



City of Los Banos

At the Crossroads of California

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AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

July 13, 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 __, Hixson __, Lee __, Lewis __, Mello __, Rosin __, Toscano __

4 APPROVAL OF AGENDA.

Recommendation. Approve the agenda as submitted.

5 CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR MEETING OF JUNE 8, 2011

Recommendation Approve the minutes as submitted.

6. PUBLIC FORUM: Members of the public may address the Commission on any item of public interest that is within the jurisdiction of the Commission, including agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation.

7. PUBLIC HEARINGS: If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.

A. Public Hearing – Consider Approval of Site Plan Review #2011-01 for the Construction of a Community Building for the Los Banos Apartments Complex to be Used by the Tenants Located at 44 W I Street, More Specifically Identified as Assessor's Parcel Number 027-060-009

1) Planning Commission Resolution No. 2011-09 – Approving Site Plan Review #2011-01 for a Community Building for the Los Banos Apartments Located at 44 West I Street.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2011-09 as submitted.

B. Public Hearing – Consider Approval of Site Plan Review #2011-02 for the Conversion, Remodel and Expansion of an Existing Restaurant Building to Accommodate a New Black Bear Diner Located at 955 W Pacheco Blvd., More Specifically Identified as Assessor's Parcel Number 431-020-001

1) Planning Commission Resolution No. 2011-10 – Approving Site Plan Review #2011-02 for the Remodel and Expansion of an Existing Restaurant for Conversion to a Black Bear Diner Located at 955 W Pacheco Blvd.

Recommendation. Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2011-10 as submitted.

C. Public Hearing – Consider Recommending Approval of Use Permit #2011-03 to the Los Banos City Council for the Use of a Type 21 Alcohol License for the Off-Sale of General Alcohol at Target Located at 1405 W Pacheco Blvd., More Specifically Identified as Assessor's Parcel Number: 430-010-020.

1) Planning Commission Resolution No. 2011-11 – Recommending Approval of Conditional Use Permit #2011-03 to the Los Banos City Council for the Use of Type 21 Alcohol License for the Off-Sale of General Alcohol for Target Located at 1405 W Pacheco Blvd.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt Planning Commission Resolution No. 2011-11 as submitted.

9 PLANNING DEPARTMENT REPORT

10 COMMISSIONERS REPORTS

A. Faktorovich

B. Hixson

C. Lee

D. Lewis

E. Mello

F. Rosin

G. Toscano

11 ADJOURNMENT

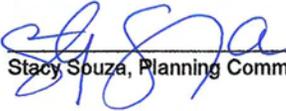
APPEAL RIGHTS AND FILING PROCEDURES

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by 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, Planning Commission Secretary

Dated this 6th day of July, 2011

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
June 8, 2011**

***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: Vice Chair Lee called the Planning Commission Meeting to order at the hour of 7:00 p.m.

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

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

STAFF MEMBERS PRESENT: Planning Director Fitzgerald and Assistant Planner Souza.

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

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF MAY 11, 2011: Motion by Rosin, seconded by Faktorovich to approve the minutes as submitted. The motion carried by the affirmative action of all Commission Members present. Absent: Tom Mello and Susan Toscano.

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 APPROVAL OF VENDOR PERMIT #2011-02 FOR THE OPERATION OF FIFTEEN ICE CREAM PUSH-CARTS IN THE RESIDENTIAL ZONING DISTRICTS OF THE CITY OF LOS BANOS. Planning Director Fitzgerald presented the staff report.

Commissioner Hixson, is this a family operation, Planning Director Fitzgerald; no, that was not stated in the application.

Commissioner Lewis, the staff report indicates that there are 10 existing push carts currently within the City; is the ice cream truck vendor approved last meeting included in the staff report table, Planning Director Fitzgerald; yes.

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

Motion by Faktorovich, seconded by Hixson to adopt Planning Commission Resolution No 2011-08 – Approving Vendor Permit #2011-02 for the operation of fifteen ice cream push-carts in the residential zoning districts of the City of Los Banos. The motion carried by the affirmative action of all Commission Members present. Absent: Tom Mello and Susan Toscano

PLANNING DEPARTMENT REPORT: Informed the Commission that staff is working on updating the Subdivision Ordinance of the Los Banos Municipal Code, staff will also be working on updating fees.

PLANNING COMMISSION MEMBER REPORTS.

ARKADY FAKTOROVICH: Nothing to report.

VERN HIXSON: Nothing to report.

CHANDRA LEE: Nothing to report.

DEBORAH LEWIS: Nothing to report.

TOM MELLO: Absent.

TRACEY ROSIN: Nothing to report.

SUSAN TOSCANO: Absent.

ADJOURNMENT. The meeting was adjourned at the hour of 7:11 p.m.

APPROVED

Chandra Lee, Vice Chair

ATTEST

Stacy Souza, Planning Commission Secretary



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIR MELLO AND COMMISSIONERS
FROM: PAULA FITZGERALD, AICP, PLANNING DIRECTOR
FOR: PLANNING COMMISSION MEETING OF JULY 13, 2011
SUBJECT: SITE PLAN REVIEW #2011-01– LOS BANOS APARTMENTS

RECOMMENDATIONS:

- 1 That the Planning Commission approve Site Plan Review #2011-01 for the construction of a community building for use by the tenants at 44 W I Street, more specifically identified as Assessor's Parcel Number: 027-060-009.

PROJECT:	Site Plan Review #2011-01
APN:	027-060-009
APPLICANT:	Michael's Development
CEQA:	Exempt

PROJECT BACKGROUND/DESCRIPTION:

The Los Banos Apartments have 68 units. The project is one of six assisted rental projects within the City of Los Banos. The assisted rental project has been in place since 1979. The Los Banos Apartments are considered "at risk", meaning they could be sold as market rate housing. Michael's Development has applied for a CA tax credit allocation and will acquire and rehabilitate the interior and exterior of the existing structures and will be constructing a community building for the use of the residents. The proposed project by Michael's Development will keep the Los Banos Apartments as assisted rental units for the next forty years.

The site plan includes construction of a community building which will include a community room, manager's office, restrooms and a computer room with free internet access for tenant use.

LOCATION AND ACCESS:

The project site is located at 44 West I Street, more specifically identified as Assessor's Parcel Number 027-060-009. Access to the site will be from the existing driveways off of West I Street.



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Project site	Residential	R-3	HDR
North	Commercial	P-O	C
South	Residential	R-2	MDR
East	Residential	R-3	C
West	Residential	R-1	LDR

R-3 = High Density Residential HDR = High Density Residential
P-O = Professional Office C = Commercial R-2 = Medium Density Residential
MDR = Medium Density Residential 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 categorically exempt from the provisions of CEQA – Section 15301 Class 1 (existing facilities) and Section 15326 Class 26 (implementing an adopted housing assistance plan)

SITE PLAN ANALYSIS:

Code Requirements

Pursuant to section 9-3.810 (a) of the Los Banos Municipal Code, the Planning Commission shall review and evaluate a site plan for conformance with the applicable sections of the Code. Upon completion of the review and evaluation of a site plan review application, the Planning Commission shall either deny the site plan review or shall grant or modify the site plan review subject to specified conditions as may be imposed.

Project Design

The proposed overall project consists of acquisition and rehabilitation of the 68 unit apartment complex to include kitchen and bath modernization as needed, new doors, windows, siding, asphalt and concrete replacement, ADA compliant ingress and egress, cane rails, playground equipment and the construction of a 1,978 square foot community building.

The Planning Commission is only responsible for conducting the Site Plan Review for the new community building. The community building is a 1,978 square foot structure that will include a community room with a kitchenette, restrooms, management office, computer room and storage. From a staff perspective, the elevations submitted for the community building are appropriate for the site and match the existing facilities. A new handicapped accessible parking loading zone and crosswalk will be added to serve the new building and two additional handicapped parking stalls will be added. A conceptual landscape plan has been submitted which shows planting areas and tree locations with various species.

The purpose of the Commission consideration is to ensure that the architectural and general appearance of the structure and grounds be in keeping with the character of the neighborhood and meets the goals and vision of the Community Design Standards and will not be detrimental to the orderly and harmonious development of the City or impair the desirability of investment or occupation in the neighborhood.

Land Use

The project site is designated as High Density Residential according to the Los Banos General Plan and R-3 in accordance with the Zoning Map. The proposed project improves the site with a community building for the residents and other enhancements and does not increase the number of residential units. The request is consistent with the Los Banos General Plan and Municipal Code

Circulation

There are currently two driveways which access the site, both along West I Street. The existing driveways will remain and the use is not being intensified as the community building will serve the existing residents.

Architecture

The Community Design Standards for the City of Los Banos address three components of a residential neighborhood: the design of the house itself, relationship of the structures to the street and adjoining houses and the overall design of the neighborhood. Further, no specific residential architectural style is required however; it must be designed to be compatible with the existing neighborhood.

The proposed structure has balanced elevations, utilizes appropriate materials, consistent finish materials, has a uniform style, provides some façade depth and an appropriate roof design.

Staff believes the proposed architecture is compatible with, and complementary to, the existing structures and neighborhood in terms of scale, height and neighborhood feel.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on July 1, 2011. As of the date of this report, no comments have been received.

CONCLUSION:

The proposed project substantially conforms to the approved land use designations for the site and contributes to the General Plan policies of balanced and orderly growth, meets the requirements of the Zoning Ordinance and has incorporated aspects of the Community Design Standards. Staff believes this project will be a positive redevelopment of the site and recommends approval, subject to the attached conditions of approval.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan

Los Banos Municipal Code – Section 9-3.810

RECOMMENDATIONS:

- 1 That the Planning Commission approve Site Plan Review #2011-01 for the construction of a community building for use by the tenants at 44 W I Street, more specifically identified as Assessor's Parcel Number: 027-060-009

ATTACHMENTS:

1. Resolution #2011-09 approving Site Plan Review #2011-01
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Site Plan and Landscape Plan
3. Colored Elevations
4. Existing Site Photos

RESOLUTION #2011-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING SITE PLAN 2011-01 FOR THE COMMUNITY BUILDING FOR LOS BANOS APARTMENTS LOCATED AT 44 WEST I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-060-009

PROJECT NAME AND PROJECT NUMBER:

Los Banos Apartments – Site Plan Review #2011-01

PROPOSAL DESCRIPTION:

The construction of a community building for use in conjunction with the Los Banos Apartments

LOCATION/ SUBJECT PROPERTY:

44 West I Street, more specifically identified as Assessor's Parcel Number 027-060-009

PROJECT APPLICANT/ PROPERTY OWNER:

Garbis Kataroyan Architect/Michael's Development

WHEREAS, the Los Banos General Plan was adopted by the City of Los Banos Council on July 15, 2009 and is the guiding document for land use in the City of Los Banos; and

WHEREAS, the subject property has a land use designation of High Density Residential pursuant to the Los Banos General Plan and is zoned R-3 by the Los Banos Zoning Map; and

WHEREAS, the architectural and general appearance of the structure and grounds will be in keeping with the character of the neighborhood and meets the goals and vision of the Community Design Standards and will not be detrimental to the orderly and harmonious development of the City or impair the desirability of investment or occupation in the neighborhood

WHEREAS, the proposed architecture is compatible with, and complementary to, the existing structures and neighborhood in terms of scale, height and neighborhood feel; and

WHEREAS, a noticed public hearing was advertised in the Los Banos Enterprise on July 1, 2011 and mailed to property owners within 300 feet of the site as required by the City of Los Banos Municipal Code and Government Code Section 65091, and

WHEREAS, Site Plan 2011-01 has been determined to be categorically exempt from the provisions of CEQA per Section 15301 Class 1 and Section 15326 Class 26; and

WHEREAS, at the July 13, 2011 Planning Commission Meeting the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard, and reviewed said Site Plan request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered the applicant's request in accordance with the Site Plan criteria established in Section 9-3.810 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 does hereby make the appropriate findings set forth in Exhibit A (CEQA Findings), and Exhibit B (Findings of Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Site Plan 2011-01 for the construction of a community building for use by the Los Banos Apartment complex located at 44 West I Street; more specifically identified as Assessor's Parcel Number 027-060-009, 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 13th day of July, 2011, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Tom Mello, Planning Commission Chair

ATTEST

Stacy Souza, Assistant Planner/Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2011-01 – LOS BANOS APARTMENTS

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

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

- 1 Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, the project was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA –Section 15301, Class 1, existing facilities and Section 15326 Class 26, actions to implement a housing assistance plan.
2. Site Plan Review #2011-01 was adequately noticed on July 1, 2011 for consideration at a public meeting on July 13, 2011
3. No significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the initial review
4. No further environmental documentation is required as the proposed project was contemplated and adequately analyzed in the initial review.
5. The proposal is consistent with the Los Banos General Plan as it meets the use specified within.
6. The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use requirements specified within Sections 9-3.802 to 9-3.810 of the Code.

EXHIBIT B

FINDINGS FOR APPROVAL OF SITE PLAN #2011-01 – LOS BANOS APARTMENTS

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

1. The project is consistent with the City of Los Banos General Plan High Density Residential designation as it meets the use and density standards specified within.
2. The proposal is consistent with the Zoning Ordinance designation of High Density Residential (R-3) as it meets the use and development standards specified within.
3. Pursuant to section 9-3 810 of the Los Banos Municipal Code the applicant has submitted a Site Plan Review authorizing the review of the development proposal and site plan relating to compatibility within the neighborhood and the goals and vision of the Community Design Standards.
4. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing and working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City in that the development of a community building on this site will provide services to residents of the Los Banos Apartments and the building and additional landscaping will be aesthetically pleasing.
5. The proposal is compatible with the adjacent land uses, properties, and neighborhoods and will not be detrimental or injurious to the neighborhood or to the general welfare of the City in that the project site has existed as a High Density Residential use and will continue to operate in a harmonious manner with the surrounding neighborhood.
6. The development proposal meets the purpose, intent and specific standards of the pertinent sections of the Los Banos Municipal Code in that the proposed use of a community building is a permitted use as designated in the Municipal Code and the applicant has met the criteria required for a Site Plan Review application.

- 7 The general appearance of the proposed buildings or structures and grounds is in keeping with the character of the neighborhood so as not to be detrimental to the orderly and harmonious development of the City or to impair the desirability of investment or occupation in the neighborhood.
8. The architecture and design of the building is in accordance with the Community Design Standards
- 9 Conditions have been imposed on the project that will ensure the project's consistency with the policies of the City's General Plan and Municipal Code.

EXHIBIT C

CONDITIONS OF APPROVAL FOR SITE PLAN #2011-01 – LOS BANOS APARTMENTS

Planning:

- 1 This Site Plan shall expire if an application for a building permit is not applied for within one year from date of approval. A one year extension may be allowed through a written submittal that would be approved by the Planning Director
2. Any proposed modifications to the approved Site Plan shall require approval by the Planning Director or Planning Commission as appropriate.
3. The developer shall comply with all requirements of the City of Los Banos and other appropriate governmental agencies.
4. The developer shall comply with the Americans with Disabilities Act (ADA) requirements in the design, construction and maintenance of this project.
5. The developer shall provide a copy of the conditions of approval to all contractors and subcontractors prior to commencement of construction.
6. During construction, and for safety purposes, the public right-of-way shall be kept clear of obstructions and shall be cleaned on a daily basis.
7. All contractors and subcontractors shall obtain a City of Los Banos Business License, prior to start of work on the project. All work performed on the project shall comply with the requirements of the California Business and Professions Code.
8. Construction shall be limited to those hours specified in Section 9-3 2706 of the Los Banos Municipal Code: Monday through Friday from 7:00 am to 9:00 pm; Saturday and Sunday from 8:00 am to 5:00 pm.
9. The developer shall obtain any necessary encroachment permits from the City of Los Banos, County of Merced, Caltrans or other jurisdictions prior to performing any work within that jurisdiction's right-of-way
10. All structures, foundations, and footings for buildings on the project site shall be designed and constructed to conform to the current California Building Code, including amendments adopted by the City

- 11 During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site, and pets shall not be allowed on the construction site. The proper location of the trash containers shall be subject to the review and written approval of the Planning Department.
12. Prior to placement of combustible materials on the site, two points of all-weather access, at least one paved, shall be provided, to the satisfaction and written approval of the Fire Chief
13. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the Site Plan where active construction is taking place. Placement of said construction trailer is subject to the written approval of the Public Works Director
14. The development site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
15. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Planning Department:

“If archaeological resources or human remains are discovered during construction, work shall be halted from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”
16. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this language is included in all permits in accordance with CEQA Guidelines section 15064.5(e):

“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to

the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission, b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner ”

- 17 The site shall be kept in a dust-free condition during construction of the project in. Prior to issuance of a building permit, dust control requirements shall be included in all construction contract specifications to reduce significant levels of construction-related hazardous air emissions.
- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover
 - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
 - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut and fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
 - d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
 - e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is expressly forbidden.)
 - f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

18. Prior to issuance of building permits, the developer shall include the following requirements in all construction bids and documents including contracts (and implemented during construction activities) for the purpose of reducing diesel particulate and acrolein emissions during construction of the project:

- a. All pre-1994 model year and older diesel equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters,
- b. Contractor shall maintain records of all purchases of diesel oxidation catalyst filters or biodiesel fuel until construction is complete; and
- c. The SJVAPCD shall have the right to inspect all construction and demolition equipment, as well as the contractor's records at any time during demolition and construction.

19. Development Fees shall be required for the increased building square footage.

Signage:

20. All advertising signage shall be subject to Sign Review and permit approval from both the Planning and Building Departments, prior to installation, consistent with the development criteria of the Los Banos Municipal Code Sign Ordinance.

Design/Aesthetics:

21. Downspouts shall be located within the building walls or architecturally integrated into the design and color of the structures, and there shall be no drainage across the public access ways or across the public right-of-way

22. All ground and rooftop mounted electrical, plumbing and mechanical equipment shall be screened from view of the public right-of-way by continuous parapet wall or landscaping or combination thereof

Public Works

23. All development fees shall be paid before the issuance of the first building permit.

24. All design shall be done in conformance with the City's Standards and Specifications.

25. All new utility services are to be under-grounded.

Utilities and Drainage

26. All utilities shall be installed by the Developer and designed to meet the City of Los Banos Standards and Specifications.
27. The storm drainage system shall tie into existing storm drain facilities. Surface drainage over curbs and driveways shall not be permitted. No storm drainage will be allowed to drain into Caltrans Right-of-Way

Landscape and Lighting:

28. Landscaping shall be continuously maintained in a healthy and thriving manner. Should any landscape material die, it shall be immediately replaced with landscaping of a similar type, size and quantity. The applicant shall provide the Public Works Department a Landscape Maintenance Plan describing their strategy for maintaining all landscaped areas in a healthy, litter free and thriving manner. Said plan shall identify responsible parties and be submitted for Public Works Department approval prior to issuance of building permit(s).

Fire Department

29. The building shall comply with all current Building and Fire Codes.
30. Knox Boxes will be required on the building (Applications can be obtained through the Fire Department).
31. There shall be 12" address numbers of a contrasting color. The address shall be located in an appropriate location as determined by the Fire Department.
32. The applicant shall provide the Fire Department with a CD at the time of permit issuance depicting floor plans and utilities (i.e. Fire pre-plan).

LOS BANOS APARTMENTS UNIT RENOVATIONS, SITE UPGRADES & NEW COMMUNITY BUILDING 44 WEST I STREET - LOS BANOS, CA

Garbis Kataroyan
Architect

514 W. 820 VIEW CIRCLE
FRESNO, CA 93711
PHONE #: (559) 439-5999

PROPOSED PROJECT FOR:
Los Banos Apartments
New Community Building

ADDRESS:
44 West I Street
Los Banos, CA 93635

SUBMITTED TO:
City of Los Banos
520 J. Street
Los Banos, CA 93635

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DATE:
06.25.2011
PREPARED FOR:
Site Plan Submittal
VERSION:

DRAWN BY:
shy
PROJECT NUMBER:
11831

SHEET TITLE:
COVER SHEET

SHEET NUMBER:
A0.0

SHEET SCHEDULE

- A0.0 COVER SHEET
- A1.0 PROPOSED SITE PLAN
- A2.0 PROPOSED SITE PLAN & COMMUNITY BUILDING FLOOR PLAN
- A2.1 PROPOSED COMMUNITY BUILDING EXTERIOR ELEVATION
- A2.2 PROPOSED COMMUNITY BUILDING EXTERIOR ELEVATION

PROJECT TEAM

- OWNER:
WEST STREET ASSOCIATES LP
A CALIFORNIA LIMITED PARTNERSHIP
200 W. KETTERMAN LANE
SOKO, CA 95262
- CONTACT: MICHAEL BOKTOR
mboktor@weststreetassociates.com
209.370.1150
- ARCHITECT:
GARBIS KATAROYAN
214 W. 820 VIEW CIRCLE
FRESNO, CA 93711
- CONTACT: GARBIS KATAROYAN
gkataroyan@garbisarch.com
559.254.9424
- STRUCTURAL:
DAVID LIBRMAN
7945 NORTH MAPLE AVENUE
FRESNO, CA 93729
- CONTACT: DAVID LIBRMAN
559.325.6470
- MEDICAL:
LP CONSULTING ENGINEERS
835 W. CLOVER AVE, STE 101
CLOVIS, CA 93612
- CONTACT: GAREN LINCOLN
garen@lincolncpe.com
559.346.3120
- ELECTRICAL:
JOHN CHONG ELECTRICAL ENGINEER
2077 EAST DECATUR AVENUE
FRESNO, CA 93726
- CONTACT: JOHN CHONG
jchong@jchong.com
559.325.9988

SCOPE OF WORK

SCOPE OF WORK TO INCLUDE INTERIOR, EXTERIOR, SITE REPAIRS AND RENOVATIONS TO EXISTING AFFORDABLE HOUSING COMPLEX LOCATED AT 44 W. I STREET IN THE CITY OF LOS BANOS, CALIFORNIA. PLUMBING, MECHANICAL, AND ELECTRICAL UPGRADES TO BUILDINGS ARE ALSO INCLUDED. SEVERAL UNITS WILL BE UPGRADED IN CONFORMANCE WITH CALIFORNIA TITLE 24 ACCESSIBILITY UPGRADES AND AMERICANS WITH DISABILITIES ACT.

EXISTING STRUCTURES ARE SINGLE-STORY AND TWO-STORY MULTIFAMILY HOUSING. THERE ARE TO BE NO STRUCTURAL REPAIRS TO THE EXISTING BUILDINGS.

ONE NEW, SINGLE-STORY, COMMUNITY BUILDING WILL BE ADDED TO THE SITE AS PART OF THE SCOPE.

JURISDICTION/AGENCY INFORMATION

CITY OF LOS BANOS
PLANNING DEPARTMENT
450 J. STREET
LOS BANOS, CA 93635
PHONE: (559) 827-7000

SITE INFORMATION

- PROJECT ADDRESS: 44 WEST I ST, LOS BANOS, CA
- ADJACENT PARCEL NUMBER: 027-046-009
- LOT AREA: 4.67 ACRES
- EXISTING LOT COVERAGE: 14.8%
- PROPOSED LOT COVERAGE: 18.2%
- ZONING DESIGNATION (EXISTING TO REMAIN): R-3
- GENERAL PLAN DESIGNATION (EXISTING TO REMAIN): HIGH DENSITY RESIDENTIAL PARKING
- EXISTING STANDARD SPACES: 120
- ACCESSIBLE SPACES: 2
- NEW STANDARD SPACES: 114
- NEW ACCESSIBLE SPACES: 4
- TOTAL NUMBER OF UNITS: 48
- REQUIRED SETBACKS:
- FRONT: 15'-0"
 - SIDE: 5'-0"
 - REAR: 15'-0"

BUILDING INFORMATION

- NO. OF EXISTING STRUCTURES: 6
- BUILDING 1: TWO-STORY, 11,256sf
 - BUILDING 2: TWO-STORY, 11,410sf
 - BUILDING 3: TWO-STORY, 11,256sf
 - BUILDING 4: TWO-STORY, 11,256sf
 - BUILDING 5: TWO-STORY, 8,880sf
 - BUILDING 6: ONE-STORY, 800sf
 - BUILDING 7: ONE-STORY, 1,978sf
- DESCRIPTION OF USE (EXISTING TO REMAIN): AFFORDABLE HOUSING/APARTMENTS
- SCOPE OF WORK IS FOR NEW COMMUNITY BUILDING
- OCCUPANCY GROUP: S
- TYPE OF CONSTRUCTION: VAN
- NUMBER OF STORES: ONE
- BUILDING HEIGHT: 15'-0"
- FIRE SPRINKLERED: NO
- FLOOR AREA: 1,978 SF
- EXISTING & NEW BUILDING BREAKDOWN:
- | BUILDING | TYPE | AREA (SF) | UNITS ONLY (EXISTING) |
|------------|-----------|-----------|----------------------------|
| BUILDING 1 | TWO-STORY | 11,256sf | UNITS ONLY (EXISTING) |
| BUILDING 2 | TWO-STORY | 11,410sf | UNITS W/ OFFICE (EXISTING) |
| BUILDING 3 | TWO-STORY | 11,256sf | UNITS ONLY (EXISTING) |
| BUILDING 4 | TWO-STORY | 11,256sf | UNITS ONLY (EXISTING) |
| BUILDING 5 | TWO-STORY | 8,880sf | UNITS ONLY (EXISTING) |
| BUILDING 6 | ONE-STORY | 800sf | LANDING/STORAGE (EXISTING) |
| BUILDING 7 | ONE-STORY | 1,978sf | NEW COMMUNITY BUILDING |

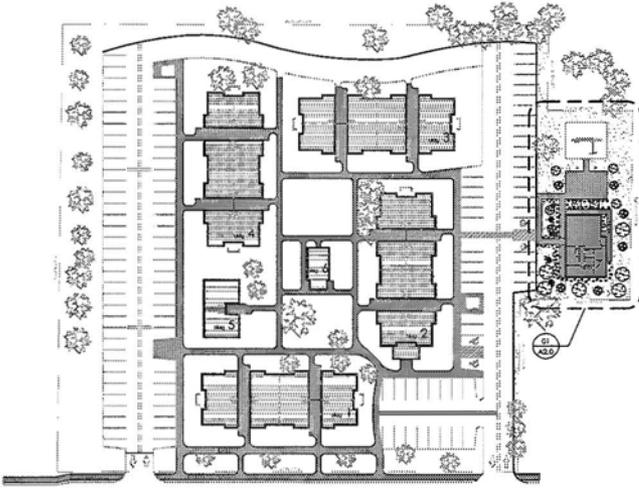
SYMBOLS

- DRAWING TITLE: 02 DRAWING TITLE: 02
SCALE: 1" = 10'
- STRUCTURAL BUILDING GRID
 - NORTH ARROW
 - ELEVATION DIMENSION
 - ELEVATION REFERENCE POINT
 - SECTION REFERENCE AND AREA OF DETAIL CALLOUT
 - DOOR AND WINDOW NOTE (SEE NOTES COLUMN AT RIGHT FOR MORE INFORMATION)
 - KEYNOTE: DOOR, WINDOW
 - BRING ROOMS (AREA) (SEE NOTES)
 - ROOM NAME
 - ROOM NUMBER
 - ROOM AREA
 - SECTION REFERENCE
 - DIRECTION OF SECTION CUT
 - INTERIOR ELEVATION REFERENCE

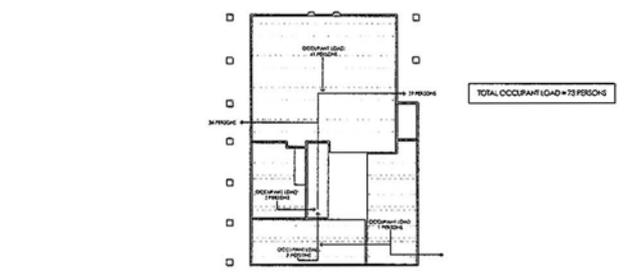
AERIAL VICINITY



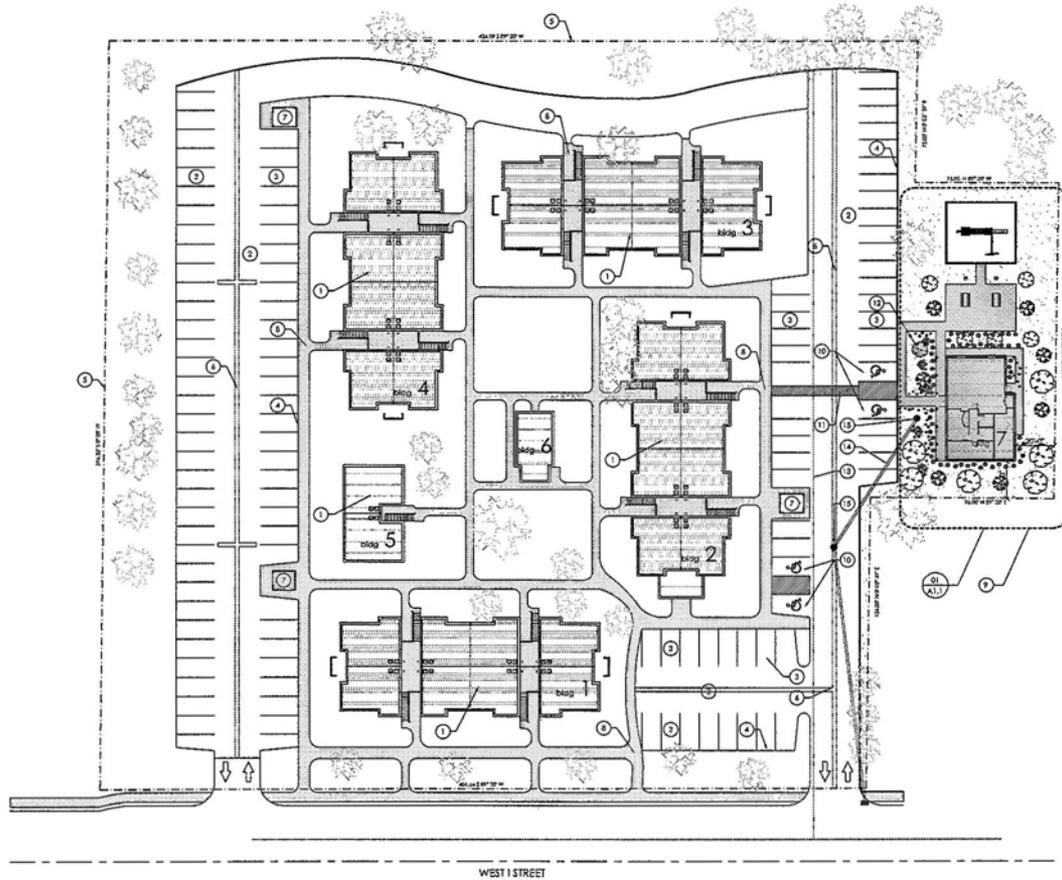
AERIAL SITE



SITE KEY PLAN
SCALE: 1" = 40'



OCCUPANCY CALCULATION DIAGRAM
SCALE: 1" = 40'



PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"

01

SITE PLAN KEYNOTES

- 1 EXISTING BUILDING TO REMAIN
- 2 EXISTING PAVED PARKING AREA
- 3 EXISTING PARKING STALL (TYP)
- 4 EXISTING CURB & GUTTER
- 5 EXISTING PROPERTY LINE (N/T)
- 6 EXISTING VALLEY GUTTER (N/C)
- 7 EXISTING CHU TRASH ENCLOSURE
- 8 EXISTING SIDEWALK AREA
- 9 AREA OF NEW WORK
- 10 ACCESSIBLE PARKING STALL AND ADJACENT LOADING ZONE
- 11 REMOVE (E) STOPPING AND ESTABLISH ALTERNATE PAYMENT TO PROVIDE ACCESSIBLE PARKING
- 12 EXISTING TREE TO REMAIN
- 13 EXISTING F SEWER LINE
- 14 EXISTING 12" STORM DRAIN LINE
- 15 EXISTING STORM DRAIN PILOT

SITE PLAN LEGEND

-  (E) BUILDING TO REMAIN (N.I.C.)
-  (E) SIDEWALK REMAIN
-  NEW ACCESSIBLE PARKING LOADING ZONE AND CROSSWALK

**Garbis Kataroyan
Architect**

354 W. RIO VIEW CIRCLE
FRESNO, CA 93733
PHONE #: (559) 439-5590

PROPOSED PROJECT FOR:
**Los Banos Apartments
New Community Building**

ADDRESS:
**44 West I Street
Los Banos, CA 93635**

SUBMITTED TO:
**City of Los Banos
520 J. Street
Los Banos, CA 93635**

STAMP:

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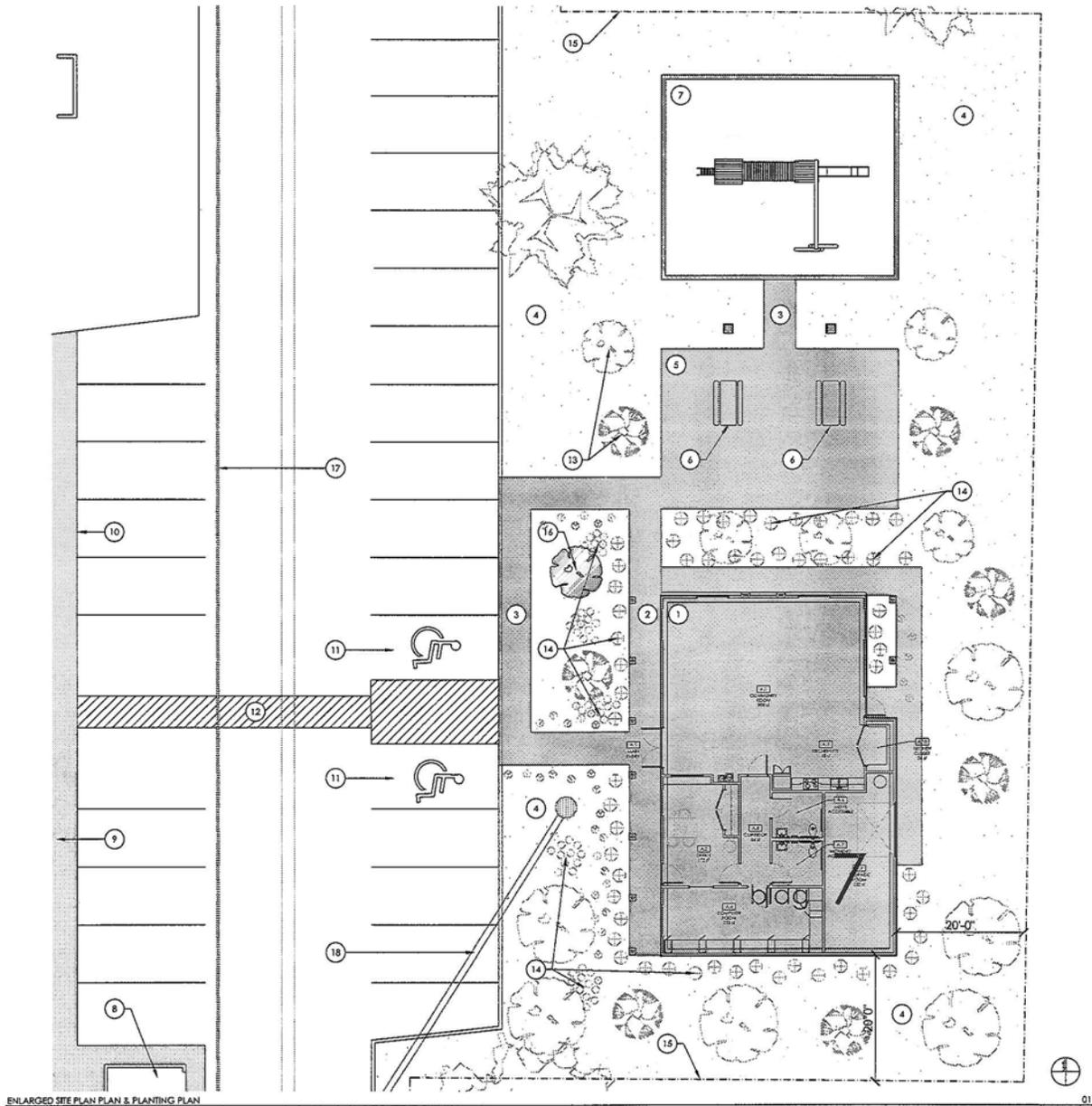
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SHEET TITLE:
PROPOSED SITE PLAN

SHEET NUMBER:
A1.0



ENLARGED SITE PLAN PLAN & PLANTING PLAN
SCALE: 1/8" = 1'-0"

SITE PLAN KEYNOTES

- 1 COMMUNITY BUILDING
- 2 ENTRY COLONNADE
- 3 CONCRETE SIDEWALK
- 4 LAWN
- 5 BBQ AREA
- 6 PICKNICK BENCHES, ADA COMPLIANT
- 7 PLAYGROUND, ADA COMPLIANT
- 8 EXISTING CHW TRASH ENCLOSURE
- 9 EXISTING SIDEWALK AREA
- 10 EXISTING CURB & GUTTER
- 11 ACCESSIBLE PARKING STALL AND ADJACENT LOADING ZONE
- 12 ACCESSIBLE WALKWAY STRIPING PAINTED OVER EXISTING ASPHALT
- 13 TREE, SEE LEGEND BELOW
- 14 PLANTING, SEE LEGEND BELOW
- 15 EXISTING PROPERTY LINE
- 16 EXISTING WIRE TO REMAIN
- 17 EXISTING SEWER LINE, SEE A1.0
- 18 EXISTING STORM DRAINAGE, SEE A1.0

LANDSCAPE PLANTING PLAN

name	size	number	symbol
ADAPTANUS	1 GALLON	PER PLAN	⊙
TYPICAL PLANTING LAYOUT: SPACING SHALL NOT EXCEED 3' O.C.			
NANDINA	5 GALLON	PER PLAN	⊕
DOMESTICA 'GOLF STREAM', HEAVENLY BAMBOO: SPACING SHALL NOT EXCEED 39' O.C.			
DIERIS	1 GALLON	PER PLAN	⊙
ACCOLOR, FORTNIGHT LILY: SPACING SHALL NOT EXCEED 18' O.C.			
PRETACA	15 GALLON	12	⊕
CHINESE VERTICALLY, CHINESE PINEAPPLE TREE: SPACING TO BE AS SHOWN ON PLAN			
FRAXINUS	15 GALLON	7	⊕
VELUTINA 'RO GRANDE', FANTEX ASH TREE: SPACING SHALL TO BE AS SHOWN ON PLAN			

SITE PLAN LEGEND

- NEW COMMUNITY BUILDING
- NEW CONCRETE SIDEWALK/BBQ AREA
- NEW ACCESSIBLE PARKING LOADING ZONE AND CROSSWALK
- NEW LAWN AREA

**Garbis Kataroyan
Architect**

514 W. 330 VIEW CIRCLE
FRESNO, CA 93711
PHONE #: (559) 439-5990

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New Community Building**

ADDRESS:
**44 West I Street
Los Banos, CA 93635**

SUBMITTED TO:
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520 J. Street
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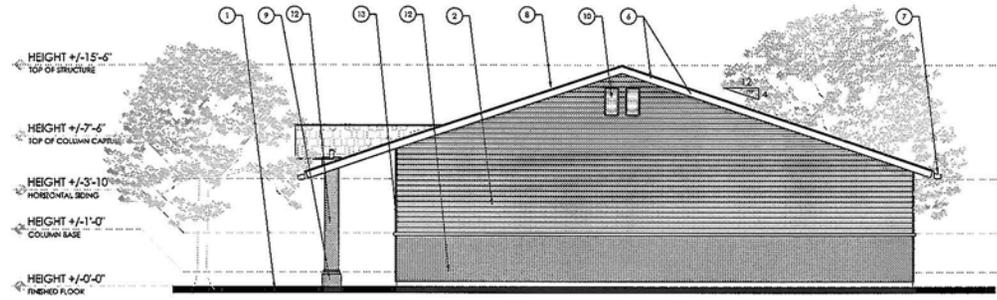
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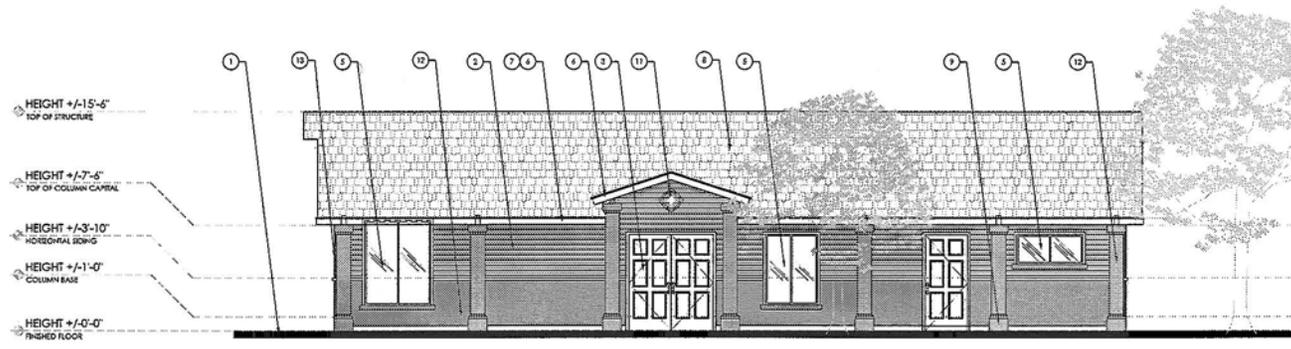
SHEET TITLE:
**PROPOSED FLOOR PLAN
+ ENLARGED SITE PLAN
+ PLANTING PLAN**

SHEET NUMBER:
A2.0



COMMUNITY ROOM - SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

04



COMMUNITY ROOM - WEST ELEVATION
SCALE: 1/4" = 1'-0"

03

ELEVATION KEYNOTES

- 1 GROUND PLANE/SIDING
- 2 HORIZONTAL HARDI BACKER LAP SIDING @BUILDING PAPER
- 3 DOOR
- 4 ROLL-UP STORAGE DOOR
- 5 WINDOW
- 6 FASCIA TRIM
- 7 GUTTER
- 8 40-YEAR ASPHALT COMPOSITION SHINGLES @2 LAYERS OF 1/4" FIBER CEMENT BOARD
- 9 COLUMN BASE
- 10 LOUVERED ATIC VENTS 12"x24"
- 11 ARCHITECTURAL DECORATIVE TRIM
- 12 3/8" THK. CEMENT PLASTER @1/4" THK. GYP BOARD
- 13 1/4" HARDI BACKER TRIM

ELEVATION LEGEND

- 1X4 HORIZONTAL LAP SIDING
- NEW ASPHALT SHINGLE ROOF
- CEMENT PLASTER

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Architect**

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FRESNO, CA 93711
PHONE #: (559) 439-8990

PROPOSED PROJECT FOR:
**Los Banos Apartments
New Community Building**

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44 West I Street
Los Banos, CA 93635

SUBMITTED TO:
City of Los Banos
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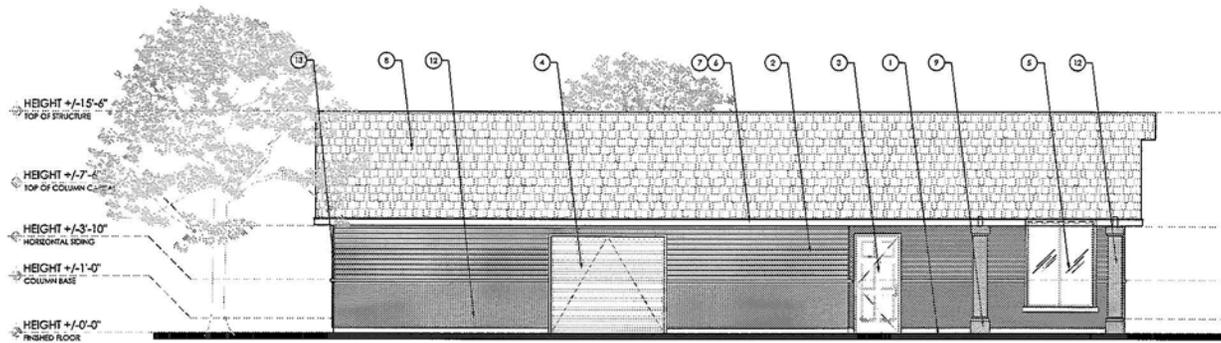
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SHEET TITLE:

EXTERIOR ELEVATIONS

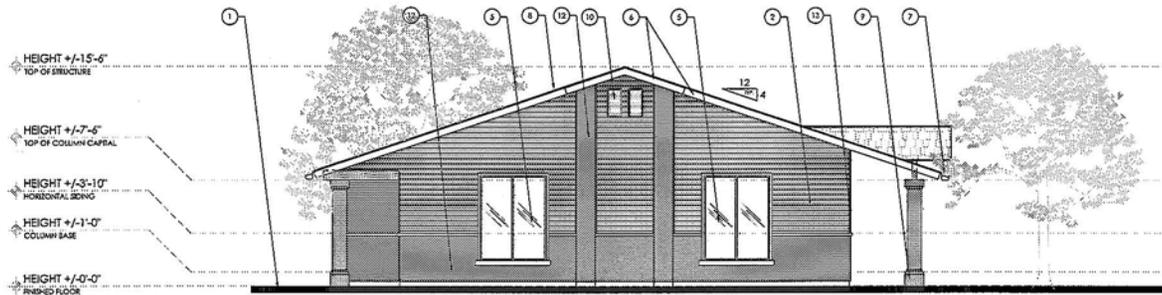
SHEET NUMBER:

A3.0



COMMUNITY ROOM - EAST ELEVATION
SCALE: 1/4" = 1'-0"

02



COMMUNITY ROOM - NORTH ELEVATION
SCALE: 1/4" = 1'-0"

01

ELEVATION KEYNOTES

- 1 GROUND PLANE/SIDING
- 2 HORIZONTAL HARD BACKER LAF SIDING @ BUILDING PAPER
- 3 DOOR
- 4 ROLL-UP STORAGE DOOR
- 5 WINDOW
- 6 FASCIA TRIM
- 7 CUTTER
- 8 40-YEAR ASPHALT COMPOSITION SHINGLES @ 2 LAYERS OF 1/4" FELT
- 9 COLUMN BASE
- 10 LOUVERED ATRIC VENTS 12"x6"
- 11 ARCHITECTURAL DECORATIVE TRIM
- 12 3/8" THK. CEMENT PLASTER @ 1/4"
- 13 1/4" HARD BACKER TRIM

ELEVATION LEGEND

-  1/2" HORIZONTAL LAF SIDING
-  NEW ASPHALT SHINGLE ROOF
-  CEMENT PLASTER

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Architect**

514 W. RIO VIEJO CIRCLE
FRESNO, CA 93711
PHONE #: (559) 439-5990

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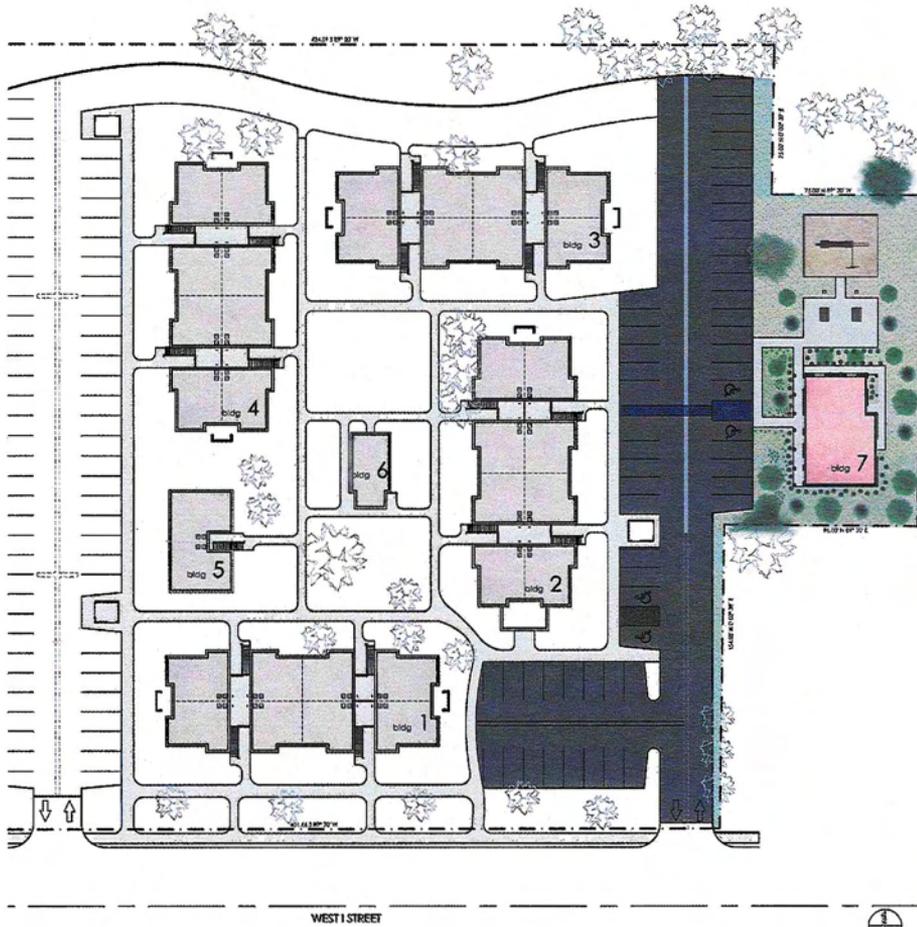
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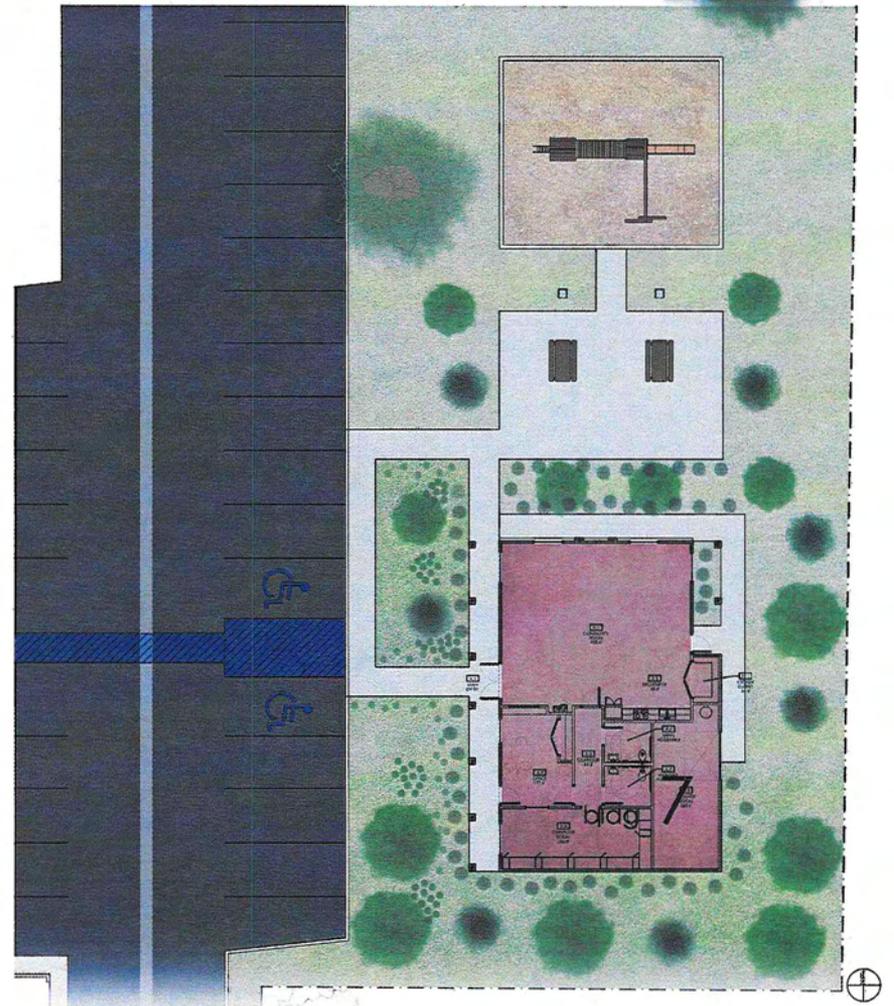
SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:
A3.1



OVERALL SITE PLAN PLAN
SCALE: 1/8" = 1'-0"

02



ENLARGED SITE PLAN PLAN & PLANTING PLAN
SCALE: 1/8" = 1'-0"

01

NEW COMMUNITY BUILDING @ LOS BANOS APARTMENTS

Garbis Kataroyan
Architect

545 W. 10TH AVENUE
PASADENA, CA 91105
PHONE: 626-799-8100

44 WEST I STREET, LOS BANOS, CA 93635

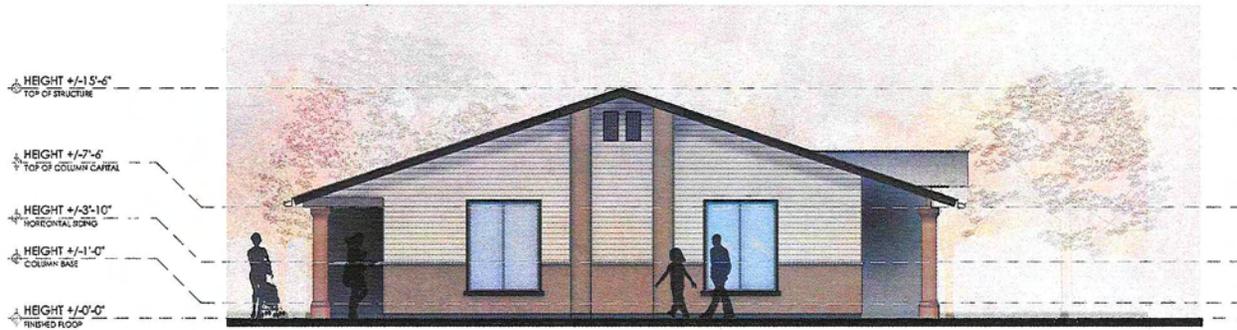
SUBMITTED FOR SITE PLAN REVIEW

JUNE 2011

11831_los banos apartments

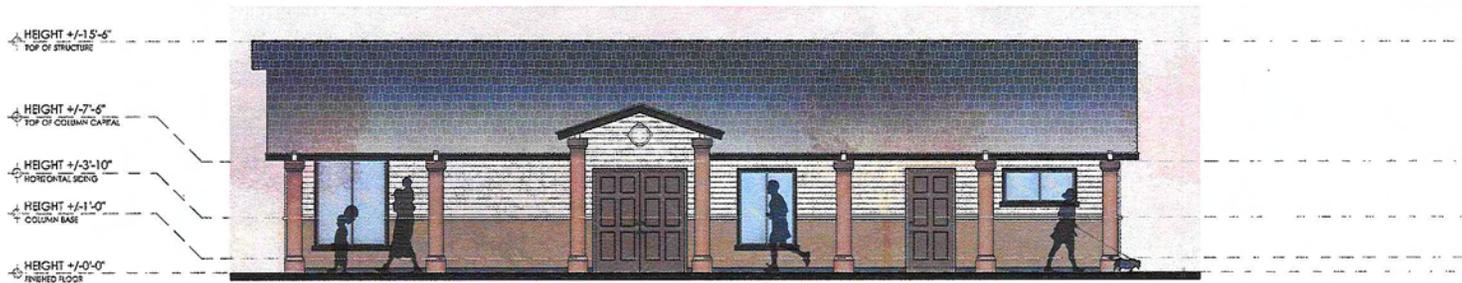
enlarged site plan

A2.0x



COMMUNITY ROOM - NORTH ELEVATION
SCALE: 1/4" = 1'-0"

02



COMMUNITY ROOM - WEST ELEVATION
SCALE: 1/4" = 1'-0"

01

NEW COMMUNITY BUILDING @ LOS BANOS APARTMENTS

Garbis Kataroyan
Architect

144 W. STANFORD AVE.
PALO ALTO, CA 94301
PHONE: 650.941.8210

44 WEST I STREET, LOS BANOS, CA 93635

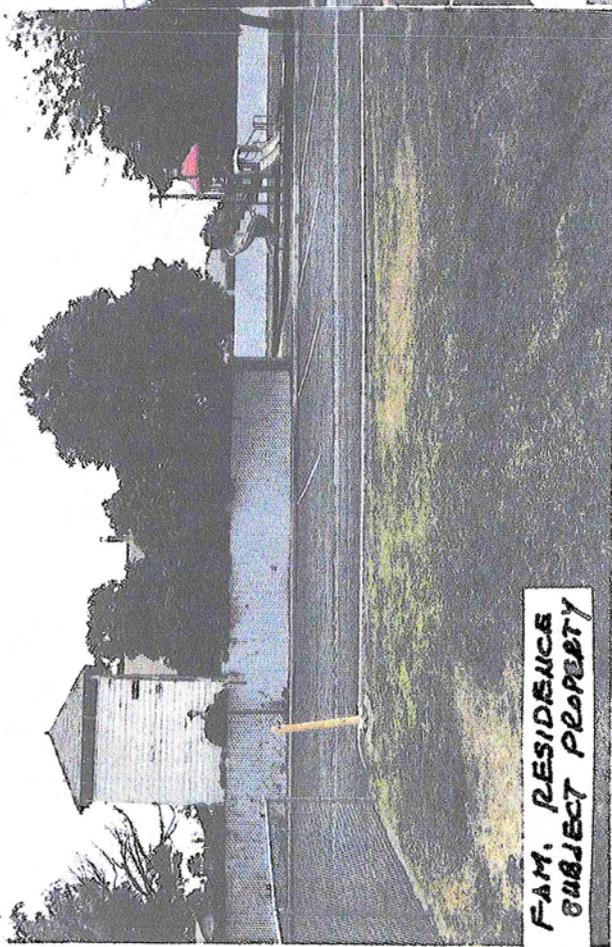
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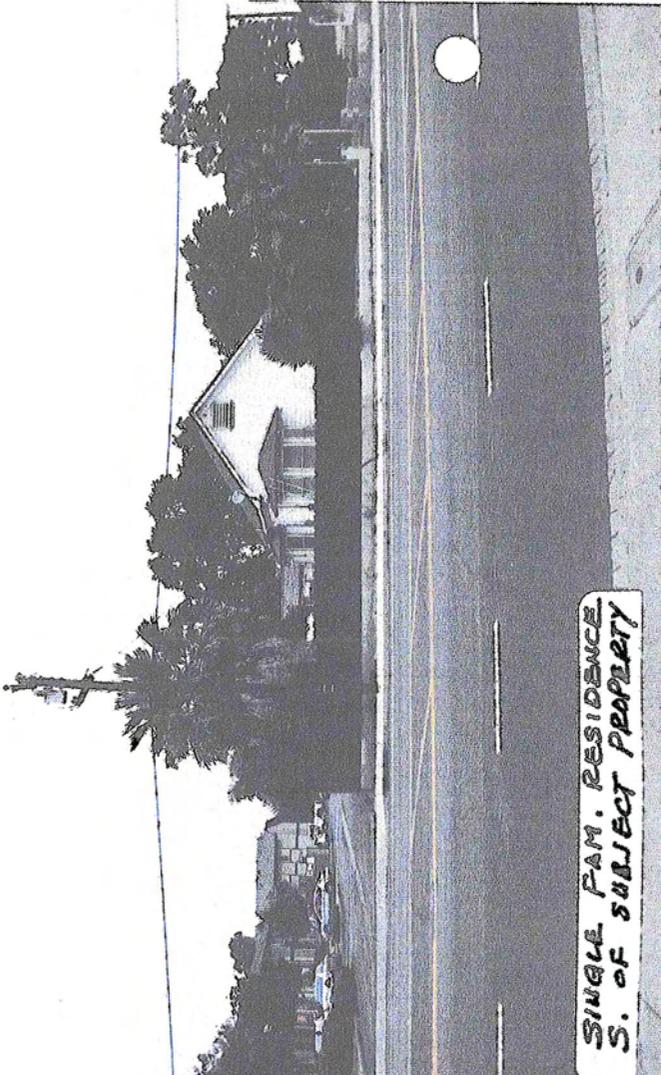
11831_los banos apartments

rendered exterior elevation

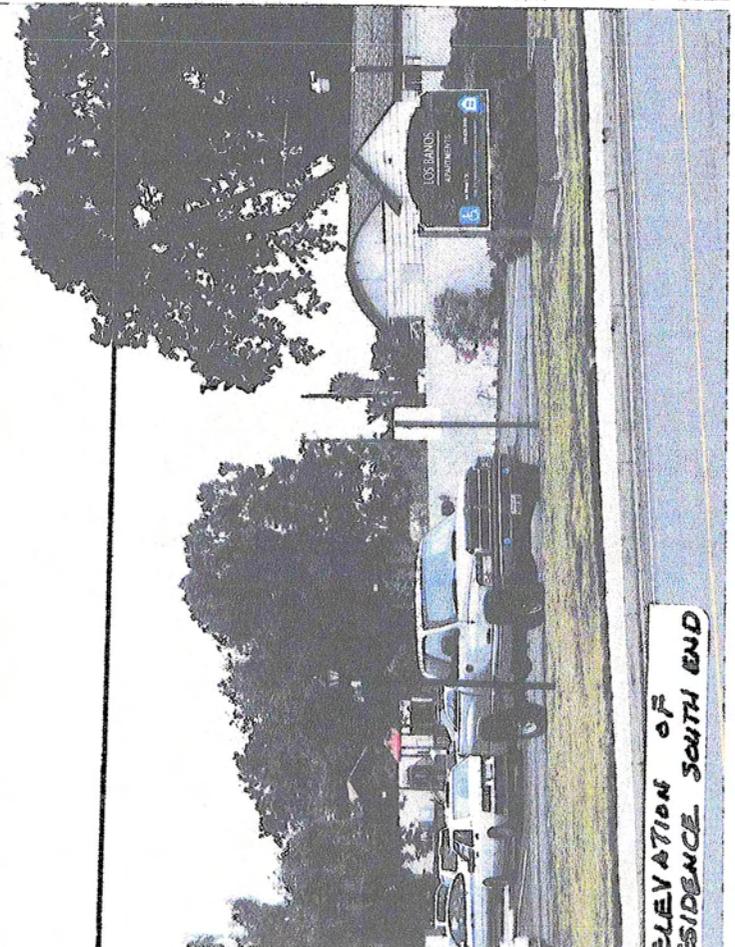
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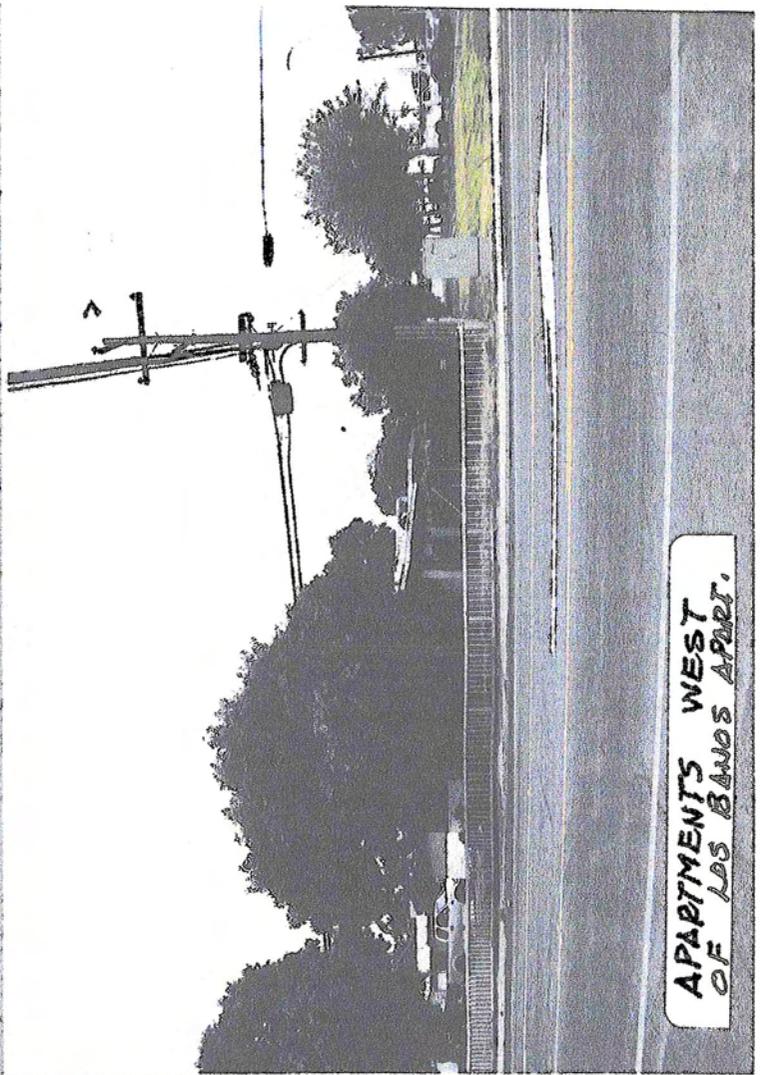
FAM. RESIDENCE
SUBJECT PROPERTY



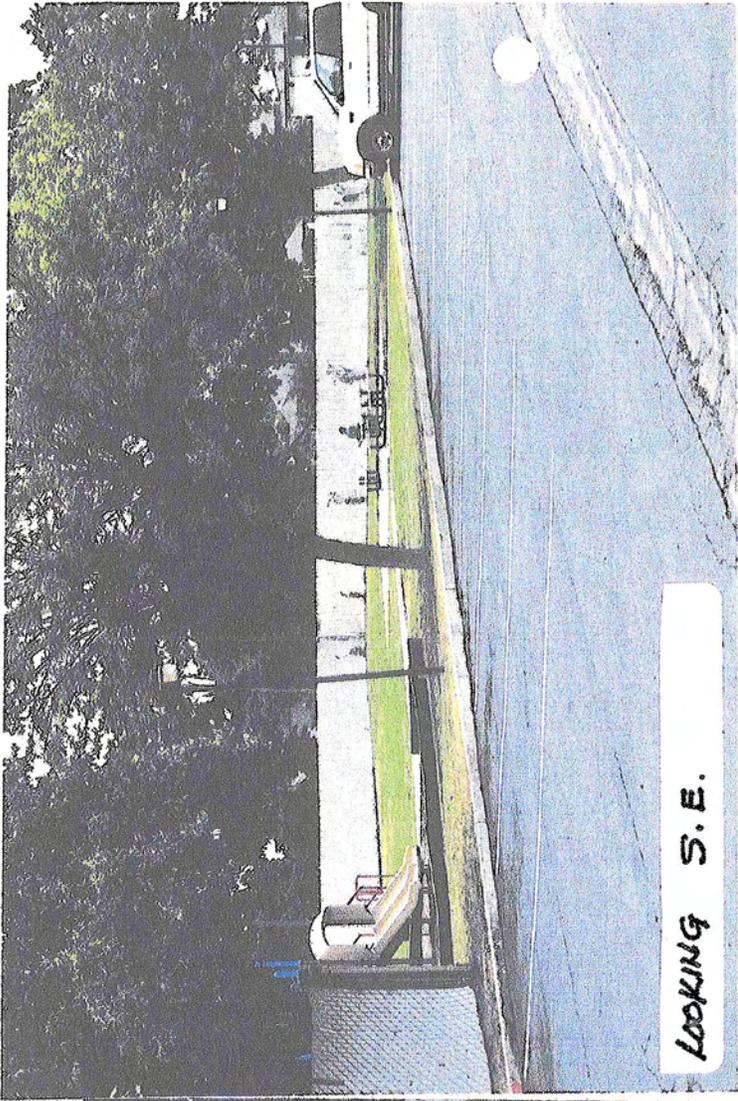
SINGLE FAM. RESIDENCE
S. OF SUBJECT PROPERTY



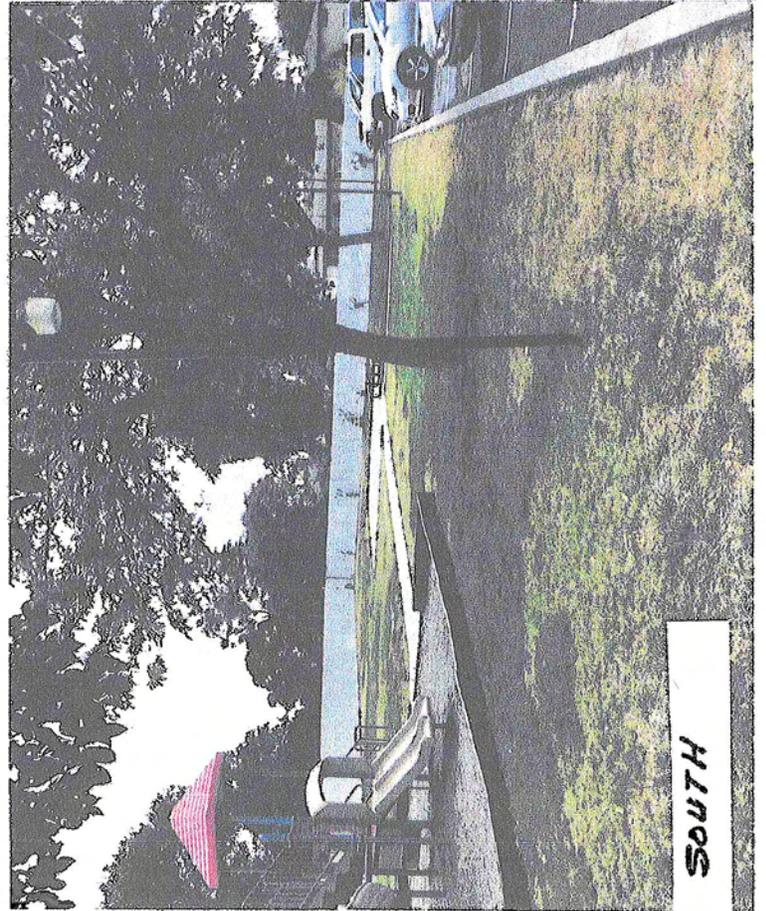
ELEVATION OF
RESIDENCE SOUTH END



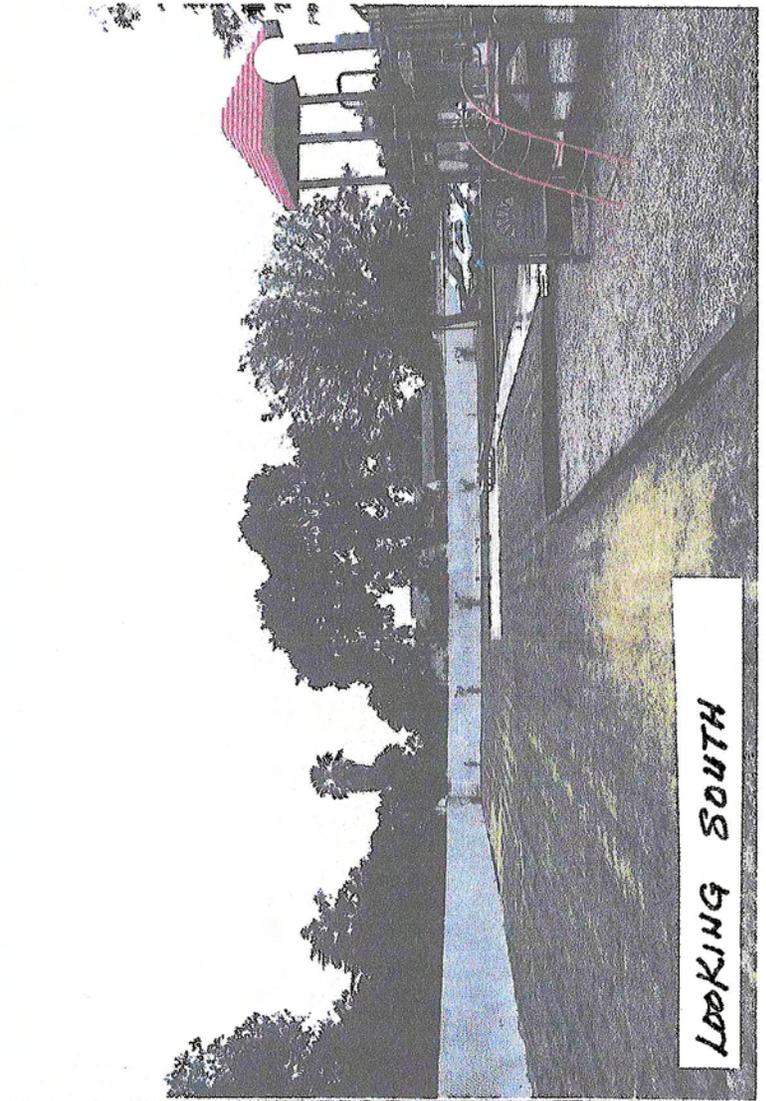
APARTMENTS WEST
OF LOS BANDOS APART.



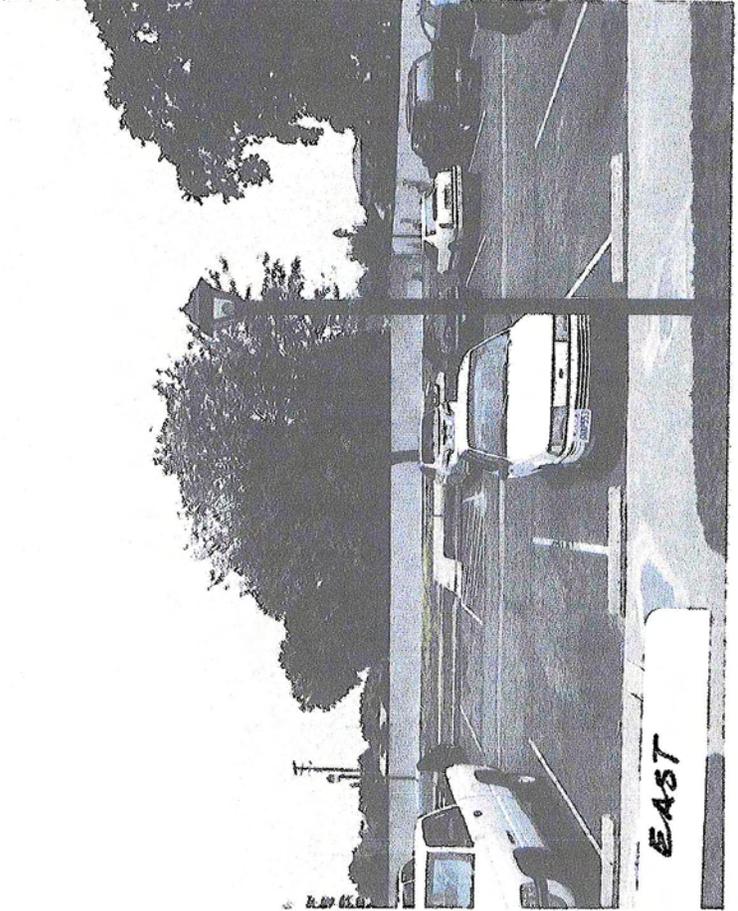
LOOKING S. E.



SOUTH



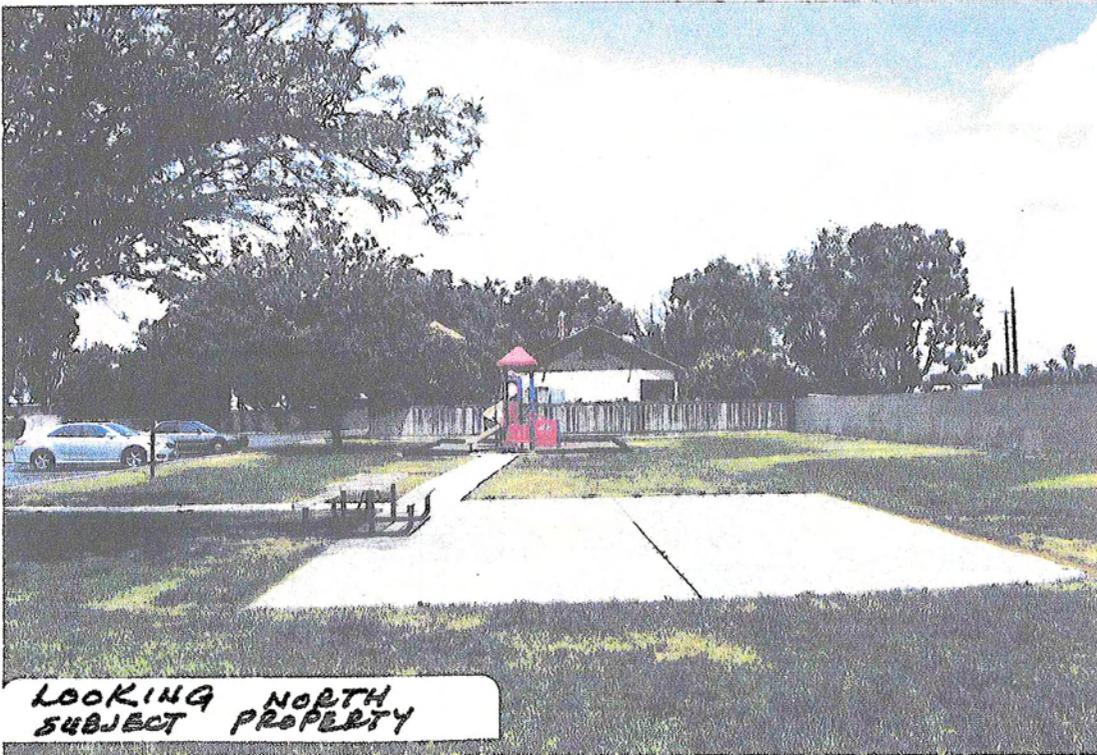
LOOKING SOUTH



EAST



LOOKING NORTH TO
(E) PLAYGROUND & RESIDENCE



LOOKING NORTH
SUBJECT PROPERTY



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIR MELLO AND COMMISSIONERS
FROM: PAULA FITZGERALD, AICP, PLANNING DIRECTOR
FOR: PLANNING COMMISSION MEETING OF JULY 13, 2011
SUBJECT: SITE PLAN REVIEW #2011-02 – BLACK BEAR DINER

RECOMMENDATION:

That the Planning Commission approve Site Plan Review #2011-02 for the conversion, remodel and expansion of an existing restaurant building to accommodate a new Black Bear Diner at 955 W Pacheco Blvd., more specifically identified as Assessor's Parcel Number 431-020-001

PROJECT: Site Plan Review #2011-02

APN: 431-020-001

APPLICANT: Bob Rose

CEQA: Exempt

PROJECT BACKGROUND/DESCRIPTION:

The applicant, Bob Rose, has been the owner of Ryan's Restaurant since its inception. The Los Banos Ryan's was the first Ryan's restaurant and Bob Rose has been actively involved throughout the life of the restaurant and will continue to be. The building is in need of updating and it is the intent of the owner to complete the updates, along with an expansion and convert it to the Black Bear Diner franchise. Like Ryan's, the Black Bear Diner will offer the family dining concept while providing great food at a great value.

The current proposal is for the remodel and expansion of the existing building at 955 W Pacheco Blvd. The expansion consists of a 464 square foot addition to the rear of the building for a banquet room and a 557 square foot addition to the front of the building for

additional dining area along with a new covered entrance and enlarged vestibule. In keeping with the Black Bear Diner branding, murals and a variety of bears carved from logs will be added to enhance the exterior appearance.

LOCATION AND ACCESS:

The project site is located at 955 W Pacheco Blvd., more specifically identified as Assessor's Parcel Number 431-020-001 Access to the site will be from the existing driveway off of Pacheco Blvd. or through the mall parking lot from I Street.



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Commercial	H-C	C
North	Commercial	H-C	C
South	Commercial	H-C	C
East	Commercial	H-C	C
West	Commercial	H-C	C

H-C = Highway Commercial

C = Commercial

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. The applicant's request for the remodel, expansion and conversion of the existing restaurant involves the permitting and licensing of an existing private structure at 955 W Pacheco Blvd., which has been operating as a restaurant.

SITE PLAN ANALYSIS:

Code Requirements

Pursuant to Sections 9-3 1307 and 9-3.2316 of the Los Banos Municipal Code, the Planning Commission shall review and evaluate a site plan for conformance with the applicable sections of the Code. Upon completion of the review and evaluation of a site plan review application, the Planning Commission shall either deny the site plan review or shall grant or modify the site plan review subject to specified conditions as may be imposed.

The purpose of the Commission consideration is to ensure that the architectural and general appearance of the structure and grounds be in keeping with the character of the neighborhood and meets the goals and vision of the Community Design Standards and will not be detrimental to the orderly and harmonious development of the City or impair the desirability of investment or occupation in the neighborhood.

Project Design

The Community Design Standards break the requirements into different classifications, the applicable standards for this project are the Commercial Design Standards as opposed to the Highway Commercial Design Standards as those standards really only apply on the Pacheco Boulevard Core, which is from West I Street to H Street. The Commercial Design Standards do not prescribe a particular architectural style, rather, the focus is on good quality design that establishes a unique character and identity for the buildings and overall development that is sensitive to the character of the surrounding areas.

The proposed project consists of the remodel and expansion of the existing restaurant to accommodate the conversion to a Black Bear Diner. A plan has been submitted which shows where the expansion areas will be located. In addition to the elevations, site photos have been submitted which show murals that were painted by the artist that will be painting the ones on the Los Banos Black Bear Diner. The murals will be on the west (view coming from I-5) and east elevations (view from the parking lot). As stated previously, the expansion to the south of the building is 464 square feet and glazing (or windows) will face the south and the expansion to the north of the building is 557 square feet which will also include glazing. The applicant is also proposing to add a river rock veneer at the base of the building as an enhancement that adds variation to the existing building and columns with river rock veneer at the covered entry.

The site plan indicates 45 parking spaces are required for the use, 45 spaces are currently available with 19 of them being on site with the balance on the shopping

center property. The applicant is not required to add new parking and therefore is not required to conform to the current parking shade requirements as this property is a very small part of the overall shopping center property, once the shopping center is redeveloped, the shading and drainage will be redesigned

Land Use

The project site is designated as Commercial according to the Los Banos General Plan and Highway Commercial in accordance with the Zoning Map. The proposed project improves the site with an updated building with many architectural enhancements. Therefore, the request is consistent with the Los Banos General Plan and Municipal Code.

Circulation

There are currently driveways which access the site from Pacheco Blvd and I Street (through the shopping center). The existing driveways will remain with no proposed modifications and the use is not being intensified as it will continue to be utilized as a restaurant.

Architecture

According to the Los Banos Community Design Standards, the project falls within the Commercial classification which focuses on good quality design that establishes a unique character and identity for the buildings and overall development that is sensitive to the character of the surrounding areas. The proposal includes many architectural enhancements and murals on the east and west elevations and the building has a 360-degree design which provides consistent architectural design and enhancements all the way around the building that is visible to the public.

Staff believes the proposed architecture integrates concepts of the design standards and clearly communicates specific elements desired for commercial buildings.

Signage

Signage will be applied for under separate permit.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on July 1, 2011. As of the date of this report, no comments have been received

CONCLUSION:

The proposed project substantially conforms to the approved land use designation for the site and contributes to the General Plan policies of balanced and orderly growth, meets the requirements of the Zoning Ordinance and has incorporated aspects of the Community Design Standards. Staff believes this project will be a positive redevelopment of the site and recommends approval, subject to the attached conditions of approval.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan

Los Banos Municipal Code – Sections 9-3.1307 and 9-3.2316

RECOMMENDATIONS:

That the Planning Commission approve Site Plan Review #2011-02 for the conversion, remodel and expansion of an existing restaurant building to accommodate a new Black Bear Diner at 955 W Pacheco Blvd., more specifically identified as Assessor's Parcel Number: 431-020-001.

ATTACHMENTS:

1. Resolution #2011-10 approving Site Plan Review #2011-02
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Site Plan
3. Colored Elevations
4. Existing Site Photos

RESOLUTION #2011-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING SITE PLAN 2011-02 FOR THE REMODEL AND EXPANSION OF AN EXISTING RESTAURANT FOR CONVERSION TO A BLACK BEAR DINER LOCATED AT 955 W PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 431-020-001

PROJECT NAME AND PROJECT NUMBER:

Black Bear Diner – Site Plan Review #2011-02

PROPOSAL DESCRIPTION:

The expansion and remodel of the existing Ryan's Restaurant to be converted to a Black Bear Diner

LOCATION/ SUBJECT PROPERTY:

955 W Pacheco Blvd , more specifically identified as Assessor's Parcel Number 431-020-001

PROJECT APPLICANT/ PROPERTY OWNER:

Bob Rose

WHEREAS, the Los Banos General Plan was adopted by the City of Los Banos Council on July 15, 2009 and is the guiding document for land use in the City of Los Banos, and

WHEREAS, the subject property has a land use designation of Commercial pursuant to the Los Banos General Plan and is zoned Highway Commercial by the Los Banos Zoning Map, and

WHEREAS, the architectural and general appearance of the structure and grounds will be in keeping with the character of the area and meets the goals and vision of the Community Design Standards and will not be detrimental to the orderly and harmonious development of the City or impair the desirability of investment or occupation in the area, and

WHEREAS, the proposed architecture is compatible with, and complementary to, the existing structures and neighborhood in terms of scale, height and neighborhood feel; and

WHEREAS, a noticed public hearing was advertised in the Los Banos Enterprise on July 1, 2011 and mailed to property owners within 300 feet of the site as required by the City of Los Banos Municipal Code and Government Code Section 65091, and

WHEREAS, Site Plan 2011-02 has been determined to be categorically exempt from the provisions of CEQA per Section 15301 Class 1, existing facilities, and

WHEREAS, at the July 13, 2011 Planning Commission Meeting the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard, and reviewed said Site Plan request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered the applicant's request in accordance with the Site Plan criteria established in Sections 9-3.1307 and 9-3.2316 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 does hereby make the appropriate findings set forth in Exhibit A (CEQA Findings), and Exhibit B (Findings of Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Site Plan 2011-02 for the remodel and expansion of an existing restaurant for the conversion to a Black Bear Diner located at 955 W Pacheco Blvd.; more specifically identified as Assessor's Parcel Number 431-020-001, 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 13th day of July, 2011, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution is hereby adopted by the following vote:

AYES

NOES

ABSENT

APPROVED

Tom Mello, Planning Commission Chair

ATTEST

Stacy Souza, Assistant Planner/Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2011-02 – BLACK BEAR DINER

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

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

- 1 Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, the project was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA –Section 15301, Class 1, existing facilities.
- 2 Site Plan Review #2011-02 was adequately noticed on July 1, 2011 for consideration at a public meeting on July 13, 2011
3. No significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the initial review.
4. No further environmental documentation is required as the proposed project was contemplated and adequately analyzed in the initial review.
5. The proposal is consistent with the Los Banos General Plan as it meets the use specified within.
- 6 The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use requirements specified within Sections 9-3.1307 and 9-3.2316 of the Code

EXHIBIT B

FINDINGS FOR APPROVAL OF SITE PLAN #2011-02 – BLACK BEAR DINER

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

- 1 The project is consistent with the City of Los Banos General Plan Commercial designation as it meets the use and density standards specified within
- 2 The proposal is consistent with the Zoning Ordinance designation of Highway Commercial (H-C) as it meets the use, intensity and development standards specified within.
- 3 Pursuant to Sections 9-3 1307 and 9-3.2316 of the Los Banos Municipal Code the applicant has submitted a Site Plan Review authorizing the review of the development proposal and site plan relating to compatibility within the neighborhood and the goals and vision of the Community Design Standards
4. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing and working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City in that the remodel and expansion of the building on this site will provide services to residents of the Los Banos Apartments and the building will be aesthetically pleasing.
5. The proposal is compatible with the adjacent land uses, properties, and neighborhoods and will not be detrimental or injurious to the neighborhood or to the general welfare of the City in that the project site has existed as a Highway Commercial use and will continue to operate in a harmonious manner with the surrounding neighborhood
6. The development proposal meets the purpose, intent and specific standards of the pertinent sections of the Los Banos Municipal Code in that the proposed use of the restaurant is a permitted use as designated in the Municipal Code and the applicant has met the criteria required for a Site Plan Review application.

7. The general appearance of the proposed buildings or structures and grounds is in keeping with the character of the neighborhood so as not to be detrimental to the orderly and harmonious development of the City or to impair the desirability of investment or occupation in the neighborhood.
- 8 The architecture and design of the building is in accordance with the Community Design Standards
9. Conditions have been imposed on the project that will ensure the project's consistency with the policies of the City's General Plan and Municipal Code.

EXHIBIT C

CONDITIONS OF APPROVAL FOR SITE PLAN #2011-02 – BLACK BEAR DINER

Planning:

- 1 This Site Plan shall expire if an application for a building permit is not applied for within one year from date of approval. A one year extension may be allowed through a written submittal that would be approved by the Planning Director
- 2 Any proposed modifications to the approved Site Plan shall require approval by the Planning Director or Planning Commission as appropriate.
- 3 The developer shall comply with all requirements of the City of Los Banos and other appropriate governmental agencies.
- 4 The developer shall comply with the Americans with Disabilities Act (ADA) requirements in the design, construction and maintenance of this project.
- 5 The developer shall provide a copy of the conditions of approval to all contractors and subcontractors prior to commencement of construction.
- 6 During construction, and for safety purposes, the public right-of-way shall be kept clear of obstructions and shall be cleaned on a daily basis.
- 7 All contractors and subcontractors shall obtain a City of Los Banos Business License, prior to start of work on the project. All work performed on the project shall comply with the requirements of the California Business and Professions Code.
- 8 Construction shall be limited to those hours specified in Section 9-3.2706 of the Los Banos Municipal Code: Monday through Friday from 7:00 am to 9:00 pm, Saturday and Sunday from 8:00 am to 5:00 pm.
- 9 The developer shall obtain any necessary encroachment permits from the City of Los Banos, County of Merced, Caltrans or other jurisdictions prior to performing any work within that jurisdiction's right-of-way
- 10 All structures, foundations, and footings for buildings on the project site shall be designed and constructed to conform to the current California Building Code, including amendments adopted by the City

- 11 During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site, and pets shall not be allowed on the construction site. The proper location of the trash containers shall be subject to the review and written approval of the Planning Department.
12. Prior to placement of combustible materials on the site, two points of all-weather access, at least one paved, shall be provided, to the satisfaction and written approval of the Fire Chief.
13. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the Site Plan where active construction is taking place. Placement of said construction trailer is subject to the written approval of the Public Works Director.
- 14 The development site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion
15. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Planning Department:

“If archaeological resources or human remains are discovered during construction, work shall be halted from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”
16. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this language is included in all permits in accordance with CEQA Guidelines section 15064.5(e)

“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to

the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097 98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission, b) the descendent identified fails to make a recommendation, or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner ”

- 17 The site shall be kept in a dust-free condition during construction of the project in. Prior to issuance of a building permit, dust control requirements shall be included in all construction contract specifications to reduce significant levels of construction-related hazardous air emissions.
- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover
 - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
 - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut and fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
 - d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
 - e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is expressly forbidden.)
 - f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

18 Prior to issuance of building permits, the developer shall include the following requirements in all construction bids and documents including contracts (and implemented during construction activities) for the purpose of reducing diesel particulate and acrolein emissions during construction of the project:

- a. All pre-1994 model year and older diesel equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters,
- b. Contractor shall maintain records of all purchases of diesel oxidation catalyst filters or biodiesel fuel until construction is complete, and
- c. The SJVAPCD shall have the right to inspect all construction and demolition equipment, as well as the contractor's records at any time during demolition and construction.

19. Development Fees shall be required for the increased building square footage.

Signage:

20 All advertising signage shall be subject to Sign Review and permit approval from both the Planning and Building Departments, prior to installation, consistent with the development criteria of the Los Banos Municipal Code Sign Ordinance.

Design/Aesthetics:

21 Downspouts shall be located within the building walls or architecturally integrated into the design and color of the structures, and there shall be no drainage across the public access ways or across the public right-of-way

22 All ground and rooftop mounted electrical, plumbing and mechanical equipment shall be screened from view of the public right-of-way by continuous parapet wall or landscaping or combination thereof

23 Murals must be placed on the east and west elevations as depicted on the Site Plan and accompanying photographs.

Public Works

24 All development fees shall be paid before the issuance of the first building permit.

25. All design shall be done in conformance with the City's Standards and Specifications.

26 All new utility services are to be under-grounded

Utilities and Drainage

27 All utilities shall be installed by the Developer and designed to meet the City of Los Banos Standards and Specifications.

28. The storm drainage system shall tie into existing storm drain facilities. Surface drainage over curbs and driveways shall not be permitted. No storm drainage will be allowed to drain into Caltrans Right-of-Way

Landscape and Lighting:

29 Landscaping shall be continuously maintained in a healthy and thriving manner. Should any landscape material die, it shall be immediately replaced with landscaping of a similar type, size and quantity

Fire Department

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

31 Knox Boxes will be required on the building (Applications can be obtained through the Fire Department).

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

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

	ARCHITECTURE AND PLANNING 10000 WILSON AVENUE, SUITE 100 LOS ANGELES, CALIFORNIA 90024 TEL: (310) 551-1100 FAX: (310) 551-1101 WWW.TABARCHITECTURE.COM	PROJECT: A NEW FACILITY REMODEL FOR BOB ROSE BLACK BEAR DINER LOS BANOS, CALIFORNIA	DATE: 08/11/11 SCALE: AS SHOWN PROJECT NUMBER: A-100-111
	ARCHITECT: KEITH H. BRYNER, AIA DATE OF ARCHITECTURE: 08/11/11	CONSULTANT: BOB ROSE DATE OF ARCHITECTURE: 08/11/11	CLIENT: BOB ROSE DATE: 08/11/11

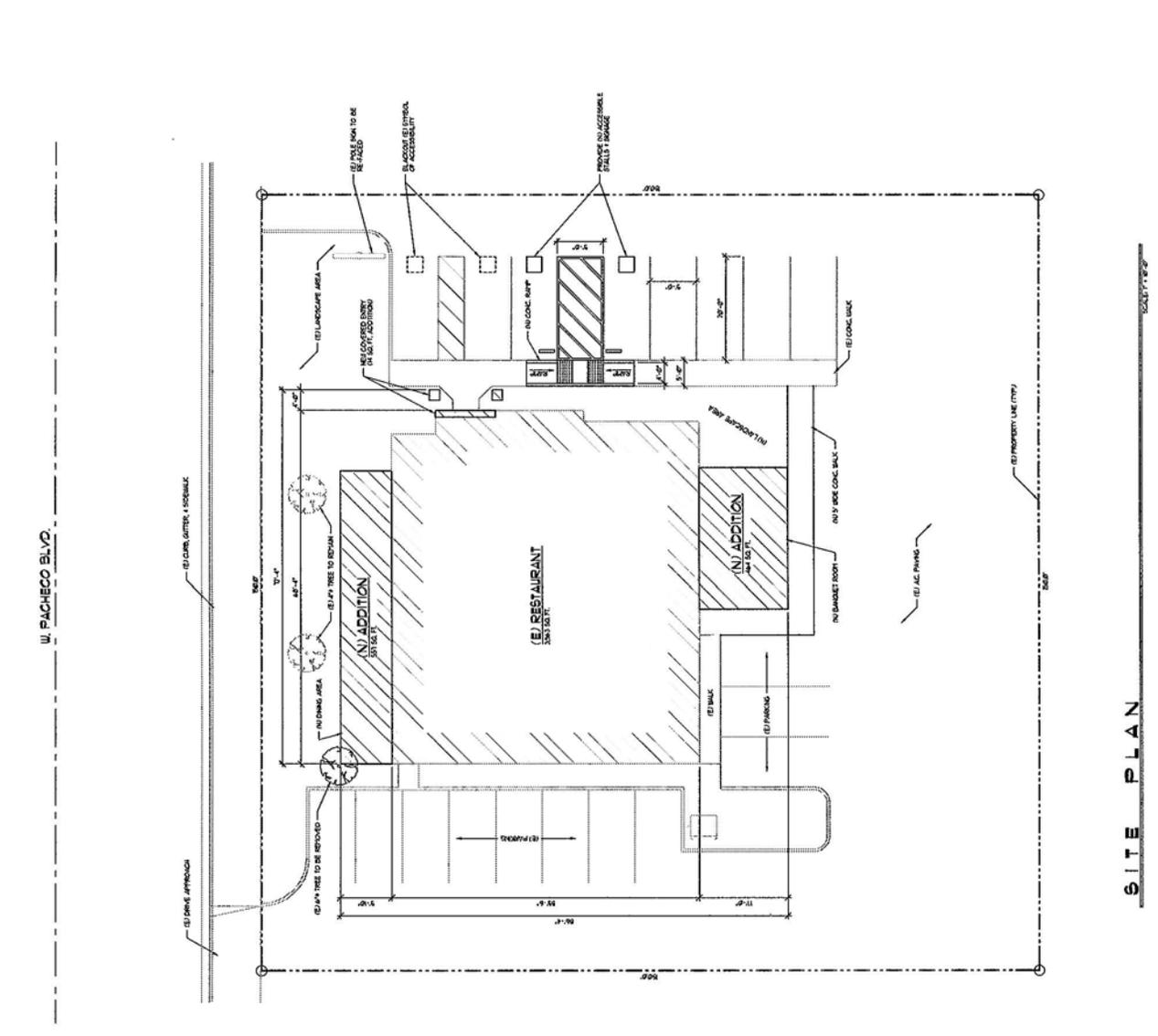


LEGAL INFO

APN: 45-005-001
 199 S PACHECO BLVD
 ADDRESS

LOT AREA: 20,000 SQ FT
 LANDSCAPE AREA: 1,000 SQ FT
 IN ADDITION: 1,000 SQ FT
 CONCRETE PATIO: 1,000 SQ FT
 PARKING PROVIDED ON LOT: 10 SPACES
 STANDARD SPACES: 10 SPACES
 TOTAL PROVIDED: 10 SPACES

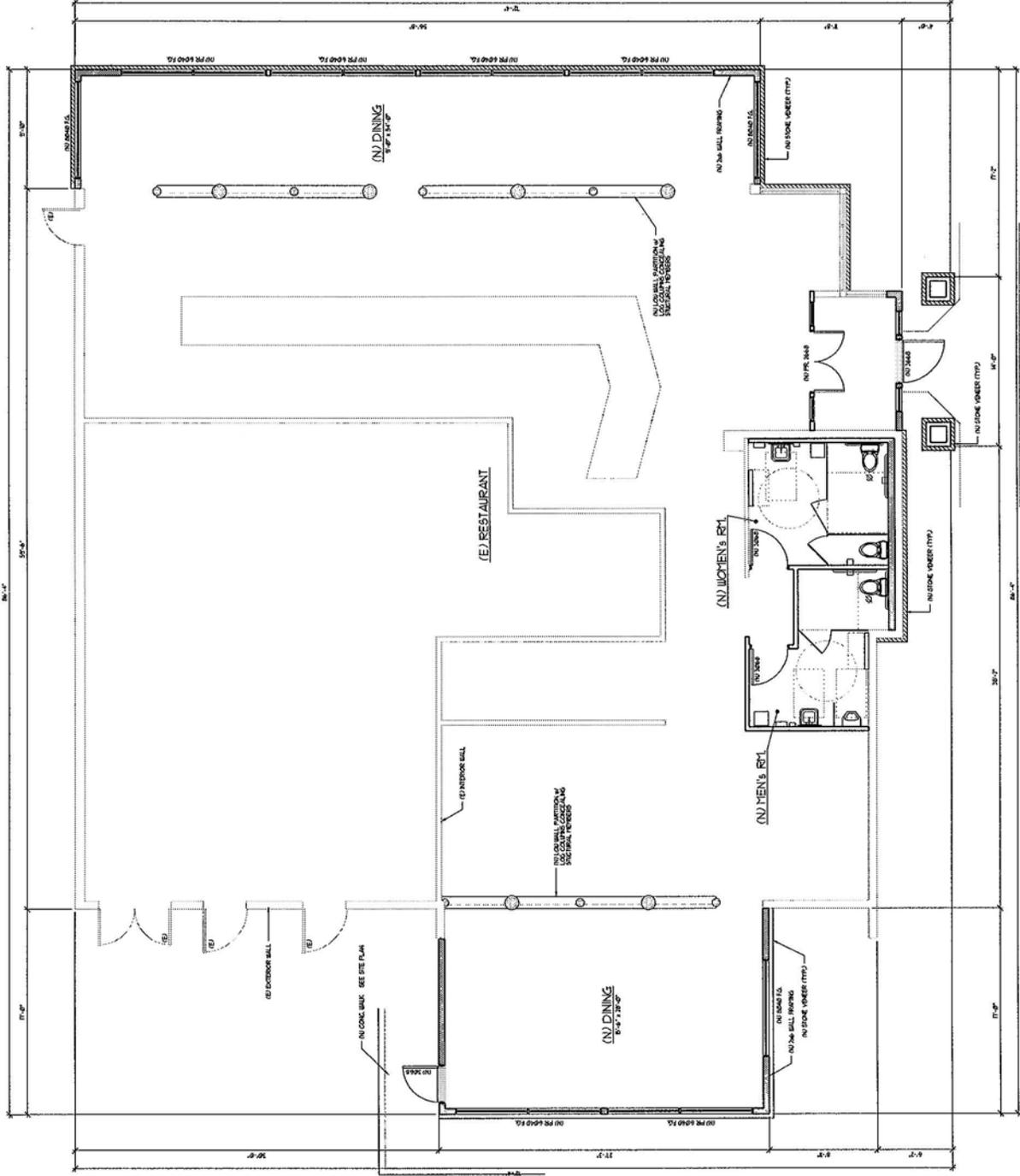
300X PERSONS



NOTICE: THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT AND ARCHITECT ASSUME RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

S I T E P L A N

TAJE ARCHITECTURE AND PLANNING 10000 WILSON AVENUE SUITE 1000 LOS ANGELES, CALIFORNIA 90024 TEL: (310) 206-1000 FAX: (310) 206-1001 WWW.TAJEARCHITECTS.COM	PROJECT: A NEW FACILITY REMODEL FOR BOB ROSE BLACK BEAR DINER LOS BANOS, CALIFORNIA	DATE: REVISION: 11/11/11	PROJECT NUMBER: A-100-11 SHEET NUMBER: A2
	ARCHITECT: KEITH H. BEYALIC DATE OF APPROVAL: 11/11/11 REGISTERED ARCHITECT: KEITH H. BEYALIC DATE OF APPROVAL: 11/11/11	CONSULTANT: PROJECT:	SCALE: 1/8" = 1'-0" DATE: 11/11/11 BY: [Signature]



FLOOR PLAN

ASSISTANTS:
 • KATHLEEN M. HARRIS
 • KATHLEEN M. HARRIS
 • KATHLEEN M. HARRIS

ARCHITECT:
 KEITH E. HETTINGER
 10000 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202

CONSULTANTS:
 STRUCTURAL: [blank]
 MECHANICAL: [blank]
 ELECTRICAL: [blank]

PROJECT:
 A NEW FACILITY REMODEL FOR:
**BOB ROSE
 BLACK BEAR DINER**
 LOS BANOS, CALIFORNIA

SHEET INFORMATION:
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 TOTAL SHEETS: [blank]
 DATE: [blank]

REVISIONS:

NO.	DESCRIPTION

SCALE:
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DATE:
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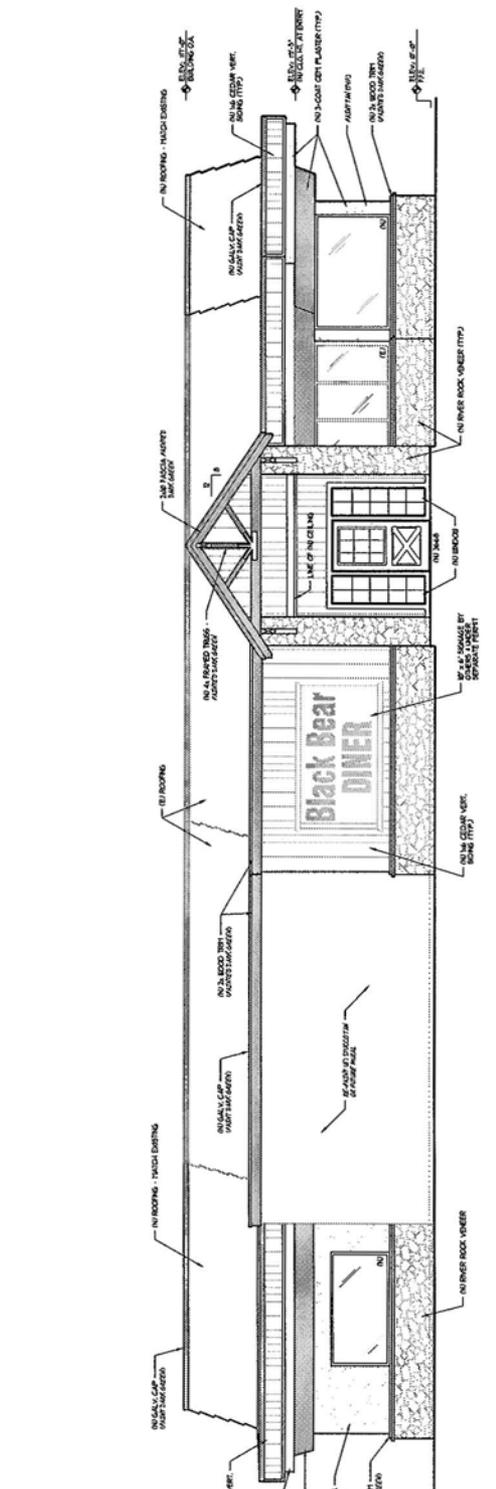
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 A-100.11

DATE PLOTTED:
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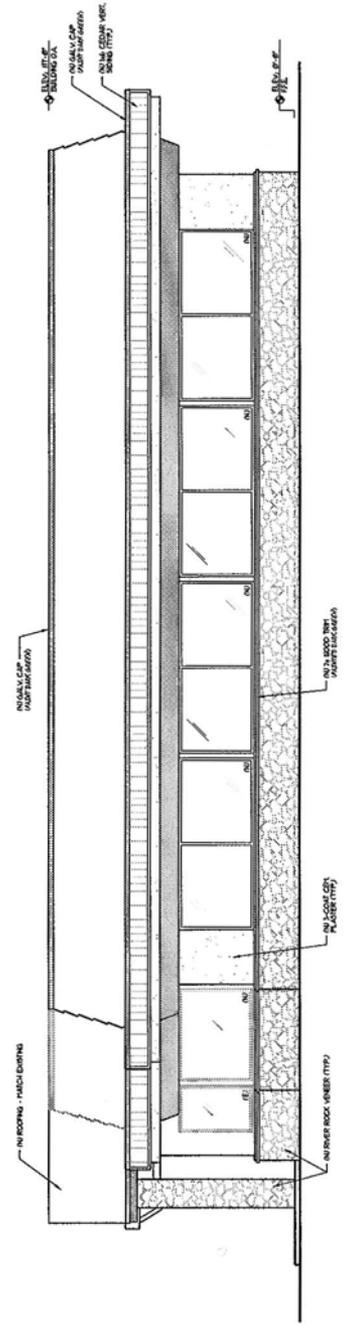
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DATE:
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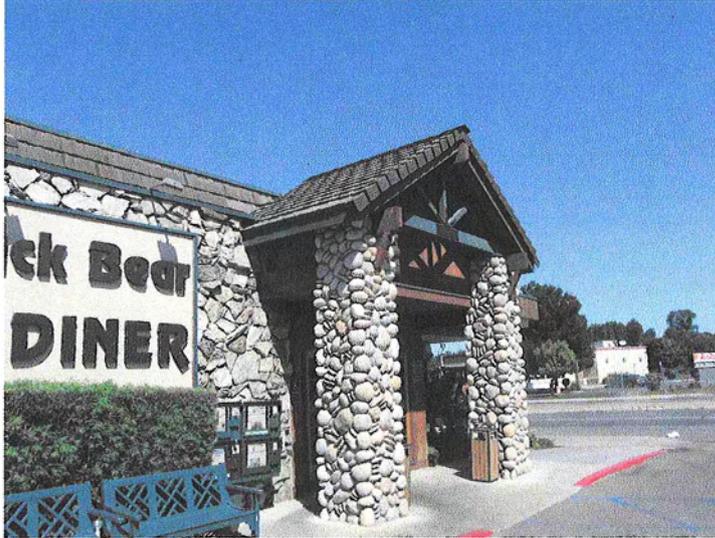
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 A-100.11



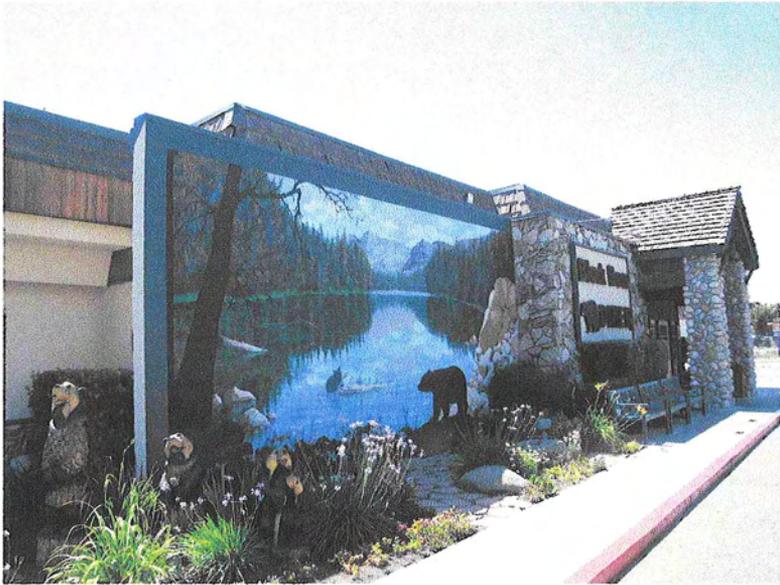
EAST ELEVATION
 SCALE: 1/4" = 1'-0"



NORTH ELEVATION
 SCALE: 1/4" = 1'-0"









City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIR MELLO AND COMMISSIONERS
FROM: PAULA FITZGERALD, AICP, PLANNING DIRECTOR
FOR: PLANNING COMMISSION MEETING OF JULY 13, 2011
SUBJECT: USE PERMIT #2011-03 – OFF SALE GENERAL ALCOHOL

RECOMMENDATIONS:

That the Planning Commission makes the appropriate findings and recommends approval of Use Permit #2011-03 to the Los Banos City Council for the use of a Type 21 alcohol license for the off-sale of general alcohol at Target located at 1405 W Pacheco Blvd.

PROJECT:	Use Permit #2011-03 – Off-Sale General Alcohol
APN:	430-010-020
APPLICANT:	Target Corporation
CEQA:	Exempt

PROJECT BACKGROUND/DESCRIPTION:

The Los Banos Planning Commission on October 25, 2006 approved Site Plan #2006-10 for the construction of a Target store. The store has been operating since July 2008 in the City of Los Banos.

In 2008 Target requested the use of a Type 20 alcohol license for the off-sale of beer and wine. The Planning Commission recommended approval to the City Council on September 10, 2008 and the City Council approved the Use Permit.

The requested application is for the use of a Type 21 alcohol license to permit the off-sale of general alcohol for Target located at 1405 W Pacheco Blvd. in the highway

commercial zoning district. The Type 20 alcohol license will be surrendered once the Type 21 is obtained. Additionally, the Target store will be undergoing a remodel in the fall of 2011 which will include a significant expansion of the market section which will occupy the entire west end of the store with additional aisles of grocery products and refrigeration cases. The new market section will offer a full range of grocery products, including fresh meats, vegetables, fruits and bakery products. The applicant's intent is to enhance the value of the store as a "one-stop shopping" destination for the residents of Los Banos.

LOCATION AND ACCESS:

The project site is located at 1405 W Pacheco Blvd., more specifically identified as Assessor's Parcel Number 430-010-020



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Commercial	H-C	C
North	Commercial	H-C	C
South	Vacant	PD/R-3	MDR
East	Commercial	H-C	C
West	Commercial	H-C	C

H-C = Highway Commercial/C = Commercial/PD = Planned Development/MDR = Medium Density Residential

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA – Article 19, Section 15301. The applicant's request for the off-sale of general alcohol involves the permitting and licensing of an existing private structure and involves no expansion of the use currently existing at the Target store located at 1405 W Pacheco Blvd., which currently includes the off-sale of beer and wine pursuant to a Type 20 License.

USE PERMIT ANALYSIS

Code Requirements

A use permit, as specified in the Los Banos Municipal Code Section 9-3.2222, is required for any establishment dispensing for sale or other consideration alcoholic beverages, including beer and wine, for on-sale or off-sale. A use permit may be granted if the proposal is conforming to the following criteria:

Standard:

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

On-Sale and Off-Sale Alcoholic Beverages:

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

Staff believes that this proposal is conforming to the criteria set forth in the Municipal Code. The project will not contribute to the proliferation of alcohol in the area or cause an increase in crime as there are cameras proposed. The proposal is not in close

proximity to places of worship, schools, or playgrounds. Staff believes that the proposal will not have an affect with the movement of people in that the store is located in a shopping center that is accessed mostly by vehicular travel. In addition, the project will be subject to conditions which will mitigate any adverse affects on the surrounding neighborhood

Target has proposed new security cameras to minimize any potential problems due to the alcohol sales. The location of the cameras and the location of alcohol in relation to the associated cameras should adequately provide additional protection.

Alcoholic Beverage Control

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

- a) Restrictions as to hours of sale.
- b) Display of signs.
- c) Employment of designated persons
- d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law.
- e) The portion of the privileges to be exercised under the license.
- f) The personal conduct of the licensee.

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

Census Tract

The project site is located in census tract 23 01. As of the date of this report there are 6 off-sale licenses currently in use in this specific census tract. According to Section 23817.5 of the Business and Professions Code, the number of off-sale beer and wine licenses in combination with off-sale general licenses, are limited to one for each 1,250 people in a City or County. The City of Los Banos' current population of 36,525 would allow for 29 off-sale licenses. There are currently 28 off-sale (Type 20 and 21) licenses. This specific request however would not require the use of an additional allocated license. The existing off-sale license Target has already been allocated will only be intensifying its use, not requiring an additional license. The following is a list of active "off-sale" licenses in census tract 23.01

License Type ¹	Business Name	Premises Address
20	Los Banos Chevron	1009 E. Pacheco Blvd.
21	Rite Aid Store 5855	1317 E. Pacheco Blvd.
20	Larry's Shell	849 W. Pacheco Blvd.
20	La Esperanza Mercado 4	937 W. Pacheco Blvd.
20	Target T2359	1405 W. Pacheco Blvd.
21	Walmart Store 2117	1257 W. Pacheco Blvd.

Type 20 license = Off-sale beer and wine

Type 21 license = Off-sale general

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on July 1, 2011. As of the date of this staff report, no comments have been received.

CONCLUSION:

The proposed use permit will conditionally authorize the off sale of general alcohol at the existing Target store. The requested use will provide convenience for residents to purchase all of their general merchandise needs, including the purchase of alcohol, at one store. Staff believes this use meets the criteria of the Los Banos Municipal Code and is conforming to the Los Banos General Plan.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan

Los Banos Municipal Code

ABC Act, California Business and Professions Code

RECOMMENDATIONS:

1. That the Planning Commission makes the appropriate findings and recommends approval of Use Permit #2011-03 to the Los Banos City Council for the use of a Type 21 alcohol license for the off-sale of general alcohol at Target located at 1405 W Pacheco Blvd

¹ California Department of Alcoholic Beverage Control
<http://www.abc.ca.gov/datport/AHCityRep.asp>

ATTACHMENTS:

- 1 Resolution #2011-11 recommending approval of Use Permit #2011-03 to the Los Banos City Council.

Exhibit A CEQA Findings
Exhibit B Project Findings
Exhibit C Conditions of Approval

2. Floor Plan showing camera locations

RESOLUTION No. 2011-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING APPROVAL OF USE PERMIT #2011-03 TO THE LOS BANOS CITY COUNCIL FOR THE OFF-SALE OF GENERAL ALCOHOL FOR TARGET LOCATED AT 1405 W. PACHECO BLVD.

PROJECT NAME AND NUMBER:

Target Use Permit #2011-03

PROJECT DESCRIPTION:

To authorize the use of a Type 21 alcohol license for the off-sale of general alcohol in the Highway Commercial zoning district.

LOCATION:

1405 W. Pacheco Blvd.; more specifically described as Assessor's Parcel Number: 430-010-020

PROJECT APPLICANT AND PROPERTY OWNER:

Target Corporation

WHEREAS, the applicant has requested that the City of Los Banos consider a Use Permit to allow the use of a Type 21 alcohol license for the off-sale of general alcohol for Target located at 1405 W Pacheco Blvd , further identified as Assessor's Parcel Number 430-010-020; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on July 1, 2011 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 9-3.2222 of the Los Banos Municipal Code, and

WHEREAS, Use Permit #2011-03 has been determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 - Existing Facilities.

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby recommend the approval of Use Permit #2009-02 to the Los Banos City Council to permit the use of a Type 21 alcohol license for the off-sale of general alcohol for Target located at 1405 W. Pacheco Blvd., subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 13th day of July 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

Stacy Souza, Assistant Planner/Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR USE PERMIT #2011-03 (TARGET)

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, the project was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15301. The request of Use Permit 2011-03 for the use of a Type 21 alcohol license for the off-sale of general alcohol involves the permitting and licensing of an existing private structure and involves no expansion of the use currently existing at Target located at 1405 W. Pacheco Blvd., which currently includes the sale of beer and wine pursuant to a Type 20 license.
2. Use Permit #2011-03 was adequately noticed on July 1, 2011 for consideration at a public meeting on July 13, 2011.
3. No further environmental documentation is required as the Use Permit was contemplated and adequately analyzed in the initial review.
4. The proposal is consistent with the Los Banos General Plan as it meets the use specified within.
5. The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use requirements specified within Sections 9-3.1303 and 9-3.2322 of the Code.

EXHIBIT B

FINDINGS FOR APPROVAL OF USE PERMIT #2011-03 - TARGET

FINDINGS FOR APPROVAL

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

1. The project is consistent with the City of Los Banos General Plan "Commercial" designation in that the project meets the use specified within.
2. The proposal is consistent with the Los Banos Municipal Code in that it meets the criteria and required findings as specified in Section 9-3.2322 of the Code.
3. The proposed use will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use in that the proposed use will be conducted within a commercial facility and will not result in significant operational changes to the existing commercial area.
4. The proposed Use Permit is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City in that the requested use will be secondary to the sale of retail merchandise.
5. The proposal will not contribute to undue proliferation of alcohol sales in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering and traffic problems and capacity. The off-sale of beer and wine is already permitted at the existing Target Store located at 1405 W Pacheco Blvd.
6. The proposal will not adversely affect adjacent or nearby churches, temples, or synagogues, public, parochial, or private elementary, junior high, or high schools, public parks or recreation centers; or public or parochial playgrounds in that provisions have been added to the Conditions of Approval (Exhibit C) to ensure that all nearby uses will not be adversely affected by the proposed use.
7. The proposed use will not interfere with the movement of people along an important pedestrian street in that the existing Target store is located within a commercial shopping center which is mostly accessible through vehicular travel. On-site consumption of alcohol will not be permitted at any time on this site.

8. The proposed use will not disrupt the sleep of residents in that ingress and egress from the store is on the northern side, which is several hundred feet from the edges of the adjacent proposed residential use.
9. The proposed use has been deemed a public convenience or necessity by the Los Banos Planning Commission.

EXHIBIT C

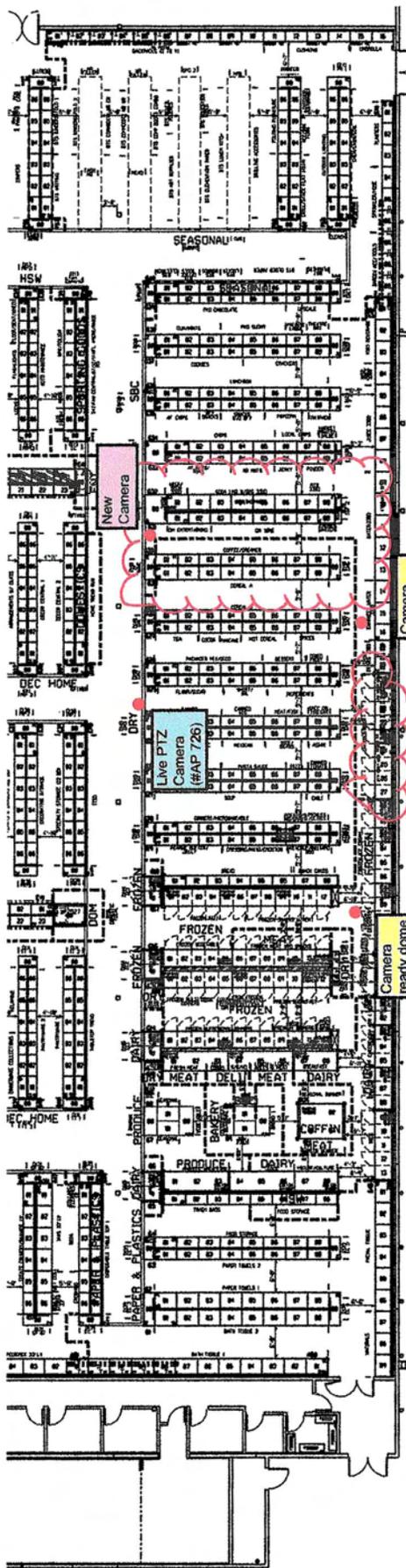
CONDITIONS OF APPROVAL FOR USE PERMIT #2011-03 - TARGET

Planning

1. Use Permit 2011-03 is for Target located at 1405 W Pacheco Blvd , more specifically identified as Assessor's Parcel Number: 430-010-020 and the requested use shall expire after one (1) year from date of approval by the Los Banos City Council unless implemented. The City for cause may revoke this Use Permit.
2. The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business
3. The applicant shall obtain a Type 21 "Off-Sale General Alcohol" license as defined by the Department of Alcoholic Beverage Control and shall provide a copy of said license upon issuance by the Alcoholic Beverage Control to the Planning Department prior to the sale of alcohol on the premises.
4. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
5. The applicant shall be responsible for maintaining the property free of litter at all times in the parking lot area and the areas adjacent to the premises over which they have control.
6. The Planning Commission reserves the right to review and/or revoke this permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects in the neighborhood resulting from the use of alcohol.
7. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.

8. The exterior of the premises, including adjacent public sidewalks and the parking lot areas, shall be illuminated during all hours of darkness when the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel.
9. The premises shall be operated primarily as a Target retail store as described in the application prepared by the applicant and filed with the Planning Department. The applicant shall also have monitoring cameras where the alcohol is located in the store and shall sell nothing smaller than a four pack of beer. This restriction shall not apply to wine, which may be sold in single bottles of not less than 750 ml. Wine-coolers (malt based products) in bottles smaller than 750 ml may be sold in the manufacturer's pre-packaged containers and shall not be sold as singles.
10. The premises of the subject site shall not be inconsistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved use permit or filed operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.
11. Authorization of a Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.

NOTICE
 -VERIFY ALL DIMENSIONS AND CONDITIONS
 -NOTIFY THIS OFFICE OF ANY VARIATIONS
 -ALTERNATE USE OF THIS DRAWING MUST
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TARGET	
ISSUE DATE: _____	
PLOT DATE: xxxxdetxxxxtime	
DRAWN BY: MPD,NSR	
SCALE: 3/32"=1'-0"	
PROJECT _____	
NAME Los Banos Los Banos, CA	
STORE NO. T-2359	
TITLE MERCHANDISE PLAN	