



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

MAY 27, 2015

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.

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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.

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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)
Baker __, Cates __, Faktorovich __, Hammond __, McCoy __, Spada __,
Toscano __

4. APPROVAL OF AGENDA.

Recommendation: Approve the agenda as submitted.

5. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF APRIL 22, 2015.

Recommendation: Approve the minutes as submitted.

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

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

A. Public Hearing – to Consider a Conditional Use Permit to Allow the Use of a Type 41 Alcohol License for the On-Sale of Beer and Wine in Conjunction with an Eating Establishment for the Pizza Factory Located at 2160 E. Pacheco Boulevard, Suite K, More Specifically Described as Assessor's Parcel Number: 428-160-032.

- 1) Planning Commission Resolution No. 2015-12 – Recommending Approval of Conditional Use Permit #2015-05 to the Los Banos City Council for the On-Sale of Beer and Wine for the Pizza Factory Located at 2160 E. Pacheco Boulevard, Suite K.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.

8. DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF A 5,400 SQUARE FOOT CAR WASH FACILITY LOCATED AT 1230 PACHECO BOULEVARD.

Recommendation: Receive staff report and provide initial feedback to the applicant.

9. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

10. COMMISSIONER REPORTS.

- A. Baker
- B. Cates
- C. Faktorovich
- D. Hammond
- E. McCoy

F. Spada

G. Toscano

11. ADJOURNMENT.

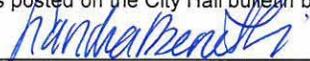
APPEAL RIGHTS AND FILING PROCEDURES

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filling written notice with the Planning Commission Secretary not later than five (5) business days (excluding holidays) after the day on which the act or determination was made. An appeal must state the act or determination which is being appealed, the identity of the applicant and his/her interest in the matter, and set forth in concise statement(s) the reasons which render the Commission's decision unjustified or inappropriate. (Los Banos Municipal Code Section 9-3.2326)

Concerning an action taken by the Planning Commission related to Chapter 2 Articles 1 through 17 of the Los Banos Municipal Code "Subdivisions", if a subdivider or other affected property owner is dissatisfied with any action of the Commission with respect to a tentative map or the nature and extent of improvements recommended or required he/she may within fifteen (15) days after such action appeal to the Planning Commission Secretary for a public hearing on the matter. An appeal must state the action being appealed, identify the agenda item by agency number or project title, and set forth in concise statement(s) the reasons for the appeal. (Los Banos Municipal Code Sections 9-2.807)

Appeals must be in writing and include the appellant's name and address and original signature. A filing fee of \$150.00 must accompany the notice of appeal.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.


Sandra Benetti, Planning Technician

Dated this 22nd day of May 2015

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
APRIL 22, 2015**

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. Chairperson Spada called the Planning Commission Meeting to order at the hour of 7:01 p.m.

PLEDGE OF ALLEGIANCE. The pledge of allegiance was led by Commissioner Toscano.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members Todd Baker, John Cates, Arkady Faktorovich, Stephen Hammond, Palmer McCoy, Tom Spada, and Susan Toscano.

STAFF MEMBERS PRESENT: Assistant Planner II Stacy Elms, Planning Technician Sandra Benetti, City Attorney William Vaughn.

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

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MARCH 25, 2015. Motion by McCoy, seconded by Cates to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF APRIL 8, 2015. Motion by McCoy, seconded by Cates to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Chairperson Spada opened the public forum. No one came forward to speak and the public forum was closed.

PUBLIC HEARING – PUBLIC HEARING – TO CONSIDER AND MAKE A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT A NEW UPDATE TO THE MOBILE VENDOR ORDINANCE LOCATED IN TITLE 9, CHAPTER 3, ARTICLE 36 OF THE LOS BANOS MUNICIPAL CODE (CONTINUED FROM MARCH 25, 2015). Assistant Planner II Elms presented the staff report.

There was discussion among Commissioners, staff, and counsel regarding vending in the public right-of-way and on public property, concern regarding parking downtown if it is allowed, consideration of businesses that may be open at that time, the need to establish guidelines for a downtown zone, designated areas for mobile vending after certain hours, vending in commercial and residential zoning districts, attracting more people to downtown, concern about litter on the sidewalks, consideration of the proximity to churches, designate certain areas such as City Hall parking lot or on H Street along the Henry Miller Plaza, limited to food and that change was made in the definitions, insurance requirements for those vending from public property and City rights-of-way, and the risk pool requiring that vendors enter into a hold harmless agreement.

Chairperson Spada opened the continued public hearing. ISRAEL HERNANDEZ, Rainbow Ice Cream, inquired of the insurance requirement. Assistant Planner II Elms responded that there would be no change to the insurance requirements.

No one came forward to speak and the public hearing was closed.

Motion by McCoy seconded by Cates to continue the public hearing to May 13, 2015. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC HEARING – TO CONSIDER AND MAKE A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT A PROPOSED ORDINANCE TO REGULATE AND CREATE A PROCESS FOR FARMER’S MARKETS IN THE CITY OF LOS BANOS. (CONTINUE TO MAY 13, 2015). Assistant Planner II Elms presented the staff report.

There was discussion among Commissioners, staff, and counsel regarding the definition of a certified farmer’s market being a state certification process to protect the public with the type of foods available and products generated from the vendor and not secondary vendors, how the Health Department would issue their permit for this event and the City’s responsibility being to create zones where the use would be permitted, public versus private property, how the City would classify an event in which vendors sell food in conjunction with a farmer’s market as a special event and the operator would have to ask for a street closure, having had past discussions with the Los Banos Chamber of Commerce regarding this type of event, similar to food vendors at a street fair, the Chamber of Commerce’s event would be to boost businesses downtown and create walkability, how the Ag Commissioner from the Health Department would be the one to certify a farmer’s market, difference between flea markets and farmer’s markets,

agreement that operating one day a week would be suitable for a certified farmer's market.

City Attorney Vaughn stated that the Planning Commission would need to determine if they wanted to allow this on private property and if so then in which zoning district, also determine exceptions like near a church or school, if this would be allowed on public property and within certain areas in the City including Pacheco Park or closing a street downtown, or a third option being an administrative process or a Conditional Use Permit process.

Chairperson Spada opened the public hearing. No one came forward to speak and the public hearing was continued to the May 13, 2015 Planning Commission meeting.

Motion by Cates, seconded by Baker to continue the public hearing to the May 13, 2015 Planning Commission meeting. The motion carried by the affirmative action of all Planning Commission Members present.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Assistant Planner II Elms spoke of attending a Subdivision Map Act seminar today, how the Commission will be seeing a few projects coming forward soon including one in an industrial area, an annexation, and a couple tentative maps.

PLANNING COMMISSION MEMBER REPORTS.

BAKER: No report.

CATES: No report.

FAKTOROVICH: No report.

HAMMOND: Spoke of an invitation to National Day of Prayer on May 7, 2015 at noon at City Hall in the Council Chambers, how this will be the twentieth year of holding it in the Council Chambers with several churches involved, this being a great community event, and invited all to attend and RSVP their attendance.

McCOY: Spoke of an event taking place on May 7, 2015 in which Police Chief Brizzee and Merced County Sheriff Warnke will discuss the nature of public safety in Los Banos and Merced County at St. John's Lutheran Church at 7:00 p.m.

SPADA: Spoke of he will officially be retired the next time the Planning Commission meets.

TOSCANO: Spoke of how she likes the new ice cream parlor in town Surfs Up and how she personally knows the owner who spoke highly of Assistant Planner II Elms.

ADJOURNMENT. The meeting was adjourned at the hour of 8:35 p.m.

APPROVED:

Tom Spada, Chairperson

ATTEST:

Sandra Benetti, Planning Technician



City of
Los Banos
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PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN SPADA AND COMMISSIONERS

FROM: STACY SOUZA ELMS, ASSISTANT PLANNER II 

DATE: MAY 27, 2015

SUBJECT: PIZZA FACTORY CONDITIONAL USE PERMIT #2015-05 FOR ON-SALE BEER AND WINE IN CONJUNCTION WITH A TYPE 41 ALCOHOL LICENSE

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2015-14 and recommend approval of Conditional Use Permit #2015-05 to the Los Banos City Council for the on-sale of beer and wine for the Pizza Factory located at 2160 E. Pacheco Blvd., Ste. K.

PROJECT BACKGROUND/DESCRIPTION:

The applicant, S&S Pizza, is requesting a Conditional Use Permit for the on-sale of beer and wine for an eating place in conjunction with a Type 41 alcohol license to permit the on-sale of beer and wine for the Pizza Factory located at 2160 E. Pacheco Blvd., Ste. K. The Applicant is proposing to be open seven days a week from 10 am to 10 pm and will be starting off with approximately 8 employees.

Pizza Factory is a franchise with over 100 restaurants on the west coast. The nearest locations within a 25 mile radius of the project site are Dos Palos, Gustine, Atwater, and Firebaugh.

The project is located within the College Plaza Shopping Center, which currently is the site for retail and service establishments: Food 4 Less, Family Dollar, Restaurant Playa Azul, Panda Express, Big 5 Sporting Goods, In-Shape City, California Beauty Supply, Modern Cuts, KK Nails, Leslie's Pool Supply, and Aaron's Rent to Own.

LOCATION AND ACCESS:

The project site is located at 2160 E. Pacheco Blvd., Ste. K, more specifically identified as Assessor's Parcel Number: 428-160-032.



LAND USE:

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

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

C = Commercial
 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 – Article 19, Section 15301. The applicant's request for the on-sale of beer and wine in conjunction with an eating place involves the permitting and licensing of an existing private structure and involves no expansion at 2160 E. Pacheco Blvd., Ste. K.

USE PERMIT ANALYSIS

Code Requirements

A Conditional Use Permit, pursuant to the Los Banos Municipal Code Section 9-3.2322, is required for any establishment dispensing for sale or other consideration alcoholic beverages, including beer and wine, for on-sale or off-sale. A Conditional Use Permit may be granted if the proposed use is conforming to the following criteria:

General Use Permit Criteria:

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.

Specific On-Sale and Off-Sale Alcoholic Beverages Criteria:

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 has evaluated the proposal pursuant to the above criteria set forth in the Municipal Code and offers the following observations.

The project will not contribute to the proliferation of alcohol in the area or cause an increase in crime in that the proposed use will be ancillary to the primary use as a restaurant and will be an accessory use to the serving of food. The area is not a high crime area nor prone to loitering or traffic issues.

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. The proposed use is not in close proximity to any of these types of uses.

The proposal will not have an affect with the movement of people in that there will be no off-site or public consumption of alcohol pursuant to ABC regulations.

All sales will be conducted within the premises and in conjunction with food. The closest residence is more than 100 feet from the entrance of the building. In addition, the project will be subject to conditions which will mitigate any adverse affects on the surrounding neighborhood. Hours of operation start after 7 am and end at 10 pm.

Alcoholic Beverage Control

The Alcoholic Beverage Control Board (ABC) is the issuing authority for a Type 41 alcohol license. The City's authority for the sale of alcohol is through its land use powers embodied within the Los Banos Zoning Code.

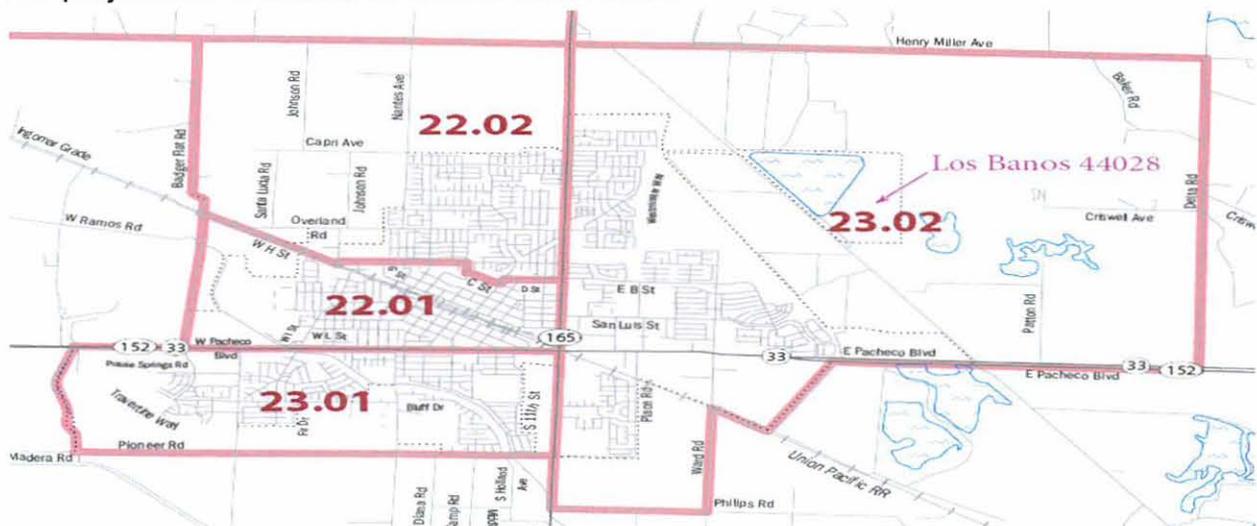
ABC has the authority according to Section 23801 of the Business and Professions Code to exercise certain conditions under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, 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 23.02.



As of the date of this report there are four (4) on-sale licenses currently in use in this specific census tract. According to Section 23817.5 of the Business and Professions Code there are **no limitations** to how many “on sale” beer and wine licenses may be issued in a census tract. Limitations are only specified for “off-sale” of beer and wine and “off-sale” general licenses.

License Type ¹	Business Name	Premises Address
47	Espanas Southwest Bar & Grill	1460 E. Pacheco Blvd.
47	Chillis Grill & Bar	1905 E. Pacheco Blvd.
41	LB Steakhouse	1639 E. Pacheco Blvd.
41	Restaurant Playa Azul	2160 E. Pacheco Blvd., Ste. A

Type 41 license = On-sale beer and wine
Type 47 license = On-sale general alcohol

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 May 15, 2015. As of the date of this staff report, no comments have been received.

CONCLUSION:

This Conditional Use Permit would allow the Pizza Factory to compete with other restaurants of its type within the community. Staff believes the requested 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 – Section 9-3.2322

ABC Act, California Business and Professions Code

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2015-14 and recommend approval of Conditional Use Permit #2015-05 to the Los Banos City Council for the on-sale of beer and wine for the Pizza Factory located at 2160 E. Pacheco Blvd., Ste. K.

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

ATTACHMENTS:

1. Resolution 2015-14
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Floor Plan
3. Site Photos
4. Public Hearing Notice

RESOLUTION No. 2015-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT #2015-05 TO THE LOS BANOS CITY COUNCIL FOR THE ON-SALE OF BEER AND WINE FOR THE PIZZA FACTORY LOCATED AT 2160 E. PACHECO BLVD., STE. K

WHEREAS, the applicant, S&S Pizza, has requested that the City of Los Banos consider a Conditional Use Permit to allow the use of a Type 41 alcohol license for the on-sale of beer and wine in conjunction with an eating place for the Pizza Factory located at 2160 E. Pacheco Blvd., Ste. K, more specifically identified as Assessor's Parcel Number: 428-160-032; and

WHEREAS, a public hearing notice was published in the Los Banos Enterprise on May 15, 2015 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 Conditional 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 Conditional Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2015-05 for the Pizza Factory was determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 as the project site is an existing facility; and

WHEREAS, the request/proposed use satisfies the criteria of the Los Banos Municipal Code.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby recommend the approval of Conditional Use

Permit #2015-05 to the Los Banos City Council to allow the on-sale of beer and wine for an eating place in conjunction with an ABC License, Type 41, on-sale beer and wine for the Pizza Factory located at 2160 E. Pacheco Blvd., Ste. K, more specifically identified as Assessor's Parcel Number: 428-160-032, 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 27th day of May 2015 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:

Tom Spada, Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS CONDITIONAL USE PERMIT #2015-05 – PIZZA FACTORY

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 City Council hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2015-05 was evaluated and determined to be categorically exempt per Article 19, Section 15301 as the request for the on-sale of beer and wine in conjunction with an eating place involves the permitting and licensing of an existing private structure and involves no expansion at 2160 E. Pacheco Blvd., Ste. K.
2. Conditional Use Permit #2015-05 was adequately noticed on May 15, 2015 for consideration at a public meeting on May 27, 2015.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT #2015-05 – PIZZA FACTORY

A. General Findings

1. That the proposed use and project is consistent with the City of Los Banos general plan, and the Los Banos Municipal Code. Evidence: The site is designated Commercial and zoned Highway Commercial. Commercial uses which include restaurant establishments which permit on-sale alcohol.
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. Evidence: The proposed use will be conducted within a commercial center and will not result in significant operational changes to the existing commercial area.
3. That the proposed use is compatible with the adjacent uses, properties, and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. Evidence: The proposed use will be conducted within a commercial center and will not result in significant operational changes to the existing commercial area.

B. Specific Findings

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. Evidence: The project site has had the use of alcohol sales in the past which did not alter the area's function and character. As reflected in the staff report, the number of on-sale licenses in the Census Tract is currently four (4) and the addition of one more license will not contribute to the proliferation of alcohol sales as the on-sale of beer and wine will be in conjunction with food.
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. Evidence: There are such types of uses in the area. The Planning Commission considered the surrounding area and nearby uses and determined

that there was no evidence of adverse impacts to adjacent or nearby churches, temples, or synagogues, nearby parks, recreation centers or playgrounds.

3. That the proposal will not interfere with the movement of people along an important pedestrian street. Evidence: Consumption of alcohol will only be allowed inside the premises and the use will be regulated by City, State and Federal regulations.
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 10:00 p.m. and 7:00 a.m. Evidence: The hours of operation start after 7 am and end at 10 pm. Consumption of alcohol is not allowed outside of the premises per the conditions of approval and city ordinance. The nearest residential window is located at least 100 feet away from the front entrance to the restaurant. Based upon these considerations the Planning Commission finds that there is no evidence that the use will cause disruption of sleep.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2015-05 – PIZZA FACTORY

Planning:

1. Conditional Use Permit 2015-05 is for the Pizza Factory located at 2160 E. Pacheco Blvd., Ste. K; more specifically identified as Assessor's Parcel Number: 428-160-032 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 Conditional Use Permit.
2. The applicant/operator shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
3. The applicant/operator shall obtain and maintain an active Type 41 "On-Sale Beer and Wine Eating Place" 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 Community Development 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/operator 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 shall have the right to review and/or revoke this permit should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects in the neighborhood resulting from the use of alcohol on the premises.
7. The applicant/operator 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 an eating place (restaurant) as described in the application prepared by the applicant and filed with the Community and Economic Development Department. Any substantial or significant changes in use or operation of the premises from the Operational Statement may cause a review, amendment or revocation of the Use Permit.
10. The use of the premises of the subject site shall be consistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved Conditional Use Permit filed application and 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 Conditional 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 Conditional Use Permit application provided the use shall be subject to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.





City of
Los Banos
At the Crossroads of California

**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT**

Date: May 15, 2015

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2015-05 – Type 41 Alcohol License

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Conditional Use Permit to allow the use of a Type 41 Alcohol License for the on-sale of beer and wine in conjunction with an eating establishment. The requested Conditional Use Permit is for the Pizza Factory located at 2160 E. Pacheco Blvd., Suite K, more specifically described as Assessor's Parcel Number: 428-160-032.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission to consider a recommendation to the Los Banos City Council on Wednesday, May 27, 2015 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Assistant Planner II at City Hall or at (209) 827-7000, Ext. 133.

Persons wishing to provide oral comments on the proposed project may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. Please be advised that should this matter, at some future date go to court, testimony shall be limited to only those issues raised at the public hearing or in written correspondence delivered to the City prior to, or at, the public hearing per Government Code Section 65009.

THE CITY OF LOS BANOS

Stacy Souza Elms
Assistant Planner II



DESIGN REVIEW STUDY SESSION

TO: Chairman Spada and Planning Commissioners
FROM: Stacy Souza Elms, Assistant Planner II 
DATE: May 27, 2015
SUBJECT: Project Study Session Review – Prime Shine Car Wash

Project Description

Prime Shine Car Wash (Applicant) is proposing to develop 1.54 acres with a new 5,466 square foot car wash with free vacuum stalls on Pacheco Boulevard (west of Taco Bell). The proposed project site is located on undeveloped vacant property adjacent to the Rail Trail. The proposed car wash building would cover approximately 8% of the site.



The Community and Economic Development Department has referred the project to the Planning Commission for a study session on the aesthetic aspects related to the proposed project pursuant to Section 9-3.2318(a) of the Design Review Ordinance. The proposed project will require final site plan approval by the Planning Commission through a public hearing at a later date.

Planning Commission Project Study Session Review

Pursuant to Section 9-3.2318(a) of the Design Review Ordinance, the purpose of the study session is to provide the applicant with feedback from the Planning Commission early on in the design process, before becoming overly invested in a design. The review is in the nature of a discussion between the Planning Commission and the applicant concerning the aesthetic aspects of a proposal, and does not constitute a final decision by the Planning Commission concerning the proposed development.

Pursuant to Section 9-3.2318(b) of the Design Review Ordinance, the Planning Commission's scope during the study session is to review, consider, and provide feedback on the following design aspects of the proposed project in light of the City's General Plan and applicable policies:

- Architecture;
- Landscaping; and
- Lighting.

Architecture

Pursuant to Section 9-3.2318(c) of the Design Review Ordinance, the Planning Commission shall evaluate and provide feedback on the following architectural elements:

- Architectural style and consistency;
- Height;
- Bulk;
- Area;
- Color of buildings;
- Types of construction materials;
- Physical and architectural relationships with existing and proposed structures;
- Materials and variations of boundary walls;
- Fences;
- Exterior elevations of all sides of the buildings or structures; and
- Methods used to screen mechanical equipment from public view.

The preferred style along Pacheco Boulevard is Spanish/Mission. The proposed architecture is typical of a Prime Shine establishment. The applicant has incorporated varied roof heights and accentuated metal corner details

The building has a 360-degree design which provides consistent architectural design and enhancements on all sides of the building. The height of the proposed building is in keeping with the surrounding area with a maximum height of 27'-2". The orientation of

the car wash building provides proper circulation throughout the site and lends for more than adequate stacking of vehicles in the car wash queue.

Contrasting colors is proposed on different surfaces to provide visual interest and to further enhance the corporate branding. The corporate colors are yellow and have been incorporated on all of the ornamental accents throughout the site. The majority of the car wash equipment used to operate the facility will be located within the building.

Landscaping

Pursuant to Section 9-3.2318(c) of the Design Review Ordinance, the Planning Commission shall evaluate and provide feedback on the following landscaping and site treatment elements:

- Types of planting and vegetation;
- Rock groupings; and
- Topography and location of landscaping areas.

The proposed landscape plan shows planting areas with various tree, shrub, vine, and ground cover species. The main planting areas are along Pacheco Blvd. and the Rail Trail. The Pacheco planter will have a landscape area of 180' long. The proposed planter shows ground cover consisting of Buffalo Juniper, shrub species consisting of Prostrate Germander, Fortnight Lily, Daylily, Texas Needle Grass, and three Aristocrat Flowering Pears to match the existing street trees. The trash enclosure area will be screened with shrubs consisting of Daylily, Rose, Prostrate Germander, White Enchantress Indian Hawthorn, Texas Needle Grass, and tree plantings consisting of Crape Myrtle Coral Pink and Aristocrat Flowering Pears. The parking area and the planting area adjacent to the Rail Trail will consist of ground cover species of Green Mound Juniper and Lowfast Bearberry Cotoneaster. Keith Davey Chinese Pistachio trees and Sweet Bay trees are also proposed in this area.

The proposal landscape plan meets the City minimum standard of 4% gross landscape area and the 50% shade tree canopy ordinance. Landscaping will be required to be irrigated in a manner that focuses on water conservation, with properly designed and installed low-volume irrigation.

Lighting

Pursuant to Section 9-3.2318(c) of the Design Review Ordinance, the Planning Commission shall evaluate and provide feedback on the following lighting elements:

- Aesthetics of exterior lighting

The project proposes to utilize LED lighting fixtures for the parking lot. An exterior photometric plan will be submitted prior to Site Plan approval to show the dispersion of lighting throughout the parking lot. In addition, the building will consist of LED wall mounted sconces along the exterior on the car wash building. All lighting will be directed downward and shielded and meet current energy standards..

Project Review Board

The proposed project has already been reviewed by the Project Review Board (PRB) for these aspects:

- Building layout;
- Location;
- Orientation of all new and existing structures and the relationship to one another and surrounding properties
- Methods of landscape irrigation;
- Location and design of facilities for physically disabled persons;
- Location of fencing and other screening;
- Location and screening of refuse facilities;
- Traffic circulation on-site and off-site;
- Pedestrian and bicycle circulation and safety;
- Arrangement of off-street parking and loading facilities;
- Location and intensity of all onsite lighting; and
- Provision of municipal and public services.

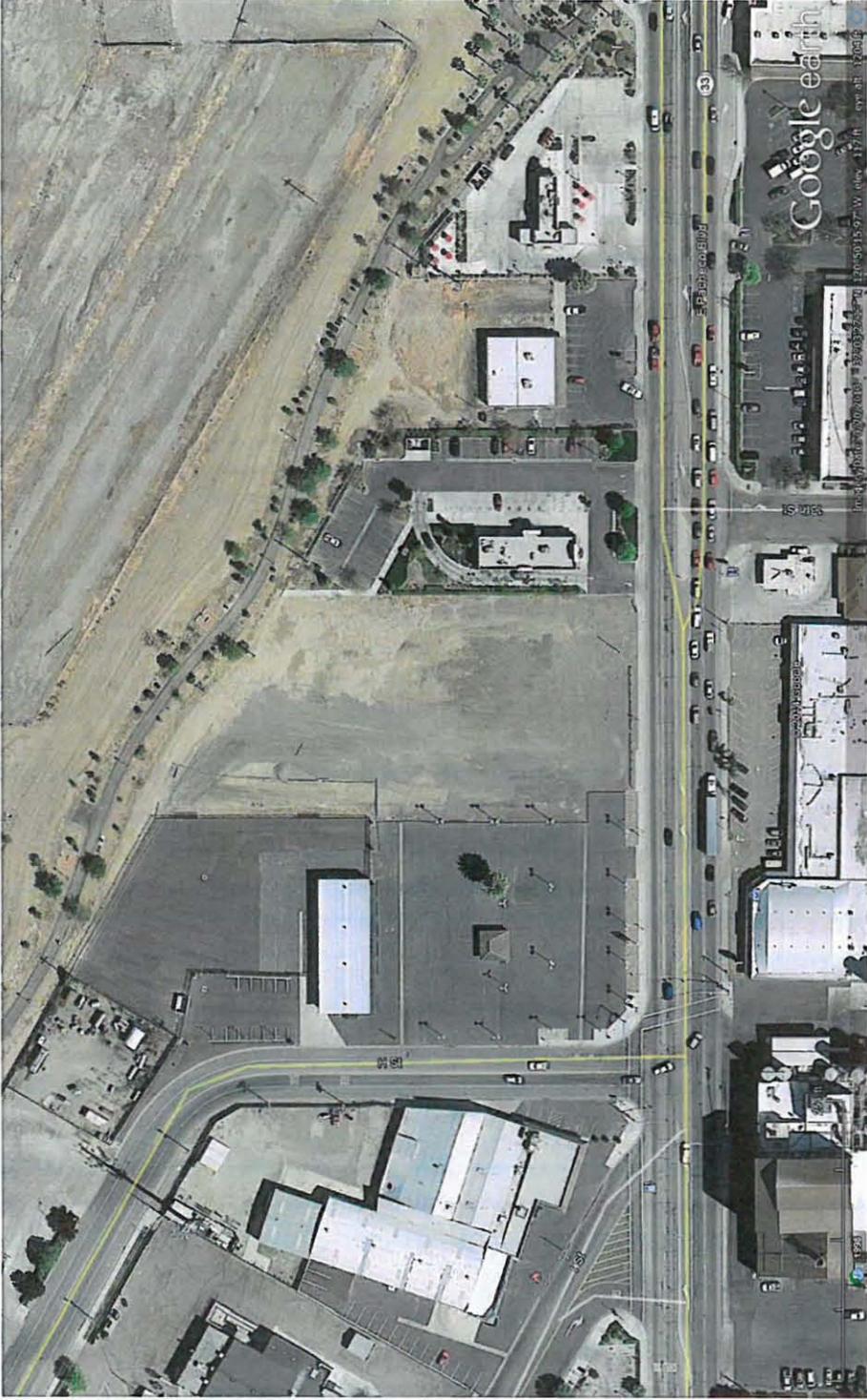
The PRB will be providing a formal recommendation to the Planning Commission concerning the scope of their review during the Site Plan Review process.

Recommendation

Staff is requesting that the Planning Commission evaluate the architectural considerations, landscape and site treatment, and lighting elements as described above and provides initial feedback to the applicant on the proposed design. No formal action will be taken at this time.

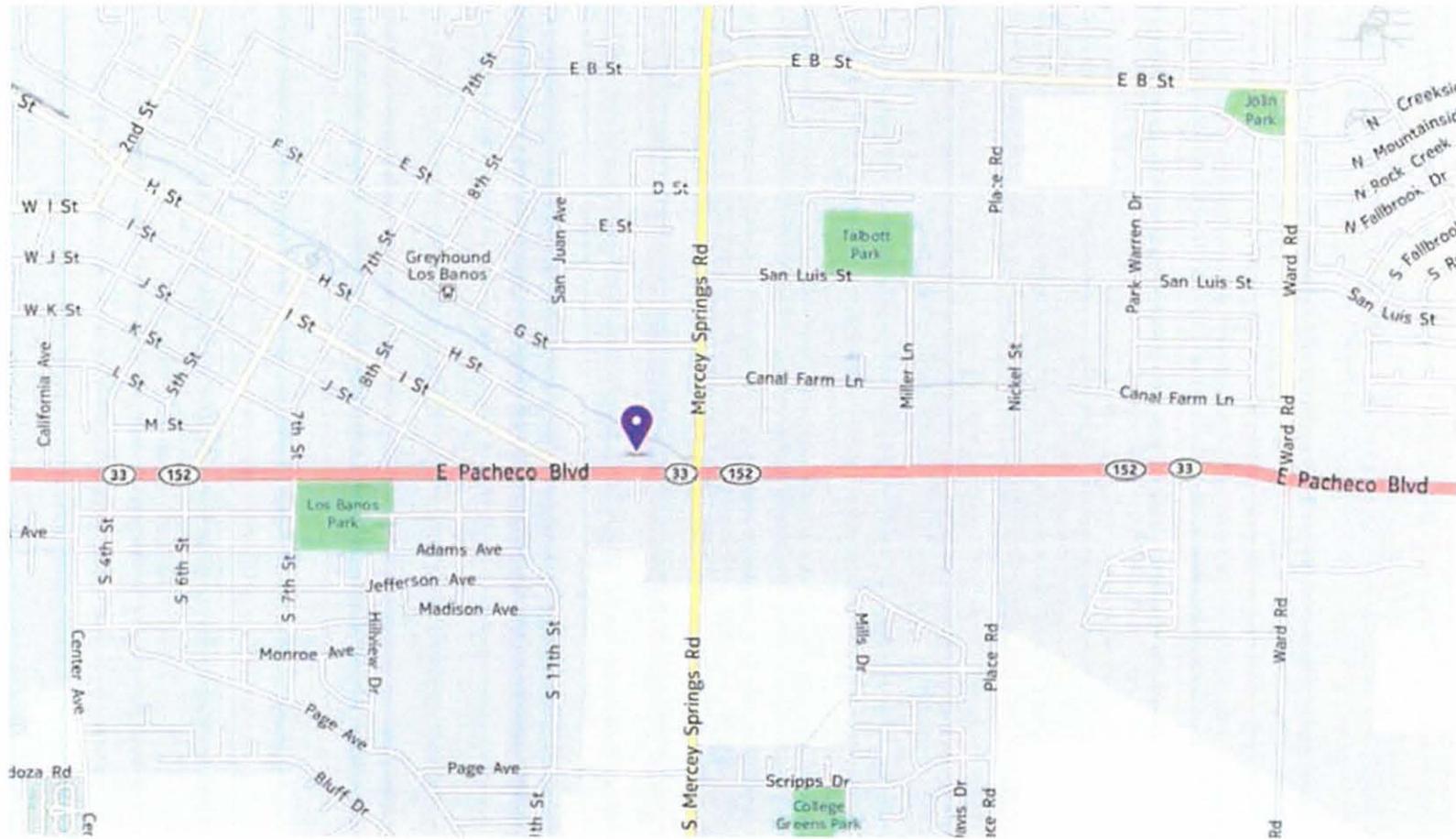
Attachment

Site Plan
Surrounding site photos



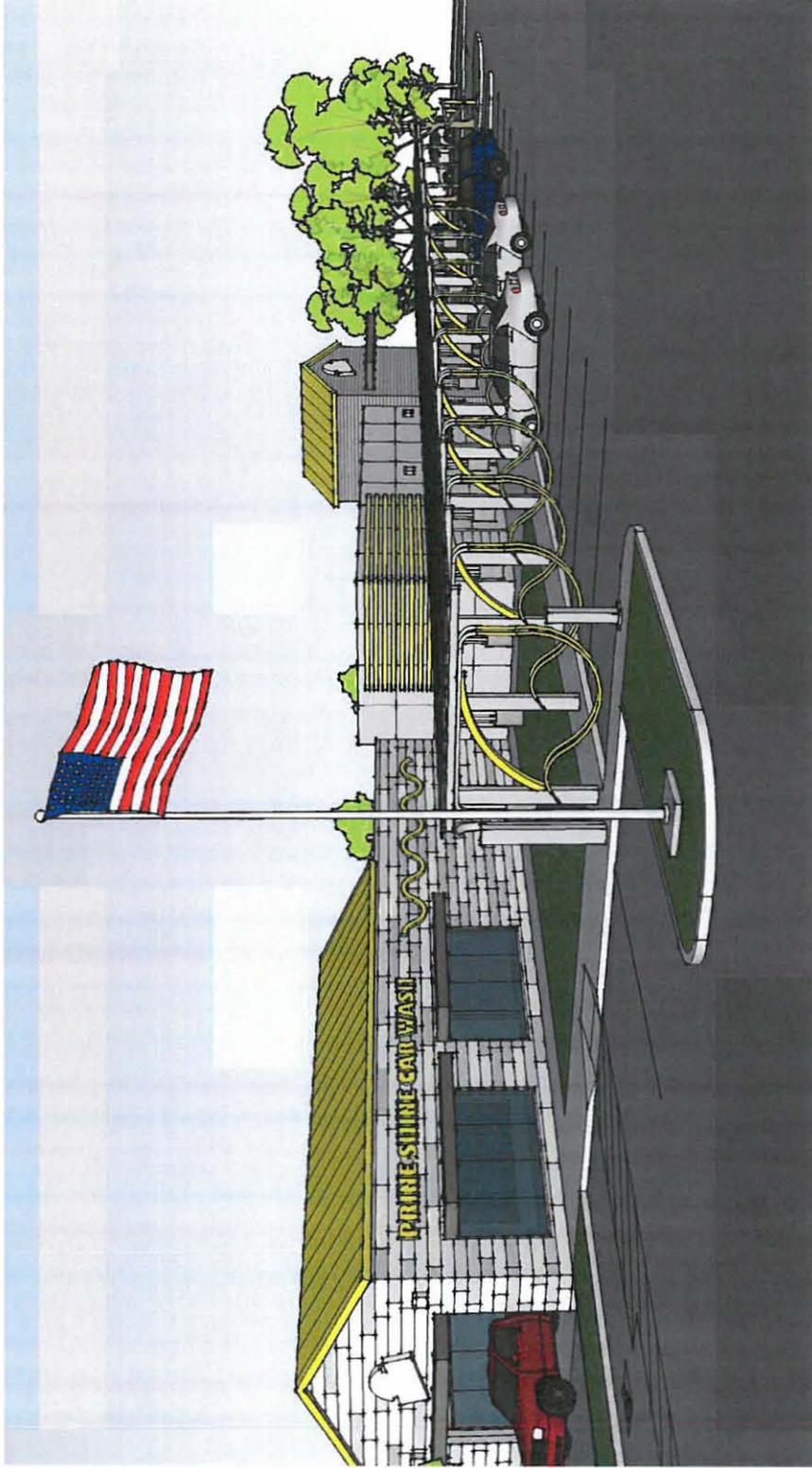
Prime Shine Car Wash - Los Banos California

L Street Architects Limited



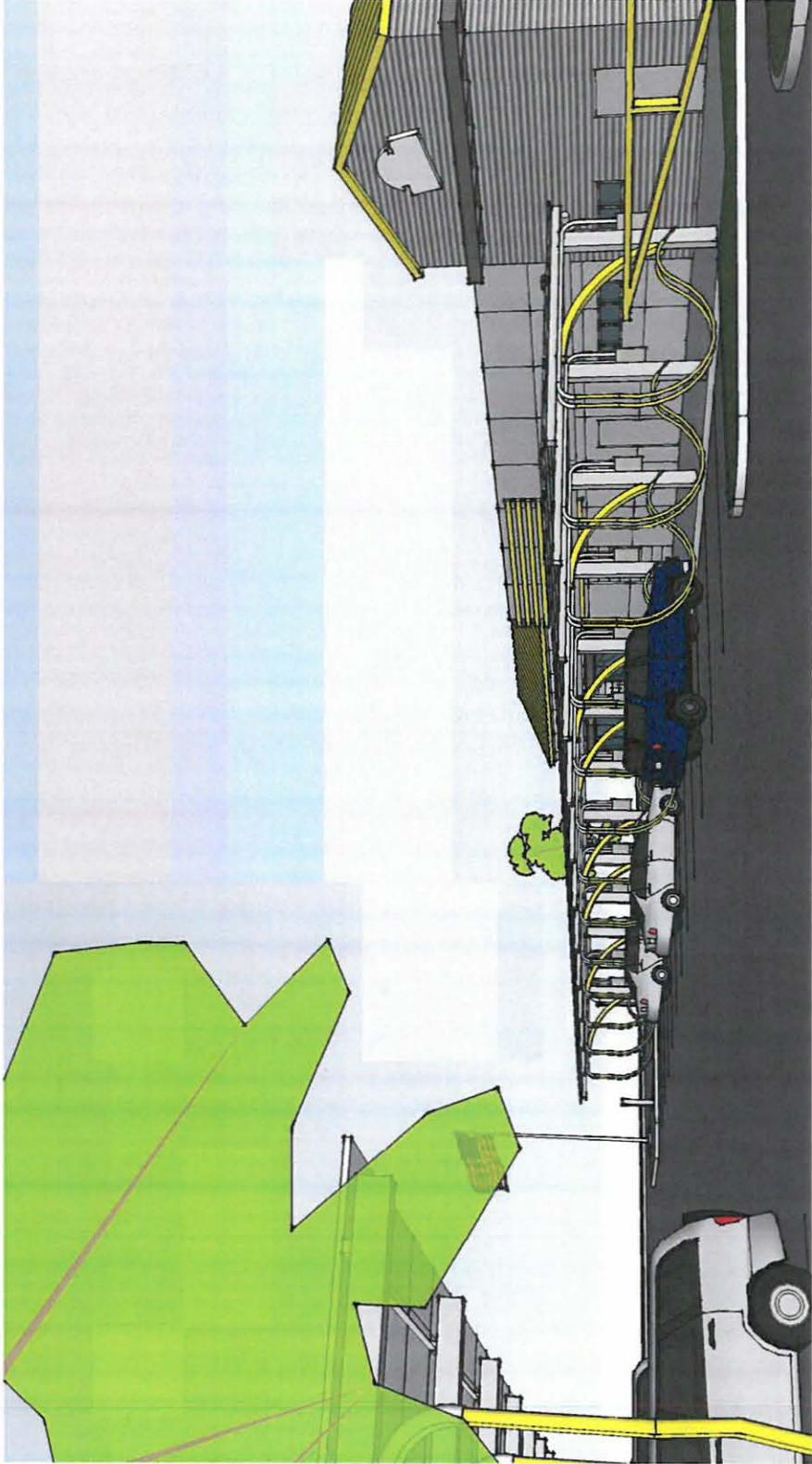
Prime Shine Car Wash – Los Banos California

L Street Architects, Limited



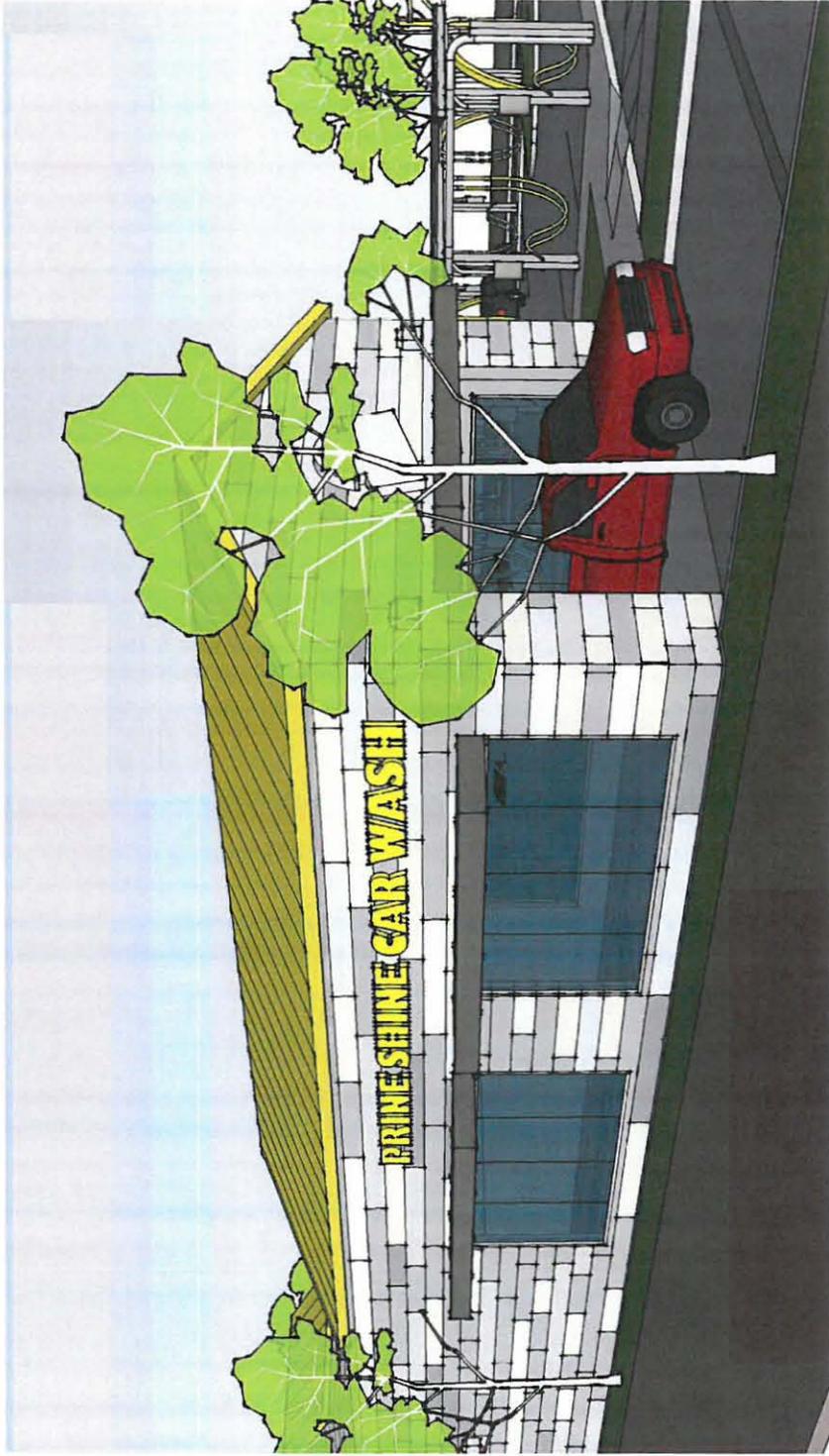
Prime Shine Car Wash – Los Banos California

L Street Architects, Limited



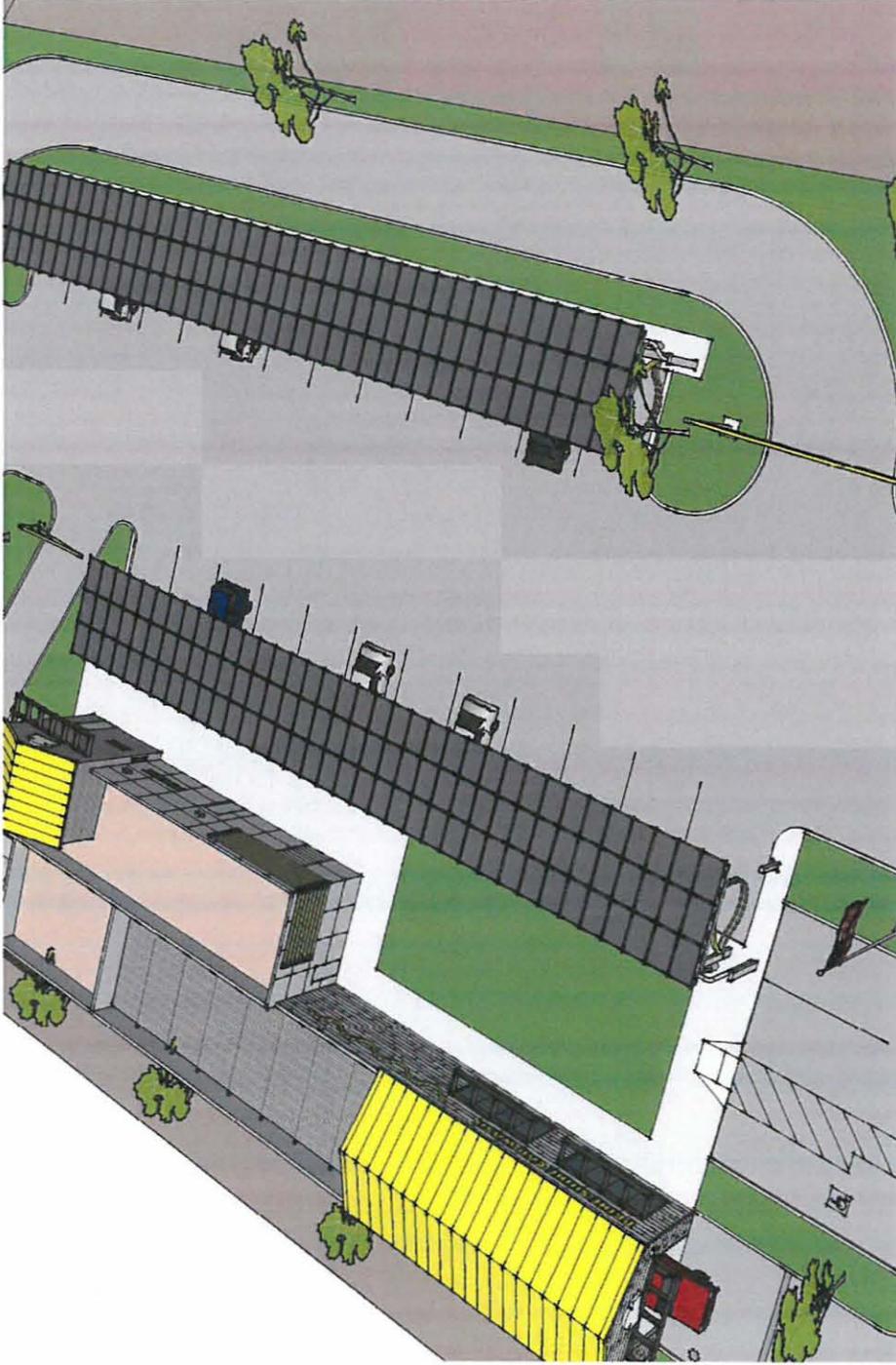
Prime Shine Car Wash – Los Banos California

L. Street Architects, Limited



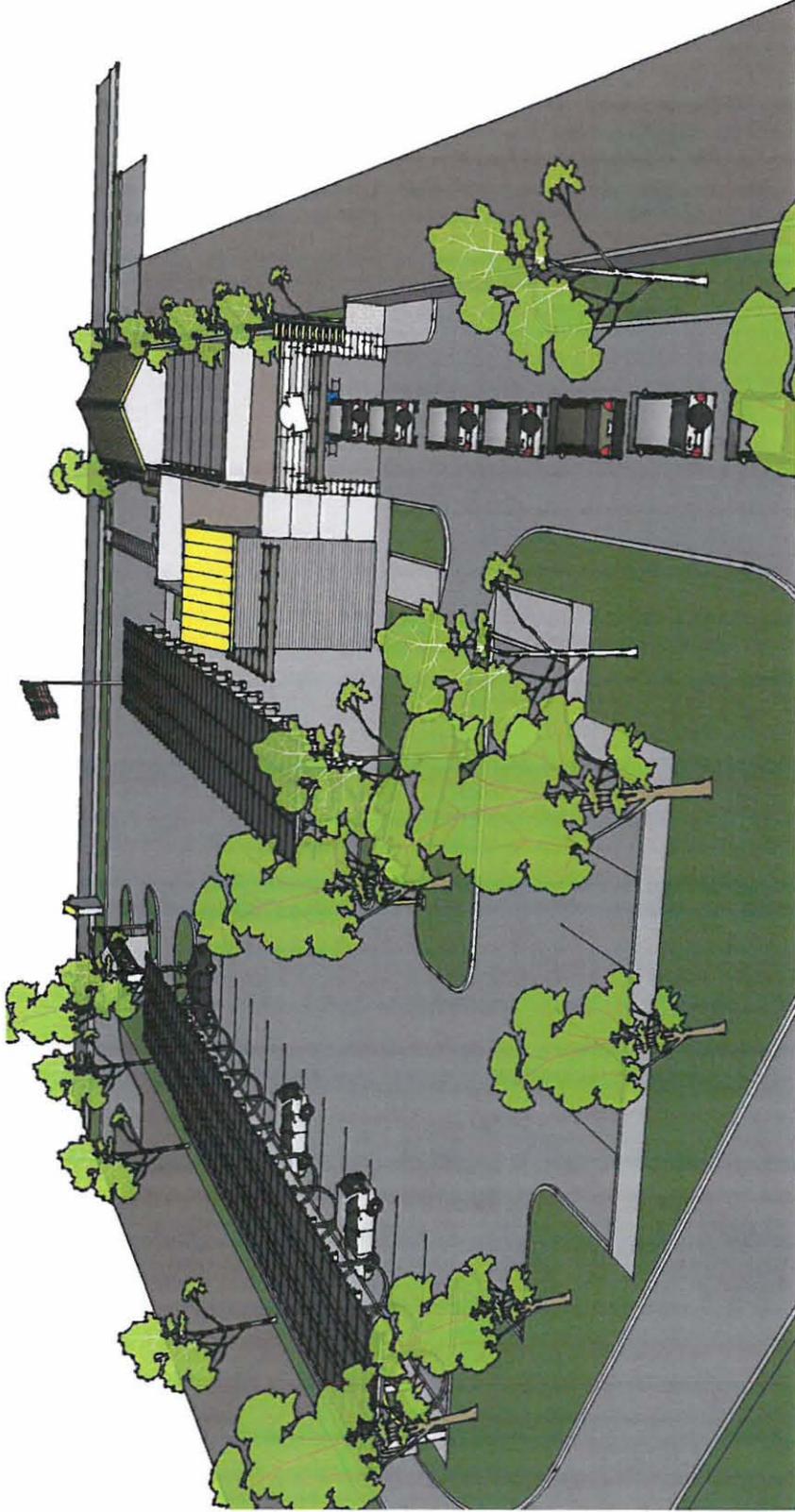
Prime Shine Car Wash – Los Banos California

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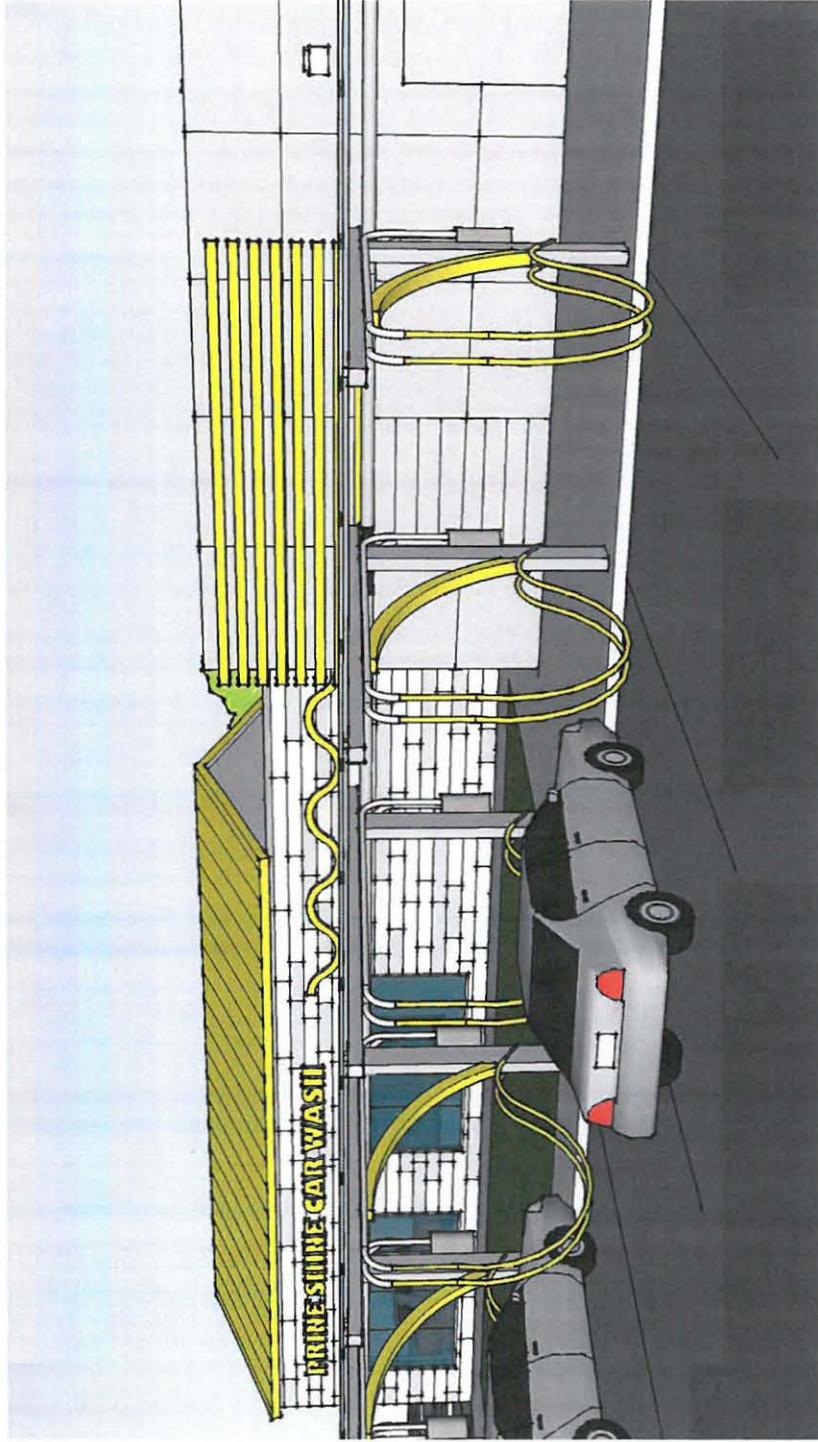
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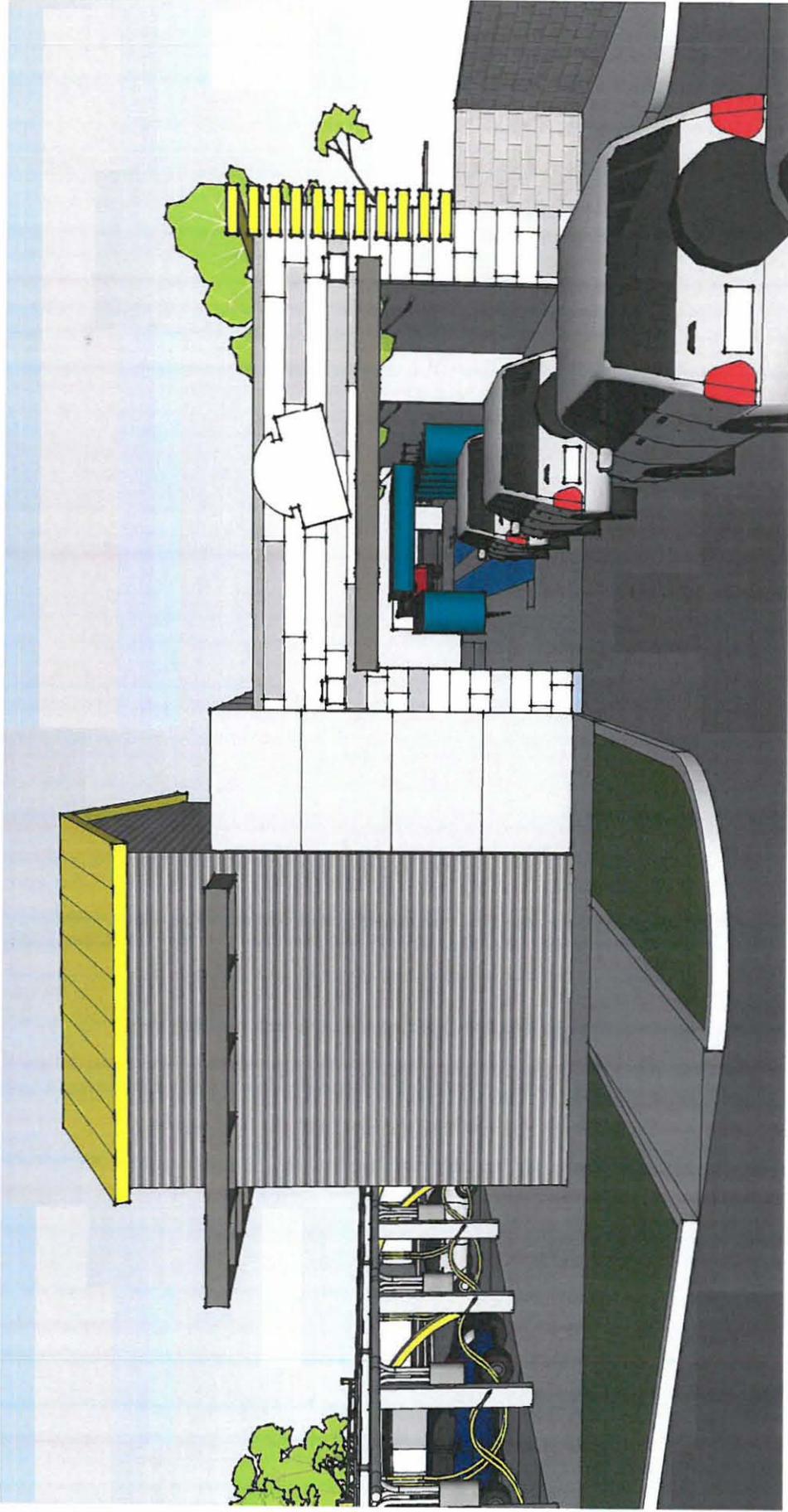
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PHOTO 001, VIEW NORTHEAST FROM PACIFICO BLVD



PHOTO 004, VIEW NORTH FROM PACIFICO BLVD



PHOTO 007, VIEW EAST FROM I STREET



PHOTO 008, VIEW SOUTHEAST FROM PACIFICO BLVD



PHOTO 002, VIEW NORTH FROM PACIFICO BLVD



PHOTO 003, VIEW NORTHEAST INTERSECTION OF PACIFICO BLVD & I STREET



PHOTO 006, VIEW SOUTH FROM PACIFICO BLVD



PHOTO 005, VIEW NORTHEAST FROM PACIFICO BLVD



PHOTO 009, VIEW NORTHEAST INTERSECTION OF PACIFICO BLVD & I STREET



AERIAL MAP WITH PHOTO LOCATIONS

PROPOSED NEW PROJECT FOR

PRIME SHINE CAR WASH
LOS BANOS

PACIFICO BOULEVARD STATE HIGHWAY 90
LOS BANOS, CALIFORNIA



L Street Architects
Limited
10th Floor
Powers & Colburn 955A
278 S. G Street, Los Banos, CA 95202
www.lstreetarchitects.com



PHOTO 010. VIEW SOUTHEAST FROM PACHECO BLVD.



PHOTO 011. VIEW SOUTH FROM PACHECO BLVD.



PHOTO 021. VIEW SOUTH FROM PACHECO BLVD.



PHOTO 013. VIEW SOUTH FROM PACHECO BLVD.



PHOTO 014. VIEW SOUTH FROM PACHECO BLVD.



PHOTO 015. VIEW NORTH FROM PACHECO BLVD.



PHOTO 016. VIEW NORTHEAST FROM PACHECO BLVD.



PHOTO 017. VIEW NORTHEAST FROM PACHECO BLVD.



PHOTO 018. VIEW NORTHWEST FROM PACHECO BLVD.



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PROPOSED NEW PROJECT FOR:
PRIME SHINE CAR WASH
 LOS BANOS
 PACHECO BOULEVARD (STATE HIGHWAY 152)
 LOS BANOS, CALIFORNIA

PROJECT NO. PH-2
 PROJECT NAME: PRIME SHINE CAR WASH
 PROJECT ADDRESS: PACHECO BLVD, LOS BANOS, CA 93802
 DATE: 02/20/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]