



# City of Los Banos

At the Crossroads of California

[www.losbanos.org](http://www.losbanos.org)

## AGENDA

### PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

**FEBRUARY 24, 2016**

*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](http://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](http://www.losbanos.org).*

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (Planning Commission Members)

Cates \_\_, Faktorovich \_\_, Limon \_\_, Llamas \_\_, 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 FEBRUARY 10, 2016.

*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 Operation of a Softball/Baseball Training Facility in the General Industrial Zoning District (I) Located at 110 W. G Street, Suite D, More Specifically Identified as Assessor's Parcel Number: 081-190-004.

- 1) Planning Commission Resolution No. 2016-08 – Approving Conditional Use Permit #2016-03 for Bases Academy LLC Located at 110 W. G Street, Suite D, More Specifically Identified as Assessor's Parcel Number: 081-190-004.

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

8. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

9. COMMISSIONER REPORTS.

- A. Cates
- B. Faktorovich
- C. Limon
- D. Llamas
- E. McCoy
- F. Spada
- G. Toscano

10. ADJOURNMENT.

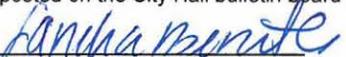
**APPEAL RIGHTS AND FILING PROCEDURES**

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 19<sup>th</sup> day of February 2016

**CITY OF LOS BANOS  
PLANNING COMMISSION MEETING MINUTES  
FEBRUARY 10, 2016**

*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 7:00 p.m.

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

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Planning Commission Members John Cates, Arkady Faktorovich, Erik Limon, Palmer McCoy, Tom Spada; Refugio Llamas and Susan Toscano absent.

**STAFF MEMBERS PRESENT:** Senior Planner Stacy Elms, Planning Technician Sandra Benetti, and City Attorney William Vaughn.

**CONSIDERATION OF APPROVAL OF AGENDA.** Motion by McCoy, seconded by Faktorovich to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present, Llamas and Toscano absent.

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JANUARY 27, 2016.** Motion by Cates, seconded by Limon to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present, Llamas and Toscano absent.

**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 – TO CONSIDER A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL FOR A PROPOSED GENERAL PLAN AMENDMENT THAT WOULD UPDATE THE HOUSING ELEMENT OF THE LOS BANOS GENERAL PLAN**

**PURSUANT TO STATE LAW.** Senior Planner Elms introduced David Niskanen, JB Anderson, who was here to present the item.

Mr. Niskanen gave a PowerPoint presentation.

Commissioner McCoy inquired if Merced County Association of Governments (MCAG) gave us this report and if they get the information from the City to put it together.

Mr. Niskanen responded that it was adopted in June and comment period was 60 days.

Senior Planner Elms stated that the City didn't have any objections, how City Managers within the County meet monthly at Technical Review Board (TRB) meetings, how this was discussed among the TRB, how no other cities had any objections either, and how they voted to approve the item.

There was discussion among commissioners, staff, and the consultant regarding the breakdown of the number of units, the purpose of the Housing Element to provide adequate housing opportunities for all economic levels of the community, how it is part of government code and benefits the City by opening the door for state funding and rehabilitation, how it also provides data for interested parties and developers as well, how the surplus is not positive or negative, and how this is a planning tool for housing and shows the state that the City has the ability to plan for these units.

Commissioner McCoy inquired about incentives that were previously mentioned.

City Attorney Vaughn responded that there is a density bonus fund in which modifications to planning and development allows for the planning of low and low/mod housing units and gives developers bonuses in terms of not strictly constraining them to the number of units per acre and setbacks if they enter into covenants and restrictions, how they get the benefit through less restrictive planning tools such as setbacks and can put more units in an acre if they set aside those units for certain types of income levels.

Commissioner McCoy stated that he read that some of those concessions were allowed in addition to permitting fees and inspections and inquired where that funding comes from.

Senior Planner Elms stated that the City would probably utilize Community Development Block Grant (CDBG) funding and wouldn't be using City funds.

Chairperson Spada opened up the public hearing. No one came forward to speak, and the public hearing was closed.

Motion by Faktorovich, seconded by Cates to Recommend to the Los Banos City Council a Proposed General Plan Amendment that Would Update the Housing Element of the Los Banos General Plan Pursuant to State Law. The motion carried by the

affirmative action of all Planning Commission Members present, Llamas and Toscano absent.

**PUBLIC HEARING – TO CONSIDER RECOMMENDING TO THE LOS BANOS CITY COUNCIL GENERAL PLAN AMENDMENT #2016-01, ZONE CHANGE #2016-01, CONDITIONAL USE PERMIT #2016-02, AND AMENDMENT OF THE STONECREEK SOUTH AREA PLAN FOR SPRIG HAVEN FARMS LLC FOR THE AMENDMENT OF THE GENERAL PLAN DESIGNATION OF APPROXIMATELY 21 ACRES CURRENTLY DESIGNATED AS NEIGHBORHOOD COMMERCIAL, PARK, AND MEDIUM DENSITY INTO COMMERCIAL; REZONE THE SAME PROPERTY FROM NEIGHBORHOOD COMMERCIAL (CN) TO HIGHWAY COMMERCIAL (H-C); AND TO CONSIDER ALLOWING THE USE OF MANUFACTURING METAL STORAGE CONTAINERS ON-SITE LOCATED AT 1725 W. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 430-010-004, 005 AND 430-010-040.**

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

Commissioner McCoy inquired why the parcel to the east wasn't included.

Senior Planner Elms spoke of the importance of keeping the area plan intact and how the City does not want to plan for someone else's property.

Commissioner McCoy inquired if it affects the value of the land.

Senior Planner Elms responded that it improves the value.

Chairperson Spada inquired if the electronic billboard that was approved a while ago would be located at this site.

Senior Planner Elms responded that there were two approved electronic billboards, there was one that is an existing billboard that was going to be replaced and the most eastern parcel was going to have a billboard, and doesn't affect the requests before the Commission tonight.

Commissioner Limon stated that he was very glad to see a business locating here and wished the applicant well.

Chairperson Spada opened up the public hearing. PEPPER SNYDER, applicant, spoke of how the business is relocating from Gilroy to a larger space, how the determination was between Los Banos or Hollister, and the need for the space to accommodate larger contracts. No one else came forward to speak, and the public hearing was closed.

Motion by Cates, seconded by Limon to adopt Planning Commission Resolution No. 2016-05 – Recommending Approval of a General Plan Amendment, Zone Change, and Amendment to the Stonecreek Area Plan for Property Located on Assessor's Parcel

Numbers: 430-010-004, 005, and 040. The motion carried by the affirmative action of all Planning Commission Members present, Llamas and Toscano absent.

Motion by Faktorovich, seconded by Cates to adopt Planning Commission Resolution No. 2016-06 – Approving Conditional Use Permit #2016-02 to Allow the Use of Manufacturing Contingent upon the City Council Approval of General Plan Amendment #2016-01, Zone Change #2016-01, and Stonecreek Area Plan Amendment Located at 1725 W. Pacheco Boulevard. The motion carried by the affirmative action of all Planning Commission Members present, Llamas and Toscano absent.

**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 TEMPORARY USES ON PRIVATE PROPERTY IN THE CITY OF LOS BANOS.** Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Commissioner Limon stated the he previously spoke on portable waste containers and how most driveways are not big enough to accommodate these containers.

City Attorney Vaughn stated that they could be curbside with prior approval of Community & Economic Development Department director for temporary construction waste containers, and how the temporary uses are ancillary to primary use but temporary in nature.

Chairperson Spada inquired why its required to register for having construction waste containers.

City Attorney Vaughn responded that it would allow the City to track the timeframe, that way if they exceed the limit then they will be cited for not having a permit.

Senior Planner Elms stated that there would be no fees attached to the registration.

Commissioner McCoy inquired why garage sales were limited to 2 consecutive days.

City Attorney Vaughn stated that it wasn't changed from the last time the ordinance came forward to the Commission.

Commissioner McCoy spoke of how his hope is that all these registrations can be done online.

Senior Planner Elms stated that staff is working on that and having conversations with the Information Technology Department to see what can be done.

City Attorney Vaughn spoke of how he anticipates that staff has a flyer with rules available at City Hall so that people are educated.

Commissioner McCoy inquired if people would have to come in and fill out a form.

Senior Planner Elms responded that it was correct.

Chairperson Spada opened up the public hearing. KATHY BALLARD, Los Banos, spoke of how she likes the ordinance but wishes that fees were addressed at Planning Commission, suggested that there is an online process then it should flag them if they need a permit, and inquired if a fireworks stands would need a permit; City Attorney Vaughn responded that fireworks booths are specifically exempted; Mrs. Ballard inquired about portables at business locations; Senior Planner Elms responded that it would have to be a portable storage container; City Attorney Vaughn responded that they cannot have a permanent storage unit without a Conditional Use Permit. No one else came forward to speak, and the public hearing was closed.

Motion by Cates, seconded by Limon to adopt Planning Commission Resolution No. 2016-07 – Recommending to the City Council Adoption of an Ordinance for Temporary Use Permits as Set Forth in Title 9, Chapter 3, Article 38 of the Los Banos Municipal Code. The motion carried by the affirmative action of all Planning Commission Members present, Llamas and Toscano absent.

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.** Senior Planner Elms spoke of previous request to broadcast Planning Commission meetings on YouTube and having discussions with Interim City Manager regarding that, how it is very costly and hasn't been budgeted, also looking at streamlining the online registration and permitting process, how the department Facebook page goal is to highlight what the Community & Economic Development Department and Planning Commission does and the types of services we provide to the City, how important it is for our community, and how staff would like to highlight the individual Planning Commissioners and their roles.

**PLANNING COMMISSION MEMBER REPORTS.**

**CATES:** Spoke of having some tickets left for Rotary Club crab feed on March 18, 2016 at the fairgrounds if anyone is interested and how they benefit local scholarships.

**FAKTOROVICH:** No report.

**LIMON:** Thanked Senior Planner Elms for her work, spoke in favor of the Facebook push, and how he doesn't want to impose anything costly on the City.

**LLAMAS:** Absent.

**McCOY:** Spoke of how he really wants to streamline more permitting online.

**SPADA:** No report.

**TOSCANO:** Absent.

**ADJOURNMENT.** The meeting was adjourned at the hour of 8:31 p.m.

APPROVED:

\_\_\_\_\_  
Tom Spada, Chairperson

ATTEST:

\_\_\_\_\_  
Sandra Benetti, Planning Technician



City of  
**Los Banos**  
*At the Crossroads of California*

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN SPADA AND COMMISSIONERS**

**FROM: STACY SOUZA ELMS, SENIOR PLANNER** *SE*

**DATE: FEBRUARY 24, 2016**

**SUBJECT: CONDITIONAL USE PERMIT #2016-03 – BASES ACADEMY LLC**

**RECOMMENDATIONS:**

That the Planning Commission adopt Resolution No. 2016-08 approving Conditional Use Permit #2016-03 for the operation of a softball/baseball training facility in the General Industrial zoning district located at 110 W. G Street, Suite D.

**PROJECT BACKGROUND/DESCRIPTION:**

The requested Conditional Use Permit is for the operation of an indoor softball/baseball training facility at 110 W. G Street, Suite D. The property is located within the General Industrial (I) zoning district. A recreational sports facility is not specifically a permitted use within the General Industrial (I) zoning district, but may be permitted subject to meeting the criteria set forth in the Zoning Code and obtaining a Conditional Use Permit. Pursuant to the Zoning Code, the uses deemed appropriate by the Planning Commission may be permitted subject to securing a Conditional Use Permit.

The applicant is Ed Monroe who is planning to operate Bases Academy LLC Monday thru Friday from 3 p.m. to 9 p.m. and Saturday and Sunday 9 a.m. to 6 p.m. The facility consists of 2,100 square feet and will provide batting cages, all instruction of the game(s), and sports teaching academy/clinic. The batting cages will be available for recreational use to the general public by rental. All of the training will be done indoors and two (2) adults will be located on-site.

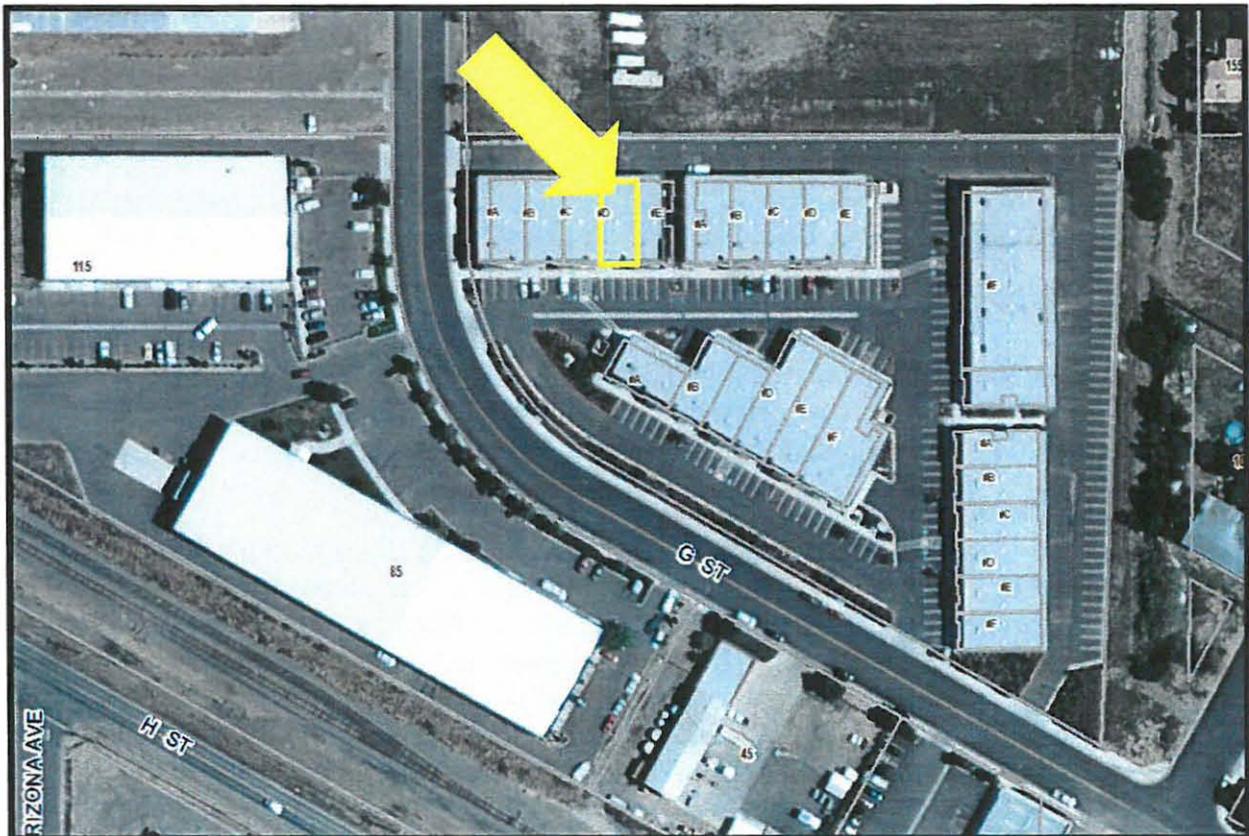
The building will consist of artificial turf, which will absorb sound and give the athletes the feel of a field. The facility will have two (2) cages where athletes can work safely on their pitching or hitting skills. The mesh netting around the cages will have the ability to slide from side to side to provide the flexibility to create open space when needed for clinics and instruction. On average, the applicant is anticipating 3-4 athletes at any

time. Clinics will be held on weekends and will contain no more than 10 athletes at any time.

Bases Academy LLC will be located in the Hacienda Business Park, which is surrounded by various businesses such as Merced County Mental Health, Fastenal, DaVita Dialysis, Tomato Growing Board Association, IEM, Conquer MMA Fitness, Paraiso Brewery, and Windecker Inc.

**LOCATION:**

The project site is located in the Hacienda Business Park at 110 W. G Street, Suite D, more specifically identified as Assessor's Parcel Number: 081-190-004.



**LAND USE:**

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

I = Industrial

The project site was originally zoned Light Industrial at the time the buildings were constructed. The Zoning Code at the time permitted administrative and executive offices as uses by right and as such the Hacienda Business Park has uses in the complex which are more office/medical use tenants. The project site consists of a reciprocal parking easement and the use of the softball/baseball training facility will generally have peak hours when the other businesses in the complex are closed. The majority of the existing businesses operate weekdays from 8 a.m. to 5 p.m., with the exception of Conquer MMA Fitness and Paraiso Brewery. General peak hours for Bases Academy LLC will be in the evenings primarily for children training.

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA Article 19, Section 15301 - Existing Facilities.

**USE PERMIT ANALYSIS**

***Code Requirements***

Pursuant to Section 9-3.2322 of the Los Banos Municipal Code, before any Conditional Use Permit may be granted, the Planning Commission shall make the following findings:

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;
  - a. The existing General Plan land use designation for the project site is Industrial, which allows primary manufacturing, R&D, whole sale and distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space.

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

**ECONOMIC DEVELOPMENT POLICY ED-G-7:**

Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

**LAND USE POLICY LU-G-13:**

Foster high quality design and allow secondary uses in Employment Park or industrial areas if they can complement or enhance the primary use.

Evidence/Analysis: The softball/baseball training facility will be the first of its kind in the City of Los Banos and will help physically and socially serve the needs of the community at large. In addition, the project would also be consistent with General Plan land use policies as set forth above.

- b. The zoning designation for the project site is General Industrial (I). The purpose of the General Industrial District is to provide a district exclusively for industrial development wherein manufacturing and other industries can locate and operate away from the restricting influences on non-industrial uses while maintaining an environment free from offensive or objectionable noise, dust, odor, or other nuisances.

Evidence/Analysis: The proposed use is consistent with the Zoning Code as it will be compatible with existing uses in the Hacienda Business Park and is similar in nature with existing uses such as Conquer MMA Fitness. The proposed use is also less intensive than permitted uses in the General Industrial zoning district.

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;

The proposed use is similar to some of the existing uses within the Hacienda Business Park and will be less intensive than most of the permitted uses. Conditions of approval have been incorporated into the project to ensure the business is not a nuisance or detrimental to the neighborhood.

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.

The proposed use will be less intensive than most of the permitted uses within the General Industrial zoning district. This specific use is conducive to the zoning district in that it's a business that needs to be within a typical warehouse setting to meet ceiling heights and building width criteria. Peak operational hours are in the evenings after 5 p.m. when the majority of the businesses within the Hacienda Business Park are closed to customers. Conditions of approval have been incorporated into the project to ensure the business is not detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

**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 February 12, 2016. As of the date of this staff report, no comments have been received.

**APPLICABLE ORDINANCES/GUIDELINES:**

Los Banos General Plan

Los Banos Municipal Code – Section 9-3.1502 and Section 9-3.2322

**RECOMMENDATIONS:**

That the Planning Commission adopt Resolution No. 2016-08 approving Conditional Use Permit #2016-03 for the operation of a softball/baseball training facility in the General Industrial zoning district located at 110 W. G Street, Suite D.

**ATTACHMENTS:**

1. Resolution #2016-08
  - Exhibit A CEQA Findings
  - Exhibit B Project Findings
  - Exhibit C Conditions of Approval
2. Site Plan
3. Site Photos
4. Public Hearing Notice – February 12, 2016

## **RESOLUTION No. 2016-08**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT #2016-03 FOR BASES ACADEMY LLC LOCATED AT 110 W. G STREET, SUITE D, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 081-190-004**

WHEREAS, Ed Monroe, Bases Academy LLC has requested that the City of Los Banos consider a Conditional Use Permit to allow the use of a softball/baseball training facility in the General Industrial zoning district located at 110 W. G Street, Suite D, more specifically identified as Assessor's Parcel Number: 081-190-004; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on February 12, 2016 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 Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, the project has been determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 - Existing Facilities.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Conditional Use Permit #2016-03 to allow the use of a softball/baseball training facility at 110 W. G Street, Suite D, more specifically identified as Assessor's Parcel Number: 081-190-004, 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 24<sup>th</sup> day of February 2016 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 Chair

ATTEST:

---

Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2016-03 – BASES ACADEMY LLC**

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, Conditional Use Permit #2016-03 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15301.
2. Conditional Use Permit #2016-03 was adequately noticed and circulated for public review and comment on February 12, 2016 for consideration at a public meeting on February 24, 2016 and no comments were received.
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 #2016-03 – BASES ACADEMY LLC

#### FINDINGS FOR APPROVAL:

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

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;
  - a. The existing General Plan land use designation for the project site is Industrial, which allows primary manufacturing, R&D, whole sale and distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space.

The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:

#### **ECONOMIC DEVELOPMENT POLICY ED-G-7:**

Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.

#### **LAND USE POLICY LU-G-13:**

Foster high quality design and allow secondary uses in Employment Park or industrial areas if they can complement or enhance the primary use.

Evidence/Analysis: The softball/baseball training facility will be the first of its kind in the City of Los Banos and will help physically and socially serve the needs of the community at large. In addition, the project would also be consistent with General Plan land use policies as set forth above.

- b. The zoning designation for the project site is General Industrial (I). The purpose of the General Industrial District is to provide a district exclusively for industrial development wherein manufacturing and other industries can locate and operate away from the restricting influences on non-industrial uses while maintaining an environment

free from offensive or objectionable noise, dust, odor, or other nuisances.

Evidence/Analysis: The proposed use is consistent with the Zoning Code as it will be compatible with existing uses in the Hacienda Business Park and is similar in nature with existing uses such as Conquer MMA Fitness. The proposed use is also less intensive than permitted uses in the General Industrial zoning district.

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;

The proposed use is similar to some of the existing uses within the Hacienda Business Park and will be less intensive than most of the permitted uses. Conditions of approval have been incorporated into the project to ensure the business is not a nuisance or detrimental to the neighborhood.

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.

The proposed use will be less intensive than most of the permitted uses within the General Industrial zoning district. This specific use is conducive to the zoning district in that it's a business that needs to be within a typical warehouse setting to meet ceiling heights and building width criteria. Peak operational hours are in the evenings after 5 p.m. when the majority of the businesses within the Hacienda Business Park are closed to customers. Conditions of approval have been incorporated into the project to ensure the business is not detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2016-03 – BASES ACADEMY LLC

#### Planning:

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all. These conditions shall run with the land and shall survive the issuance of an occupancy permit.
2. Conditional Use Permit 2016-03 is for Bases Academy LLC located at 110 W. G Street, Suite D; more specifically identified as Assessor's Parcel Number: 081-190-004. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application.
3. Subject to and in addition to these conditions of approval for Conditional Use Permit #2016-03 shall substantially conform to the approved Conditional Use Permit including but not limited to the application on file with the Community and Economic Development Department, Staff Report, and Floor Plan.
4. The applicant shall comply with all applicable City ordinances, specified in the Municipal Code and other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
5. The Planning Commission reserves the right to review and/or revoke this permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects to the neighborhood.
6. 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.

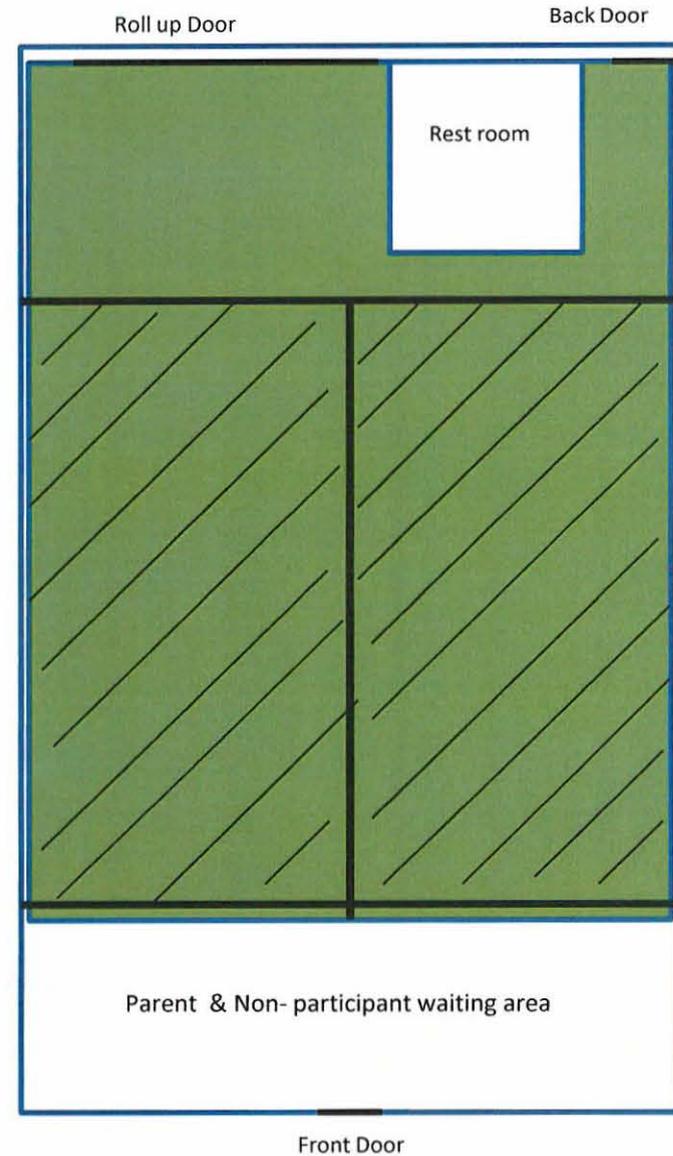
7. The premises shall be operated as a softball/baseball training facility as described and in conformance with the application prepared by the applicant and filed with the Community and Economic Development Department. Any new use or modification/expansion of uses shall be subject to the prior review and approval of the Planning Commission.
8. The premises of the subject site shall remain in compliance with the Conditions of Approval and shall not be operated in a manner that deviates from the approved conditional 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.
9. 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 use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.
10. All activities shall be confined to the inside of the building.
11. If the use is discontinued for a period of 12 months, this Conditional Use Permit shall lapse and become void.
12. This Conditional Use Permit shall be subject to revocation by the Community and Economic Development Director or the Planning Commission upon a finding that:
  - a. Conditions of approval have not been fulfilled;
  - b. A significant change or intensification of the approved use;
  - c. The use has resulted in a nuisance or detriment to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

# 110 G St. Unit D



Parking

The Drawing to the left is the building itself which is a warehouse approx.. 30' wide x 70' long. The Drawing to the right is the proposed use of the building. The green color is artificial turf, which will absorb sound and give our athletes the feel of a field. The divided mesh represents 2 cages, where athletes can work safely on their pitching or hitting skills. This mesh cage netting will also slide to one side so that we can create open space for clinics and instruction.



Parking



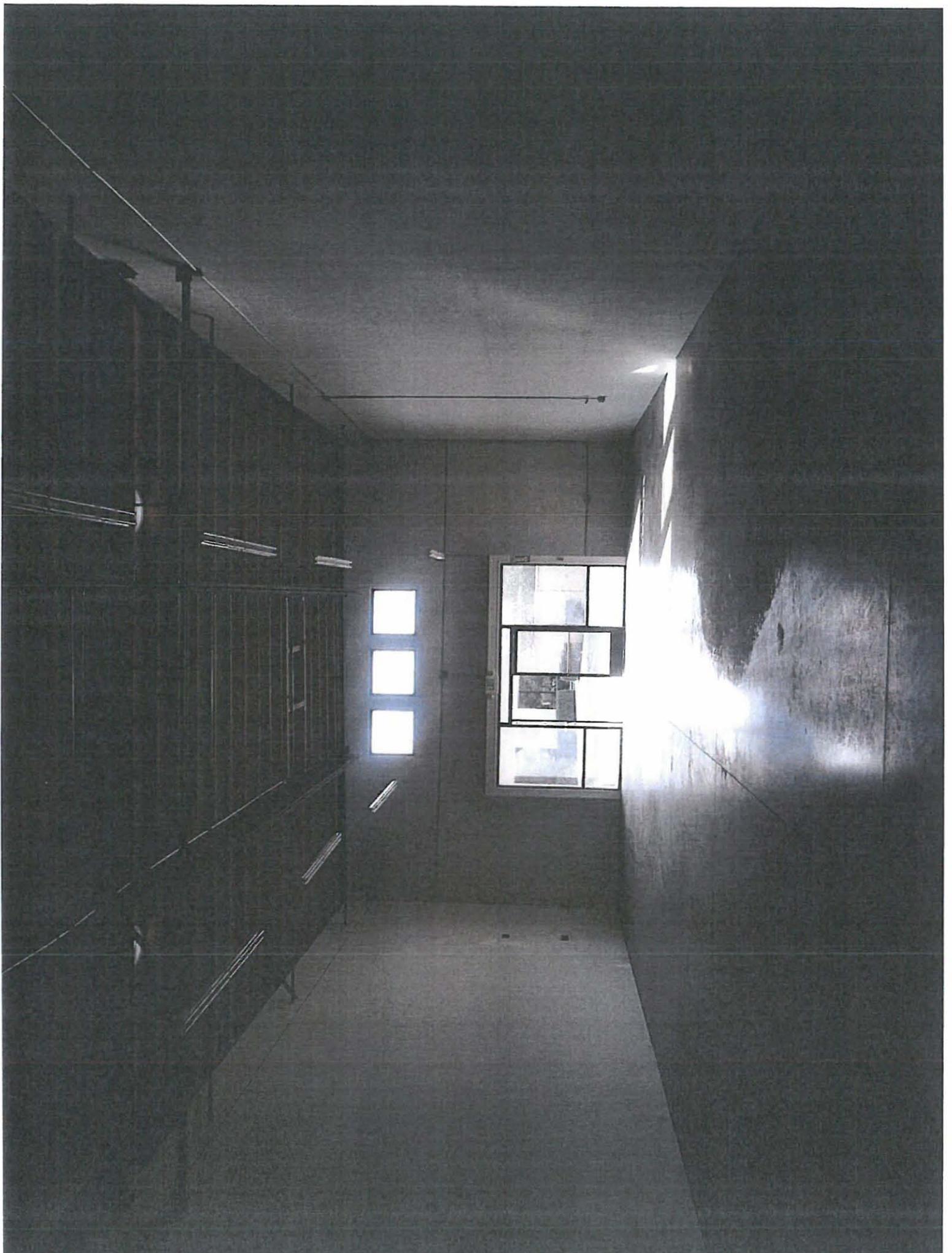


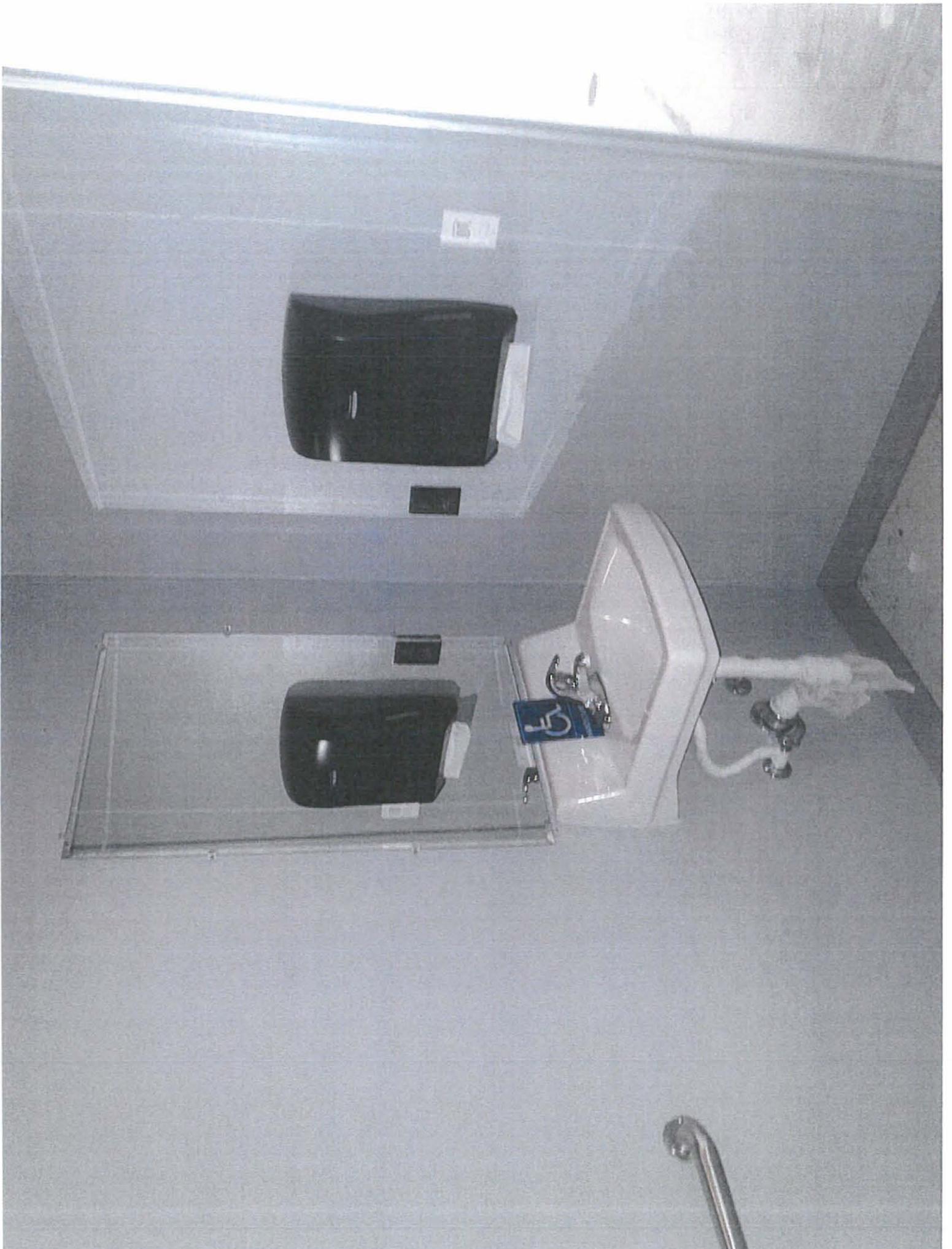




110

FUTURE PARKING  
ACCESSIBLE PARKING











City of  
**Los Banos**  
*At the Crossroads of California*

---

**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: February 12, 2016

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2016-03 – Bases Academy LLC

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 operation of a softball/baseball training facility in the General Industrial zoning district (I). The subject property is located at 110 W. G Street, Suite D, more specifically described as Assessor's Parcel Number: 081-190-004.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, February 24, 2016 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, Senior Planner at City Hall or at (209) 827-7000, Ext. 133.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Stacy Souza Elms  
Senior Planner