald and Planning Secretary Fuentes.

RECOGNIZE OUTGOING PLANNING COMMISSIONERS FOR THEIR SERVICE. Planning Director Fitzgerald gave recognition to the outgoing Planning Commissioners for their service on the Planning Commission.

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

REORGANIZATION OF PLANNING COMMISSION – SELECTION OF NEW CHAIRPERSON AND VICE CHAIR. Motion by Faktorovich, seconded by Lewis to continue the selection of the Chairperson and Vice Chair to the next scheduled Planning Commission meeting of March 9, 2011. The motion carried by the affirmative action of all Commission Members present. Absent: Tom Mello and Erasmo Viveros.

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF DECEMBER 8, 2010: Motion by Toscano, seconded by Lewis to approve the minutes as submitted. The motion carried by the affirmative action of all Commission Members present. Absent: Tom Mello and Erasmo Viveros.

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE SPECIAL MEETING OF FEBRUARY 16, 2011. Motion by Faktorovich, seconded by Toscano to approve the minutes as submitted. The motion carried by the affirmative action of all Commission Members present. Absent: Tom Mello and Erasmo Viveros.

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

PUBLIC HEARING – CONSIDER A CONDITIONAL USE PERMIT FOR THE ALLOWANCE OF A DIALYSIS CLINIC IN THE GENERAL INDUSTRIAL ZONING DISTRICT AND A VARIANCE FOR THE REDUCTION IN REQUIRED OFF-STREET PARKING FOR AN EXISTING FACILITY. THE REQUESTED USE PERMIT AND VARIANCE IS FOR DAVITA DIALYSIS, FOR THE PROPERTY LOCATED AT 60 W. G STREET, SUITES D-F, MORE SPECIFICALLY DESCRIBED AS ASSESSOR’S PARCEL NUMBERS: 081-190-023, 081-190-024 AND 081-190-025. Assistant Planner Souza presented the staff report which included a power point presentation.

Commissioner Lewis, wanted to know if the motorcycle parking stalls were going to be removed, Assistant Planner Souza; no; the motorcycle parking stalls will remain as shown on the site plan; Commissioner Lewis, are the motorcycle parking stalls necessary; Assistant Planner Souza; not necessarily needed but may have been added due to the parking area being skewed due to additional ADA stalls, Commissioner Lewis, will they be marked for motorcycles, Assistant Planner Souza, they will be marked

Commissioner Lee opened up the public hearing; **Don Kinnley, Architect for Dialysis Clinic**; informed the Commission of the operations of the Dialysis clinic and would be available for any questions the Commission may have.

No one else came forward and the public hearing was closed

Commissioner Lewis, will there be sufficient parking for patient transportation services, will an additional space be needed; **Don Kinnley, Architect for Dialysis Clinic**; an additional space could be provided adjacent to the loading zone at the front of the building, however, it is not likely that all 24 stations would be taken up all at once, Commissioner Lewis, was not aware that van transportation would be staggered; **Don Kinnley, Architect for Dialysis Clinic**; this would allow for not having a flood of patients coming in at one time; Commissioner Lewis, would like to see a permanent sign in place where the patient transportation service stall will be located; are patients dropped off and the transportation leaves or do they wait; **Don Kinnley, Architect for Dialysis Clinic**, normally they are dropped off and then return, Commissioner Lewis; viewed the site and noticed that there are 4 to 5 parking spaces behind the building; would like to see the parking spaces marked and identified for “DaVita Employee Parking Only ”

Motion by Faktorovich, seconded by Toscano to adopt Planning Commission Resolution No. 2011-01 – Recommending approval of Conditional Use Permit #2011-01 to allow a Dialysis Clinic in the General Industrial zoning district located at 60 W. G Street, Suites D, E and F (APN: 081-190-023, 024 and 025). The motion carried by the affirmative action of all Commission Members present. Absent: Tom Mello and Erasmo Viveros.

Motion by Toscano, seconded by Faktorovich to adopt Planning Commission Resolution No. 2011-02 – Approving parking Variance #2011-01 for a reduction in the amount of required off-street parking for a Dialysis Clinic at 60 W. G Street, Suites D, E and F. The motion carried by the affirmative action of all Commission Members present. Absent: Tom Mello Erasmo Viveros.

PUBLIC HEARING – CONSIDER TENTATIVE PARCEL MAP #2011-01 FOR THE SUBDIVISION OF APPROXIMATELY 2.97 ACRES INTO TWO PARCELS IN THE GENERAL COMMERCIAL ZONING DISTRICT LOCATED AT 1253 W. I STREET; ASSESSOR’S PARCEL NUMBER: 027-121-003. Assistant Planner Souza presented the staff report which included a power point presentation.

Commissioner Lewis, would like staff to expand on meeting parking and landscape standards until Site Plan Review process, Assistant Planner Souza; there will be a site plan review process for the vacant piece of property; this Tentative Parcel Map does not approve any development; just for the site division, the Site Plan Review process will be done in the future; Commissioner Lewis, is the landscaping of the existing building exempt from Site Plan Review; City Attorney Vaughn; it is exempt from the division of land; Planning Director Fitzgerald, if the Commission would like to add a condition to the existing building for landscaping this could be done.

Commissioner Lee opened up the public hearing; **Geneva Brett, Realtor for Dr. Devireddy;** and **Mike Morris; Land Surveyor for project;** present to answer any questions from the Commission.

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

Commissioner Lewis, would like to see that landscaping is upgraded on the property before anything is built on the vacant property; asking Commission to add a condition of approval stating that before building is occupied that it meets the City standards for the surroundings and parking lot.

Commissioner Lee; feels the property is meeting the conditions that are set forth by the City code; when it is occupied it will be required to meet the City standards for the specific use regarding landscaping and parking; feels it should be approved as it is being presented

Commissioner Toscano; concurs with Commissioner Lee and doesn't want to see the property go into disrepair.

Commissioner Lewis, motion was not to upgrade it now; motion was to upgrade it at the time of occupancy; feels it is important to look at enhanced landscaping at time of occupancy; once building is ready to be occupied the owner of the building look into the landscaping

Commissioner Faktorovich, does not feel the Commission should impose expenses to the property that the owner may not otherwise incur at the present time, **Geneva Brett, Realtor for Dr. Devireddy;** owner has maintained the property relatively well; has not been upgraded as of yet; Commissioner Faktorovich; if there are any moneys allocated to maintain the appearance; feels the burden should not be on the owner before the

property is occupied; **Geneva Brett, Realtor for Dr. Devireddy**; there is not a sprinkler system right now; would be installed at the time of occupancy based on the specific use

Assistant Planner Souza, regarding the landscaping, according to the Subdivision map Act we cannot postpone the final map from recording due to a landscaping or occupancy condition on the tentative map, if a condition of approval was based on occupancy you would be postponing the recording of the map, cannot do that according to the Subdivision Map Act; Commissioner Lewis, what would staff suggest the Commission do to ensure that enhanced landscaping is provided prior to occupancy of the building, Assistant Planner Souza, if the use is intensified from Professional Office it would trigger the improvement; if the use is anything other than what is grandfathered it would need to meet the City standards; Commissioner Lewis, would that be at the time the vacant property is occupied, Assistant Planner Souza, no, this would be at the time the existing building is occupied

No one came forward and the public hearing was closed

Motion by Faktorovich, seconded by Toscano to adopt Planning Commission Resolution No. 2011-03 – Recommending approval of Tentative Parcel Map #2011-01 for the subdivision of approximately 2.97 acres into two parcels on Assessor's Parcel Number: 027-121-003. The motion carried by the affirmative action of all Commission Members present. Absent: Tom Mello and Erasmo Viveros.

PUBLIC HEARING – CONSIDER TENTATIVE TRACT MAP #2001-04 AND FINAL DEVELOPMENT PLAN #2008-01 TO SUBDIVIDE 24.54 ACRES FOR A MEDIUM DENSITY RESIDENTIAL DEVELOPMENT WITHIN A PLANNED DEVELOPMENT DISTRICT LOCATED WITHIN THE VILLAS AREA PLAN (ASSESSOR'S PARCEL NUMBER: 431-270-005). Planning Director Fitzgerald presented the report.

Commissioner Lee opened up the public hearing; no one came forward

Motion by Faktorovich, seconded by Toscano to continue the public hearing to the next scheduled Planning Commission meeting of Wednesday, March 9, 2011. The motion carried by the affirmative action of all Commission Members present. Absent: Tom Mello and Erasmo Viveros.

PLANNING DEPARTMENT REPORT. Staff is working on an updated document in relation to the AB 884, which is the Permit Streamlining Act; to bring it up to date; also working on a fee analysis; working on doing an update to the Zoning Ordinance.

PLANNING COMMISSION MEMBER REPORTS.

ARKADY FAKTOROVICH: Nothing to report.

CHANDRA LEE: Nothing to report.

DEBORAH LEWIS: Pleasure to serve as a Commissioner; this is her second term, first term was for 8 years, hope it's an opportunity to do some "house cleaning" and helping

City run more efficiently; thanked the Council and Mayor for her appointment on the Commission.

TOM MELLO: Absent.

SUSAN TOSCANO: Nothing to report

ERASMO VIVEROS: Absent.

ADJOURNMENT. The meeting was adjourned at the hour of 7:49 p.m.

APPROVED

Chandra Lee, Commissioner

ATTEST

Norma Fuentes, Planning Commission Secretary



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIR AND COMMISSIONERS

FROM: PAULA FITZGERALD, AICP, PLANNING DIRECTOR

FOR: PLANNING COMMISSION MEETING OF MARCH 9, 2011

SUBJECT: MINOR REVISIONS TO THE RECENTLY ADOPTED COMPREHENSIVE ZONING ORDINANCE UPDATE AMENDING TITLE 9, CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE

RECOMMENDATIONS:

- 1 That the Planning Commission approves Resolution 2011-04 recommending adoption of an Ordinance to the City Council adopting minor revisions to the comprehensive Zoning Ordinance update amending Title 9, Chapter 3 of the Los Banos Municipal Code.

PROJECT BACKGROUND/DESCRIPTION:

A couple of years ago planning staff began working on a comprehensive update to the Zoning Ordinance (Title 9, Chapter 3 of the Los Banos Municipal Code) In December of 2009, staff was directed to make changes to the digital sign portion of the Ordinance separate from the comprehensive update. The applicable portions of the Ordinance were pulled out and the amendment was prepared. The digital sign provisions were recommended for approval by the Planning Commission and approved by the City Council on Jan. 20, 2010. In the mean time, the comprehensive update was still being prepared off of the existing Zoning Ordinance, without the newly approved electronic sign portion being incorporated. The City went through all the public hearings, the formation of a sign committee, legal review and ultimately adoption of the Zoning Ordinance and Map. Once the document came back from the printing company it was noticed that the newly approved digital sign portion was inadvertently left out of portions of the Ordinance.

Furthermore, there were no changes completed for the Public Facilities Zoning Classification and this information was in Article 31 of Title 9, Chapter 3 and the other Zoning Classifications are in Articles 4-16 so it was logical to move Public Facilities to

Article 16 and move the Unclassified Classification to Article 31 as Unclassified is a Classification that is rarely used and this switch did not require renumbering of the entire document.

The proposed changes do not result in any changes to City policies or regulations and would not result in any direct or indirect physical impact that would lead to additional CEQA analysis.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise on February 25, 2011. As of the date of this staff report, no comments have been received.

RECOMMENDATION:

- 1 That the Planning Commission approves Resolution 2011-04 recommending adoption of an Ordinance to the City Council adopting minor revisions to the comprehensive Zoning Ordinance update amending Title 9, Chapter 3 of the Los Banos Municipal Code.

ATTACHMENTS:

- 1 Resolution No. 2011-04
- 2 Ordinance No. ____ - Adopting minor revisions to the recently adopted comprehensive Zoning Ordinance update amending Title 9, Chapter 3 of the Los Banos Municipal Code

RESOLUTION NO. 2011-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF LOS BANOS RECOMMENDING TO THE CITY COUNCIL
ADOPTION OF AN ORDINANCE OF THE CITY OF LOS BANOS
ADOPTING MINOR REVISIONS TO THE RECENTLY ADOPTED
COMPREHENSIVE ZONING ORDINANCE UPDATE AMENDING
TITLE 9, CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE**

WHEREAS, on October 20, 2010 the Los Banos City Council adopted Ordinance No. 1095, a Comprehensive Zoning Code update to amend Title 9, Chapter 3, and

WHEREAS, subsequent to the adoption of Ordinance No 1095 it has been discovered by staff that the provision for animated signs within the M-X, C-1, H-C, L-I and I Zoning Districts of the City were inadvertently repealed, and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on February 25, 2011 as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission conducted a duly noticed public hearing on minor revisions to the comprehensive zoning code update on March 9, 2011 at which time all individuals desiring to comment on the proposed ordinance were heard, and

WHEREAS, the proposed ordinance is attached hereto and incorporated herein by this reference as Attachment 1 The proposed ordinance would amend Sections 9-3.2911, 9-3.2913; 9-3.2914; 9-3.2915; 9-3.2916; and renumber Articles 16 and 31 of the Los Banos Municipal Code; and.

WHEREAS, the proposed amendments to the Los Banos Municipal Code do not propose any changes to city policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Los Banos that it hereby recommends that the City Council consider and approve the attached Ordinance amending Title 9 (Zoning Ordinance) of the Los Banos Municipal Code,

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 9th day of March, 2011 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

Chairman

ATTEST

Norma Fuentes, Planning Commission Secretary

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF LOS BANOS
ADOPTING MINOR REVISIONS TO THE RECENTLY ADOPTED
COMPREHENSIVE ZONING ORDINANCE UPDATE AMENDING
TITLE 9, CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE**

WHEREAS, on October 20, 2010 the Los Banos City Council adopted Ordinance 1095, a Comprehensive Zoning Code update to amend Title 9, Chapter 3 of the Los Banos Municipal Code; and

WHEREAS, subsequent to the adoption of Ordinance No 1095 it has been discovered by staff that the provision for animated signs within the M-X, C-1, H-C, L-I and I Zoning Districts of the City were inadvertently repealed, and

WHEREAS, the Los Banos Planning Commission conducted a duly noticed public hearing on minor revisions to the comprehensive zoning code update on March 9, 2011 at which time all individuals desiring to comment on the proposed ordinance were heard and on March 9, 2011 the Planning Commission by Resolution 2011-04 recommended that the City Council adopt the proposed revisions to amend Title 9, Chapter 3 of the City of Los Banos Municipal Code; and

WHEREAS, the City Council conducted a duly noticed public hearing on minor revisions to the comprehensive zoning code update on _____, 2011 at which time all individuals desiring to comment on the document were heard.

The City Council of the City of Los Banos does ordain as follows:

Section 1. Subsection (f) of Section 9-3.2911 Mixed Use (M-X) is amended to read as follows:

(f) Animated signs are acceptable provided the length of display is appropriate. Each message shall be displayed for a period of at least eight (8) seconds. The sign shall remain blank (no messages or display) for at least one (1) second between displays. The messages and displays shall not appear in incremental stages or move across the changeable copy sign face. The software manufacturer and the software installer shall certify to the city that the software for the computer which controls the sign has been designed to and can only operate the sign at the approved on and off intervals.

Section 2. A new subsection (f) is added to Section 9-3.2913 General Commercial District (C-1) to read as follows:

(f) Animated signs are acceptable provided the length of display is appropriate. Each message shall be displayed for a period of at least eight (8) seconds. The sign shall remain blank (no messages or display) for at least one (1) second between displays. The messages and displays shall not appear in incremental stages or move

across the changeable copy sign face. The software manufacturer and the software installer shall certify to the city that the software for the computer which controls the sign has been designed to and can only operate the sign at the approved on and off intervals.

Section 3. A new subsection (f) is added to Section 9-3.2914 Highway Commercial District (H-C) to read as follows:

(f) Animated signs are acceptable provided the length of display is appropriate. Each message shall be displayed for a period of at least eight (8) seconds. The sign shall remain blank (no messages or display) for at least one (1) second between displays. The messages and displays shall not appear in incremental stages or move across the changeable copy sign face. The software manufacturer and the software installer shall certify to the city that the software for the computer which controls the sign has been designed to and can only operate the sign at the approved on and off intervals.

Section 4. A new subsection (f) is added to Section 9-3.2915 Light Industrial District (L-I) to read as follows:

(f) Animated signs are acceptable provided the length of display is appropriate. Each message shall be displayed for a period of at least eight (8) seconds. The sign shall remain blank (no messages or display) for at least one (1) second between displays. The messages and displays shall not appear in incremental stages or move across the changeable copy sign face. The software manufacturer and the software installer shall certify to the city that the software for the computer which controls the sign has been designed to and can only operate the sign at the approved on and off intervals.

Section 5. A new subsection (f) is added to Section 9-3.2916 General Industrial District (I) to read as follows:

(f) Animated signs are acceptable provided the length of display is appropriate. Each message shall be displayed for a period of at least eight (8) seconds. The sign shall remain blank (no messages or display) for at least one (1) second between displays. The messages and displays shall not appear in incremental stages or move across the changeable copy sign face. The software manufacturer and the software installer shall certify to the city that the software for the computer which controls the sign has been designed to and can only operate the sign at the approved on and off intervals.

Section 6. Existing Article 16 of Chapter 3 is renumbered to Article 31 and existing sections 9-3.1601 through 9-3.1603 are renumbered to sections 9-3.3101 through 9-3.3103 respectively

Section 7. Existing Article 31 of Chapter 3 is renumbered to Article 16 and existing sections 9-3.3101 through 9-3.3105 are renumbered to sections 9-3.1601 through 9-3.1605 respectively

Section 8. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 9. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 10. The proposed amendments to the Los Banos Municipal Code do not propose any changes to city policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review

Section 11. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member _____ and seconded by Council Member _____ on the ____ day of _____, 2011.

Passed on the ____ day of _____, 2011 by the following vote:

AYES: Council Members

NOES:

ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST

Lucille L. Mallonee, City Clerk