



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 25, 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.

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)
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 ADJOURNED PLANNING COMMISSION MEETING OF MAY 16, 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 and California Environmental Quality Act (CEQA) Categorical Exemption to Allow the Operation of a Paint Spray Booth for Automotive Repair and Restoration to be Operated by Arnold and Tanya Jorge (d.b.a AJ's Customs) Located at 557 F Street, More Specifically Identified as Assessor's Parcel Number: 025-072-004.

- 1) Planning Commission Resolution No. 2016-22 – Approving Conditional Use Permit #2016-07 to Allow the Operation of an Automotive Paint Spray Booth for AJ's Customs Located at 557 F Street.

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

B. Public Hearing – to Consider a Conditional Use Permit and California Environmental Quality Act (CEQA) Categorical Exemption to Allow St. John's Lutheran Church to Operate a Parochial School for Children Ages 3-5 Years Old Located at 250 West Adams Street, More Specifically Identified as Assessor's Parcel Number: 027-161-047.

- 1) Planning Commission Resolution No. 2016-23 – Approving Use Permit #2016-08 to Operate a Parochial Preschool in the Low Density Residential Zoning District (R-1) Located at 250 W. Adams Avenue, More Specifically Identified as Assessor's Parcel Number: 027-161-047.

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

- C. Public Hearing – to Consider Site Plan Review #2016-03 and California Environmental Quality Act (CEQA) Categorical Exemption for a New Dental Office for Doctors Ronald and Jeffrey Carter Including the Demolition of an Existing 1,960 Square Foot Building and the Construction of a New 2,790 Square Foot Building Located within the Highway Commercial Zoning District on the Northwest Corner of South Sixth Street and Washington Avenue at 1317 South Sixth Street; More Specifically Identified as Assessor's Parcel Number: 026-063-014.

- 1) Planning Commission Resolution No. 2016-24 – Approving Site Plan Review #2016-03 for the Construction of a New 2,790 Square Foot Dental Office Located at 1317 South Sixth Street, More Specifically Identified as Assessor's Parcel Number: 026-063-014.

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

- D. 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 **(Continue to June 8, 2016)**.

Recommendation: Receive staff report, open the public hearing, receive public comment, and continue the public hearing.

- E. Public Hearing – to Consider Vesting Tentative Tract Map #2016-01, Final Development Plan #2016-01, and East Center Area Plan Amendment for The Villas Consisting of the Subdivision of Approximately 58.8 Acres into 378 Single-family Residential Lots Ranging from Custom and Semi-custom Homes to Production Homes; Approximately 51 Acres of the Project Site Will be Contained within a Private Gated-community with a Four Acre Park/Detention Basin; the Final Development Plan Consists of Site Design and Conceptual Architecture to Implement the Planned Development Zoning; the Project Site is Located East of Center Avenue, South of the Cresthills #1 Subdivision, West of Cresthills #2 Subdivision, and North of Pioneer Road and the City Limit Line; More Specifically Identified as Assessor's Parcel Numbers: 431-270-010 and 431-270-004 **(Continued from May 11, 2016; Continue to June 8, 2016)**.

- 1) Planning Commission Resolution No. 2016-15 – Approving The Villas Vesting Tentative Tract Map No. 2016-01 for the Subdivision of Approximately 58.8 Acres into 231 Single-family Residential Lots Located Generally East of Center Avenue, South of the Cresthills #1 Subdivision, West of Cresthills #2 Subdivision, and North of Pioneer Road and the City Limit Line; More Specifically Identified as Assessor's Parcel Numbers: 431-270-010 and 431-270-004.

- 2) Planning Commission Resolution No. 2016-16 – Recommending Approval to the Los Banos City Council of Final Development Plan #2016-01 for The Villas.

Recommendation: Receive staff report, open the public hearing, receive public comment, and continue the public hearing.

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.

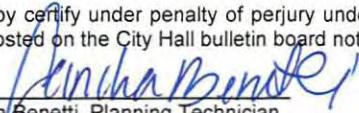
APPEAL RIGHTS AND FILING PROCEDURES

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by 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 9-3.2326)

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 20th day of May 2016

**CITY OF LOS BANOS
PLANNING COMMISSION ADJOURNED MEETING MINUTES
MAY 16, 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 5:04 p.m.

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

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Erik Limon, Palmer McCoy, Tom Spada, and Susan Toscano (arrived at 5:15 p.m.); Arkady Faktorovich and Refugio Llamas 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 Limon to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Faktorovich, Llamas, and Toscano (arrived at 5:15 p.m.) 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 SITE PLAN REVIEW #2016-04 FOR THE REMODEL OF AN EXISTING SINGLE TENANT RETAIL BUILDING OF APPROXIMATELY 85,000 SQUARE FEET ON APPROXIMATELY 6.77 ACRES TO A MULTI-TENANT RETAIL BUILDING IN WHICH SAVE MART WILL OCCUPY APPROXIMATELY 52,000 SQUARE FEET LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT AT 1400 S. MERCEY SPRINGS ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 083-130-040. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Commissioner Toscano arrived and took her seat at the dais at 5:15 p.m.

Commissioner McCoy inquired if shopping carts were supposed to be inside when this project was discussed during the design review study session.

Senior Planner Elms stated that the carts could not fit inside due to this being an existing building, how the architect is proposing a wall screening with the same material at loading dock, and the Conditions of Approval will require a locking system for shopping carts.

Chairperson Spada opened the public hearing. BEN SIMONSON, Dahlin Architects, spoke on behalf of the applicant regarding how new conceptual layouts try to internalize the shopping carts but they couldn't do the same for this building, and they will screen two rows of shopping carts on both sides of entrance.

Commissioner McCoy inquired if there will definitely be three tenants.

Senior Planner Elms stated that the southeastern space was removed because staff was going to require a storefront so there will be three tenant spaces.

Chairperson Spada spoke of how he dislikes the entrance from Mercey Springs Road although it is better than the previous version, his concern regarding the design of the entrance to the parking lot, thinks there is a better alternative, being willing to approve everything except the entrance and require them to do a traffic study, and how the possible exit on Pacheco Boulevard would only accommodate those leaving the plaza going east on the highway.

Senior Planner Elms cautioned the Commission on requiring a traffic study, the City would have to take comments from Caltrans and putting medians on the highway, and how this would impact other shopping centers by restricting free movement.

Commissioner Limon spoke of how this is not an easy fix, the anticipation of an encroachment on Pacheco Boulevard is an alternative, and doesn't think this is going to be a big issue.

Commissioner Cates spoke of his concern that this one entrance shouldn't be a deal breaker for the project and inquired about mitigating traffic on Pacheco Boulevard.

Senior Planner Elms stated that Caltrans could mitigate whether it's a four way stop or traffic light but it would be up to Caltrans because they have jurisdiction.

KATHY BALLARD, Los Banos, spoke of size of the sign for the plaza and suggested the applicant get a variance for an increase in size.

Senior Planner Elms spoke of how the property owner is aware of code requirements for signage and has not yet requested for a Conditional Use Permit.

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

There was discussion among commissioners, staff, and the applicant regarding how the property owner doesn't have control of the entire shopping center and the applicant working with an engineer to design the Pacheco Boulevard encroachment.

Motion by McCoy, seconded by Limon to adopt Planning Commission Resolution No. 2016-21 – Approving Site Plan Review #2016-04 for the Remodel of the Former Kmart Building from a Single Tenant Retail Building to a Multi-tenant Commercial Building Located at 1400 S. Mercey Springs Road, More Specifically Identified as Assessor's Parcel Number: 083-130-040. The motion carried by the affirmative action of all Planning Commission members present; Faktorovich and Llamas absent.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF NEW 2,790 SQUARE FOOT, SINGLE STORY OFFICE BUILDING LOCATED AT 1317 S. SIXTH STREET IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT. Senior Planner Elms presented the staff analysis, which included a PowerPoint presentation, and noted that the builder was present to answer any questions.

There was discussion among the Commissioners, staff, and applicant regarding architecture including the two different elevation renderings, how most preferred the green exterior, the benefits and drawbacks of a metal roof versus the composite roof, and how the applicant will propose putting a vent on the west elevation wall so it won't have to be on door.

There was discussion among the Commissioners, staff, and applicant regarding landscaping.

Commissioner McCoy spoke of his concern about putting in trees and landscaping during a drought and inquired where the City gets the drought tolerant landscaping specs.

Senior Planner Elms stated that the City standards include a tree list and species list, how they are all drought tolerant, they have to pick from our list, and this being a preliminary plan.

Commissioner McCoy inquired about the last update for the standards.

Senior Planner Elms stated that she was not positive but the species list was last updated in 2007.

There was discussion among the Commissioners, staff, and applicant regarding lighting.

Senior Planner Elms stated that the applicant will be required by City standards to use LED bulbs and how the photometrics plan was included in the staff report.

No action taken, suggestions to applicant only.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms thanked the Commission for coming out to this adjourned meeting, spoke of the next several agendas being very full, how 107 single family residential permits have been pulled year to date, and how the conservative goal was 200 by the end of December.

Commissioner McCoy inquired if the rest of Merced County was experiencing the same growth.

Senior Planner Elms stated that she thinks we are growing at a higher rate than rest of communities in the County, how she thinks its due to relation to bay area, and how Atwater is seeing a lot of commercial development as well as Merced.

Commissioner McCoy inquired about a property at the far east side of town where there has been activity.

Senior Planner Elms stated that staff has not yet received plans for that, how the property has exchanged hands and there is a new property owner, and how the property owner has been cleaning up the entrances to town.

Commissioner McCoy inquired about the status of the courthouse.

Senior Planner Elms stated that she has not been involved in that process but how some branches may open in July.

City Attorney Vaughn stated that the courthouse may open the first week of September, how two departments will open at first, and how they will provide a larger array of types of matters including family law.

Chairperson Spada inquired when will they demo the cement slabs.

City Attorney Vaughn stated that a different property owner owns that parcel and has promised to do so.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Spoke of how he drove by the entrance to former Lowe's building and they are doing a great job.

Senior Planner Elms spoke of how she is pleased with how design came out as well as the attention to detail on the 99 Cent Store.

FAKTOROVICH: Absent.

LIMON: No report.

LLAMAS: Absent.

McCOY: Thanked staff and apologized that some questions should be asked prior to the meeting.

SPADA: Spoke of how the previous meeting was the toughest yet, how it worked out, how one can't predict what will happen during a public hearing, thanked staff and the Commission for working it all out and with dignity, and also for showing up tonight.

TOSCANO: Thanked staff.

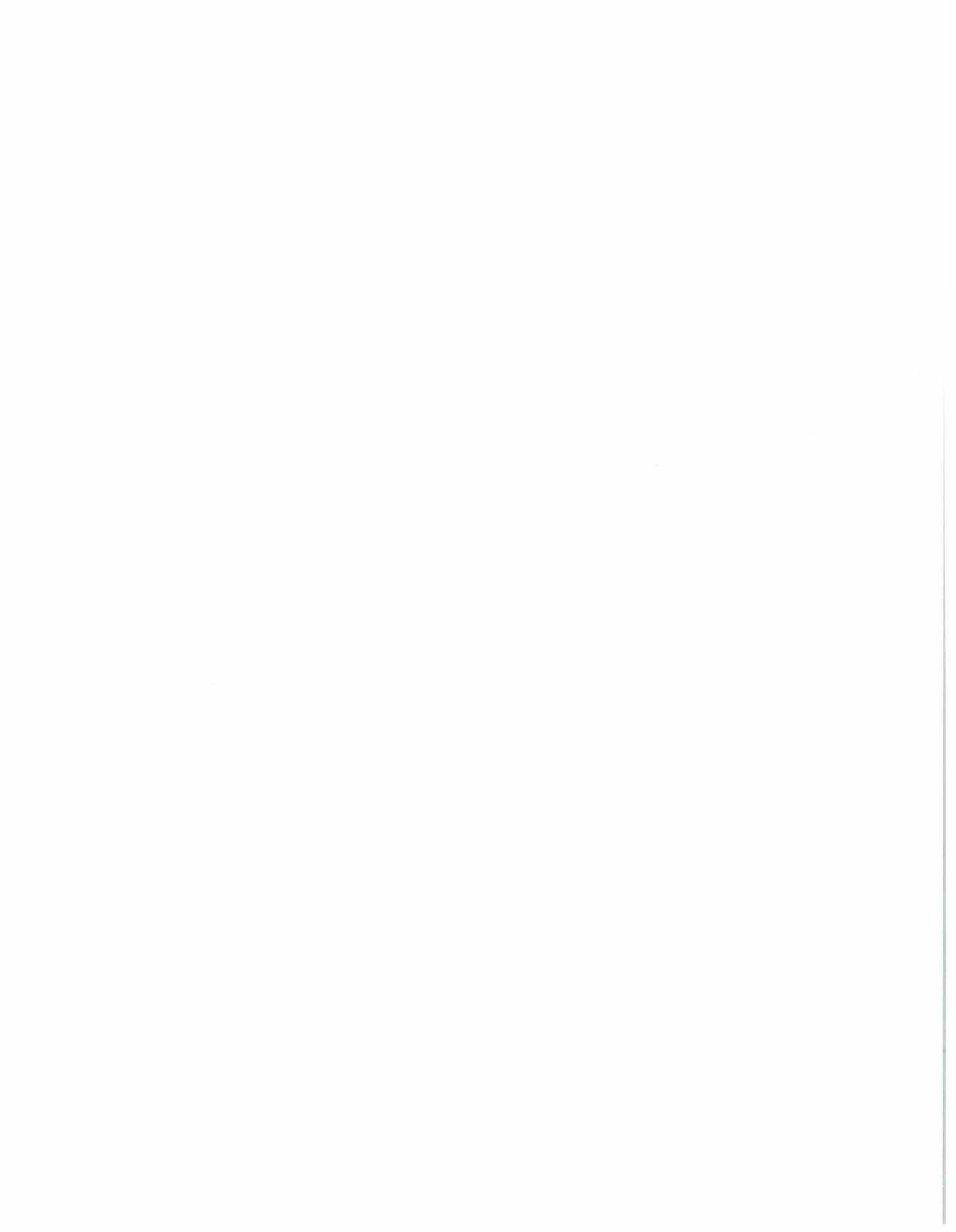
ADJOURNMENT: The meeting was adjourned at the hour of 6:15 p.m.

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*
FOR: MAY 25, 2016
SUBJECT: CONDITIONAL USE PERMIT #2016-07 – AJ’S CUSTOMS

RECOMMENDATIONS:

1. That the Planning Commission adopt Resolution No. 2016-22 approving Conditional Use Permit #2016-07 for the use of an automotive paint spray booth for automotive repair and restoration for AJ’s Customs located at 557 F Street.

PROJECT BACKGROUND/DESCRIPTION:

The requested application is for the use of an automotive paint spray booth for AJ’s Customs located at 557 F Street. The property is in the General Commercial (C-1) zoning district. Automotive repair garages are permitted uses in the C-1 zoning district, but the use of an automotive paint spray booth requires a Conditional Use Permit. AJ’s Customs has been in operation at 150 West G street since 2014 and will be moving to the proposed location of 557 F Street.

An automotive paint spray booth is a power-ventilated structure provided to enclose or accommodate a spraying operation to confine and limit the escape of spray, vapor, and residue, and to safely conduct or direct them to an exhaust system.

The proposed automotive paint spray booth is 416 square feet (16’ x 26’), 12 feet tall, and will be located outside of the repair garage at the rear of the property. Direct access to the booth is through the repair garage via roll-up doors. All automotive painting will be conducted inside the automotive paint spray booth. Operations of the business will be Monday thru Friday from 8 a.m. to 5 p.m. The business would provide auto body repair as well as some welding as needed.

The project site is consistent with surrounding general commercial uses in the neighborhood. To the east of the project site is a mini storage facility. The parcel on the west side of the project site contains a residence and next to that parcel is a vacant

corporation yard formerly used by Ronnie's Landscaping. The north side of the project site does consist of residential uses and the south side is Azhederian VH & Co. Inc (melon packing shed). The closes residence is approximately 45 feet from the proposed automotive paint spray booth.

The booth will be inspected by the Los Banos Building Department and Fire Department for compliance with the Fire Code, Uniform Building Code and Los Banos Municipal Code. In addition, the applicant is also required by law to obtain a permit from the San Joaquin Valley Air Pollution Control District for air quality purposes. Conditions of approval from the Fire Department have been included for proper maintenance of the proposed spray booth.

LOCATION:

The project site is located at 557 F Street, more specifically identified as Assessor's Parcel Number: 025-072-004.



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Project site	Commercial	C-1	CN
North	Residential	R-2	MDR
South	Packing Shed	R-C	MX
East	Commercial	C-1	CN
West	Residential	R-2	MDR

C-1 = General Commercial
R-2 = Medium Density Residential

CN = Neighborhood Commercial
MDR = Medium Density Residential

R-C = Rail Corridor

MX = Mixed Use

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 Facility. The applicant's request for the use of an automotive paint spray booth will not alter the existing facility significantly as the addition will not result in an addition of more than 2,500 square feet.

USE PERMIT ANALYSIS

Code Requirements

According 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;**

The existing General Plan land use designation for the project site is Neighborhood Commercial, which is intended for a mix of neighborhood-scale commercial uses that includes small-scale office space and small retail stores. The subject property is currently zoned General Commercial (C-1). Pursuant to Section 9-3.1202 of the Los Banos Municipal Code, automotive repair garages are permitted uses; however, as set forth in Section 9-3.1203 (a), paint and spray booths; provided all paint and spraying operations are conducted within booths which meet all the requirements of the latest edition of the National Board of Fire Underwriters Pamphlet 33 for Paint Spray Booths are allowed in the C-1 zoning district subject to securing a conditional use permit.

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

ECONOMIC DEVELOPMENT POLICY ED-G-2

Facilitate the development of new businesses, and/or expansion of existing businesses through site availability, infrastructure investments, and labor force preparedness.

ECONOMIC DEVELOPMENT POLICY ED-G-3

Make Los Banos an ideal place to do business by fostering a business friendly climate.

- 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 areas function and character is General Commercial, which includes auto repair services. The project would include conditions of approval which regulate

the operational characteristics of the spray booth and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

- 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 operate harmoniously in the neighborhood and conditions of approval have been incorporated into the project to ensure there are no adverse affects to the surrounding neighborhood.

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 13, 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 - Sections 9-3.1203 and 9-3.2326(a).

RECOMMENDATIONS:

1. That the Planning Commission adopt Resolution No. 2016-22 approving Conditional Use Permit #2016-07 for the use of an automotive paint spray booth for automotive repair and restoration for AJ's Customs located at 557 F Street.

ATTACHMENTS:

1. Resolution #2016-22
Exhibit A CEQA Findings
Exhibit B Project Findings
Exhibit C Conditions of Approval
2. Site Plan
3. Site Photos
4. Public Hearing Notice – May 13, 2016

RESOLUTION NO. 2016-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT #2016-07 TO ALLOW THE OPERATION OF AN AUTOMOTIVE PAINT SPRAY BOOTH FOR AJ'S CUSTOMS LOCATED AT 557 F STREET

WHEREAS, the applicant has requested that the City of Los Banos consider a Conditional Use Permit to allow the operation of an automotive paint spray booth for an automotive repair and restoration shop located at 557 F Street further identified as Assessor's Parcel Number: 025-072-004; and

WHEREAS, a public hearing was duly noticed for May 25, 2016, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on May 13, 2016 to consider and take testimony regarding the Conditional Use Permit for an automotive restoration spray booth; and

WHEREAS, the Los Banos Planning Commission has held a public hearing and received public testimony, reviewed said Conditional Use Permit request including the staff report and related documents, 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 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 #2016-07 for AJ's Customs 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 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.

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos does hereby make the 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 Conditional Use Permit #2016-07 to permit an automotive spray booth located at 557 F Street 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 25th day of May 2016, 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 Spada, Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2016-07– AJ’S CUSTOMS

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 Quality Guidelines, Conditional Use Permit #2016-07 was evaluated and determined to be categorically exempt per Article 19, Section 15301 as the use of an automotive paint spray booth will not alter the existing facility significantly as the addition will not result in more than 2,500 square feet.
2. Conditional Use Permit #2016-07 was adequately noticed on May 13, 2016 for consideration at a public meeting on May 25, 2016.
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 #2016-07 – AJ'S CUSTOMS

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

1. The project is consistent with the City of Los Banos General Plan and the Los Banos Municipal Code.

The existing General Plan land use designation for the project site is Neighborhood Commercial, which is intended for a mix of neighborhood-scale commercial uses. The subject property is currently zoned General Commercial (C-1). As set forth in Section 9-3.1203 (a) of the Los Banos Municipal Code, Paint and spray booths; provided all paint and spraying operations are conducted within booths which meet all the requirements of the latest edition of the National Board of Fire Underwriters Pamphlet 33 for Paint Spray Booths are allowed in the C-1 zoning district subject to securing a conditional use permit.

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

ECONOMIC DEVELOPMENT POLICY ED-G-2

Facilitate the development of new businesses, and/or expansion of existing businesses through site availability, infrastructure investments, and labor force preparedness.

ECONOMIC DEVELOPMENT POLICY ED-G-3

Make Los Banos an ideal place to do business by fostering a business friendly climate.

Evidence/Analysis: The automotive restoration facility will be providing a service to the community. The proposed use is compatible with and complementary of existing commercial uses in the neighborhood. In addition, the project would also be consistent with General Plan land use policies as set forth above.

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/Analysis: The proposed use will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, impair the utility or value of property of other persons located near the site, or be detrimental to public health, safety or general

welfare. The proposed operation of a spray booth will be contained on the premises and regulated by the City and the San Joaquin Valley Air Pollution Control District. Potential impacts to the surrounding areas would be minimal.

3. The proposed Conditional 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.

Evidence/Analysis: The proposed use will operate harmoniously in the neighborhood and conditions of approval have been incorporated into the project to ensure there are no adverse affects to the surrounding neighborhood.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2016-07 – AJ'S CUSTOMS

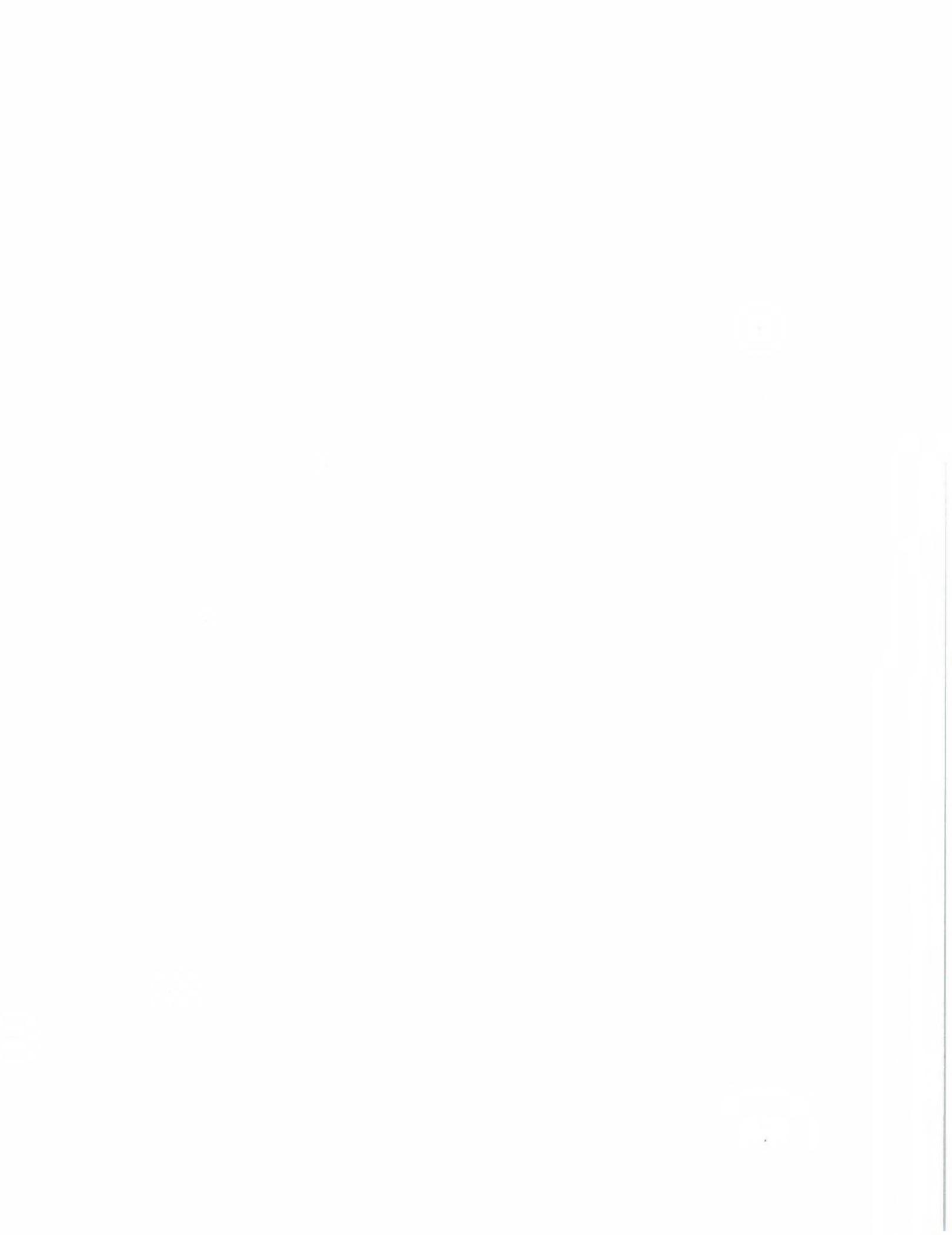
1. Conditional Use Permit 2016-07 is for one (1) automotive paint spray booth for AJ's Customs located at 557 F Street; more specifically identified as Assessor's Parcel Number: 025-072-004 and the requested use shall expire after one (1) year from date of approval by the Los Banos Planning Commission unless implemented. The City for cause may revoke this Conditional Use Permit.
2. The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
3. The applicant shall obtain a permit to operate a spray booth by the San Joaquin Valley Air Pollution Control District and shall provide a copy of said permit upon issuance by the San Joaquin Valley Air Pollution Control District to the Planning Department prior to the use of the spray booth on the premises.
4. A copy of these Conditions of Approval and the San Joaquin Valley Air Pollution Control District permit are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
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 in the neighborhood resulting from the use of the automotive paint spray booth.
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 spray booth is conditioned upon the premises being used as an automotive repair and restoration shop as specified in the project description on file with the Community and Economic Development Department.

8. 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.
9. 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.
10. A fire suppression system shall be obtained directly from the Los Banos Fire Department prior to operation of the spray booth.
11. The spray booth shall be protected by the fire sprinkler system through extension into the spray booth, duct and plenum or an approved special suppression system as approved by the Fire Chief.
12. The fire sprinkler system shall be inspected, tested and maintained in accordance with the Los Banos Fire Department.
13. Dry chemical, carbon dioxide, gaseous agent or other special systems protecting the spray booth shall have a current State Fire Marshal service tag attached and is required to be inspected and tested at least every six months or after activation in accordance with the Los Banos Fire Department.
14. Portable fire extinguishers shall be provided for the spraying area in accordance with the requirements of "extra hazard" occupancy. At least one 4-A: 40BC rated fire extinguisher with a current State Marshal service tag attached shall be properly located within 30 feet of travel distance from the booth.
15. Smoking shall be prohibited in the spray booth, flammable vapor areas and in flammable liquid storage rooms. "**NO SMOKING**" signs with approved lettering and size shall be posted in these areas.
16. Open flames and spark-producing devices shall not be used in the spray booth, flammable vapor areas or within 20 feet of such areas unless properly separated.

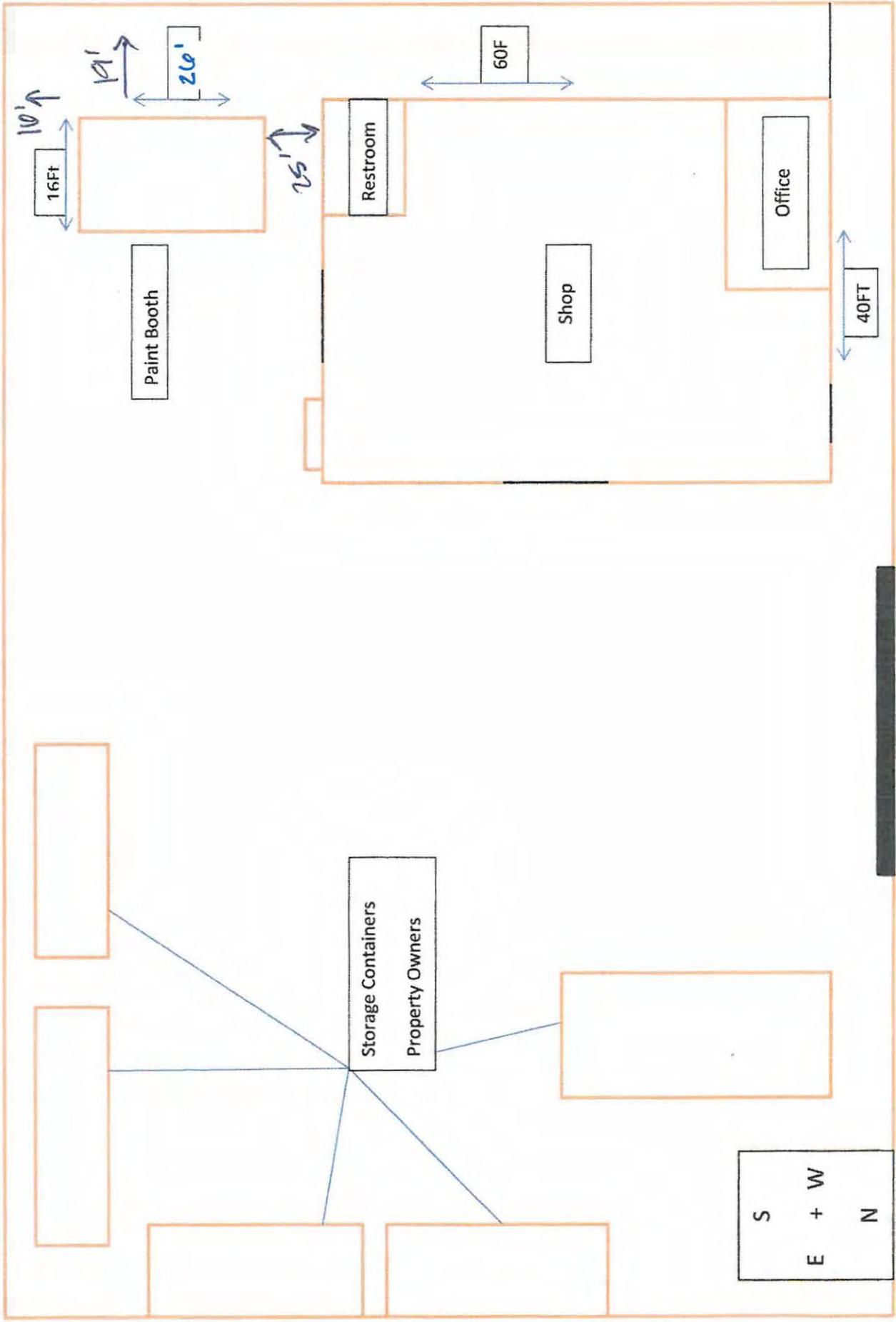
17. Welding, cutting or similar operations shall not be conducted in or adjacent to flammable vapor areas. Conspicuous signs with the following warning shall be posted in these areas:

**NO WELDING
THE USE OF WELDING OR CUTTING EQUIPMENT
IN OR NEAR THIS AREA
IS DANGEROUS BECAUSE OF
FIRE AND EXPLOSION HAZARDS, WELDING
AND CUTTING SHALL BE DONE ONLY
UNDER THE SUPERVISION OF THE
PERSON IN CHARGE**

18. The spray booth, exhaust fan blades and exhaust ducts shall be kept free from the accumulation or deposits of combustible residues.
19. Tools used for cleaning purposes shall be constructed of non-sparking materials.
20. Residues removed during cleaning and debris contaminated with residue shall be immediately removed from the premises and be properly disposed.
21. Metal waste cans with self-closing lids shall be provided for the disposal of rags or waste impregnated with finishing material. The contents of the waste cans shall be properly disposed of at least once daily and at the end of each shift.
22. The spray booth shall be readily available for cleaning and a clear space of not less than 3 feet around the exterior of the booth shall be kept free of storage or combustible materials.
23. Portable electric lamps shall not be used in flammable vapor areas during spraying operations. Portable electric lamps used during cleaning or repairing operations shall be of a type approved for hazardous locations by the Los Banos Fire Department.
24. Approved (explosion proof type) electrical wiring is required inside the booth and within 20 feet of the booth opening. Wiring shall be in approved conduit and all receptacles, fixtures and switches shall not be damaged and must be properly sealed.
25. Exit doors shall be readily available for access from the inside, unobstructed and swing in the direction of egress.



Alley



Street













City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: May 13, 2016

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2016-07 – AJ's Customs

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 paint spray booth for automotive repair and restoration to be operated by Arnold and Tanya Jorge (d.b.a AJ's Customs). The subject property is located at 557 F Street, more specifically described as Assessor's Parcel Number: 025-072-004.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, May 25, 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



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*
FOR: MAY 25, 2016
SUBJECT: CONDITIONAL USE PERMIT #2016-08 – ST. JOHN’S LUTHERAN
CHURCH PAROCHIAL SCHOOL

RECOMMENDATIONS:

That the Planning Commission adopt Resolution #2016-23 approving Conditional Use Permit #2016-08 to operate a parochial preschool in the Low Density Residential Zoning District (R-1) located at 250 West Adams, more specifically identified as Assessor’s Parcel Number: 027-161-047.

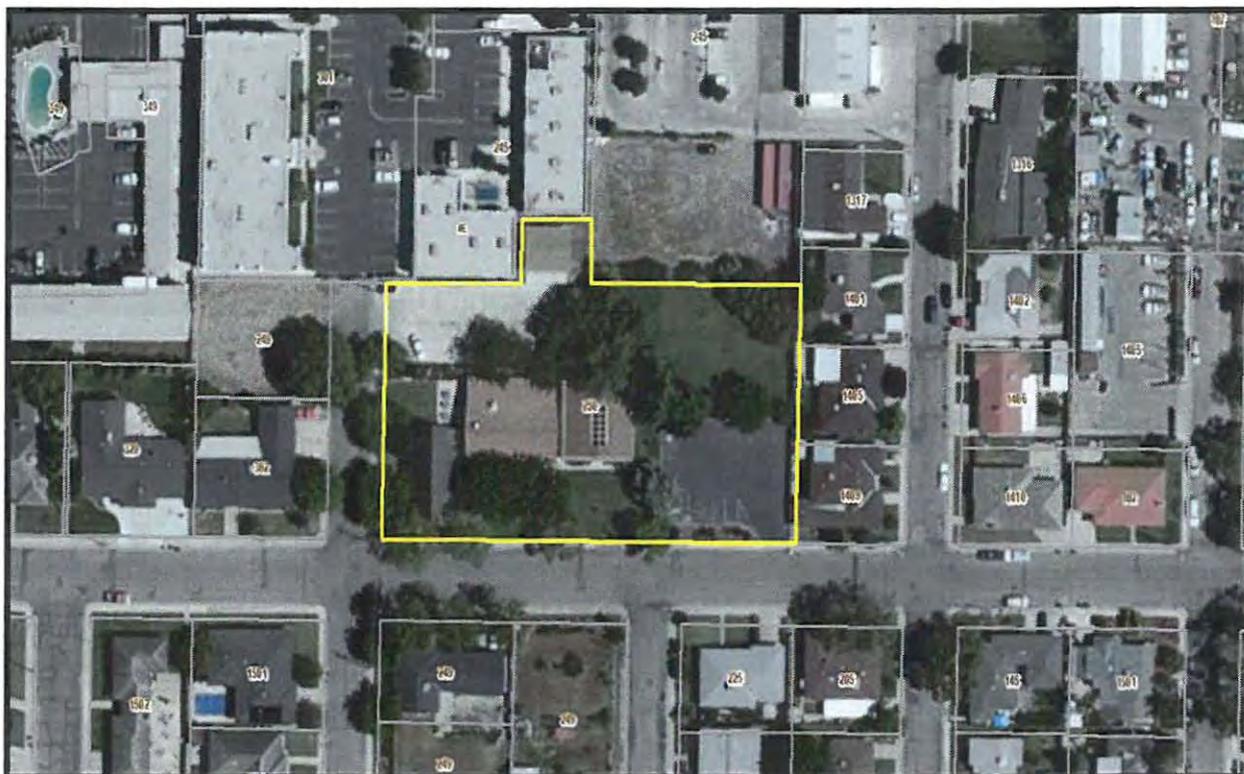
PROJECT BACKGROUND/DESCRIPTION:

The requested Conditional Use Permit is for the operation of a parochial school for children ages 3-5 years old in the Low Density Residential District (R-1). A parochial school is a private school affiliated with a religious organization whose curriculum includes religious education. Parochial schools are not a permitted use by right in the Low Density Residential District (R-1), but are permitted subject to securing a Conditional Use Permit.

St. John’s Lutheran Church is requesting to operate a parochial preschool through the traditional school calendar year from 8 a.m. to 11 a.m. The church has stated that they intend to provide a warm, healthy, environment in which children can grow physically, mentally, socially, emotionally, and spiritually. Their program will be both developmental and academic. They will provide children with age-appropriate activities and experiences, to prepare them for school success. They anticipate serving a maximum of 12 children. The requested use will be secondary to the primary church use of the property.

LOCATION AND ACCESS:

The project site is located at 250 West Adams Avenue, more specifically identified as Assessor's Parcel Number: 027-161-047.



LAND USE:

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

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

LDR = Low Density Residential
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 under Section 15301 of the CEQA Guidelines, Existing Facilities as the project involves negligible expansion of an existing use.

CONDITIONAL USE PERMIT ANALYSIS

Code Requirements

According 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. General Plan: The proposed General Plan land use designation for the project site is Low Density Residential, which is intended for single-family development on lot sizes found in more urban settings. The use of the parochial school is compatible with the residential designation as the facility will serve the educational needs of the neighborhood and community.

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

ECONOMIC DEVELOPMENT POLICY ED-G-4:

Strengthen positive working relationships among the business community, education providers, regional economic institutions and City government.

PUBLIC FACILITIES AND UTILITIES PFU-G-1:

Provide superior educational opportunities for children and all members of the community.

PUBLIC FACILITIES AND UTILITIES PFU-G-2:

Provide public and cultural facilities that contribute to Los Banos' positive image, enhance community identity, and meet the civic and social needs of the residents.

Analysis: The proposed parochial school will provide education to preschool children that will aide in their development and help prepare them for primary school. This will enhance the neighborhood's character by providing an educational service to the residents.

- b. Municipal Code: The subject property is zoned R-1, Low Density Residential. Pursuant to Section 9-3.601 of the Los Banos Municipal Code, the purpose of the Low Density Residential District is to stabilize and protect the residential character of the district and promote and encourage a suitable environment for family life on a neighborhood basis. As set forth in Section 9-3.603 (a) parochial school may be permitted subject to securing a conditional use permit. The existing project site is used as a church and the parochial preschool will be a secondary use of the property. The use

promotes family life and will enhance the neighborhood with education services.

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 will be conducted at an existing church location and as conditioned will not result in significant operational changes to the existing residential area. Conditions of approval have been incorporated into the project to ensure the operation of the parochial preschool 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 of the parochial preschool will be compatible as it will be operated within an existing church facility. The existing church currently teaches Sunday school one day a week in their classrooms and will be expanding that use to teach educational curriculum throughout the traditional school year. Conditions of approval have been incorporated into the project to ensure the use 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 on May 13, 2016 and notices were provided to adjacent property owners within a 300 foot radius of the subject property. As of the date of this staff report, no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

Los Banos General Plan

Los Banos Municipal Code

Health and Safety Code

RECOMMENDATIONS:

That the Planning Commission adopt Resolution #2016-23 approving Conditional Use Permit #2016-08 to operate a parochial preschool in the Low Density Residential Zoning District (R-1) located at 250 West Adams, more specifically identified as Assessor's Parcel Number: 027-161-047.

ATTACHMENTS:

1. Resolution #2016-23
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Site Photos
3. Floor Plan
4. Public Hearing Notice – May 13, 2016

RESOLUTION No. 2016-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING USE PERMIT 2016-08 TO OPERATE A PAROCHIAL PRESCHOOL IN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT (R-1) LOCATED AT 250 WEST ADAMS AVENUE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-161-047

WHEREAS, the applicant, St. John's Lutheran Church, has requested that the City of Los Banos consider a Use Permit to allow the operation of a Parochial Preschool in the Low Density Residential zoning district (R-1) located at 250 West Adams Avenue, more specifically identified as Assessor's Parcel Number: 027-161-047; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2016-08 at 250 West Adams Avenue 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, a Public Hearing Notice for the Los Banos Planning Commission was duly advertised on May 13, 2016 to consider and take testimony regarding these matters scheduled for its regular meeting on May 25, 2016; 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 9-3.2326 of the Los Banos Municipal Code; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Conditional Use Permit 2016-08 to

permit the use of a Parochial Preschool in the Low Density Residential zoning district located at 250 West Adams Avenue, 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 25th day of May 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 2016-08 – ST. JOHN'S LUTHERAN CHURCH

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 Quality Guidelines, Conditional Use Permit #2016-08 was evaluated and determined to be categorically exempt per Article 19, Section 15301 as the request for the use of a parochial preschool will not alter the existing facility significantly as the intensification in use is negligible.
2. Conditional Use Permit 2016-08 was adequately noticed on May 13, 2016 for consideration at a public meeting on May 25, 2016.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. The proposal is consistent with the Los Banos General Plan as it meets the use and density standards specified within.
5. The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use and development standards specified within.

EXHIBIT B

FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT 2016-08 – ST. JOHN'S LUTHERAN CHURCH

FINDINGS FOR APPROVAL:

1. The City of Los Banos Planning Commission hereby finds as follows:
 - a. General Plan: The proposed General Plan land use designation for the project site is Low Density Residential, which is intended for single-family development on lot sizes found in more urban settings. The use of the parochial school is compatible with the residential designation as the facility will serve the educational needs of the neighborhood and community.

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

ECONOMIC DEVELOPMENT POLICY ED-G-4:

Strengthen positive working relationships among the business community, education providers, regional economic institutions and City government.

PUBLIC FACILITIES AND UTILITIES PFU-G-1:

Provide superior educational opportunities for children and all members of the community.

PUBLIC FACILITIES AND UTILITIES PFU-G-2:

Provide public and cultural facilities that contribute to Los Banos' positive image, enhance community identity, and meet the civic and social needs of the residents.

Analysis: The proposed parochial school will provide education to preschool children that will aid in their development and help prepare them for primary school. This will enhance the neighborhood's character by providing an educational service to the residents.

- b. Municipal Code: The subject property is zoned R-1, Low Density Residential. Pursuant to Section 9-3.601 of the Los Banos Municipal Code, the purpose of the Low Density Residential District is to stabilize and protect the residential character of the district and promote and encourage a suitable environment for family life on a neighborhood basis. As set forth in Section 9-3.603 (a) parochial school may be permitted subject to securing a conditional use permit.

The existing project site is used as a church and the parochial preschool will be a secondary use of the property. The use promotes family life and will enhance the neighborhood with education services.

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 will be conducted at an existing church location and will not result in significant operational changes to the existing residential area. Conditions of approval have been incorporated into the project to ensure the operation of the parochial preschool 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 of the parochial preschool will be compatible as it will be operated within an existing church facility. The existing church currently teaches Sunday school one day a week in their classrooms and will be expanding that use to teach educational curriculum throughout the traditional school year. Conditions of approval have been incorporated into the project to ensure the use is not detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.

4. The proposed use will not create noise levels above what is typically generated by a single family residential home and the proposed use will be required to comply with Ordinance 770 in regard to noise control.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 2016-08 – ST. JOHNS' PAROCHIAL SCHOOL

Planning:

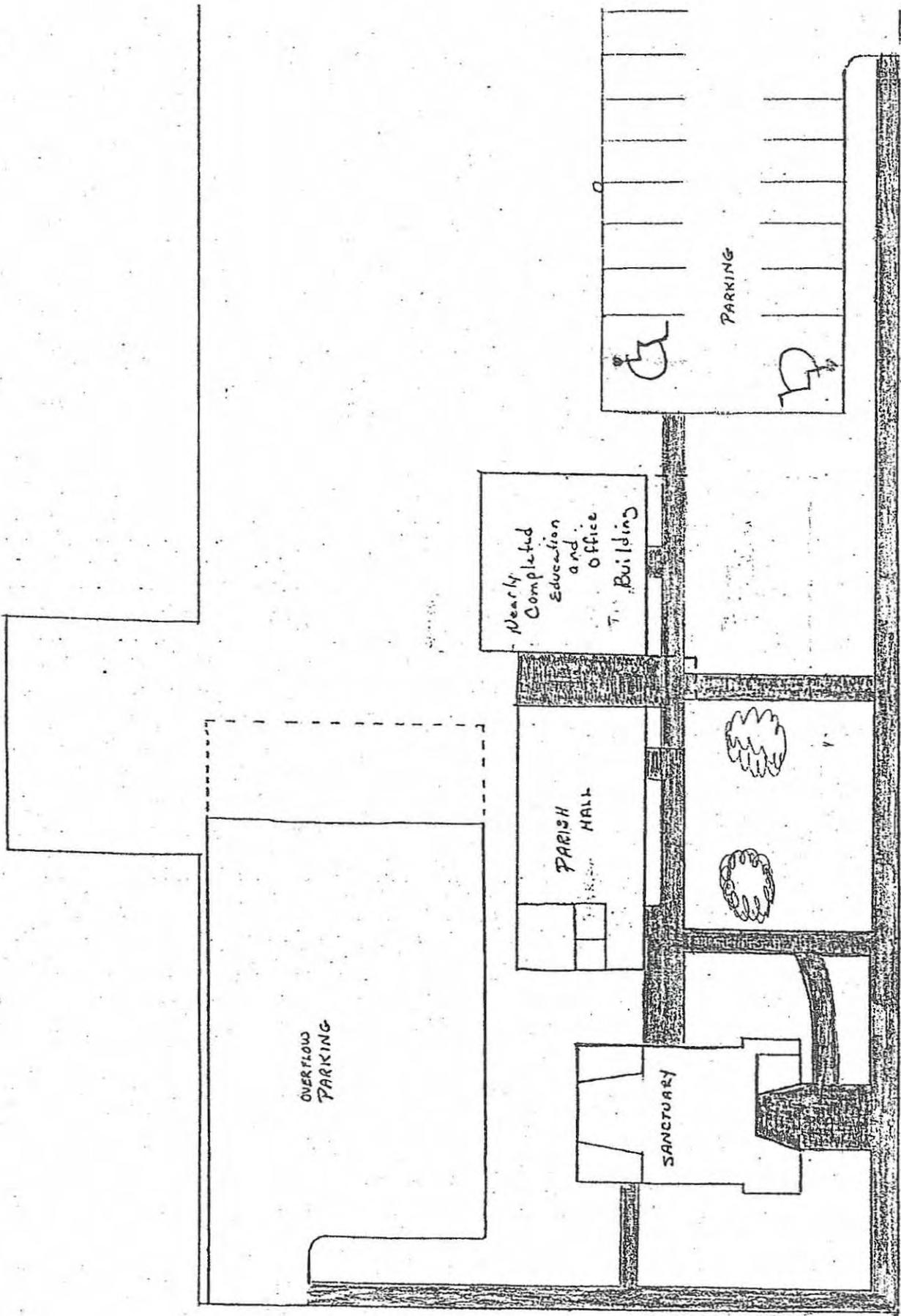
1. Conditional Use Permit #2016-08 is for a Parochial Preschool including ancillary activities associated with the preschool for ages 3-5 operated by St. John's Lutheran Church at 250 West Adams Avenue; more specifically identified as Assessor's Parcel Number: 027-161-047. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit.
2. The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
3. The Parochial Preschool shall be limited to a maximum of 14 children.
4. The hours of operation shall be limited to 7:30 a.m. to 12:30 a.m. Monday thru Friday.
5. The outside play area shall be contained within a fenced area at the rear of the property.
6. Safe loading and unloading of children shall be in a designated area in the off-street parking lot(s) and shall be posted with signage.
7. A sign shall be posted at the entrance of the parking lot for designated school visitor parking.
8. Employees shall be required to park in the off-street parking lots.
9. The Parochial Preschool shall provide a written notice to all parents notifying them not to park in front of property adjacent to the Parochial Preschool.
10. 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.
11. 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.

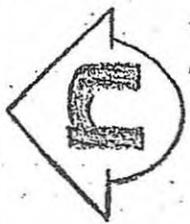
12. The use shall remain in compliance with the Conditions of Approval and shall not be operated in a manner that deviates from the approved use permit, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice.

13. Authorization of a Conditional Use Permit granted pursuant to the provisions of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.

14. If the use is discontinued for a period of one (1) year, this Conditional Use Permit shall lapse and become void.



ST. JOHN'S LUTHERAN CHURCH



Scale 1" = 30'

WEST ADAMS STREET

250

FACILITY SKETCH (Floor Plan)

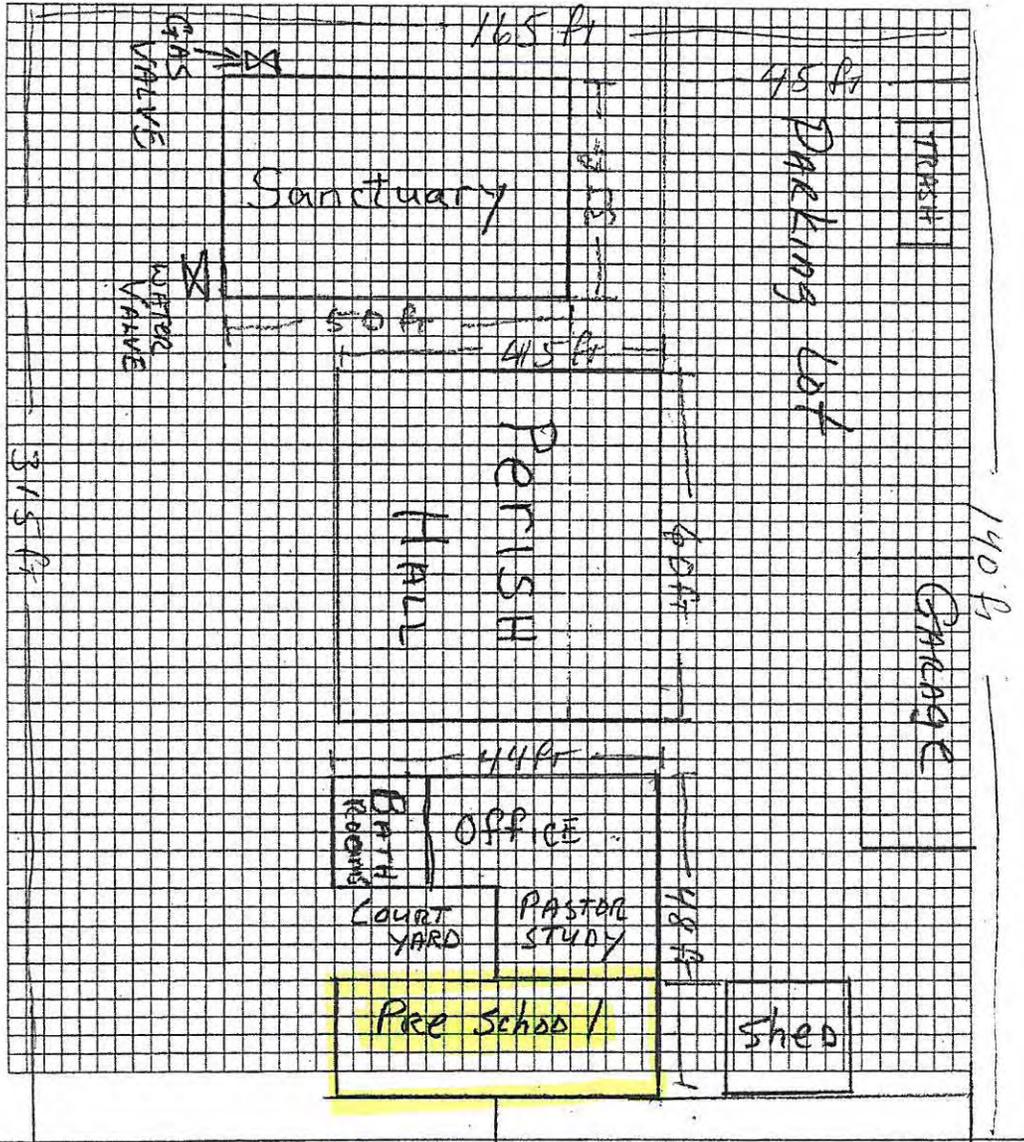
Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Circle the names of the rooms that will be used by staff/residents/clients/children. Door and window exits from the rooms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

FACILITY NAME: St. Johns Lutheran Church ADDRESS: 250 W. ADAMS ST. LOS BANOS CA

93635

Sierra Lane

W. ADAMS ST.



LIC 999 (3/99)

Parking Lot

YARD

60'

90'

FACILITY SKETCH (Floor Plan)

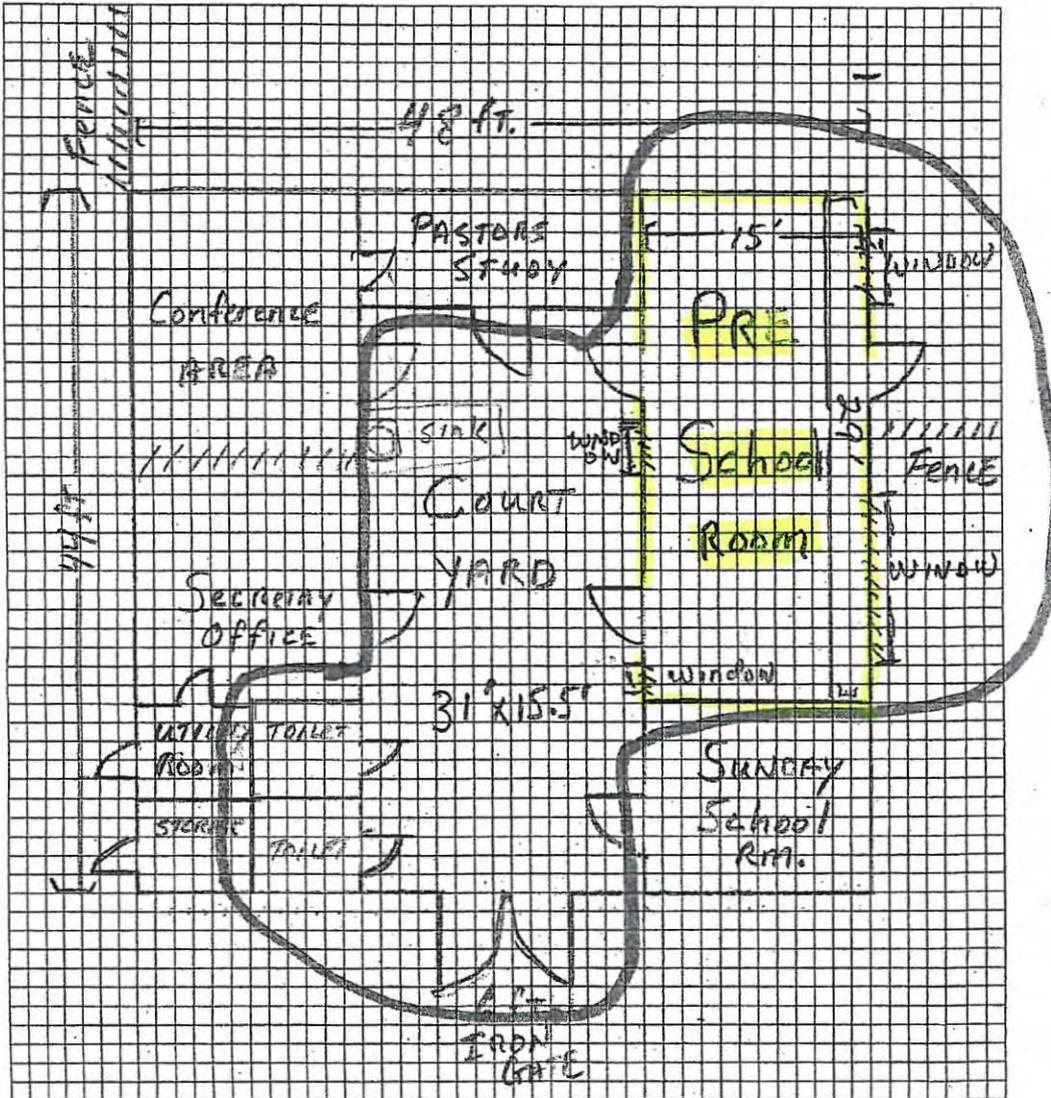
Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Circle the names of the rooms that will be used by staff/residents/clients/children. Door and window exits from the rooms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

FACILITY NAME:

ST. John's

ADDRESS:

250 W. ADAMS ST ROSAMOND









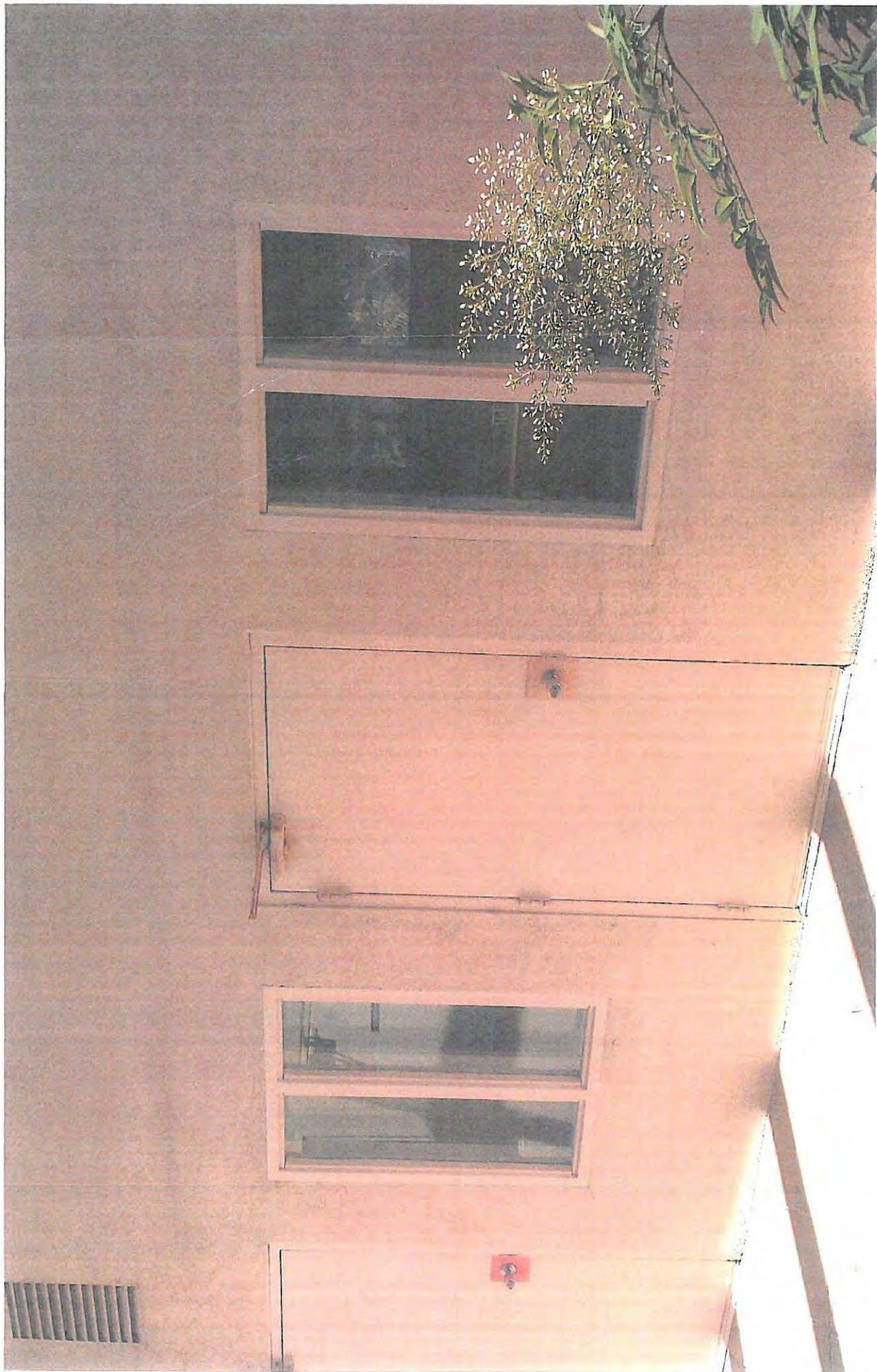














City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: May 13, 2016

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2016-08 – St. John's Lutheran Church

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 St. John's Lutheran Church to operate a parochial school for children ages 3-5 years old. The subject property is located at 250 West Adams Street, more specifically described as Assessor's Parcel Number: 027-161-047.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, May 25, 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



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN SPADA AND PLANNING COMMISSIONERS
FROM: STACY SOUZA ELMS, SENIOR PLANNER *SE*
FOR: MAY 25, 2016
SUBJECT: SITE PLAN REVIEW #2016-03 – DR. CARTER DENTAL OFFICE

RECOMMENDATIONS:

That the Planning Commission adopt Resolution No. 2016-24 approving Site Plan Review #2016-03 for the demolition of an existing 1,960 square foot building and construction of a new 2,790 square foot dental office located at 1317 S. Sixth Street.

BACKGROUND/DESCRIPTION:

The Applicants, Dr. Ronald Carter and Dr. Jeffrey Carter, are proposing to demolish an existing 1,960 square foot building and construct a new 2,790 square foot dental office located at 1317 S. Sixth Street.

The project site has historically been used for various professional office uses in the past which include a real estate office and a tax preparation facility. The project site is located within the Highway Commercial zoning district on the northwest corner of Washington Avenue and South Sixth Street one block south of Pacheco Blvd. The project site is east of Yosemite Farm Credit, south of Hot City BBQ, west of Main Street Dental, and north of single family residences.

Facility. The applicant's proposal consists of the demolition of an existing facility and constructing a new facility which is larger than the previous building by 830 square feet. This addition will not alter the existing facility significantly as the addition will not result in more than 2,500 square feet and is considered negligible.

SITE PLAN ANALYSIS:

Code Requirements

Pursuant to Section 9-3.2316(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 or shall grant or modify the site plan subject to reasonable conditions as may be imposed.

Project Design

The Project proposes the redevelopment of approximately 0.25 acres with the demolition of the existing 1,960 square foot building and construction of a new 2,790 square foot dental office. The office hours will be Monday thru Friday 8:00 a.m. – 5:00 p.m.

The site plan is designed with eleven (11) off-street parking spaces with one (1) designated as handicap parking. Pursuant to Section 9-3.2004 of the Los Banos Municipal Code, the minimum off-street parking required for a dental office is calculated at one (1) parking space per two hundred (200) square feet of gross floor area. The Code does not define gross floor area. A literal interpretation of gross floor area in this case would require fourteen (14) off-street parking spaces (2790/200).

The applicant is requesting relief from providing fourteen (14) off street parking spaces reduced to eleven (11) as set forth in the proposed design.

According to the Municipal Code the purpose of the parking Ordinance is a) Provide accessible, attractive, secure, properly lighted, and well maintained, and screened off-street parking; b) Reduce traffic congestion and hazards; c) Protect neighborhoods from the effects of vehicular noise and traffic generated by adjacent non-residential land use districts; d) To assure maneuverability of emergency vehicles; and e.) To provide appropriately designed parking facility in proportion to the needs generated by varying types of land use. The only relief from the parking requirement is to pay a fee in lieu as provided in Section 9-3.2007. Unfortunately, the City Council has never adopted a fee in lieu (to allow relief from the Ordinance requirements) and therefore Staff has examined and the Planning Commission has granted requests for relief from the parking requirements on a case by case basis given the stated purpose of the Ordinance.

In looking at this particular case Staff supports relief from the requirement of fourteen (14) spaces reduced to eleven (11). It would not seem that a reduction in three (3) spaces is in conflict with the stated purpose of the Ordinance in that it not likely that it will contribute to traffic congestion, hazards, vehicular noise, or effect the maneuverability of emergency vehicles. Most if not all downtown local businesses not

located in a shopping center utilize off-street parking for their employees and customers. Taking into account the use of the building as a five (5) chair dental office and the fact that the "gross floor area" includes an equipment and utility room which does not generate the need for parking, Staff believes the request for relief to be reasonable "in proportion to the needs generated by" this particular land use.

Land Use

The project site is designated as Commercial according to the Los Banos General Plan and Highway Commercial (H-C) in accordance with the Zoning Map. The proposed project will provide commercial uses of a dental office which is an appropriate use in the Highway Commercial zoning district. The proposed use is consistent with the Los Banos General Plan and Municipal Code.

Traffic

The site plan indicates that access to the site will be provided from existing driveways on South Sixth Street and Washington Avenue.

Infrastructure

The project site will use the existing infrastructure on site.

DESIGN REVIEW

Pursuant to Section 9-3.2818(a) of the Los Banos Municipal Code, the Los Banos Planning Commission held a study session on May 16, 2016 to provide the applicant with feedback early on in the design process. The Commission evaluated architectural elements, landscape and site treatment, and lighting elements as described in Section 9-3.2818(c) of the Los Banos Municipal Code. No additional recommendations were made by the Planning Commission.

PROJECT REVIEW BOARD

The Project Review Board (PRB) reviewed the project proposal on April 19, 2016 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 has provided a positive recommendation for the development of the proposed project with conditions of approval incorporated into the project.

FINDINGS FOR APPROVAL:

The Planning Commission shall approve a Site Plan if it makes all of the following findings specified in the Municipal Code. The Planning Commission shall consider and evaluate those aspects of the project described in Section 9-3.2317(b) and 9-3.2318(c). In approving a site plan, the Planning Commission shall make the following findings before approving a site plan:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.

Business and professional offices (medical) are identified as a permitted use in the Highway Commercial zoning district which is consistent with the General Plan Commercial designation. As identified in the staff report, the project meets the design standards adopted by the City Council.

2. That the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion.

The project site has historically been used for professional office purposes and therefore will not impair the neighborhood, or interfere with the use and enjoyment of existing or proposed developments, and it will not create a traffic hazard or congestion.

3. That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the general plan of the City.

The design of the proposed project is in keeping with the existing neighborhood. The applicant incorporated residential elements to the design to incorporate the character of the surrounding area. The Planning Commission has reviewed the design and had no additional recommendations.

4. That the design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors.

The design of the expansion will be desirable for its occupants, as well as its neighbors as the proposal incorporates design elements and materials from the existing neighborhood and surrounding uses and has incorporated the City's Design Guidelines within the architecture of the site.

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

The proposed use is permitted in the Highway Commercial zoning district and is in conformance with all other applicable requirements. The landscape plan will provide for attractive landscaping upon maturity and achieve the City's 50% shade tree canopy ordinance.

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

The design of the project conforms to good planning in that the physical design elements are compatible with the Design Guideline characteristics of the neighborhood. The site design allows for safe circulation of vehicles and safe pathway for handicap access as well as pedestrian access.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the project site on May 13, 2016. As of the date of this staff report, no written comments have been received.

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2016-24 approving Site Plan Review #2016-03 for the demolition of an existing 1,960 square foot building and construction of a new 2,790 square foot dental office located at 1317 S. Sixth Street.

ATTACHMENTS:

1. Resolution 2016-24
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval
2. Site Plan
3. Elevations
4. Landscape Plan
5. Public Hearing Notice – May 13, 2016

RESOLUTION #2016-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING SITE PLAN #2016-03 FOR THE CONSTRUCTION OF A NEW 2,790 SQUARE FOOT DENTAL OFFICE LOCATED AT 1317 SOUTH SIXTH STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 026-063-014

WHEREAS, the applicant has requested that the City of Los Banos consider a Site Plan approval for the construction of a new 1,790 square foot dental office located at 1317 South Sixth Street; and

WHEREAS, a public hearing was duly noticed for May 25, 2016, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on May 13, 2016 to consider and take testimony regarding the Site Plan approval; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2016-03 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 the proposed expansion is less than 2,500 square feet and is negligible; and

WHEREAS, at the May 25, 2016 Planning Commission Meeting the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Site Plan and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the Site Plan criteria established in Section 9-3.2320 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 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 #2016-03 for the construction of a new 2,790 square foot dental office located at 1317 South Sixth Street, more specifically identified as Assessor's Parcel Numbers: 026-063-014, 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 25th day of May 2016, 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 Spada, Planning Commission Chair

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2016-03 – DR. CARTER DENTAL OFFICE

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 Quality Guidelines, Site Plan Review #2016-03 was evaluated and determined to be categorically exempt per Article 19, Section 15301 as the project involves negligible expansion of an existing facility at 1317 South Sixth Street.
2. Site Plan Review #2016-03 was adequately noticed on May 13, 2016 for consideration at a public meeting on May 25, 2016.
3. No further environmental documentation is required as the proposed project 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 SITE PLAN #2016-03 – DR. CARTER DENTAL OFFICE

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

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.

Evidence: Business and professional offices (medical) are identified as a permitted use in the Highway Commercial zoning district which is consistent with the General Plan Commercial designation. As identified in the staff report, the project meets the design standards adopted by the City Council.

2. That the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion.

Evidence: The project site has historically been used for professional office purposes and therefore will not impair the neighborhood, or interfere with the use and enjoyment of existing or proposed developments, and it will not create a traffic hazard or congestion.

3. That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the general plan of the City.

Evidence: The design of the proposed project is in keeping with the existing neighborhood. The applicant incorporated residential elements to the design to incorporate the character of the surrounding area. The Planning Commission has reviewed the design and had no additional recommendations.

4. That the design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors.

Evidence: The design of the expansion will be desirable for its occupants, as well as its neighbors as the proposal incorporates design elements and materials from the existing neighborhood and surrounding uses and has incorporated the City's Design Guidelines within the architecture of the site.

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

Evidence: The proposed use is permitted in the Highway Commercial zoning district and is in conformance with all other applicable requirements. The landscape plan will provide for attractive landscaping upon maturity and achieve the City's 50% shade tree canopy ordinance.

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

Evidence: The design of the project conforms to good planning in that the physical design elements are compatible with the Design Guideline characteristics of the neighborhood. The site design allows for safe circulation of vehicles and safe pathway for handicap access as well as pedestrian access.

7. Relief from the requirement of fourteen (14) off-street parking spaces to eleven (11) off street parking spaces is consistent with the stated purpose of the Parking Ordinance.

Evidence: The reduction of spaces will not contribute to traffic congestion, hazards, vehicular noise, or effect the maneuverability of emergency vehicles. Taking into account the use of the building as a five (5) chair dental office and the fact that the "gross floor area" includes an equipment and utility room which does not generate the need for parking, the request for relief is reasonable "in proportion to the needs generated by" this particular land use.

EXHIBIT C

CONDITIONS OF APPROVAL FOR SITE PLAN #2016-03 – DR. CARTER DENTAL OFFICE

Planning:

1. This Site Plan shall expire if an application for a building permit is not applied for within 24 months from date of approval. One six-month extension may be allowed through a written submittal that would be approved by the Community and Economic Development Director.
2. Subject to and in addition to the following conditions of approval the development and construction of all improvements for this Project shall substantially conform to the conditionally approved Site Plan approved by the Planning Commission. The applicant shall submit a revised Site Plan to the Community and Economic Development Department reflecting any modifications, additions, and conditions of approval approved by the Planning Commission within 30 days from Planning Commission approval. Said revised Site Plan shall be reviewed by the Community and Economic Development Department and stamped "conditionally approved" for purposes of providing a clear record of the approved Site Plan.
3. Full compliance with all conditions of approval shall be satisfied prior to issuance of any certificate of occupancy. Any proposed modifications to the approved Site Plan shall require approval by the Community and Economic Development Director or Planning Commission as appropriate.
4. Any application for a building permit shall be reviewed by the Community and Economic Development Department for a determination as to whether such application conforms to the prior design and site development review approval by the Planning Commission.
5. 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.
6. The use must comply with the City Noise Control Ordinance. No equipment shall be installed or operated which would generate noise levels disruptive to surrounding land uses.
7. Signs shall be consistent with the City Sign Ordinance for the district in which the facility is located and shall be consistent with architectural character of the location.

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/applicant shall comply with all requirements of other appropriate governmental agencies.
10. The developer/applicant shall comply with the Americans with Disabilities Act (ADA) requirements in the design, construction and maintenance of this project.
11. The developer/applicant shall provide a copy of the conditions of approval to all contractors and subcontractors prior to commencement of construction.
12. 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.
13. 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.
14. The developer/applicant shall obtain any necessary encroachment permits from Caltrans or other jurisdictions prior to performing any work within that jurisdiction's right-of-way.
15. 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.
16. An engineering soils report shall be prepared in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and written approval by the City Engineer.
17. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles, or containers and equipment storage during the construction process. If such storage must be located within 200 feet of a residence, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and written approval by the Planning Department.
18. 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 Community Development Department.

19. 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.
20. 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 Community and Economic Development Director.
21. 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.
22. 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 Community Development 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.”

23. 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.”

24. 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.
25. Prior to issuance of building permits, the developer/applicant 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.
26. Bicycle racks are to be installed close to the front of the building in accordance with the Los Banos Municipal Code.
27. All development impact fees shall be paid prior to occupancy. The developer shall provide a receipt from the Los Banos Unified School District for all applicable school impact fees.

Utilities and Drainage:

28. Subject to the review and approval of the Los Banos Public Works Department, project improvement plans shall include Best Management Practices (BMPs) to reduce the introduction of oils and other contaminants to the Los Banos storm water drainage system and main canal. Water quality safeguards shall be installed prior to occupancy of the parking lots. A water quality Best Management Practices plan shall be implemented upon occupancy.
29. Trash enclosures shall be built according to City specifications; colors, materials, and textures matching those of the main building, and provide for recycling services. A concrete apron is required across the width of the trash enclosure opening that shall extend a minimum depth of ten feet in front of the opening.
30. Approved backflow devices shall be installed as required per City standards.
31. Separate landscape and domestic service meters shall be installed.

Landscape and Lighting:

32. Prior to issuance of a building permit the developer/applicant shall submit a lighting plan pursuant to standards in the Los Banos Standards and Specifications and Caltrans standards for Pacheco frontage. All exterior lighting including parking lot lighting, shall meet the provisions of the Los Banos Municipal Code.
33. All landscaping and irrigation shall be continuously maintained in a healthy and thriving manner and shall fulfill the City Shade Canopy Ordinance. Should any landscape material die, it shall be immediately replaced with landscaping of a similar type, size and quantity or an approved alternative should a different type of landscape material be determined to fare better than the deceased material in the project environment. The applicant shall provide the Public Works Department a Landscape Plan and 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). Failure to maintain and replace landscaping and shade canopy in a healthy manner may result in administrative citations and fines.

34. 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 of landscaping or combination thereof.

Signage:

35. A Sign Review application, consistent with the provisions of the City's Sign Ordinance shall be submitted to the Community Development Department for review prior to the issuance of a building permit.
36. All advertising signage shall be subject to Sign Review and permit approval from both the Community Development and Building Departments, prior to installation, consistent with the development criteria of the Los Banos Municipal Code Sign Ordinance.
37. The maximum height of freestanding and monument signs shall be twenty (20') feet.

Design/Aesthetics:

38. 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.

Public Safety

39. Knox Boxes shall be required on the exterior of the building in the area of the front entrance. Applications can be obtained through the Fire Department.
40. Fire alarm control panel to be located within the fire control room.
41. There shall be a (10") inch address number of a contrasting color on the building.
42. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to occupancy.

Public Works

43. There shall be an ADA compliant "path of travel" extending to the building from the parking lot.
44. The developer/applicant shall prepare improvement plans for the entire site and plans shall be approved by the City Engineer prior to the start of any site work. Included in those improvement plans shall be, but not limited to, topography, site, grading and drainage, utilities, striping and signage, landscape, on and offsite

lighting (street frontage), and offsite improvements. These improvements shall be installed per City of Los Banos Standards.

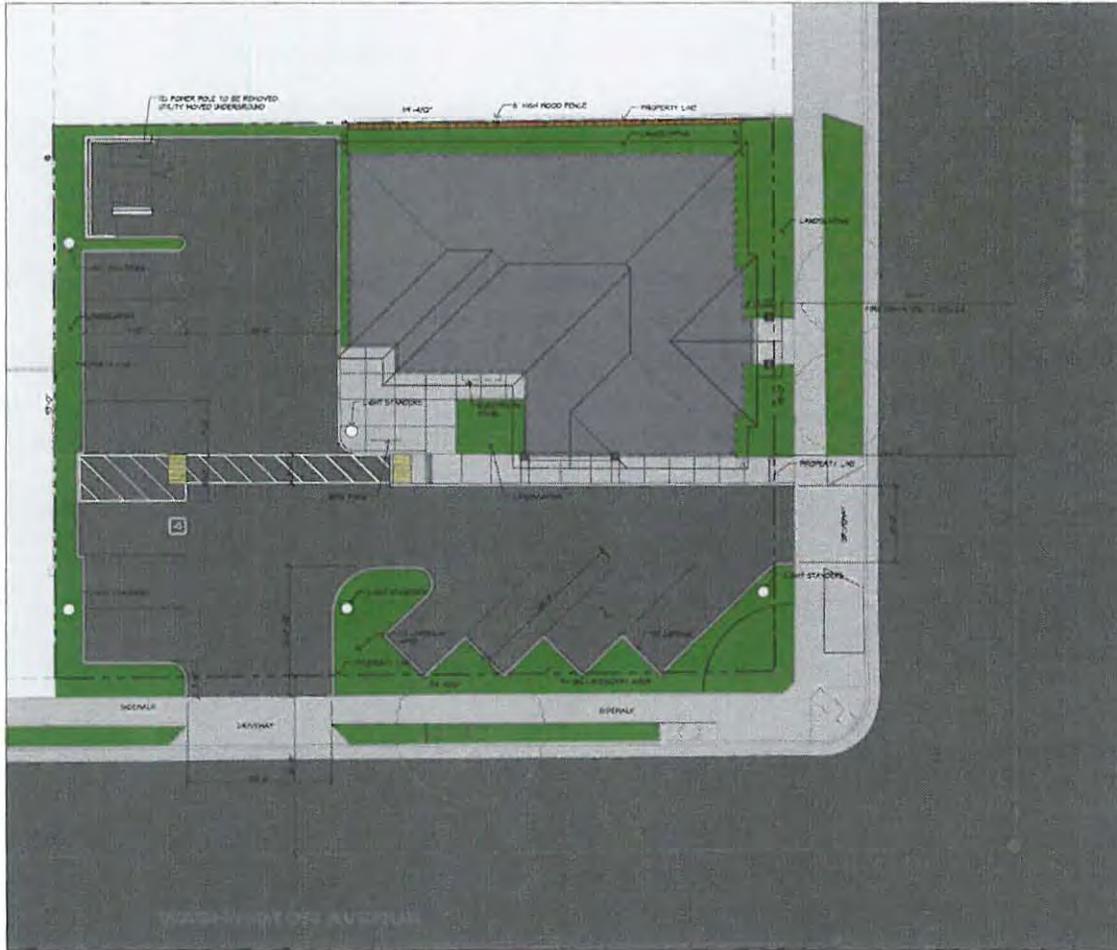
45. The developer shall prepare, prior to issuance of a building permit, a landscape and lighting plan. The landscape and lighting plan shall be approved by the Community and Economic Development Department and Public Works Department prior to issuance of a building permit, and shall be prepared by a Landscape Architect and shall include the size, type of fixtures to be used on site, and include a Lumen Dispersion Map and comply with the City of Los Banos shade tree canopy ordinance. The landscape plan shall be designed in accordance with the City's "Water Efficient Landscape Ordinance".
46. Construction and Post-Construction Best Management Practices (BMP's) shall be implemented to the City's MS-4 Phase II designation.
47. The developer/applicant shall prepare a grading and drainage plan and improvement plan prior to the issuance of a building permit. The grading and drainage plan shall be prepared per City standards and shall be approved by the City Engineer prior to the commencement of grading and work of any kind.
48. On-site drainage shall not drain over the curb.
49. The developer shall repair and replace any areas of broken curb, gutter, and sidewalk along Washington Avenue and the frontage along South Sixth Street.
50. The broken concrete in the park strip on Washington Avenue shall be removed and replaced with landscape or hardscape as approved by the Public Works Director.
51. All new utility services are to be under-grounded and all overhead utilities existing within the property shall be placed underground.
52. All development fees, including but not limited to all inspection fees, processing fees, landscape and light plan fees, and improvement plan fees shall be paid prior to issuance of the building permit.
53. Prior to occupancy, the Developer shall form or annex the Subject Property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the Subject Property will be apportioned to each parcel in proportion to the special benefit it

receives. District formation or annexation shall be at the sole cost of the Developer.

54. The Landscape Plan shall be designed to have trees meet the City Shade Canopy requirements of 50% parking stall coverage in 5 years.
55. The Landscape Plan shall include areas between back of curb and edge of sidewalk.
56. The following note needs to be on all improvement plans- The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense.

DR. DONALD CARTER, DENTAL OFFICES

1317A 6TH STREET, LOS BANOS, CA 93635



COLOR SITE PLAN



600' RADIUS MAP



VICINITY MAP

PROJECT DATA SUMMARY

PROJECT DESCRIPTION

THE PROJECT SITE CONSIST OF AN EXISTING BUILDING THAT WILL BE DEMOLISHED, THE NEW STRUCTURE WILL BE A NEW 2,789 S.F. SINGLE STORY HIGHWAY COMMERCIAL OFFICE BUILDING. THE SITE WILL CONSIST OF PAVED PARKING, CONCRETE WALKS AND LANDSCAPING. THE BUILDING HAS A RESIDENTIAL FEEL, TO IT, WITH STUCCO EXTERIOR, VERTICAL SIDING, STONE VENEER AND A HIP ROOF. THE PROJECT IS SURROUNDED ON THE WEST AND NORTH BY COMMERCIAL AND OFFICE BUILDINGS, SOUTH OF THE PROJECT IS RESIDENTIAL HOMES.

SHEET INDEX

- S.A.0.10 COVER SHEET
- PRELIMINARY CIVIL, GRADING & UTILITY PLAN
- PRELIMINARY LANDSCAPE PLAN
- S.A.0.11 SITE PLAN
- S.A.0.12 SITE PHOTO SURVEY
- S.A.1.10 FLOOR PLAN
- S.A.1.11 ROOF PLAN
- S.A.1.12 EXTERIOR ELEVATIONS OPTION 1
- S.A.1.13 EXTERIOR ELEVATIONS OPTION 2

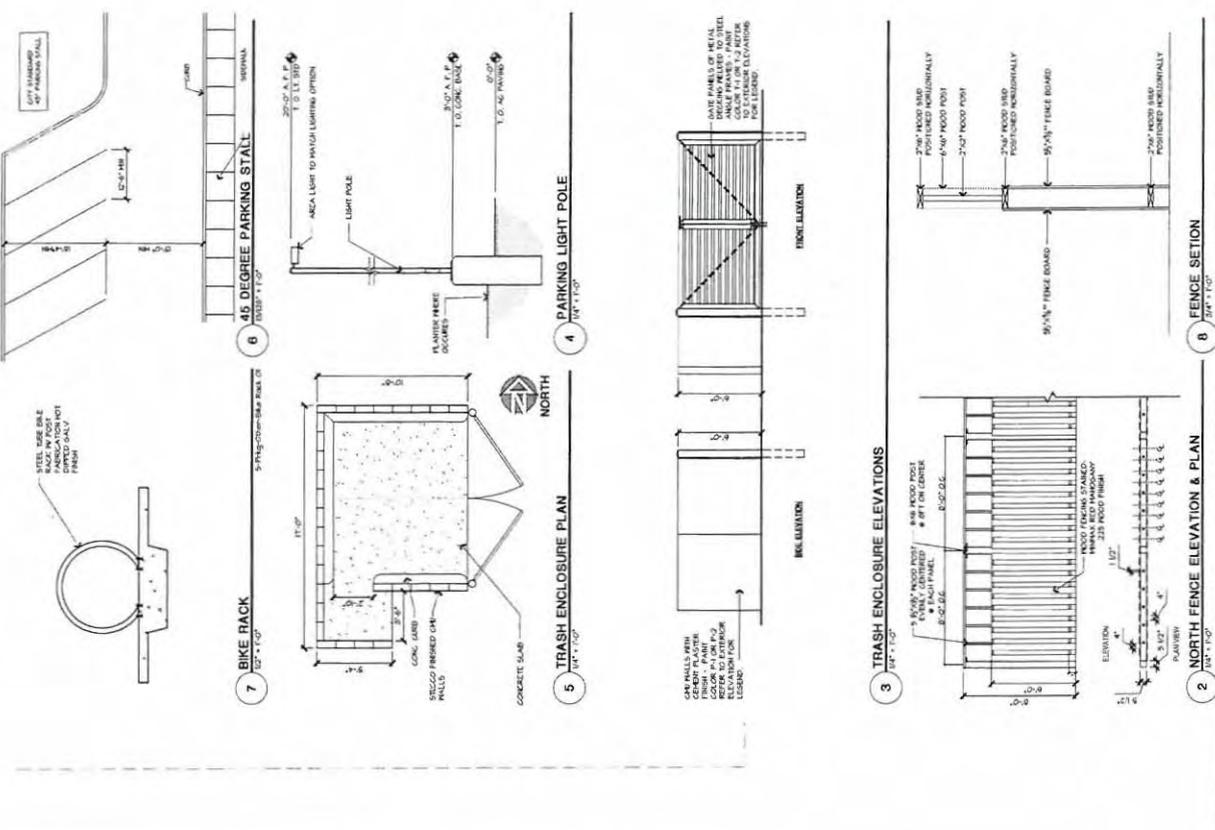
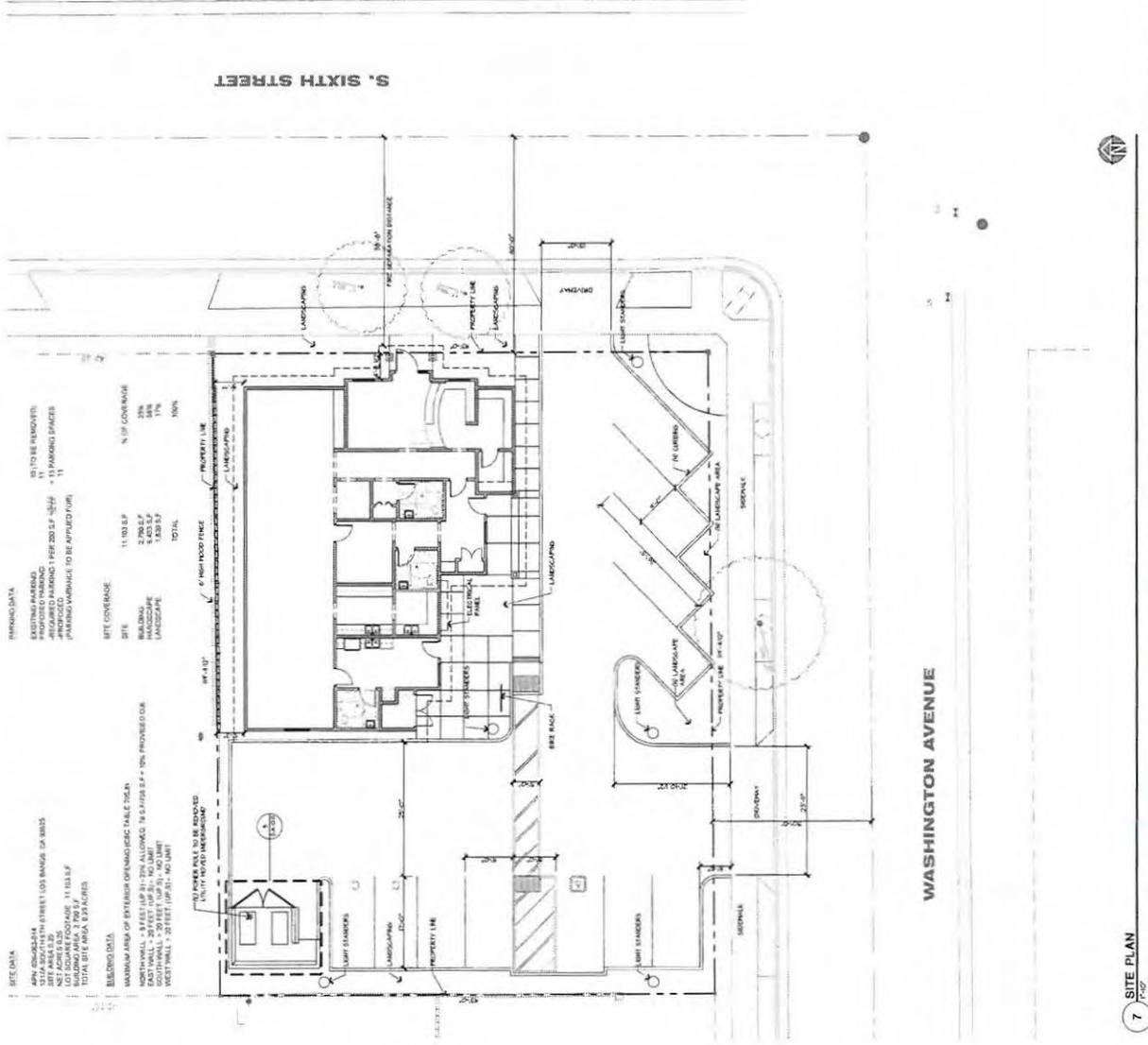
CARTER DENTAL OFFICES COVER SHEET

1317A 6TH STREET, LOS BANOS, CA 93635 15063 20160216

SA-0.10



1478 GIGONE POINT DRIVE SUITE 350 ROSEVILLE, CA 95661 T | 916 782 7200 borgesarch.com





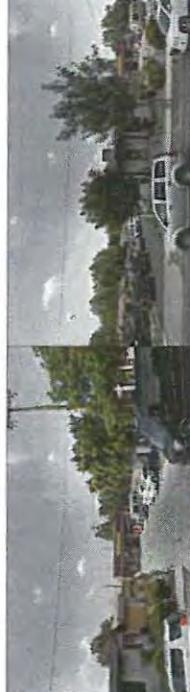
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6



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11

1 SITE SURVEY PHOTOS
8/11/12

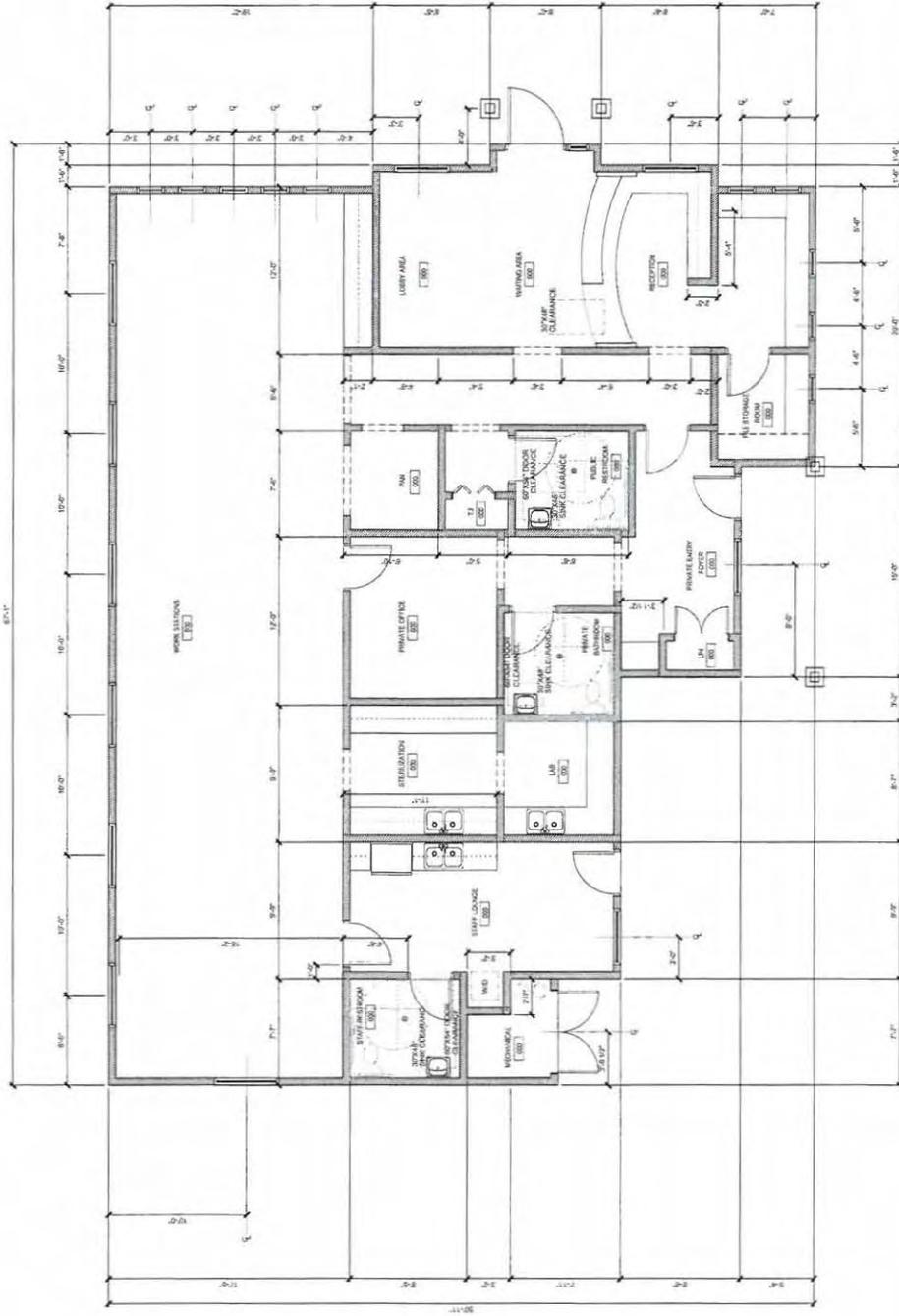
CARTER DENTAL OFFICES SITE PHOTOS SURVEY

1317A 6TH STREET, LOS BANOS, CA 93635 15083 20180216

1478 STONE POINT DRIVE SUITE 300 ROSEVILLE, CA 95681 T | 916 782 7200 hq@skrib.com

SA-0.12





BUILDING-2,790 S.F.

1 FLOOR PLAN
101.10

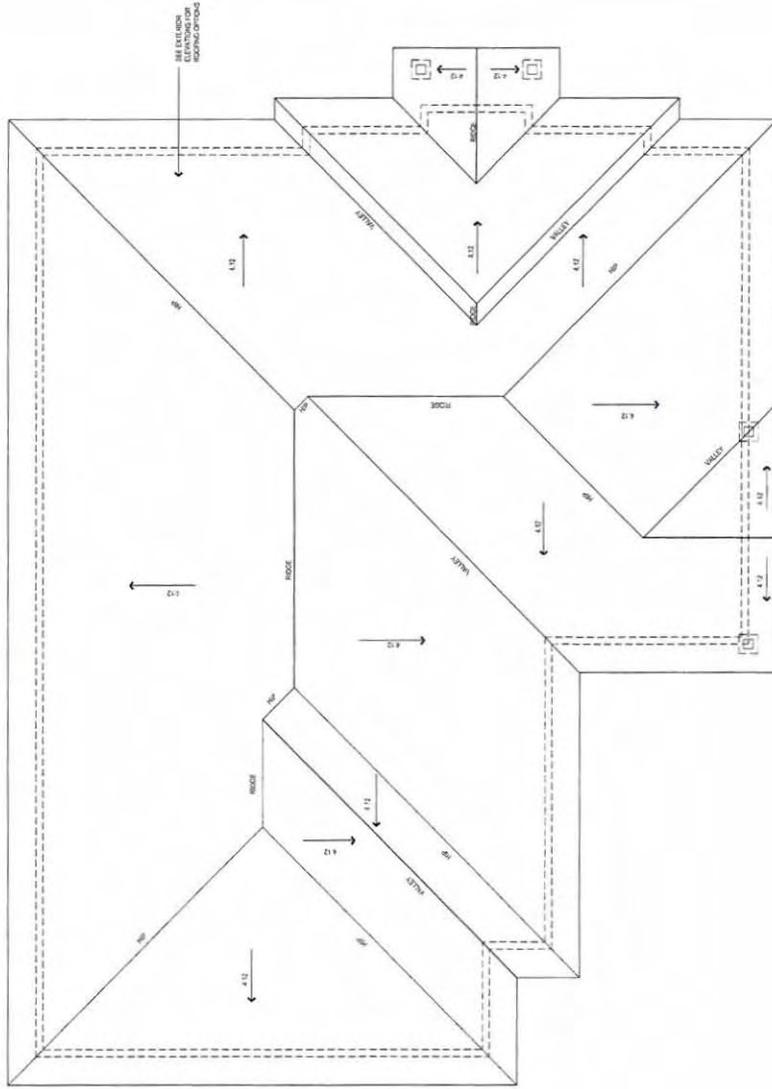
CARTER DENTAL OFFICES FLOOR PLAN

1317A 6TH STREET, LOS BANOS, CA 93835 15063 20160216

SA-1.10



1475 STONE POINT DRIVE SUITE 300 ROSELVILLE, CA 95661 T | 916 782 7200 borgesarch.com



1 ROOF PLAN
1/8" = 1'-0"



CARTER DENTAL OFFICES ROOF PLAN

1317A 6TH STREET, LOS BANOS, CA 93635 15063 20160216

SA-1.11

1478 STONE POINT DRIVE SUITE 350 ROSEVILLE, CA 95684 T 916 782 7200 borgesarch.com





2 CONCEPTUAL ELEVATION OPTION 1

- (P.1) PAINT
 - A) B&B FROM WILLIAMS BAY AND RESORT 14M
 - B) DUNHEDWISSET PAINTS DESIGN CALICO TROOP LPV 28
- (S.1) TRIM/PANE
 - A) DEFENSE WALLS BY P&H ORIF 18 1/4
- (S.2) STONE VENEER
 - A) CALIFORNIA STONE OR B CONCRETE (S) STONE ROBERT FRANK
- (R.1) ROOFING OPTION
 - A) 2x6 VERTICAL SIDING WITH 1/2\"/>

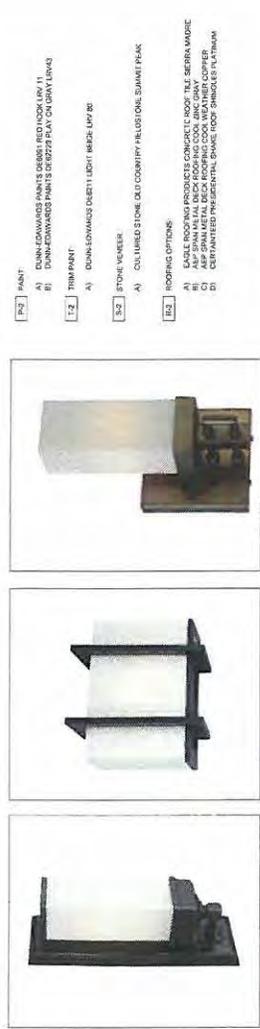


3 TYPICAL WALL SCONES

1 MATERIAL LEGEND OPTION 1



2 CONCEPTUAL ELEVATIONS OPTION 2
WP-112P



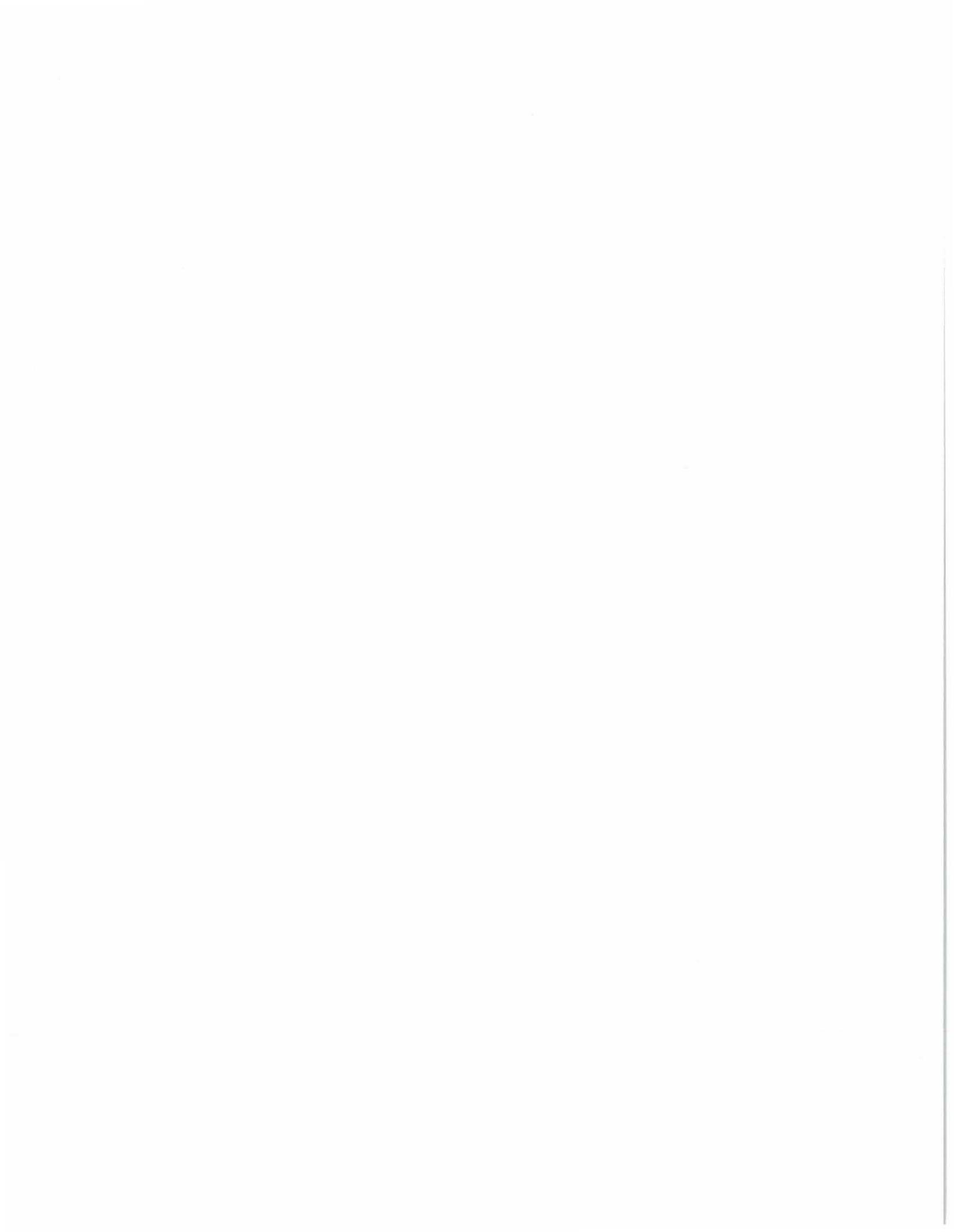
1 MATERIAL LEGEND OPTION 2
WP-112P

3 TYPICAL WALL SCONES
WP-112E

CARTER DENTAL OFFICES EXTERIOR ELEVATIONS

1317A 6TH STREET, LOS BANOS, CA 93635 15063 20160216

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City of
Los Banos
At the Crossroads of California

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Date: May 13, 2016

Regarding: Notice of Public Hearing

Proposal: Site Plan Review #2016-03 – Doctor Carter Dental Office

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider Site Plan Review #2016-03 for a new dental office for Doctors Ronald and Jeffrey Carter. The project proposal is for the demolition of an existing 1,960 square foot building and the construction of a new 2,790 square foot building. The project site is located within the Highway Commercial zoning district on the northwest corner of South Sixth Street and Washington Avenue at 1317 South Sixth Street; more specifically described as Assessor's Parcel Number: 026-063-014.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, May 25, 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 the 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