



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

AUGUST 10, 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 Cuidad 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 MINUTES CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MAY 11, 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 Vesting Tentative Tract Map #2016-01, Final Development Plan #2016-01, East Center Area Plan Amendment, and Associated Mitigated Negative Declaration 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 July 27, 2016).**

1) Planning Commission Resolution No. 2016-39 – Recommending Approval to the Los Banos City Council of Revised Villas Area Plan Annexation (ANX #2001-05) Previously Adopted by City Council Resolution No. 4680 on January 18, 2006.

2) Planning Commission Resolution No. 2016-40 – 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 the Cresthills #2 Subdivision, and North of Pioneer Road and the City Limit Line; More Specifically Identified as Assessor's Parcel Numbers: 431-270-004 AND 431-270-010.

- 3) Planning Commission Resolution No. 2016-41 – 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, close the public hearing, and adopt the resolutions as submitted.

- B. Public Hearing – to Consider a Conditional Use Permit and Associated California Environmental Quality Act (CEQA) Categorical Exemption to Allow the Operation of a Spray Booth for Automotive Repair and Restoration at Fabian’s Auto Body Located at 1434 Ward Road, More Specifically Identified as Assessor’s Parcel Number: 084-030-006.

- 1) Planning Commission Resolution No. 2016-38 – Approving Conditional Use Permit #2016-16 to Allow the Operation of an Auto Body Shop and Automotive Paint Spray Booth for Fabian’s Auto Body Located at 1434 Ward Road.

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

8. DESIGN REVIEW STUDY SESSION – CONSTRUCTION OF A 3,000 SQUARE FOOT MODULAR BUILDING TO BE UTILIZED AS A TRAINING CENTER FOR WAL-MART AT 1575 W. PACHECO BOULEVARD.

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

9. DESIGN REVIEW STUDY SESSION – DEVELOPMENT AND RE-SUBDIVISION OF SEVEN (7) EXISTING LOTS INTO ELEVEN (11) LOTS FOR SINGLE-FAMILY RESIDENTIAL HOMES.

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

10. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

11. COMMISSIONER REPORTS.

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

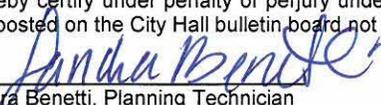
12. ADJOURNMENT.

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.

<p>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.</p> <p> Sandra Benetti, Planning Technician</p> <p>Dated this 5th day of August 2016</p>



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: AUGUST 10, 2016
SUBJECT: CONSIDERATION OF VESTING TENTATIVE TRACT MAP #2016-01,
FINAL DEVELOPMENT PLAN #2016-01, AND REVISED VILLAS AREA
PLAN

RECOMMENDATIONS:

Staff requests that the Planning Commission open the public hearing, receive public comment, and consider:

1. Adopting Resolution No. 2016-39 recommending approval to the Los Banos City Council of the Revised Villas Area Plan Annexation (ANX #2001-05) previously adopted by City Council Resolution 4680 on January 18, 2006; and
2. Adopting Resolution No. 2016-40 approving The Villas Vesting Tentative Tract Map #2016-01 and Mitigated Negative Declaration (SCH #2002081111); and
3. Adopting Resolution No. 2016-41 recommending approval to the Los Banos City Council of Final Development Plan #2016-01 for The Villas.

BACKGROUND SUMMARY:

In 2006 the Los Banos City Council approved the East Center Area Plan for the eventual annexation of approximately 92.25 acres into the City of Los Banos. The East Center Area Plan consisted of site pre-zoning, circulation, infrastructure, and recreational amenities.

The Villas Vesting Tentative Tract Map #2001-06 (VTTM #2001-06) and associated Development Agreement were considered by the Los Banos Planning Commission concurrently with the East Center Area Plan and approved for the subdivision of approximately 18 acres into 122 lots for active adult housing, 1.4 acre private park, 14 acres into 52 single-family residential lots, 0.9 acres for the extension of Cresthills Park, 1.4 acres for park/detention basin, and 7 acres for multi-family housing. The Villas

project as it was known covered 41 percent of the total plan area. No development has occurred on the subject project site. On March 3, 2016, the Villas VTTM #2001-06 and Development Agreement expired.

On February 23, 2016 the applicant, Stonefield Communities, Inc. filed a new project application for the property contained within the East Center Area Plan consisting of Vesting Tentative Tract Map #2016-01 (VTTM #2016-01) to subdivide approximately 58.8 acres into 231 single-family detached residential lots ranging in size from 5,000 square feet to 21,000 square feet. The project consists of custom, semi custom, production homes, and 4 acre dual use park/ detention basin within a private gated community; 28 production homes outside of the gated community; and an approximately 0.87 acre extension of Cresthills Park.

The applicant is seeking a recommendation of approval to the Los Banos City Council of Final Development Plan #2016-01 for The Villas Project Site of approximately 58.8 acres setting forth proposed layout, circulation, architecture, street sections, gated entry concept, park concept, landscape concept, and site features. The current proposal of the Villas project area covers approximately 64 percent of the total East Center Area Plan.

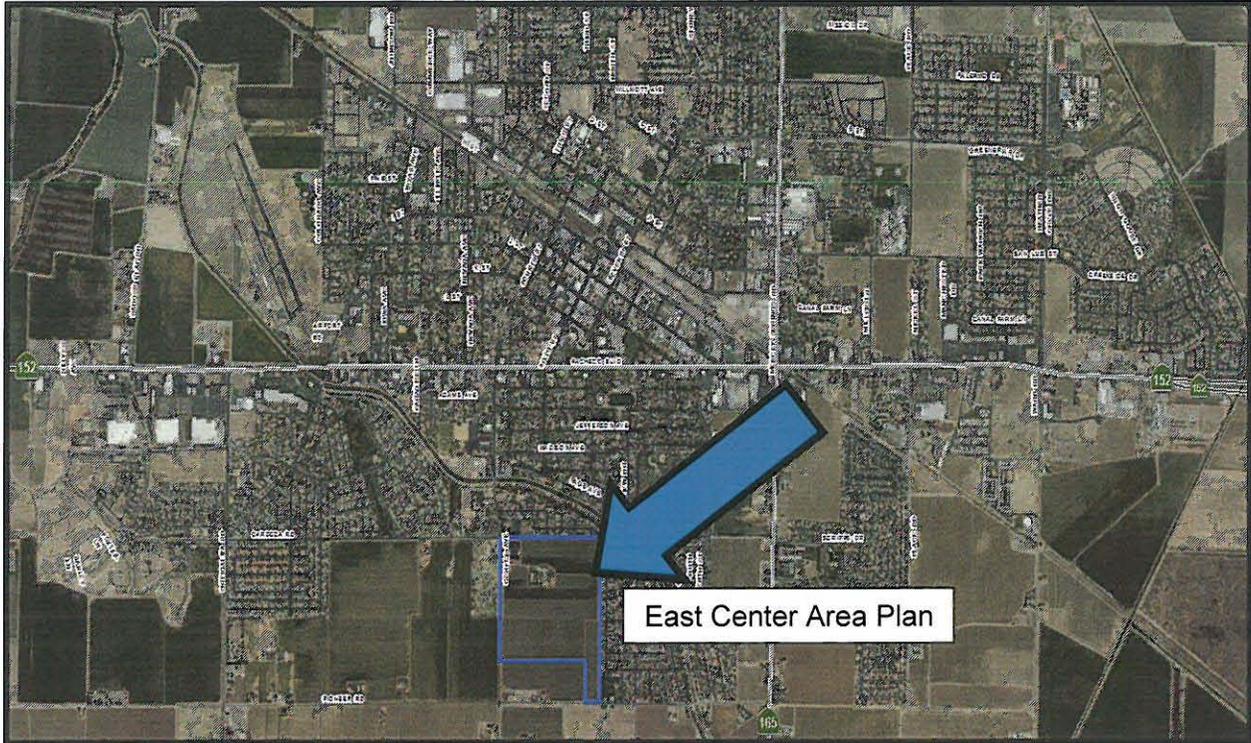
The applicant is also seeking a recommendation of approval of a revision to the Villas Area Plan Annexation (ANX 2001-05), which was previously adopted by the City Council on January 18, 2006. The Area Plan Conditions of Approval require Cardoza Road to provide a landscape area and pathway on the north side of the extended street. The applicant is proposing to provide custom built homes along the north side of the street and is requesting to revise the adopted Area Plan by amending the conditions of approval in order to deviate from the adopted Area Plan.

At this hearing the Planning Commission will consider recommending approval of the Revised Villas Area Plan and Final Development #2016-01 to the Los Banos City Council and conditionally approve Vesting Tentative Tract Map #2016-01.

LOCATION:

The proposed project site is located in the south central portion of the City and bounded east of Center Avenue, south of Cresthills #1 Subdivision, west of Cresthills #2 Subdivision, and north of Pioneer Road and the Hill Property Subdivision. The project site is outlined in yellow on the area map below.





LAND USE:

The project site is currently used for agricultural purposes.

Property	Land Use	Zone	General Plan
Project Site	Undeveloped/Agriculture	PD	Low Density
North	Residential	R-1	Low Density
East	Residential	R-1	Low Density
South	Undeveloped Agriculture	P-D	Medium Density
West	Cemetery	A1	Civic/ Low Density

R-1 = Low Density Residential

PD = Planned Development

A1 = General Agriculture (Merced County)

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, this project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), State Clearinghouse Number: 2002081111. The Los Banos City Council adopted the MND on December 21, 2005. Staff has determined that the proposed project was adequately described, examined, and evaluated in the MND, and that no significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the MND. The City determined that the East

Center Avenue Area Plan could have a significant effect on the environment; however, all potentially significant effects were analyzed adequately in the MND, and mitigation measures presented in the MND, which are proposed as conditions of approval, will reduce potentially significant impacts to a less than significant level. No additional review is necessary under CEQA.

The MND contemplated a build-out of 694 residential units within the East Center Avenue Area Plan. The proposed project is the first phase of residential development which consists of 231 residential units, leaving a total balance of 463 units for the remainder of the Area Plan. An application has been received for the remaining balance of the East Center Area Plan which will bring cumulative residential development within the Area Plan to 369 units. Therefore, the proposed project is within the scope of the development anticipated in the East Center Area Plan. No further environmental documentation is required because the proposed project was contemplated and adequately analyzed in the MND.

AREA PLAN ANALYSIS:

The East Center Area Plan approved in 2006 was designed to guide future development and assist in sizing infrastructure systems to accommodate future uses within the Area Plan project area. The Area Plan is intended to be a guide for the City and property owners to prepare, review, and permit new development proposals within the Area Plan.

Condition No. 18 (Resolution 4680) of The East Center Area Plan states the following:

*“Cardoza Road shall be aligned near the northern boundary of the plan area, **with a landscaped area and pathway to the north of the road.** The terminus at Bluff Road shall provide a curb cut and be planned to allow a future connection to the trail along the San Luis Canal. A path connection and curb cut shall be provided for access to streets intersecting Cardoza Road, and a connection shall be provided to the Professional Office area.”*

Staff is recommending the East Center Area Plan Condition No. 18 of Resolution 4680 be amended to read as follows:

*“Cardoza Road shall be aligned near the northern boundary of the plan area. **The homes along the northern side of Cardoza Road shall be custom built and be limited to single story with minimum 20 foot setback from the rear property line. The private gate access at Pike Street and Cardoza Road shall be for Emergency Vehicle Access (EVA) only and shall not be used as a general vehicle entrance or exit for the residence living within the gated community. A pedestrian gate with private access shall be provided at Pike Street to allow connection to the trail along the canal. Access to the Cardoza Road extension shall also be provided to Whitehurst Funeral Chapel.**”*

The original condition was designed to provide a buffer between the existing homes along Bluff Drive and future development within The East Center Area Plan. The applicant at the time the Area Plan was submitted did not control the property bordering the northern boundary of the Area Plan and it was unknown at the time what type of Low Density Residential development would be built there. The residence along Bluff Drive raised concerns during the Area Plan public hearing process, which primarily focused on maintaining privacy for existing Bluff Drive residences.

The applicant has proposed The Villas project to consist of custom built homes along the northern boundary of the project area with deeper and wider lots than what is required by the Zoning Code. These custom homes would all be located within the private gated community and staff believes this is a better alternative than a public street with a public pedestrian pathway creating more vehicle and pedestrian access for these existing residences along Bluff Drive. The proposed design would provide a private street with limited access to the public. Staff is proposing conditions that would restrict the height of the custom homes to single story and require a 10 foot larger setback than what is required by the Zoning Code.

FINAL DEVELOPMENT PLAN ANALYSIS:

Pursuant to Section 9.3-401 of the Los Banos Zoning Code, the purpose of the Planned Development District (P-D) is to provide an integrated neighborhood development which would otherwise not be possible under traditional "lot-by-lot" zoning. The Planned Development District encourages innovative and creative development by allowing flexibility in land use and design. The District allows the opportunity to provide amenities and conveniences while maintaining a suitable neighborhood environment and permits development based on a high standard of performance and design by creating greater efficiency in land use by providing for flexibility in strict application of the Zoning Code. This is achieved by maximizing open space, preserving natural amenities and creating additional amenities as approved by the City Council.

A Final Development Plan is required for the total project or an approved phase of the project in order for development to occur in the Planned Development district. The Planning Commission is tasked with making a recommendation to the City Council on the proposed Final Development Plan. The City Council by resolution may grant approval of the Final Development Plan subject to conditions, or may deny the request.

Project Design

The proposed project provides a mix of housing units not otherwise available in a traditional residential zone. The Los Banos General Plan, the East Center Area Plan, and the Residential Design Guidelines were used as guiding principles for the design of The Villas Final Development Plan. The intent of the design was to present a range of home choices from attractive production homes positioned on smaller lots, to custom and semi-custom homes on large lots and to provide a gated community to appeal to home buyers who desire a more private lifestyle.

Land Use

The project site is designated as Low Density Residential according to the Los Banos General Plan with a Planned Development overlay according to the Zoning Map. The Villas proposes Low Density Residential single family homes on lot sizes varying from 4,750 square feet to over 21,548 square feet. The resulting density will be 3.9 dwelling units per gross acre (du/ac).

Architecture

The proposed architecture for the project reflects traditional American architectural styles. The Final Development Plan provides a variety in elevation, color scheme, house designs, and setbacks to provide compatibility with the existing Cresthills neighborhood. The proposed elevation styles used within the proposed Final Development Plan will be compatible with, and complementary to, the existing context in terms of scale, height, and neighborhood feel. The proposed elevations for the production homes utilize variations in building style, colors, and materials. Each architectural plan group consists of an elevation of stone or brick used on the base of the homes or for pillars. Each architectural plan group also consists of the use of mock shutters throughout various plans. The proposed designs utilize the front door as a prominent feature of each home while setting garages back from the front façade with minimum 2-car garages.

The Final Development Plan proposes 5 different architectural plan groups each consisting of three distinct elevation styles adding up to a total of 15 different design styles.

Circulation

The East Center Area Plan designates Pioneer Road as an arterial with proposed improvements that include two travel lanes in each direction. The Villas project will develop 83 feet of the public right-of-way which includes a Class 1 pedestrian/ bike path on the north side within a landscaped parkway and an additional 16 foot landscape buffer between the 5 foot sidewalk and masonry wall.

Center Avenue has been designed as a collector with proposed improvements that include 75 feet of public right-of-way. The right-of-way will consist of a 14 foot wide landscaped median, a Class 2 bike path, 5 foot park strip, 5 foot sidewalk, 5 foot landscape buffer, and masonry wall. A condition of approval has been incorporated into the project requiring improvements to include curb and gutter along the cemetery frontage and a double striped turning lane instead of a median along the length of the cemetery and Whitehurst funeral chapel.

Street D will serve as the main entrance into the gated community with proposed improvements that include 70 feet of public right-of-way. The improvements will consist of a 10' landscape median, and a monolithic 5.5 foot sidewalk.

The typical neighborhood streets within the project site have been designed utilizing 52 foot wide public right-of-way. The street section, which includes curb, gutter, and

asphalt, will consist of a 32 foot wide street with a 5.5 foot wide sidewalk.

Open Space and Recreation

The Villas project includes a 4.06 private park that will also function as a storm drain basin. The park will include a playground for 5-12 year olds, a picnic shelter, and decorative park furnishings. In addition, this project will expand the existing Cresthills Park by 0.9 acres. The park is currently accessible from Black Hills and Pioneer Road, and with this expansion the park will now be easily accessed by a new local street (Street K) off of Pioneer Road. The proposed subdivision will be required to annex into a Landscape and Lighting District to finance the ongoing maintenance of street lighting, landscaped street medians and rights-of-ways, storm drainage facilities, water and sewer, sidewalks, street signs, parks and related facilities, masonry walls, fences, and traffic signals.

Infrastructure/Services

Water: The City of Los Banos would provide domestic water services by connecting to an existing 10-inch water line at Bluff Drive/Pike Street and a 12-inch water line at Center Avenue. Routine 8-inch distribution lines are proposed to be installed throughout the project site. All existing groundwater wells within the boundary of the map have been conditioned to be abandoned to Merced County Standards. The project is subject to the provisions of the Los Banos Water Master Plan and will conform to its requirements including, but not limited to, payment of water impact fees.

Sewer: The City of Los Banos would provide wastewater service to the project site by connecting to an existing sanitary sewer line at Bluff Drive/ Pike Street. Routine 6 to 10-inch lines are proposed to be installed throughout the project site. Project build-out has been contemplated in the Wastewater Master Plans and will conform to its requirements including, but not limited to, payment of the wastewater impact fees.

Drainage: The City of Los Banos would provide storm water drain services by designing piping according to City standards and specifications. The proposed drainage basin will be sized to accommodate flow from the project area in accordance with the Storm Drain Master Plan. A new pump station will be installed within the project area, with the master planned pump rate of 9.4 cfs. Discharge will be to the CCID Canal.

It should be noted that all City infrastructure has been sized to accommodate this use and will be built in accordance with the City's Utility Master Plans.

TENTATIVE TRACT MAP ANALYSIS:

In General

Land cannot be divided in California without local government approval. Dividing land for sale, lease or financing is regulated by local ordinances based on the State Subdivision Map Act (commencing with Government Code Section 66410). The local General Plan, zoning, subdivision, and other ordinances govern the design of the subdivision, the size of lots, and the types of improvements (street construction, sewer

lines, drainage facilities, etc.).

There are essentially two types of subdivisions: parcel maps (minor subdivisions), which are limited to divisions resulting in fewer than five lots (with certain exceptions), and subdivision maps (also referred to as tract maps), which apply to divisions resulting in five or more lots. Applications for both types of land divisions must be submitted to the local government for consideration in accordance with the local subdivision ordinance and the Subdivision Map Act.

Upon receiving an application for a subdivision map, staff examines the design of the subdivision to ensure that it meets the requirements of the General Plan, the Zoning Ordinance, the local Subdivision Ordinance, and the California Subdivision Map Act. A public hearing must be held prior to approval of a Vesting Tentative Tract Map.

Approval of a Vesting Tentative Tract Map generally means that the subdivider will be responsible for installing improvements such as streets, drainage facilities or sewer lines to serve the subdivision. These improvements must be installed or secured by bond before the City will grant final approval of the map (final map) and allow the subdivision to be recorded in the County Recorder's office. Lots within the subdivision cannot be sold until the final map has been officially recorded. The subdivider has 24 months plus a possible 12 month extension, to comply with the improvement requirements, gain final administrative approval, and record the final map. If the tentative map expires, it cannot be revived. Instead, a new tentative map must be applied for, processed, and approved.

Code Requirements

Title 9, Chapter 2 of the Los Banos Municipal Code regulates the processing and approval of all subdivisions within the City of Los Banos. In accordance with the subdivision code, the Vesting Tentative Tract Map has been reviewed by the Project Review Board prior to its submission to the Planning Commission. Among other things the Project Review Board has reviewed the Vesting Tentative Tract Map for: suitability of the land for subdivision; overall design of the subdivision; provisions for public improvements such as street improvements, utilities, storm drains, sidewalks, water supply, and sewage disposal; provisions for public areas such as parks and schools. The Project Review Board reviewed the Vesting Tentative Tract Map March 15, 2016 and March 22, 2016 and their recommendations are incorporated into the Conditions of Approval for Planning Commission consideration.

Pursuant to Section 9-2.806(b) of the Los Banos Municipal Code, the Planning Commission shall determine whether the Vesting Tentative Tract Map is in conformity with the provisions of law and of the Municipal Code, and shall approve, conditionally approve, or disapprove such map.

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 April 29, 2016. As of the date of this staff report, no written comments have been received.

RECOMMENDATION:

1. Adopting Resolution No. 2016-39 recommending approval to the Los Banos City Council of the Revised Villas Area Plan Annexation (ANX #2001-05) previously adopted by City Council Resolution 4680 on January 18, 2006; and
2. Adopting Resolution No. 2016-40 approving The Villas Vesting Tentative Tract Map #2016-01 and Mitigated Negative Declaration (SCH #2002081111); and
3. Adopting Resolution No. 2016-41 recommending approval to the Los Banos City Council of Final Development Plan #2016-01 for The Villas.

ATTACHMENTS:

1. Resolution 2016-39 – Revised Area Plan
 - Exhibit A: Revised Area Plan
 - Exhibit B: Revised Area Plan Conditions of Approval
2. Resolution 2016-40 – Vesting Tentative Tract Map #2016-01
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval
 - Exhibit D: Mitigation Monitoring Plan
3. Resolution 2016-41 – Final Development Plan #2016-01
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval
 - Exhibit D: Mitigation Monitoring Plan
4. The Villas Vesting Tentative Tract Map
5. The Villas Final Development Plan
6. Public Hearing Notice – April 29, 2016

RESOLUTION NO. 2016-39

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING APPROVAL TO THE LOS BANOS CITY COUNCIL OF REVISED VILLAS AREA PLAN ANNEXATION (ANX #2001-05) PREVIOUSLY ADOPTED BY CITY COUNCIL RESOLUTION 4680 ON JANUARY 18, 2006

WHEREAS, Resolution 4680 was adopted by the Los Banos City Council on January 18, 2006 approving The Villas Area Plan (ANX #2001-05) subject to certain conditions of approval; and

WHEREAS, the applicant has submitted an application to revise and amend the adopted Villas Area Plan now known as the revised East Center Area Plan; and

WHEREAS, pursuant to the California Environmental Quality Act and the City of Los Banos Environmental Quality Guidelines, the project environmental impacts were adequately evaluated in the East Center Avenue Area Plan Mitigated Negative Declaration incorporated herein by reference; and

WHEREAS, The Planning Commission has reviewed the revised materials submitted to the City in February 2016; and

WHEREAS, a public hearing was duly noticed for May 11, 2016, and continued to July 27, 2016, and August 10, 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 April 29, 2016 to consider and take testimony regarding the revised East Center Area Plan; and

WHEREAS, on May 11, 2016, July 27, 2016 and August 10, 2016, the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the revised East Center Area Plan and staff report, and studied the compatibility of the applicant's request with adjacent land uses; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby recommend approval of the revised East Center Area Plan attached hereto and incorporated herein as Exhibit A, subject to the Conditions of Approval adopted by city Council Resolution 4680 on January 18, 2006 as amended, attached hereto and incorporated herein as Exhibit B

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 10th day of August 2016, by

Commissioner _____ who moved its adoption, which motion was duly seconded by
Commissioner _____ and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Tom Spada, Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

*F*ast Center

Area Plan



Los Banos, California
April 2016

Project Participants

Applicant:

Stonefield Home
923 East Pacheco Blvd., Suite C
Los Banos, CA 93635
(209) 826-6200

Engineering/Surveying/Planning/Landscape



O'Dell Engineering
1165 Scenic Drive, Suite B
Modesto, CA 95350
209.571.1765

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Introduction/Project Description

Purpose of This Document

This document is titled East Center Area Plan. This Area Plan provides broad planning parameters for property within its boundaries. Included herein are guidelines for land use, circulation, infrastructure, streets, parks, and their relationships to existing adjacent neighborhoods.

Subsequent Approvals/Amendments

The Area Plan has been prepared for the City of Los Banos as a tool to facilitate future development of plan area properties. Vesting Tentative Tract Maps (VTTM), Development Agreements and Final Development Plans (FDP) are mechanisms that will be used to implement the provisions of this Area Plan. Future development proposals will be consistent with provisions contained within the approved Area Plan document.

Environmental Review

Initial environmental clearance for proposed land uses was conducted as part of the adopted General Plan update. Additional review was conducted for the Area Plan that consisting of a mitigated negative declaration that primarily addressed traffic and infrastructure issues associated with the specific development of this area. Assuming subsequent projects are consistent with the Area Plan document and approval, no further environmental review is anticipated.

Existing Conditions

The project site is presently undeveloped. Its primary use is agricultural with limited residential purposes. Existing agricultural uses are active, and will continue until such time as future development occurs. The plan area is currently zoned Professional Office (P-O), Planned Development Medium Density Residential (PD R-2), and Planned Development Low Density Residential (PD-1) per the City of Los Banos zoning map.

The General Plan land use designations include Professional Office (PO), Medium Density Residential (MD), Low Density Residential (LD), and Park (P).

The following table includes the number of residential dwelling units allowed per General Plan land use designation:

APN	Approximate acreage of parcel	Ex. Gen. Plan land use designations	Residential dwelling units allowed per land use designation
431-270-005	24.4	Medium Density	7-17 per acre
431-270-002	0.3	Low Density	2-7 per acre
431-270-010	19.81	Low Density	2-7 per acre
431-270-009	2.49	Professional Office	N/A
431-270-003	3.11	Low Density	2-7 per acre
431-270-004	39.14	Low Density	2-7 per acre

Zoning / Land Use

A variety of land use designations are applicable to plan area properties per the City's General Plan: Low-Density Residential, Medium-Density Residential, Park and Professional Office. The plan area is surrounded by lands, which are zoned R-1 (Low-Density Residential). The zoning within the Area Plan boundary is Planned-Development Low Density Residential (PD-R1) and Professional Office (P-O).

The Planned-Development (P-D) zoning designation is utilized to facilitate specific development standards and detailed project designs and to ensure that new neighborhoods are compatible and functional. The P-D zone district is consistent with the underlying LDR land use designation per the City of Los Banos General Plan. Final Development Plans (FDP) will be established dictating specific development standards and requirements, such as building architecture and specific structure setbacks, required to implement P-D zoning.

Residential densities shown in this document are estimated averages. At the time of preparation of the Final Development Plan, the actual development intensity for Area Plan sub-areas will be identified. It is expected that some areas will develop at density averages slightly higher or lower than shown below. Regardless, the overall unit count for the Area Plan will not exceed the upper limit examined in the Initial Study.

Population / Housing

The table on the next page outlines the specific growth expected on the project site using "build-out" assumptions provided by the City's General Plan.

APN	Land Use Designation	Average Gross Density	Average Net Density	Composite Gross Density	Gross Acreage	Units
431-270-005	Medium Density Residential	5.7 Units/Acre	7.6 Units/Acre	4.5	24.4	138
431-270-004 431-270-010	Low Density Residential	4.1 Units/Acre	5.5 Units/Acre		58.95	231
431-270-002	Low Density Residential	3.3 Units/Acre	3.3 Units/Acre	n/a	0.3	1
431-270-003	Low Density Residential	0.3 Units/Acre	0.3 Units/Acre	n/a	3.11	1
431-270-009	Professional Office	n/a	n/a	n/a	2.49	n/a

Parks / Open Space

Development within the Area Plan boundary will incorporate a dual-use park / detention basin. Examples of features that may be designed into these private park facilities include open space recreational fields, picnic facilities and children’s play equipment.

As the park site location is planned within a gated community, traffic to the park is expected to be minimal. As a result, on-street parking for the facility should be adequate. The Detention basin will be sized and designed based on engineering calculations consistent with City ordinances and standards.

Infrastructure

Public Utilities

Sanitary Sewer System

The Area Plan can be served by connecting to the existing City collection system at Pike/Bluff Drive. Capacity exists in the existing collection system, after minor downstream upgrades. An upgrade to the existing Bluff Drive sewer pump station capacity and force main from 800 gallons per minute (gpm) to 1,900 gpm will be required. Immediately downstream of the existing force main in Page Avenue, an approximate 2,200 foot length of pipeline (existing 10" and 15") may need upgrades. The remaining gravity segments have sufficient capacity. The project will purchase capacity in the existing treatment plant by paying the appropriate connection charge.

The City is currently reviewing a project development in the southwest area of the City (west of Ortigalita). That project has proposed a new Badger Flat trunk sewer, which would redirect a major portion of the Southeast Sewer service area. If the Badger Flat Sewer Trunk is completed prior to this Area Plan development, the above described upgrades will be re-evaluated.

The project will install new gravity pipelines (sizes range from 8" to 12" diameter) from the point of connection at Pike/Bluff. A primary (12") will be installed from the point of connection through the project, to a terminus at Center Avenue. This line can eventually be extended further south and west to service properties west of Center Avenue.

Water Distribution System

The Area Plan can be served by connecting to the existing City system. The project area is immediately adjacent to the existing City water distribution lines. The existing City system has a reliable groundwater supply. The City has routinely installed new wells, and now has a City-wide Water Master Plan to determine production needs and storage requirements.

Connections will be made at Bluff Drive, and Center Avenue. Routine distribution lines (8") will be installed in the project area. A test well has been obtained within the Project Area, which demonstrated available potable water. An extension of the Master Plan improvements will be required to serve the project.

Storm Drainage System

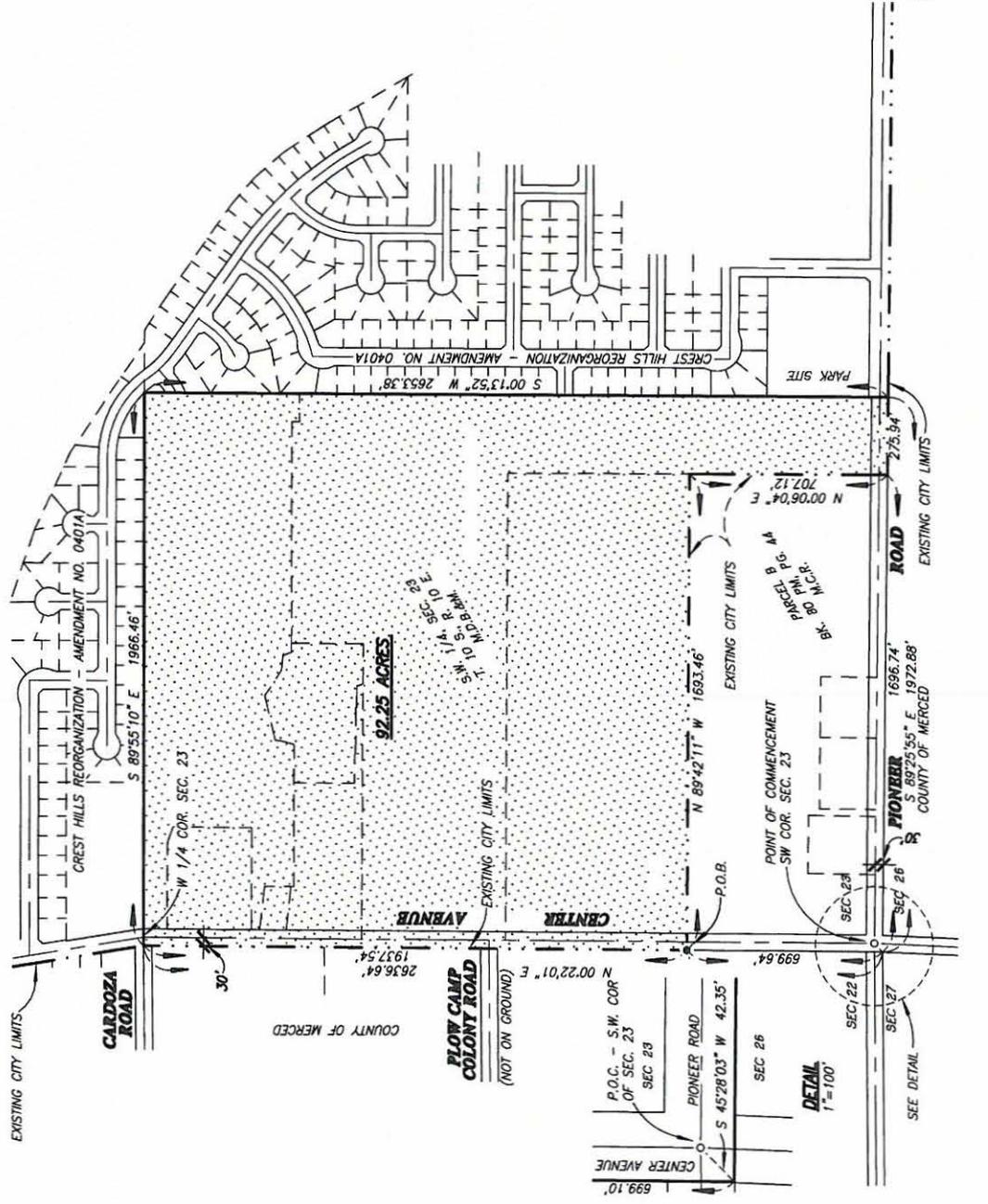
The City has prepared a storm drain master plan. The project area is within the Gardens 3 sub-area. The planned discharge rate for the Gardens 3 sub-area is 9.4 cfs. Minor revisions to the draft watershed boundaries between Gardens 3 and Gardens 2 may be required.

A new pump station will be installed within the project area, approximately 1,000 feet south of the Pike/Bluff intersection, with the master planned pump rate of 9.4 cfs. Discharge will be to the CCID canal. A new discharge facility at the CCID canal will be required, and a modified agreement between the City and CCID will be executed.

Circulation

Circulation & Street Design

Graphic representations of the circulation system can be found on page 17.



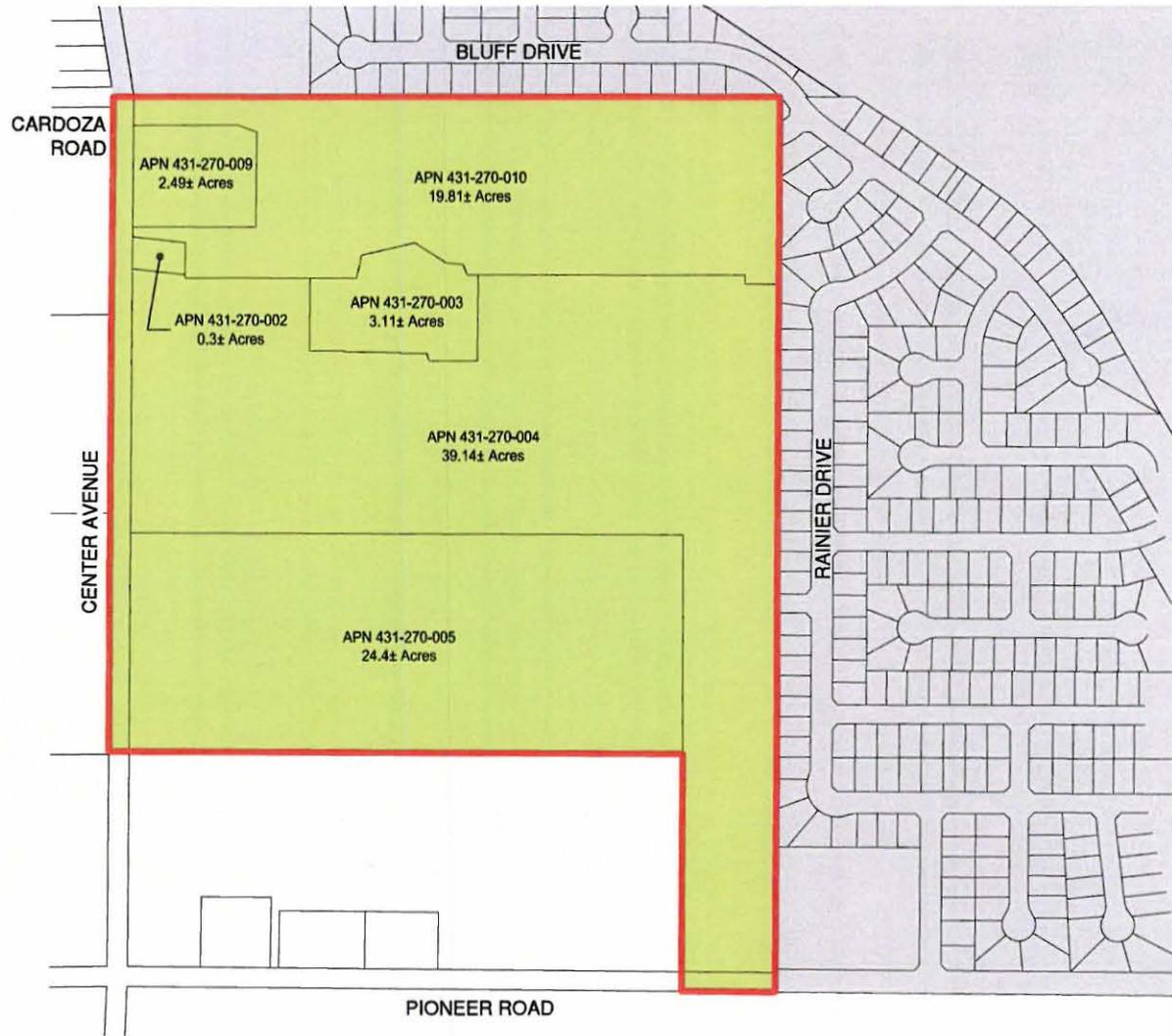
Reference Map

**EAST CENTER
LEGAL DESCRIPTION**

All that certain real property situate in the Southwest Quarter of Section 23 and a portion of Sections 22 and 26, Township 10 South, Range 10 East, Mount Diablo Base and Meridian, County of Merced, State of California, being more particularly described as follows:

- COMMENCING at the southwest corner of said Section 23, said corner also being the centerline intersection of Center Avenue and Pioneer Road; thence
- Course [1]. North 89°25'55" West: 30.00 feet to the southerly prolongation of the west line of the 30.00 foot half width of said Center Avenue; thence
 - Course [2]. North 00°22'01" East: 668.54 feet along said prolongation and said west line to the westerly prolongation of the north line of Parcel B as shown on that Parcel Map for Diane Etcheverry, ET AL, filed for record on May 1, 1996 in Book 80 of Parcel Maps at Pages 44-45, Merced County Records, and the POINT OF BEGINNING; thence
 - Course [3]. North 00°22'01" East: 1937.54 feet along said west line to the westerly prolongation of the north line of the southwest quarter of said Section 23, said point also being a corner of the "Crescilia Annexation to City of Los Banos" filed for record on July 8, 1987. In Volume 2619 of Official Records at Page 512, Merced County Records, said corner being a point on the existing City of Los Banos corporate limits line; thence
 - Course [4]. South 89°55'10" East: 1966.46 feet along said corporate limits line; thence
 - Course [5]. South 00°13'03" West: 2653.38 feet continuing along said corporate limit line to the south line of the 30.00 foot half-width of Pioneer Road; thence
 - Course [6]. North 89°25'55" West: 275.94 feet along said south line to the southerly prolongation of the east line of said Parcel B; thence
 - Course [7]. North 00°06'04" East: 707.12 feet along said prolongation and said east line to the northeast corner of said Parcel B; thence
 - Course [8]. North 89°27'11" West: 1693.46 feet along the north line of said Parcel B to the POINT OF BEGINNING, all as shown on the attached exhibit "The Villas Annexation to the City of Los Banos" and made a part hereof, and containing 92.25 acres, more or less.

END DESCRIPTION



Reference Map

Legend

-  Area Plan Boundary
-  Within Current City Limits



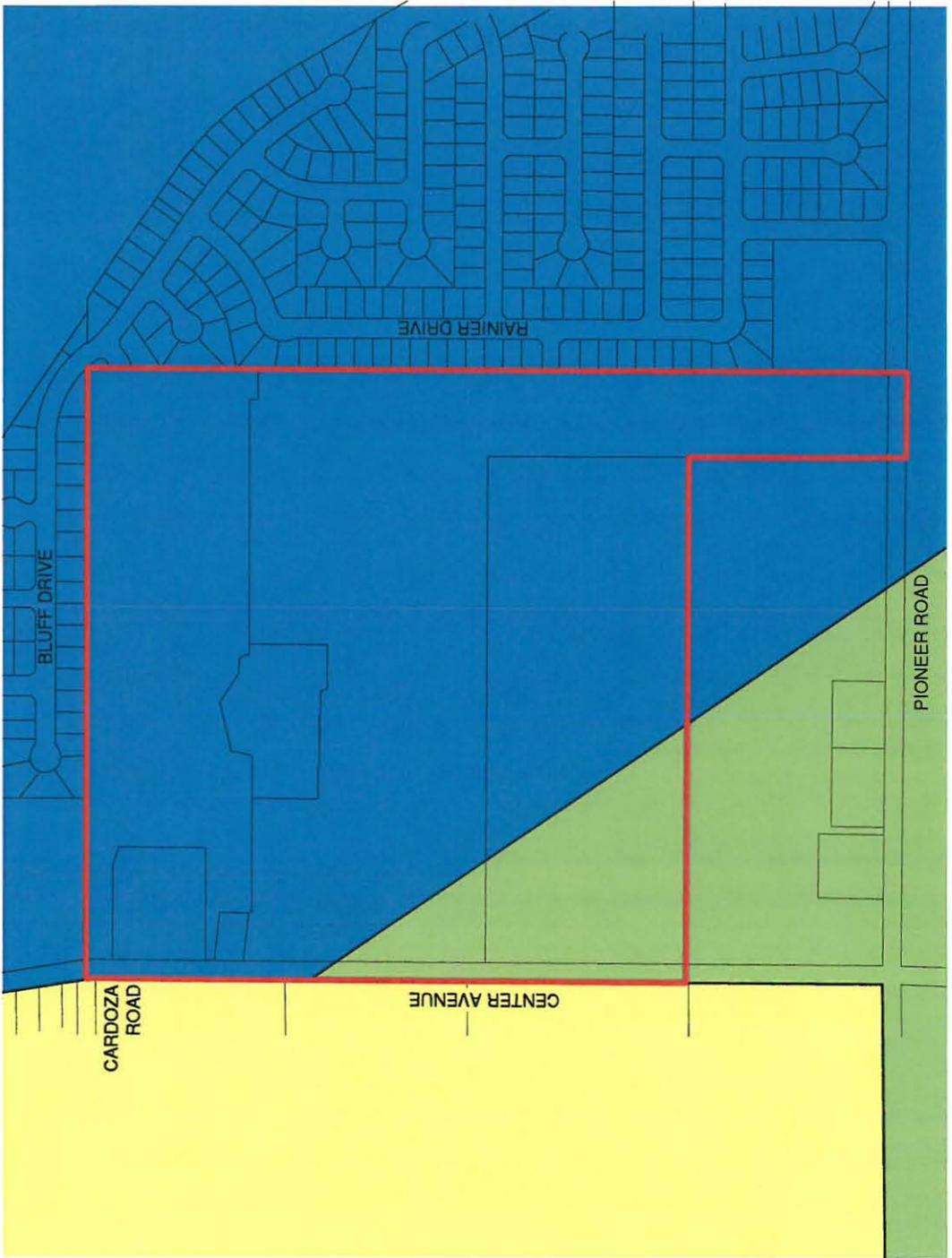


Reference Map

Legend

Area Plan Boundary

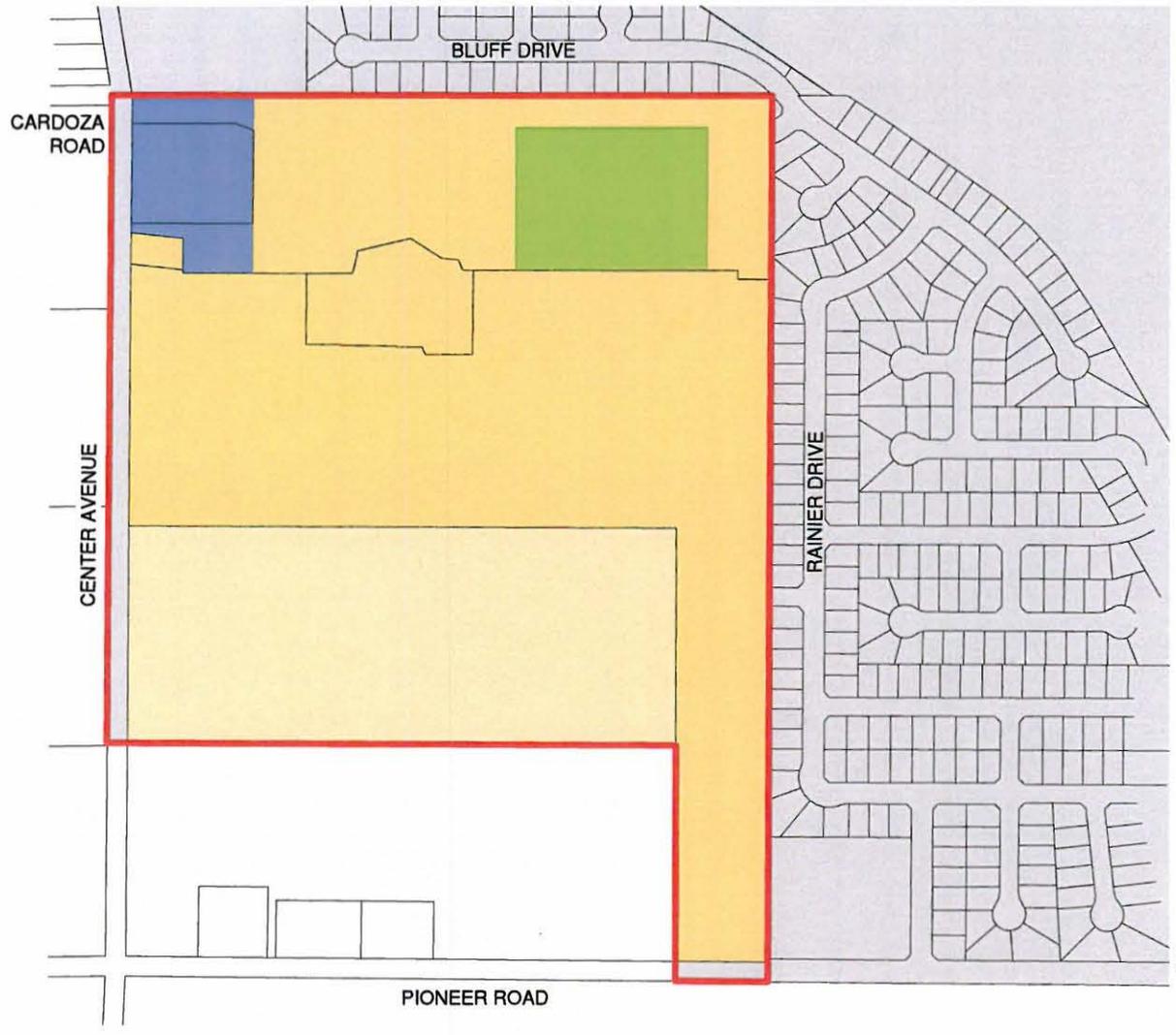




Reference Map

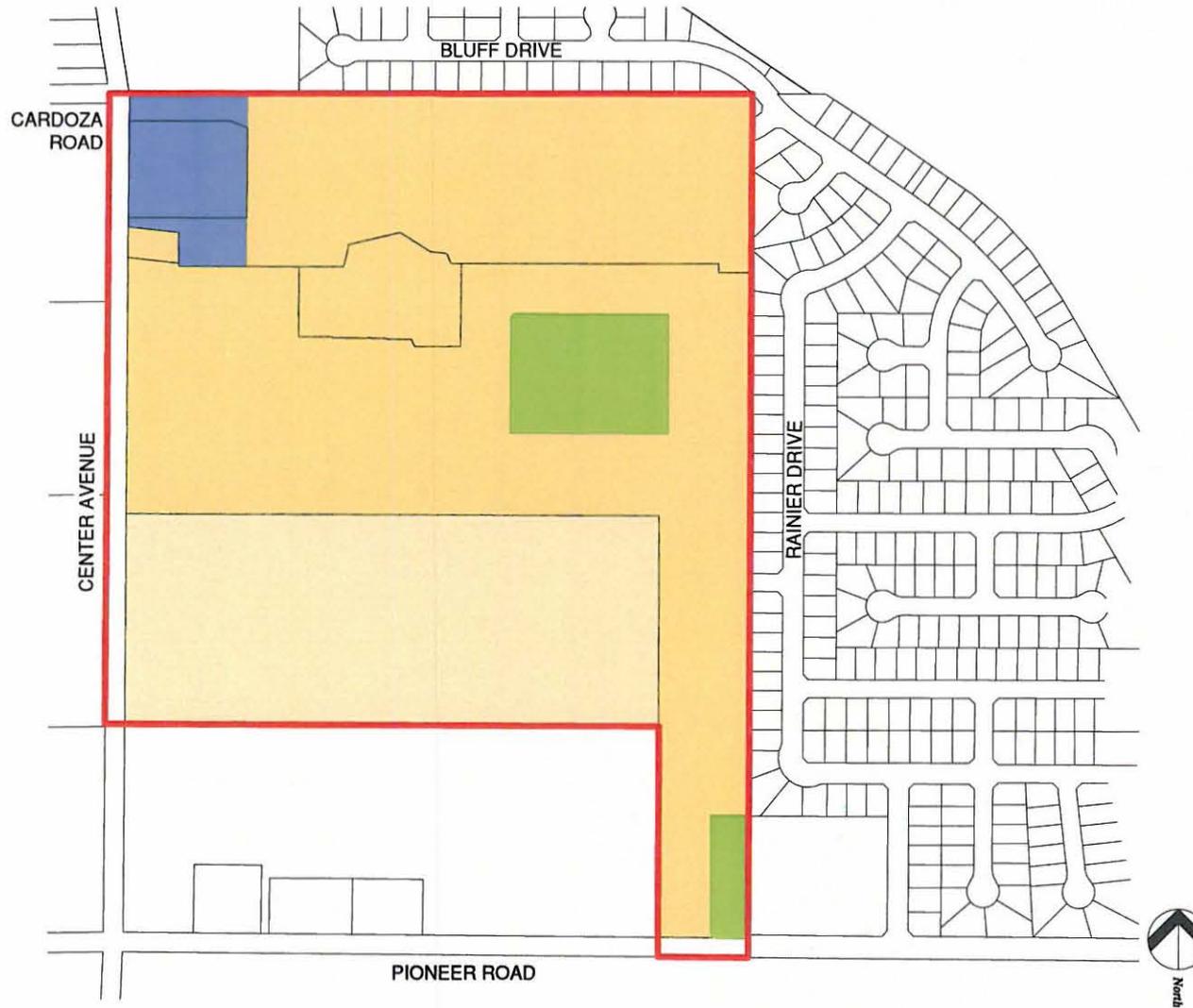
Legend

-  Area Plan Boundary
-  Compatibility Zone B2
-  Compatibility Zone C
-  Compatibility Zone D



Reference Map

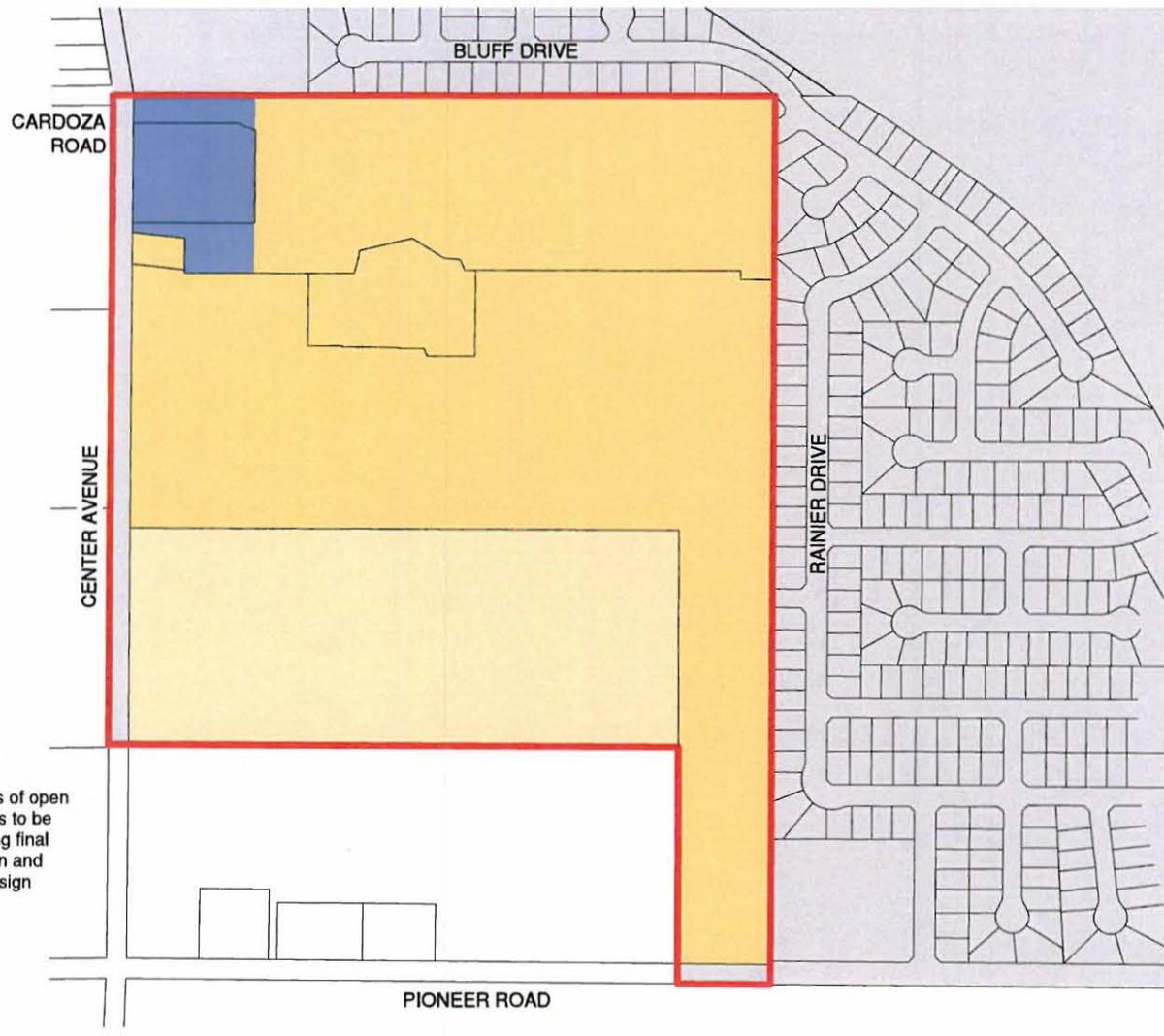
- Legend**
-  Area Plan Boundary
 -  Within Current City Limits
 -  Low Density Residential
 -  Medium Density Residential
 -  Parks
 -  Professional Office



Reference Map

Legend

-  Area Plan Boundary
-  Within Current City Limits
-  Low Density Residential
-  Medium Density Residential
-  Parks
-  Professional Office



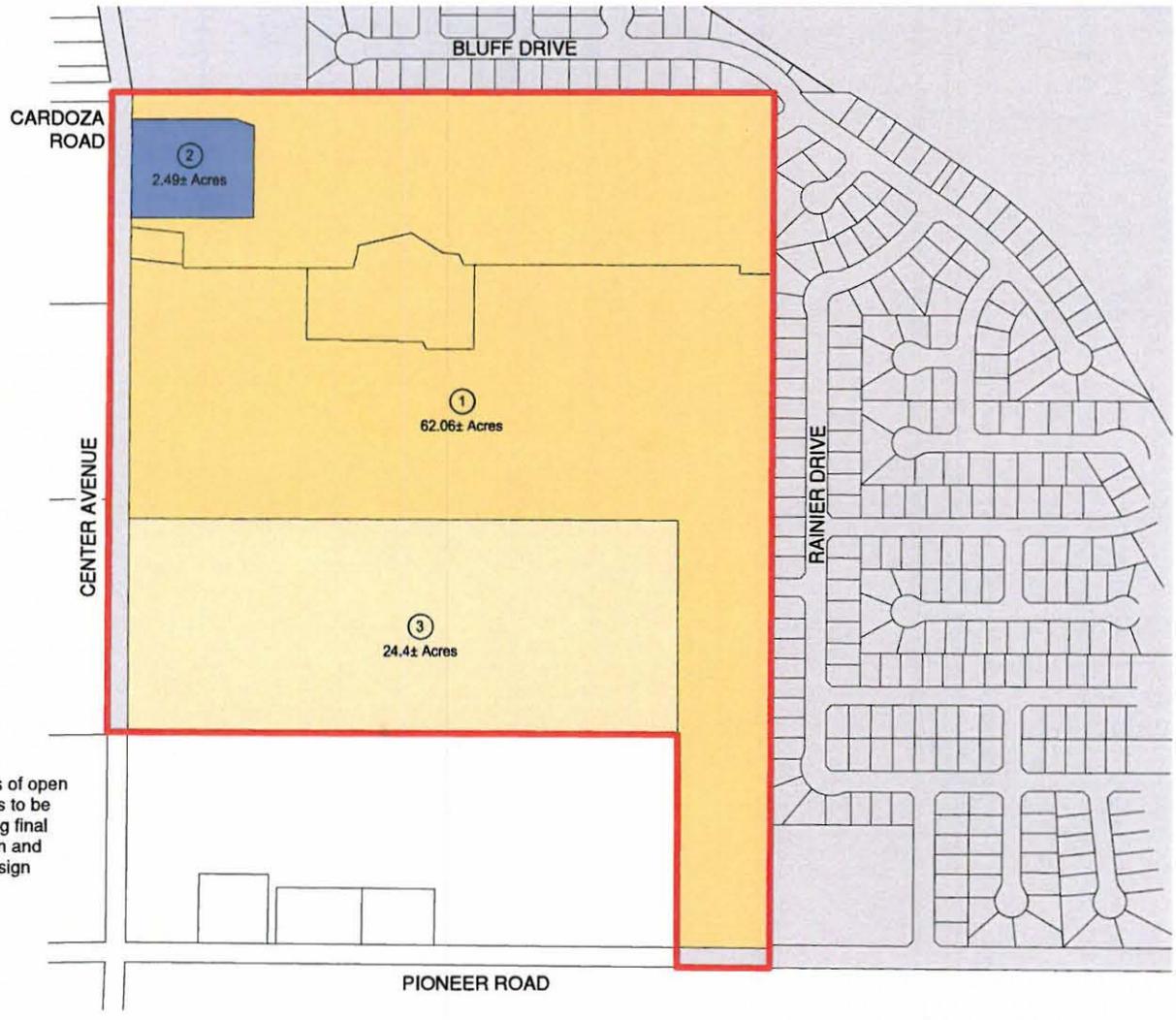
Reference Map

Legend

-  Area Plan Boundary
-  Within Current City Limits
-  Planned Development/
Low Density Residential (PD R-1)
-  Planned Development/
Medium Density Residential (PD R-2)
-  Professional Office

* Actual locations of open spaces and parks to be determined during final development plan and tentative map design phases.





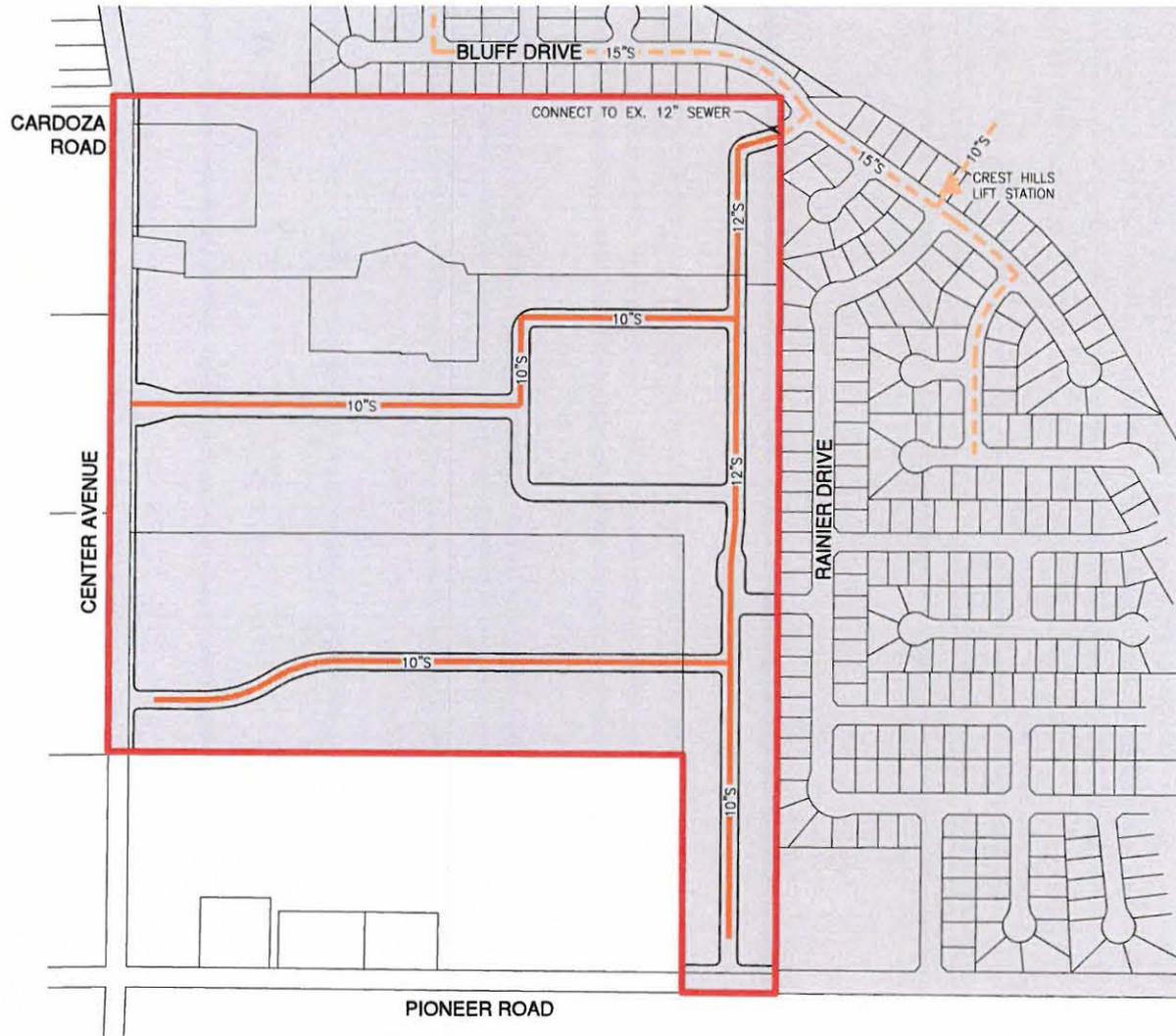
Reference Map

Legend

-  Area Plan Boundary
-  Within Current City Limits
-  Planned Development/
Low Density Residential (PD R-1)
-  Planned Development/
Medium Density Residential (PD R-2)
-  Professional Office

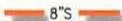
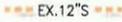
* Actual locations of open spaces and parks to be determined during final development plan and tentative map design phases.



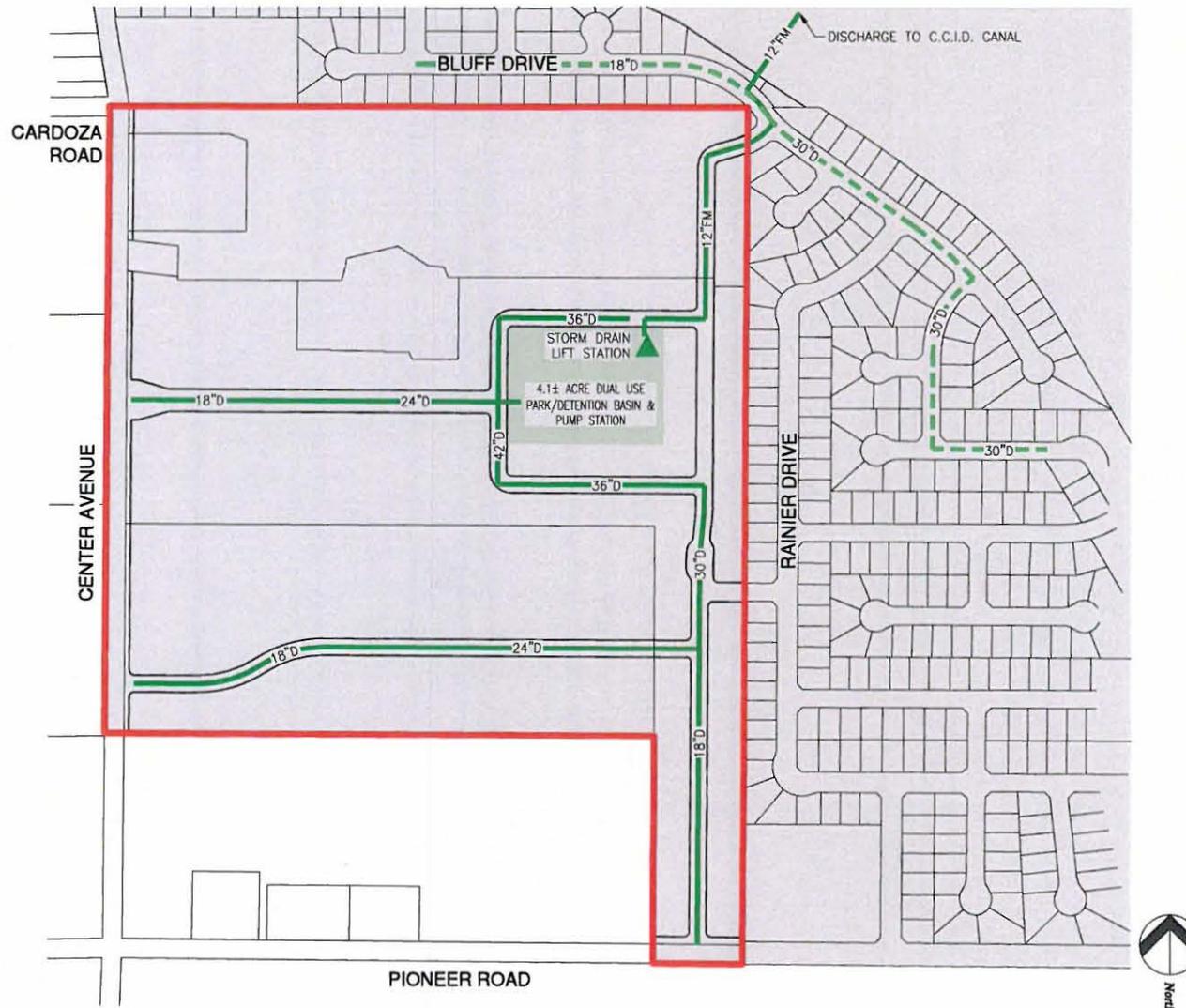


Reference Map

Legend

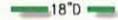
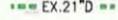
-  Within Current City Limits
-  Area Plan Boundary
-  Conceptual Development Plan Boundary
-  8" Proposed Sewer
-  EX.12" Existing Sewer

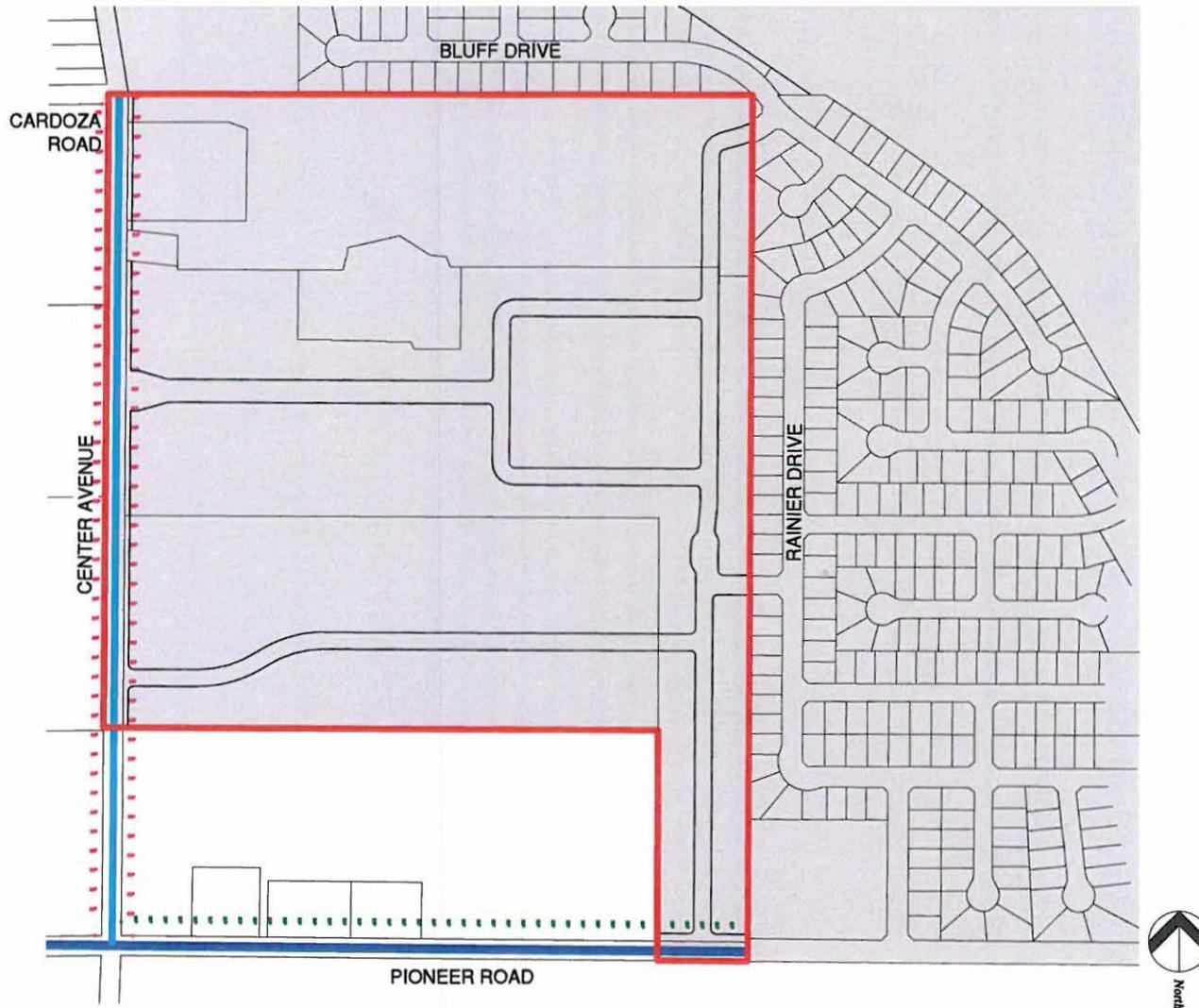




Reference Map

Legend

-  Within Current City Limits
-  Area Plan Boundary
-  Conceptual Development Plan Boundary
-  Proposed Storm Drainage
-  Existing Storm Drainage



Reference Map

Legend

-  Within Current City Limits
-  Schools
-  Area Plan Boundary
-  Conceptual Development Plan Boundary
-  Arterial
-  Collector
-  Proposed Class 1 Bike Path
-  Proposed Class 2 Bike Path

CONDITIONS OF APPROVAL FOR THE VILLAS AREA PLAN (ANX#2001-05)

ADOPTED BY CITY COUNCIL RESOLUTION 4680 JANUARY 18, 2006

Note: Condition #14 was removed by the City Council, and a new condition added to the Villas Vesting Tentative Tract map (Condition #12) in its place.

General:

1. The applicant shall submit a final Area Plan to the Planning Division within 30 days from City Council approval, reflecting any modifications or additions identified within the staff report and conditions of approval. The final Area Plan shall be reviewed and signed by the Community Development Director for purposes of providing a clear record of the approved final Area Plan.
2. All residential development shall be phased in conformance with general plan policies including a development agreement or other City Council approved technique for guiding the rate of growth consistent with the City's adopted growth rate. Each owner or developer of residential properties in the Area Plan must participate in the Master Building Permit Allocation Plan. With respect to residential development, the City shall not approve a tentative tract map or parcel map, conditional use permits, site plan review, or building permits unless and until the City has approved a building permit allocation pursuant to the Master Building Permit Allocation Plan or other City Council approved phasing tool such as a development agreement.
3. The Area Plan and subsequent tentative maps, general or final development plans, and development, shall be consistent with the Pre-annexation Development Agreement and/or Development Agreement.
4. All tentative maps, general or final development plans, and development shall be in substantial conformance with the Area Plan.
5. Phasing shall be implemented in general accordance with the phasing illustrated in the Area Plan and associated vesting tentative tract maps.
6. Infrastructure within the Area Plan, including, but not limited to, streets, water, sewer, storm drainage, and other utilities, shall be consistent with the Area Plan or as otherwise approved by the Public Works Director.
7. Approved tentative or vesting tentative maps shall become effective only upon the City's receipt of the Certificate of Completion for the annexation from Merced County LAFCO. Tentative or vesting tentative maps for which a Planned Development pre-zoning is approved, shall not become effective until 30 days after approval by ordinance of a Final Development Plan.
8. No building or use permit shall be issued for uses inconsistent with the Merced County Airport Land Use Compatibility Plan.
9. No subdivision (other than a remainder parcel), site plan approval, or building permit for a new use shall be approved within the Professional Office land use designation until the City has adopted a Professional Office zoning district.

10. Applicable Conditions of Approval of the Villas Area Plan shall apply to tentative maps approved within the Area Plan.

Access and Circulation:

11. Annexation boundaries shall include the full right-of-way of adjacent roadways.

12. Parking shall be as provided in LBMC section 9-3.1904.

13. Applicants shall be responsible for payment of a pro-rata share of the cost of constructing northbound and southbound left turn lanes on Mercey Springs Road at the intersection with Pioneer Road. The fees shall be paid at time of building permit issuance. If said improvements are included in an established City traffic fee program at the time of project approval, no additional fees shall be required. (Mitigation Measure 4)

15. Traffic signals shall be programmed to provide an automatic pedestrian walk signal at the beginning of each green light phase.

16. Pedestrian access conforming to the Americans with Disabilities Act shall be provided at "daylighted" cul-de-sacs.

17. The Class I bike trail shall be integrated into the design of the commercial area to minimize traffic crossings, and to provide a direct access from the path to the shopping center.

~~18. Cardoza Road shall be aligned near the northern boundary of the plan area, with a landscaped area and pathway to the north of the road. The terminus at Bluff Road shall provide a curb cut and be planned to allow a future connection to the trail along the San Luis Canal. A path connection and curb cut shall be provided for access to streets intersecting Cardoza Road, and a connection shall be provided to the Professional Office area.~~

18. Cardoza Road shall be aligned near the northern boundary of the plan area. The homes along the northern side of Cardoza Road shall be custom built and be limited to single story with minimum 20 foot setback from the rear property line. The private gate access at Pike Street and Cardoza Road shall be for Emergency Vehicle Access (EVA) only and shall not be used as a general vehicle entrance or exit for the residence living within the gated community. A pedestrian gate with private access shall be provided at Pike Street to allow connection to the trail along the canal. Access to the Cardoza Road extension shall also be provided to Whitehurst Funeral Chapel.

19. Traffic calming measures shall be incorporated into the designs for Via Milano and Cardoza Road.

Utilities:

20. All street lighting and parking lot lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic. Streetlight locations shall be shown on Improvement Plans. Developer shall utilize decorative streetlights meeting the illumination standards required

in the City street light standards, except that cobra-head streetlights shall be used on arterial streets.

Storm Drainage:

21. The storm drainage basin shall be complete to the satisfaction of the Public Works Director prior to occupancy of the first house (except model homes).
22. The applicant shall pay reimbursements as applicable for the Gardens storm drainage improvements; and shall be entitled to reimbursement for future development elsewhere within the plan area.
23. The applicant and City shall revise the drainage agreement with CCID as necessary to accommodate drainage flow into the Main Canal.

Architecture and Physical Design:

24. Commercial, office, industrial, and institutional buildings and site plans shall require City site plan review as part of their approvals.
25. All development shall conform to the City's applicable design guidelines and/or standards.
26. The monotony of straight building lines shall be alleviated by varying the size of individual buildings, staggering the front yard setbacks, varying exterior building materials and colors, articulating building facades, and utilizing extensive landscaping. The variation in setbacks, unit placement, and materials and colors shall be implemented in a random fashion with no apparent pattern, to avoid monotony.
27. To protect privacy, building placement that offsets side-facing and rear-facing second-story bedroom windows at adjacent houses shall be required.

Physical Amenities, Parks, and Landscaping:

28. Cresthills Park shall be expanded westward and developed in conjunction with the adjacent phase of residential development. Park improvement plans shall be approved by the Public Services Director.
29. The detention basin shall be developed as a dual use park and basin for neighborhood use. Park improvement plans shall be approved by the Public Services Director. Park improvements shall be complete prior to occupancy the 88th house. Storm drainage and park improvements shall be subject to reimbursement agreements.
30. (As amended by Planning Commission on November 30, 2005) At least two-thirds of the perimeter of public parks shall front on streets or less, if approved by the Community Development Director and Public Services Director.
31. Decorative crosswalks and monumentation shall be provided at the intersections entering the Area Plan from Center Street and Pioneer Road. The plans shall be approved by the Public Services Department.

32. The developer shall comply with the current Park Standards, to include all park landscaping and related irrigation systems.

33. The developer shall include the following utilities in the parks: electrical, sewer connections, storm drainage, and water service.

34. Landscape plans shall emphasize deciduous shade tree plantings to the south and west of buildings.

35. Landscape plans shall emphasize drought tolerant plantings and irrigation systems set to minimize water use and spillage onto paved areas. Commercial and Office landscaping in planting strips along streets shall utilize all drought tolerant plantings, and shall not include turf.

36. The applicant for each tentative map shall provide adequate developed public park land, pay reimbursement to prior subdivisions within the plan area providing excess park land, and/or pay an in-lieu fee to the City. Responsibility for park land shall be based on the City's park land standards and average household size for Los Banos from the most recent available Census data.

Land Use

37. Parcel 083-012-008 shall be designated as Medium Density Residential on the land use map and shall be designated as R-2/PD on the zoning map.

RESOLUTION NO. 2016-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS 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 THE CRESTHILLS #2 SUBDIVISION, AND NORTH OF PIONEER ROAD AND THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 431-270-004 AND 431-270-010

WHEREAS, the Los Banos General Plan was adopted by the City of Los Banos City Council on July 15, 2009; and

WHEREAS, the subject property has a land use designation of Low Density Residential pursuant to the Los Banos General Plan and is zoned Low Density Residential (R-1) by the Los Banos Zoning Map; and

WHEREAS, the East Center Area Plan was adopted by the City of Los Banos on January 18, 2006, and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), certified by the City on December 21, 2005. Staff has determined that the proposed project was adequately described, examined, and evaluated in the MND, and that no significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the MND; and

WHEREAS, Vesting Tentative Tract Map #2016-01 was reviewed by the Project Review Board on March 15, 2016 and March 22, 2016 and was determined to be in compliance with State laws and the Los Banos Subdivision Code; and

WHEREAS, a public hearing was duly noticed for May 11, 2016, and continued to July 27, 2016, and August 10, 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 April 29, 2016 to consider and take testimony regarding Vesting Tentative Tract Map #2016-01; and

WHEREAS, at the May 11, 2016, July 27, 2016, and August 10, 2016, Planning Commission meetings the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Vesting Tentative Tract Map 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 Tentative Tract Map criteria established in Title 9, Chapter 2, Article 15 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 Vesting Tentative Tract Map #2016-01 subject to the conditions of approval attached hereto in Exhibit C for the subdivision of approximately 58.8 acres into 231 single-family residential lots 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: 431-270-004 and 431-270-010, and specifically conditioned upon approval by the City Council of Final Development Plan #2016-01.

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 10th day of August 2016, by Commissioner _____ who moved its adoption, which motion was duly seconded by Commissioner _____ and the Resolution recommended for approval by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Tom Spada, Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR VESTING TENTATIVE TRACT MAP #2016-01 – THE VILLAS

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, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), State Clearinghouse Number: 2002081111, certified by the City on December 21, 2005;
2. The MND was adequately noticed, circulated for public review, considered at public hearings, and duly certified by the Los Banos City Council;
3. The Project will have significant impacts on air quality, and the City adopted a Statement of Overriding Considerations when adopting the Los Banos General Plan, with which this project is consistent with. Feasible mitigation measures identified in the MND will reduce the project impacts on air quality;
4. All potentially significant effects were analyzed adequately in the MND, and subject to the mitigation measures presented in the MND attached hereto in Exhibit D, and will reduce potentially significant impacts, to a less than significant level;
5. The proposed project was adequately described, examined, and evaluated in the MND;
7. The East Center Avenue Area Plan MND contemplated a build-out of 694 residential units within the revised East Center Area Plan, the project is the last map of residential development within the East Center Area Plan, and will utilize 231 of the contemplated units, bringing the cumulative total of development within the Area Plan to 369 and therefore, the proposed project is within the development density anticipated in the East Center Avenue MND;
8. No significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the MND;

10. No further environmental documentation is required because the proposed project was contemplated and adequately analyzed in the MND;
11. The project was adequately noticed on April 29, 2016, and considered at a public hearing on May 11, 2016 and continued to July 27, 2016 and August 10, 2016;
13. The project will be subject to the applicable mitigation measures presented in the MND;
14. The City will monitor the implementation of mitigation measures in accordance with the East Center Avenue Area Plan Mitigation Monitoring Program;
15. The MND and the CEQA findings for the East Center Avenue Area Plan MND are incorporated herein by reference; and
15. The City of Los Banos Community and Economic Development Department, located at 520 J Street in Los Banos, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the MND was based.

EXHIBIT B

FINDINGS FOR APPROVAL OF VESTING TENTATIVE TRACT MAP #2016-01 – THE VILLAS

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

1. The Los Banos General Plan was adopted by the City in July 2009 and the East Center Area Plan was prepared pursuant to the Los Banos General Plan and adopted by the City January 18, 2006.
2. The proposed project is consistent with the City of Los Banos General Plan "Low Density Residential" land use designation for the site, and with the East Center Area Plan "Planned Development" designation for the site.
3. The Vesting Tentative Tract Map, as conditioned, complies with the Los Banos Subdivision Ordinance and the State Subdivision Map Act.
4. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing or working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City. The project will enhance the surrounding area and offer the surrounding community choices for housing and recreation.
5. The designs of The Villas Vesting Tentative Tract Map, as conditioned, are consistent with the Los Banos General Plan and the East Center Area Plan goals, policies, and programs.
6. The proposed Vesting Tentative Tract Map is compatible with the adjacent uses, properties, and neighborhoods, and will not be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City, and the specific types, densities, and configuration of residential uses are compatible with the surrounding residential and educational uses and will not result in detrimental effects to neighboring properties or to City services.
7. The project will provide adequate pedestrian and bicycle routes within the project as conditioned.
8. The project, as condition, will provide for minimum water flow rates and fire response times, and meet the requirements of the Los Banos Fire Department.
9. The project, as condition, will provide adequate storm water detention.

EXHIBIT C

CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2016-01 – THE VILLAS

General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2016-01 and approved Final Development Plan #2016-01, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2016-01.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect 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."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

19. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property. A maintenance easement shall be provided as required by the Public Works Director.
20. The applicant shall obtain City approval in advance for permanent and temporary on-site and off-site signs through separate sign reviews and bonding consistent with the development criteria of the Los Banos Municipal Code – Sign Ordinance.
21. It is the applicant's responsibility to ensure that the development complies with the Americans with Disabilities Act requirements.
22. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
23. Building permits will be issued in accordance with the City Subdivision Policy that identifies the improvements required in order for a building permit to be issued.
24. All structures, foundations, and footings for future buildings on the project site shall be designed and constructed to conform to the current Uniform Building Code for Seismic Zone 4 to minimize structural damage resulting from potential seismic activity.
25. An engineering soils report shall be prepared for all projects 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 approval of the Los Banos City Engineer.
26. Prior to issuance of building permits for development of sensitive residential land uses (e.g. houses, schools, parks, day care), or other uses in which persons may contact soils), a Phase 1 environmental assessment shall be prepared to determine if soils contain hazardous materials. If necessary, a remediation plan shall be created and implemented. The assessment and any necessary remediation plans shall be subject to the approval of the Community and Economic Development Department.
27. Improvement Plans and Grading Plans shall delineate the location and design of all required walls including retaining walls.
28. Improvement Plans shall include mailbox locations, which must be approved by the US Postmaster and the City of Los Banos.
29. 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 and Economic Development Department:

If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet 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.

30. 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.

Pre-Construction and Construction

32. 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 approval by the City of Los Banos Community and Economic Development Department.

33. Two points of all-weather access shall be provided to all areas of the development during all phases of construction to the satisfaction of the Fire Department in areas where residential units are under construction.
34. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the subdivision where active subdivision construction is taking place. Placement of said construction trailer is subject to the Community and Economic Development Director approval in accordance with Title 9, Chapter 3, Article 38, Temporary Use Ordinance of the Los Banos Municipal Code.
35. During construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean up on a daily basis.
36. Prior to acceptance of public improvements, all entries to the subdivision shall be barricaded to prevent the public from entering the construction site.
37. Undeveloped portions of development sites shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion on undeveloped portions of the project site. Temporary vegetation on undeveloped portions of the project site shall not be allowed to grow taller than eighteen inches.
38. All contractors and subcontractors performing work relative to this project shall obtain City of Los Banos Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.
39. Construction shall be limited to those times allowed by City Ordinance: Monday through Friday from 7:00 am to 7:00 pm; Saturday from 8:00 am to 7:00 pm; and Sunday from 9:00 am to 7:00 pm. Properly muffled equipment shall be used.
40. The developer shall incorporate soil erosion control measures into grading and drainage plans that comply with NPDES storm water regulations. These measures shall be monitored for effectiveness by the City of Los Banos. Such measures may include, but not be limited to, the following:
 - a. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;
 - b. Confine all vehicular traffic associated with construction to the right-of-

way of designated access roads;

- c. Silt fencing installed in accordance with the American Society for Testing and Materials standard D6462.
 - d. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
 - e. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods;
 - f. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures;
 - g. Compliance with National Pollution Discharge Elimination System (NPDES) permits administered by the California Regional Water Quality Control Board; and
 - h. Development of a plan to employ best management practices that reduce the level of pollutants discharged into natural waterways and wetlands.
41. Where standard corner lot side yards abut a street, a minimum three-foot landscaping area shall be provided between the back of sidewalk and the fence.
42. Restricted access rights shall be irrevocably offered for dedication to the City along the rear edge of private property where properties back onto streets, and shall be shown on final maps.
43. Masonry walls shall be decorative and in conformance with the Final Development Plan. A minimum 3 foot landscape area shall be provided between the back of the sidewalk and any masonry walls.
44. Where the project boundary abuts existing good-neighbor residential fences, the Developer shall replace with new fences in accordance with the requirements of the Los Banos Municipal Code.

Air Quality:

45. All residences shall exceed Title 24 energy requirements. As many energy conserving features as possible shall be included in the design and construction of new buildings. Examples include, but are not limited to, increased wall and ceiling installation, energy efficient lighting, high efficiency appliances, and solar assisted water heating.

46. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
47. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
48. Natural gas line and electrical outlets shall be included in the backyard or patio areas of residences to encourage the use of gas and/or electric barbecues.
49. Electrical outlets shall be installed around the exterior of residences to encourage use of electrical landscape maintenance equipment.
50. Only low emitting, EPA approved fireplace inserts and/or wood stoves or natural gas fireplaces shall be installed. No open hearth fireplaces shall be allowed.
51. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District. Developer shall prepare an air emissions reduction if required.

Access and Circulation:

52. Prior to occupancy of the first residence within the gated community, the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall be provided for the full width of right-of-way including curb/gutter improvements fronting the cemetery. The improvements shall include median, travel lanes, bike lane as applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with the East Center Area Plan.
53. Center Avenue shall be constructed with a double turn lane along the length of the cemetery and the Whitehurst Funeral Chapel, or equivalent design, as approved by the City Engineer.
54. The Class I and II bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.
55. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Map including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.

56. The developer shall construct at least a half-section of any adjacent street on which the project borders, regardless of whether project access is taken from that street. The half-section shall be constructed in accordance with City standards, or as otherwise approved in the Vesting Tentative Tract Map, including, but not limited to curb, gutter, sidewalk, one-half of the planned travel lanes, median, decorative masonry wall, and landscaping.
57. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
58. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City standards.
59. Prior to approval of Final Improvement Plans, street sections for all streets shall be approved by the City Engineer.
60. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
61. Prior to approval of the Final Improvement Plan(s), all curb return radii less than 40 feet shall be reviewed for adequacy for turning movements of moving vans, fire apparatus, and other large vehicles, and adjusted accordingly.
62. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.
63. Traffic calming measures throughout the project area shall be provided by the developer and approved by the Public Works Director.
64. All streets within private property shall be privately owned and maintained.

Landscape and Lighting District:

65. Prior to approval of any final or parcel map, 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.

Utilities:

66. The applicant shall construct water, sewer, and storm drainage facilities as noted on the Vesting Tentative Tract Map, in accordance with City standards. The project shall comply with the current City Plans, Standards, and Specifications, all Master Plan requirements, and the applicant shall work with the Public Works Department in regards to needed infrastructure and development during the Improvement Plan Review stage.
67. In conformance with the Subdivision Map Act, the developer shall permit installation of underground cable television delivery systems within public utility easements. All dwellings shall be made cable ready.
68. Prior to approval of Improvement Plans or Final Maps, the developer shall obtain any necessary easements for utilities across adjoining properties.
69. Easements shall be provided across public property for the purpose of providing access for maintenance of public infrastructure.
70. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
71. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.
72. All street lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic. Streetlight locations shall be shown on Improvement Plans. Developer shall utilize decorative streetlights meeting the illumination standards required in the City street light standards, except that cobra-head streetlights shall be used on arterial streets.
73. All street lights within private property shall be privately owned and maintained.

Water:

74. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
75. Approved backflow devices shall be installed as required.
76. Domestic water services shall not be placed in driveways.
77. Final Improvement Plans shall indicate the locations of water line elbows and manholes.
78. Prior to recordation of a Final Map, certification shall be obtained by the Central California Irrigation District that the property has been detached from CCID, or that remaining CCID lines will be intact or rerouted to the satisfaction of CCID.
79. All water lines within the private property or common lots shall be privately owned and maintained, except that mains within private property may be publicly owned if an easement is provided for maintenance.

Sewer:

80. The existing Bluff Drive Sewer Pump Station capacity shall be upgraded to 1,900 gpm as identified in the Area Plan.
81. The existing force main in Page Avenue may need upgrades as determined by the Public Works Director as identified in the Area Plan.
82. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
83. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the City Engineer.
84. Final Improvement Plans shall indicate the locations of sewer line elbows and manholes.
85. All sewer lines within the private property or common lots shall be privately owned and maintained, except that mains within private property may be publicly owned if an easement is provided for maintenance.

Storm Drainage:

86. The development shall provide storm drainage to the new basin, and then discharge directly to CCID Canal, as described in the Storm Drain

Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer. All improvements to conform to the City's Storm Drainage System Master Plan. All deviations to be approved by the City Engineer.

87. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.
88. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.
89. Final Improvement Plans shall include concrete structures at storm basin inlets and outlets. Rip-rap shall not be considered acceptable. The structures shall prevent nuisance water by diverting directly to the pump station.
90. All development shall comply with the Phase II storm water regulations.
91. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
92. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.
93. The storm drainage basin shall be complete to the satisfaction of the Public Works Director prior to occupancy of the first house (except model homes).
94. The applicant shall pay reimbursements as applicable for the Gardens storm drainage improvements; and shall be entitled to reimbursement for future development elsewhere within the plan area.
95. The applicant and City shall revise the drainage agreement with CCID as necessary to accommodate drainage flow into the Main Canal.
96. All storm drain lines within the private property or common lots shall be privately owned and maintained.

Public Safety:

97. Prior to recordation of a Final Map, the developer shall form or annex the subject property to a Community Facilities District created for the purposes of funding public safety, as authorized by Government Code

Section 53313(a) and (b). The form, terms and conditions, and the tax rate for the formation of the Mello-Roos 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. District formation or annexation shall be at the sole cost of the Developer.

98. On-street parking shall be prohibited in locations where a minimum 20-foot travel lane will not be maintained.
99. Emergency access to private property/ common areas shall be assured.
100. Gates at private streets shall be equipped with SOS Sire control System, Click to Enter controls, and Knox Box entry system approved by the Fire Chief. Manual operation or alternate access shall be provided for use in the event of a power outage.
101. The developer shall enter into an agreement with the City to assure that the developer or successor shall perform water system maintenance and maintain the required fire flow.
102. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
103. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
104. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
105. Each residence shall have 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
106. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
107. Street names shall be approved by the Fire Department.
108. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
109. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department providing information on street layout, hydrant locations, water mains, storm drain inlets (i.e. Fire Department pre-planning).

Landscaping:

110. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
111. The developer shall comply with the adopted street tree ordinance.
112. Masonry walls shall be landscaped with vines to discourage graffiti.
113. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
114. A park dedication and improvement fee shall be paid with each building permit. Upon completion of public park improvements and dedication, the developer may be subject to reimbursement of park improvement fees for the expansion of Cresthills Park.
115. The developer shall include the following utilities in the parks: electrical, sewer, connections, storm drainage, and water service.
116. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize water use and spillage onto paved areas.
117. Landscape plans shall be designed in accordance with Title 10, Chapter 2, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.

Notice: This approval may contain fees, dedications, reservations or other exactions as defined by the Mitigation Fee Act (Government code sections 66000 et seq.) This notice triggers the 90 day protest period as provided for by the Mitigation Fee Act.

EXHIBIT D

The Villas Area Plan Mitigation Monitoring Program

Introduction

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

Monitoring Program

The basis for this monitoring program is the mitigation measures included in the project negative declaration. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of the proposed project.

The attached list is proposed for monitoring the implementation of the mitigation measures. This monitoring checklist contains all appropriate mitigation measures in the environmental impact report.

Monitoring Program Procedures

The City of Los Banos shall use the attached monitoring list for the proposed project. The monitoring program should be implemented as follows:

1. The Los Banos Community Development Department should be responsible for coordination of the monitoring program, including the monitoring list. The Community Development Department should be responsible for completing the monitoring list and distributing the list to the responsible individuals or agencies for their use in monitoring the mitigation measures.
2. Each responsible individual or agency will then be responsible for determining whether the mitigation measures contained in the monitoring list have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring list to the Community Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring list should not be returned to the Community Development Department.
3. The Los Banos Community Development Department will review the list to ensure that appropriate mitigation measures included in the monitoring list have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals.
4. If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Community Development Department, describing the non-compliance and requiring compliance within a specified period of time. If a non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the City of Los Banos.

Villas Area Plan

Mitigation Measure Checklist

The following mitigation measure shall be implemented **prior to approval of final maps**:

4. *Prior to project approval, the project proponent shall pay the nexus of the cost of widening Mercey Springs Road and Pioneer Road intersection to create northbound and southbound left turn lanes and construction a dedicated southbound right turn lane. The payment shall be in the form of a City Traffic Fee or a pro rata payment, as determined by the City. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

The following mitigation measures shall be implemented **prior to issuance of a demolition or grading permit** or commencement of demolition or grading activities:

2. *If human remains or artifacts are encountered during construction, the project proponent shall immediately halt construction, notify the City Planning Department. Construction shall not resume until a qualified archaeologist determines the significance of the resource and approves resuming construction activities.*

Party Responsible for Implementation: Applicant; Qualified Archeologist

Party Responsible for Monitoring: Los Banos Community Development Department

1. *Dust control requirements shall be included in all construction contract specifications. These construction contract specifications shall include the following SJVAPCD Regulation VIII, Rule 8020 fugitive dust mitigation requirements for the control of fine particulate matter (PM₁₀) from construction activities. The measures shall be implemented as necessary to adequately control dust subject to the review and approval of the City of Los Banos Planning Department.*
- *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.*

- *All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.*
- *All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut & fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.*
- *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.*
- *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.)*
- *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.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Community Development
Department

The following mitigation measure shall be implemented **annually until such time as the left turn restriction has been implemented:**

3. *The City and Caltrans shall monitor the Pacheco Boulevard/Center Avenue intersection and restrict left turns when the LOS drops below LOS D. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Los Banos Public Works Department;
Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

This measure has already been completed as of the date of adoption of the monitoring program.

RESOLUTION #2016-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING APPROVAL TO THE LOS BANOS CITY COUNCIL OF FINAL DEVELOPMENT PLAN #2016-01 FOR THE VILLAS

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

WHEREAS, the project site is zoned PD (Planned Development), and Title 9, Chapter 3, Article 4 – Planned Development District of the Los Banos Municipal Code (LBMC) outlines the procedure for establishing development standards within PD districts; and

WHEREAS, the East Center Area Plan was adopted by the City of Los Banos City Council January 18, 2006, and

WHEREAS, the applicant submitted a Final Development Plan in accordance with the Los Banos Zoning Code Sections 9-3.403 and 9-3.407 on February 23, 2016; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), certified by the City on December 21, 2005. Staff has determined that the proposed project was adequately described, examined, and evaluated in the MND, and that no significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the MND; and

WHEREAS, the Planning Commission of the City of Los Banos scheduled and duly noticed a public hearing in accordance with California Government Code Section 65091 by advertisement and notices by mail to property owners within a 300 foot radius of the project boundaries on April 29, 2016 to consider and take testimony regarding these matters on May 11 2016, and continued to July 27, 2016, and August 10, 2016.

WHEREAS, at the May 11, 2016, July 27, 2016, and August 10, 2016, Planning Commission meetings the Los Banos Planning Commission heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Final Development 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 Final Development Plan criteria established in Title 9, Chapter 3, Article 4 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 recommend approval of Final Development Plan #2016-01 for The Villas, more specifically identified as Assessor's Parcel Numbers: 431-270-004, 430-270-010.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 10th day of August 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 FINAL DEVELOPMENT PLAN #2016-01 – THE VILLAS

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, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), State Clearinghouse Number: 2002081111, certified by the City on December 21, 2005;
2. The MND was adequately noticed, circulated for public review, considered at public hearings, and duly certified by the Los Banos City Council;
3. The Project will have significant impacts on air quality, and the City adopted a Statement of Overriding Considerations when adopting the Los Banos General Plan, with which this project is consistent with. Feasible mitigation measures identified in the MND will reduce the project impacts on air quality;
4. All potentially significant effects were analyzed adequately in the MND, and subject to the mitigation measures presented in the MND attached hereto in Exhibit D, and will reduce potentially significant impacts, to a less than significant level;
5. The proposed project was adequately described, examined, and evaluated in the MND;
7. The East Center Avenue Area Plan MND contemplated a build-out of 694 residential units within the revised East Center Area Plan, the project is the last map of residential development within the East Center Area Plan, and will utilize 231 of the contemplated units, bringing development to a cumulative total of 369 units and therefore, the proposed project is within the development density anticipated in the East Center Avenue MND;
8. No significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the MND;

10. No further environmental documentation is required because the proposed project was contemplated and adequately analyzed in the MND;
11. The project was adequately noticed on April 29, 2016, and considered at a public hearing on May 11, 2016 and continued to July 27, 2016 and August 10, 2016;
13. The project will be subject to the applicable mitigation measures presented in the MND;
14. The City will monitor the implementation of mitigation measures in accordance with the East Center Avenue Area Plan Mitigation Monitoring Program;
15. The MND and the CEQA findings for the East Center Avenue Area Plan MND are incorporated herein by reference; and
15. The City of Los Banos Community and Economic Development Department, located at 520 J Street in Los Banos, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the MND was based.

EXHIBIT B

FINDINGS FOR APPROVAL OF FINAL DEVELOPMENT PLAN #2016-01 – THE VILLAS

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

1. The Los Banos General Plan was adopted by the City in July 2009 and the East Center Area Plan was prepared pursuant to the Los Banos General Plan and adopted by the City of Los Banos January 18, 2006.
2. The proposed project is consistent with the City of Los Banos General Plan “Low Density Residential” land use designation for the site, and with the East Center Area Plan “Planned Development” designation for the site.
3. The project, as conditioned, complies with the provisions of the City’s Zoning Ordinance, and includes a Final Development Plan to implement the Planned Development designation pursuant to the requirements of the Los Banos Municipal Code section 9-3.403 and 9-3.407.
4. The conceptual architectural renderings and schematic building designs, landscape and lighting designs, and other designs presented in the Final Development Plan, as conditioned, substantially conform to the requirements of the City’s Residential Design Guidelines.
5. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing or working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City. The project will enhance the surrounding area and offer the surrounding community choices for housing and recreation.
10. The designs of the Final Development Plan, as conditioned, are consistent with the General Plan and East Center Area Plan goals, policies, and programs, and that the project density and development intensity are consistent with the General Plan and East Center Area Plan land use designations for the site.
11. The proposed open spaces are compatible with the adjacent uses, properties, and neighborhoods, and will not be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City, and the specific types, densities, and configuration of residential uses are compatible with the surrounding residential and educational uses and will not result in detrimental effects to neighboring properties or to City services.
12. The project will provide adequate pedestrian and bicycle routes within the project, and, as conditioned, to nearby destinations including schools.

EXHIBIT C

CONDITIONS OF APPROVAL FOR FINAL DEVELOPMENT PLAN #2016-01 – THE VILLAS

General:

1. All development shall be consistent with the Final Development Plan, reflecting any conditions of approval or amendments approved by the Los Banos City Council, which includes: the Vesting Tentative Tract Map, the land use type, pedestrian and vehicular access, architectural design, parks, open space, and recreation, public facilities, services, and infrastructure, and phasing plan.
2. Building Master Plans shall be consistent with the Final Development Plan and approved by the Community and Economic Development Department and Building Department prior to issuance of a building permit.

Lighting:

3. All street lighting shall be LED. The streetlights shall meet the illumination standards in the City Street Light standards. After Public Works inspection and approval, all street light electrical boxes shall be slurried per Public Works direction.

Architecture and Physical Design:

4. Cardoza Road shall be aligned near the northern boundary of the plan area. The homes along the northern side of Cardoza Road shall be custom built and be limited to single-story with minimum 20 foot setback from the rear property line. The private gate access at Pike Street and Cardoza Road shall be for Emergency Vehicle Access (EVA) only and shall not be used as a general vehicle entrance or exit for the residence living within the gated community. A pedestrian gate with private access shall be provided at Pike Street to allow connection to the trail along the canal for residence within the gated community. Access to the Cardoza Road extension shall also be provided to Whitehurst Funeral Chapel.
5. This project shall be subject to P-D (Planned Development) Design Standards as presented in the Final Development Plan.
6. The monotony of straight building lines shall be alleviated by varying the size of individual buildings, staggering the front yard setbacks, varying exterior building materials and colors, articulating building facades, and utilizing extensive landscaping.
7. The variation in setbacks, unit placement, and materials and colors shall be implemented in a random fashion with no apparent pattern, to avoid monotony.

8. The minimum front yard setback for custom and semi-custom homes shall be 20'.
9. The minimum front yard setback for production homes with front-loading garages shall be 20' and side-loading garages shall be 15'. The minimum setback to living areas shall be 15' from the front yard property line. The minimum front yard setback to porches shall be 10'.
10. The minimum side-yard setback for interior lots shall be 5'; standard corner lots shall be 10'; and reverse corner-lots shall be 15' from the property line.
11. The minimum rear-yard setback for custom homes shall be 20'.
12. The minimum rear-yard setback for semi-custom and production homes shall be 10' for single story units, and 20' for multi-story units.
13. The rear yard setback may be reduced by 2' to provide for stagger.
14. The typical architecture and plot plans set forth in the Final Development Plan are conceptually approved with this application. Plans submitted for building permits shall be consistent with these elevations in terms of style, material, and character.
15. To protect privacy, building placement that offsets side-facing second-story bedroom windows at adjacent houses shall be required.
16. Residential dwelling units shall not exceed 30 feet in height.
17. The developer shall provide entry monumentation and/or landscaping to provide for a neighborhood identity, substantially similar to that shown in the Final Development Plan.
18. If parking for model homes is to be provided in a temporary parking lot, such lot shall be approved by the Community and Economic Development Director as a commercial lot conforming with Los Banos Municipal Code section 9-3.2009, and shall be removed within 60 days of the end of sales, if not intended to serve a permanent use.

Physical Amenities:

19. The developer shall provide decorative lighting as shown in the Final Development Plan.
20. Enhanced pedestrian treatments shall be used at the intersection of Pioneer Road and Street K, such as, but not limited to stamped concrete as approved by the Community and Economic Development Director.
21. The developer shall install a six-foot high decorative masonry wall along Center Avenue and Pioneer Road within the non-access strip at the rear of private properties.

Parks and Landscaping:

22. Landscape plans shall emphasize deciduous shade tree plantings to the south and west of buildings.
23. Landscaping and site design shall substantially conform to the conceptual plans of the Final Development Plan.
24. The developer shall comply with the current development standards for basins and drains, to include all landscaping and related irrigation systems. The applicant shall comply with the landscaping and irrigation requirements imposed by the Public Works Department.
25. Landscape plans for each residential front yard shall utilize drought tolerant plantings. The developer shall be required to follow local and State mandates regarding water conservation and water efficiency. Once the City adopts a new water efficient landscape ordinance, the developer shall be required to follow the new ordinance requirements. Landscaping shall be installed prior to Certificate of Occupancy.
26. The developer shall include the following utilities in the park basin facility: electrical, sewer connections, storm drainage, and water service.

EXHIBIT D

The Villas Area Plan Mitigation Monitoring Program

Introduction

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

Monitoring Program

The basis for this monitoring program is the mitigation measures included in the project negative declaration. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of the proposed project.

The attached list is proposed for monitoring the implementation of the mitigation measures. This monitoring checklist contains all appropriate mitigation measures in the environmental impact report.

Monitoring Program Procedures

The City of Los Banos shall use the attached monitoring list for the proposed project. The monitoring program should be implemented as follows:

1. The Los Banos Community Development Department should be responsible for coordination of the monitoring program, including the monitoring list. The Community Development Department should be responsible for completing the monitoring list and distributing the list to the responsible individuals or agencies for their use in monitoring the mitigation measures.
2. Each responsible individual or agency will then be responsible for determining whether the mitigation measures contained in the monitoring list have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring list to the Community Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring list should not be returned to the Community Development Department.
3. The Los Banos Community Development Department will review the list to ensure that appropriate mitigation measures included in the monitoring list have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals.
4. If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Community Development Department, describing the non-compliance and requiring compliance within a specified period of time. If a non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the City of Los Banos.

Villas Area Plan

Mitigation Measure Checklist

The following mitigation measure shall be implemented **prior to approval of final maps**:

- 4. Prior to project approval, the project proponent shall pay the nexus of the cost of widening Mercey Springs Road and Pioneer Road intersection to create northbound and southbound left turn lanes and construction a dedicated southbound right turn lane. The payment shall be in the form of a City Traffic Fee or a pro rata payment, as determined by the City. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

The following mitigation measures shall be implemented **prior to issuance of a demolition or grading permit** or commencement of demolition or grading activities:

- 2. If human remains or artifacts are encountered during construction, the project proponent shall immediately halt construction, notify the City Planning Department. Construction shall not resume until a qualified archaeologist determines the significance of the resource and approves resuming construction activities.*

Party Responsible for Implementation: Applicant; Qualified Archeologist

Party Responsible for Monitoring: Los Banos Community Development Department

- 1. Dust control requirements shall be included in all construction contract specifications. These construction contract specifications shall include the following SJVAPCD Regulation VIII, Rule 8020 fugitive dust mitigation requirements for the control of fine particulate matter (PM₁₀) from construction activities. The measures shall be implemented as necessary to adequately control dust subject to the review and approval of the City of Los Banos Planning Department.*
- 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.*

- *All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.*
- *All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut & fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.*
- *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.*
- *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.)*
- *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.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Community Development
Department

The following mitigation measure shall be implemented **annually until such time as the left turn restriction has been implemented:**

3. *The City and Caltrans shall monitor the Pacheco Boulevard/Center Avenue intersection and restrict left turns when the LOS drops below LOS D. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Los Banos Public Works Department;
Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

This measure has already been completed as of the date of adoption of the monitoring program.

PLAN REVISIONS	
NO.	DATE

ODELL ENGINEERING
 Modesto Park Also Presentation
 1185 Seaside Drive, Suite B
 Modesto, CA 95350
 PH: 209.571.1765 odellexengineering.com

LOS BANOS, CALIFORNIA
THE VILLAS
 TRACT NO. 2016-01

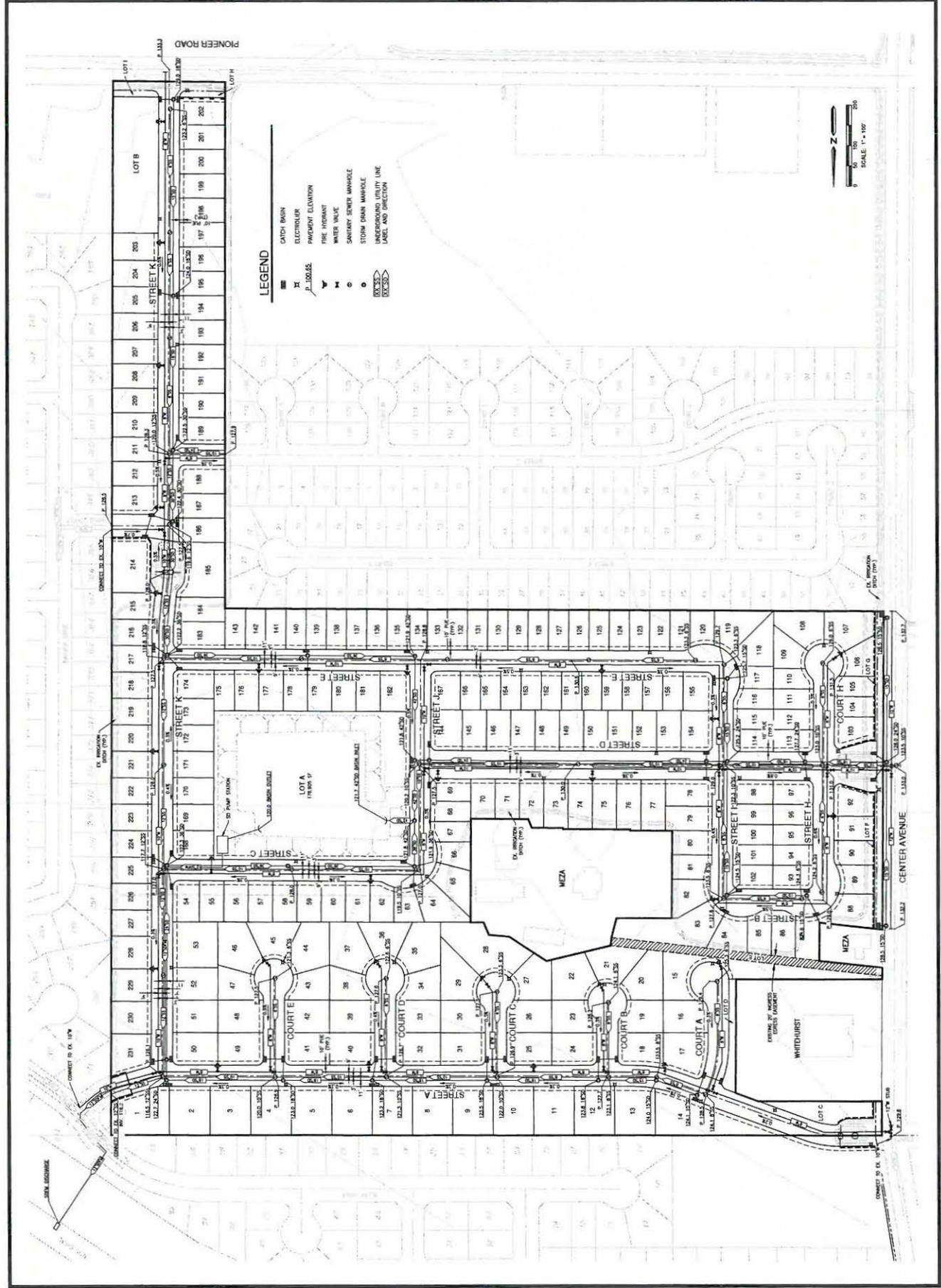
VESTING TENTATIVE MAP



APPROVED:

DESIGNED BY	
DRAWN BY	
CHECKED BY	
SCALE	1" = 100'
DATE	7/18/2018
JOB NO.	29041
FILE NO.	2016-LVTD-01-01-02

SHEET NO. **2**
 OF **2**



The Villas

Final Development Plan



Los Banos, California
May 2016

Project Participants

Applicant:

Stonefield Home
923 East Pacheco Blvd., Suite C
Los Banos, CA 93635
(209) 826-6200

Engineering/Surveying/Planning/Landscape



O'Dell Engineering
1165 Scenic Drive, Suite B
Modesto, CA 95350
209.571.1765

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Introduction/Project Description

Purpose of This Document

The Villas Final Development Plan (FDP) will guide the development of 58.95 acres in the southeastern part of the City of Los Banos. This FDP presents a range of lot sizes from 50' to 100' wide lots. The FDP also presents a range of home choices from attractive production homes positioned on smaller lots, to custom and semi-custom homes on larger lots up to 12,000 square feet. Included in this document are sample architecture products for 50' and 60' lots.

A portion of the FDP area is comprised of a gated community to appeal to home buyers who desire a more private lifestyle.

The 58.95 acre Final Development Plan proposes 231 residential lots. The resulting density will be approximately 4.1 dwelling units per gross acre (du/ac).

The typical number of bedrooms per single-family residence is three to four, with each unit to include an attached two or three-car garage. Both residential product types, as shown in the attached architectural exhibits, will include a mix of single and two-story dwelling units.

Landscape Summary

The developer, his successors and assigns, shall be responsible for installation, maintenance and replacement of all landscaping materials shown or indicated on the approved site plan or landscape plan on file in the planning department. All landscaping will be installed as delineated on the plan, prior to issuance of certificates of occupancy.

Landscapes within the project will be irrigated by methods that minimize water run-off and conserve water. Irrigation systems will be designed to, at a minimum, meet the State water efficient landscape ordinance and to follow City of Los Banos Municipal Code standards.

MASTER STREET TREE LIST

A master street tree list has been provided on page 17. All trees along public street frontages within the project will be one of the street trees listed in this table. Trees will be varied to improve the urban forest's resilience to insect infestations and climate anomalies. This list was in conjunction with the City of Los Banos Master Tree List. Trees listed in the Master Street Tree List are also appropriate for other landscape areas and though not listed in the project plant species table should be considered as part of the overall list of landscape species.

FREESTANDING LIGHTS

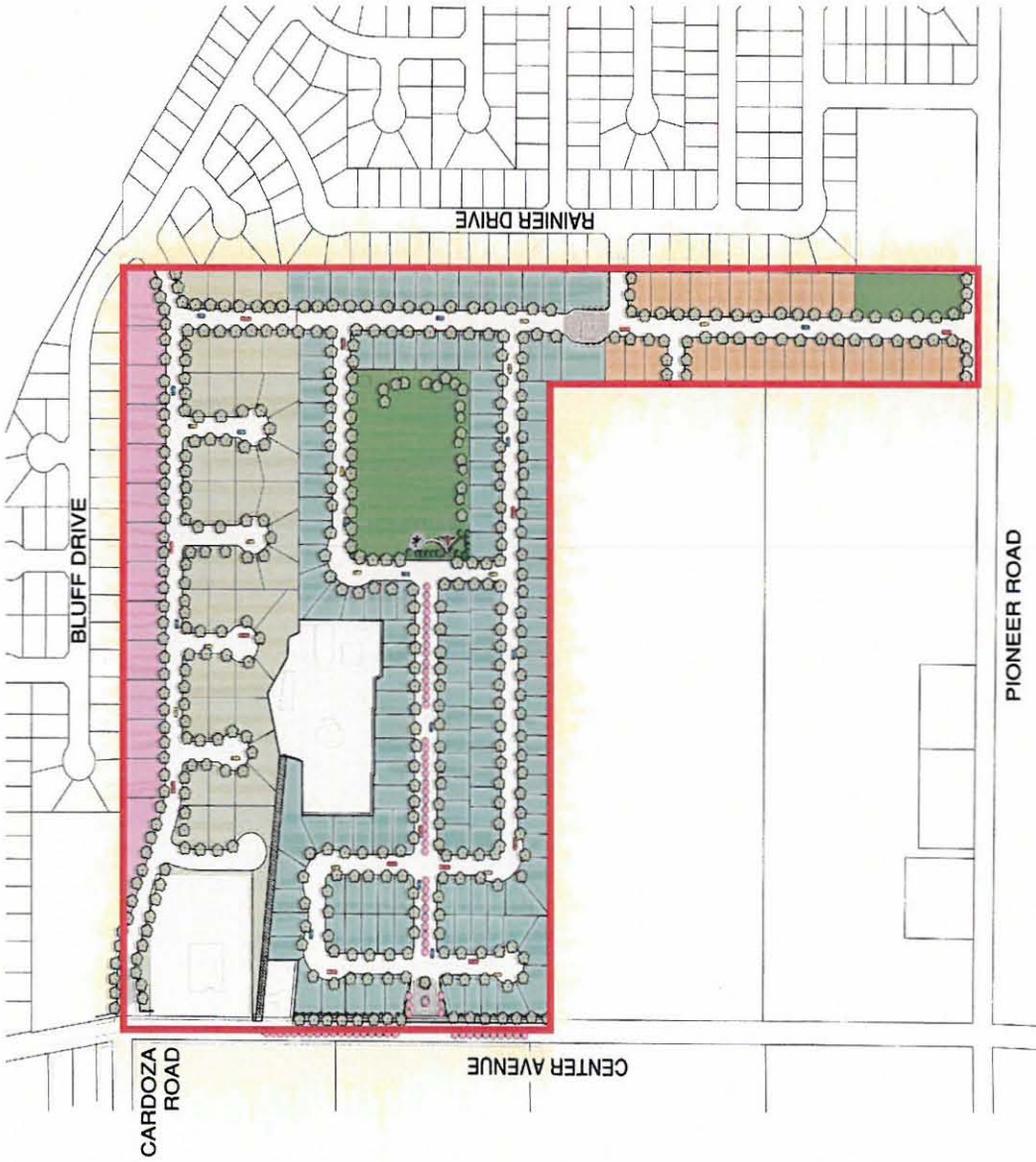
Freestanding lights will be installed as part of this project. Interior street lights will be City standard 25'-30' lights.

SURFACE MATERIALS

Surface materials to be used in this project will consist of three standard typologies. Standard sidewalks will be poured concrete adhering to the City of Los Banos standards. Accent pavement at intersections identified on the plans will be concrete pavers and streets will be standard asphalt pavement.

FENCES AND WALLS

Fences and walls installed as part of this project will adhere to a set typology. Wood fences will be 6' high "good neighbor" style fences. Walls will be a 6' masonry wall. Stucco finish in neutral tone with formed cap in a contrasting tones are options. Pilasters will be placed at locations to be shown on landscape plans and will include stacked natural stone facade.

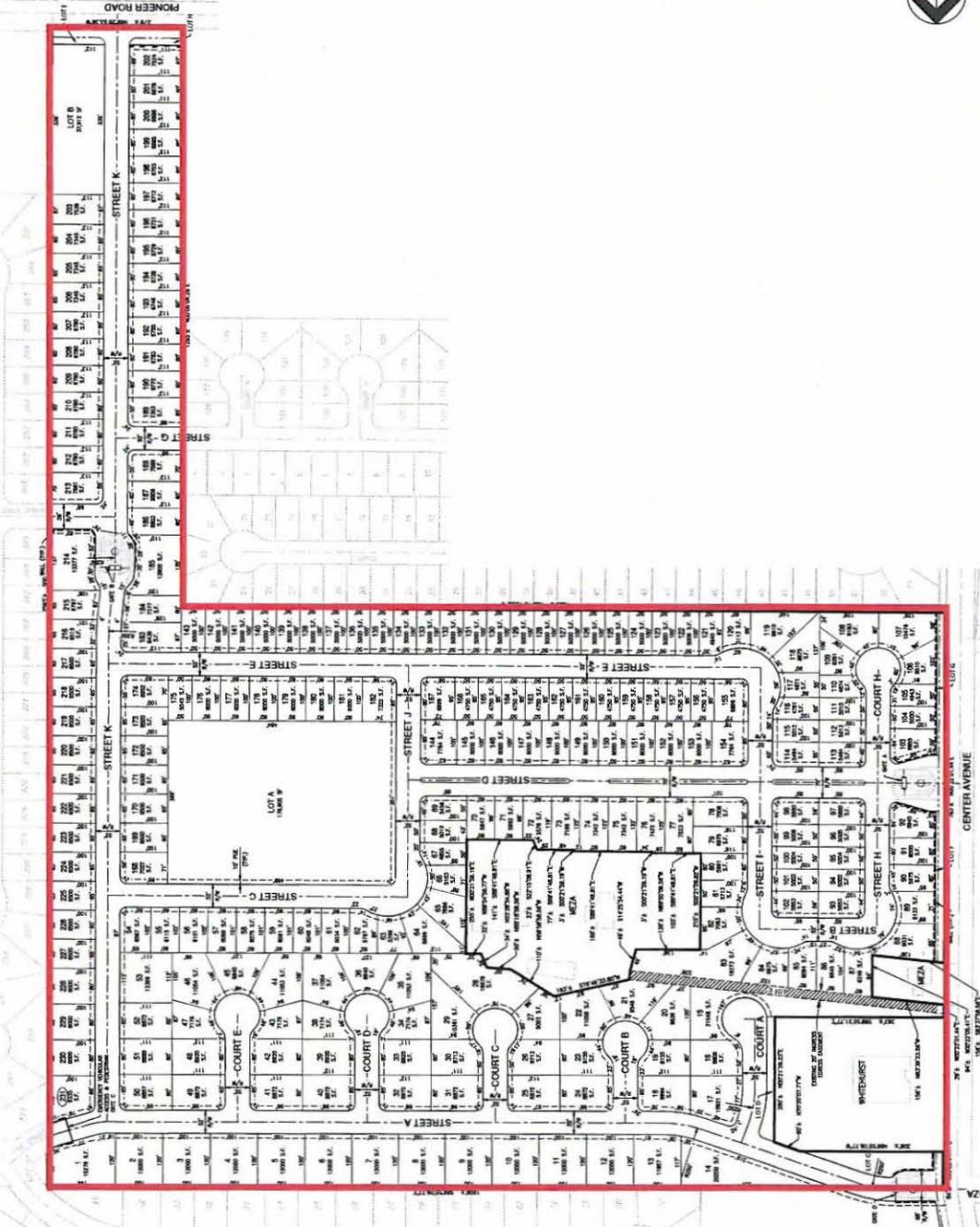


Reference Map

Legend

The Villas FDP Boundary

-  Custom Lots
-  Semi-Custom Lots
-  60' & 50' Lots
-  60' Lots
-  Park / Open Space



Reference Map

Legend

— The Villas FDP Boundary



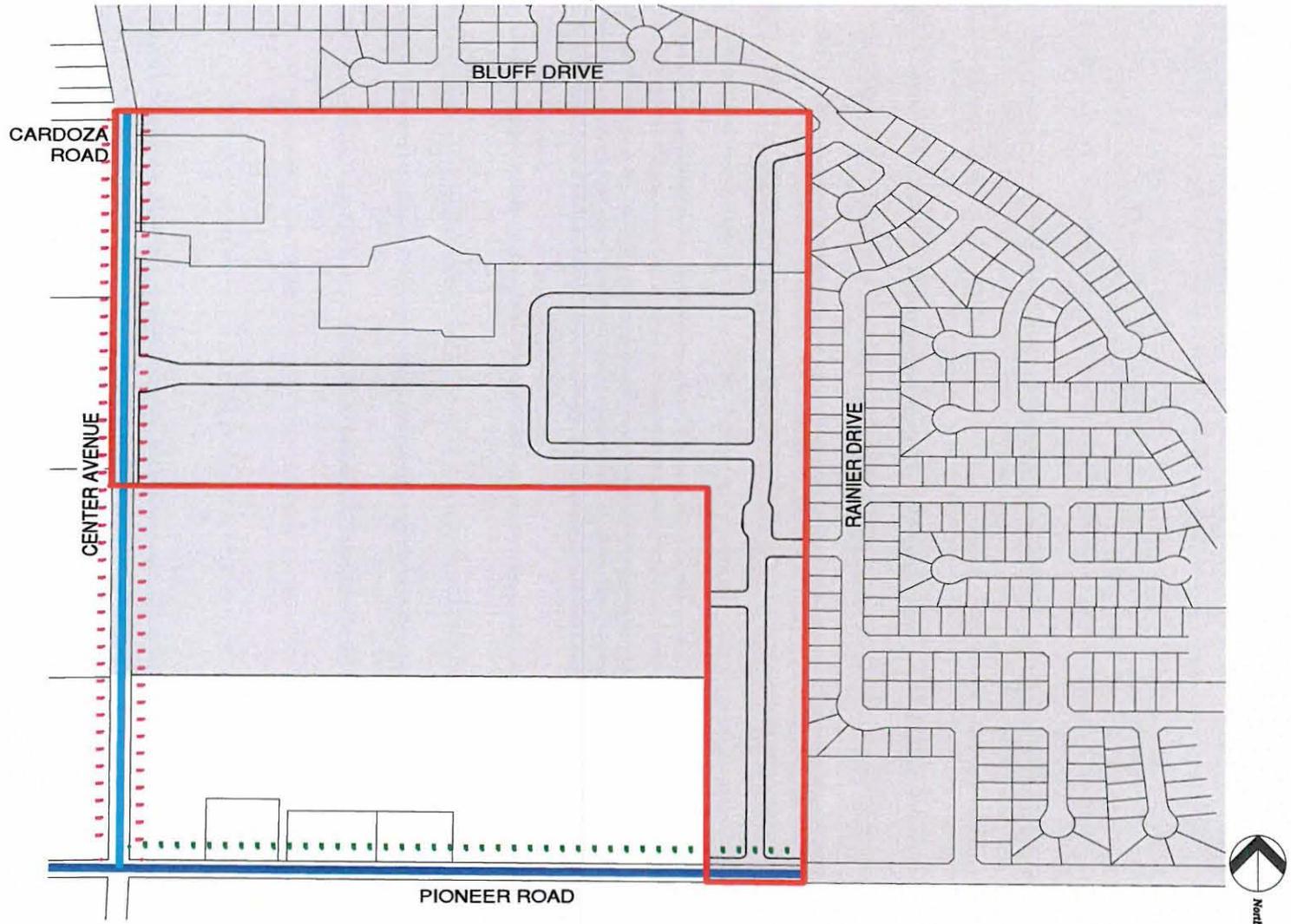
Reference Map

Legend

The Villas FDP Boundary

The Villas FDP Area





Reference Map

Legend

-  Within Current City Limits
-  The Villas FDP Plan Boundary
-  Arterial
-  Collector
-  Proposed Class 1 Bike Path
-  Proposed Class 2 Bike Path



Front Elevation



Right Elevation



PLAN 1-A



PLAN 1-B



Plan 1634 (50' & 60' Lots)
Floor Plan 1A-1C



PLAN 1-C

TYPICAL MATERIALS: Walls: Stucco Siding • Roof: Concrete barrel tile or Concrete tile • Windows: Vinyl • Doors: Wood • Garage Doors: Metal Roll Up



Front Elevation



Right Elevation



Rear Elevation



PLAN 2-A



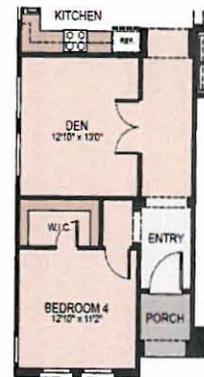
PLAN 2-B



PLAN 2-C



Plan 1969 (50' & 60' Lots)
Main Floor Plan 2A-2C



Option 4 Bedroom
with Den



Option 4 Bedroom
with 3 Bath

TYPICAL MATERIALS: Walls: Stucco Siding • Roof: Concrete barrel tile or Concrete tile • Windows: Vinyl • Doors: Wood • Garage Doors: Metal Roll Up



Plan 2292 (50' & 60' Lots) Main
Floor Plan 2A-2C



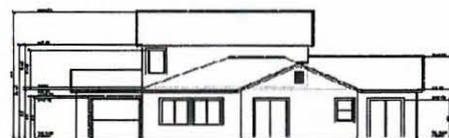
Second Floor 3A-C



Front Elevation



Right Elevation



Rear Elevation



PLAN 3-A



PLAN 3-B



PLAN 3-C

TYPICAL MATERIALS: Walls: Stucco Siding • Roof: Concrete barrel tile or Concrete tile • Windows: Vinyl • Doors: Wood • Garage Doors: Metal Roll Up



Front Elevation



Right Elevation



Rear Elevation



Plan 2785 (50' & 60' Lots)
Main Floor Plan 4A-4C



Second Floor 4A-4C



PLAN 4-A



PLAN 4-B



PLAN 4-C

TYPICAL MATERIALS: Walls: Stucco Siding • Roof: Concrete barrel tile or Concrete tile • Windows: Vinyl • Doors: Wood • Garage Doors: Metal Roll Up



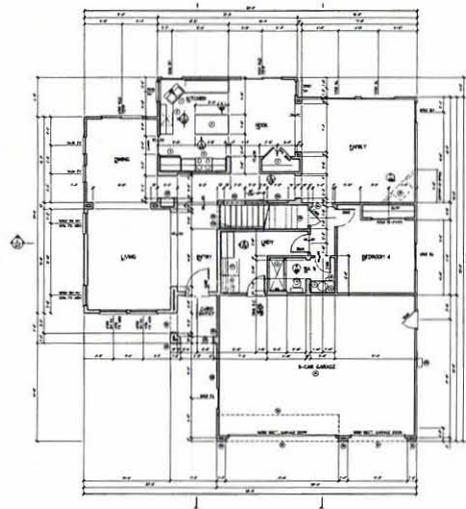
Front Elevation



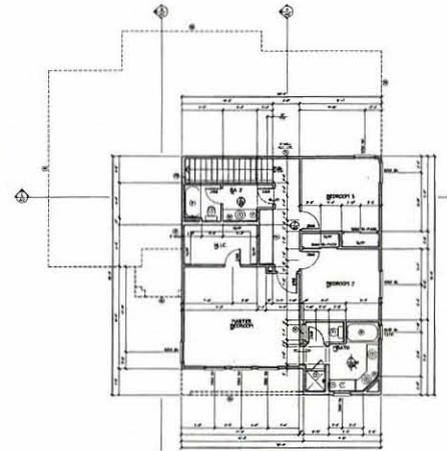
Right Elevation



Rear Elevation

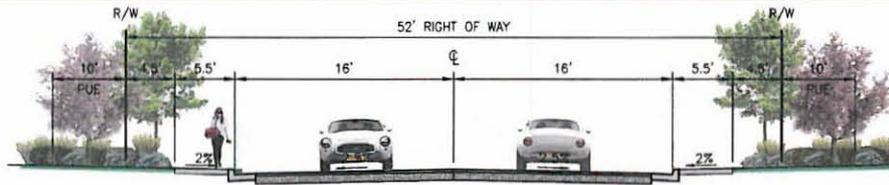


Plan 2518 (60' Lots)
Main Floor Plan 5A-5C

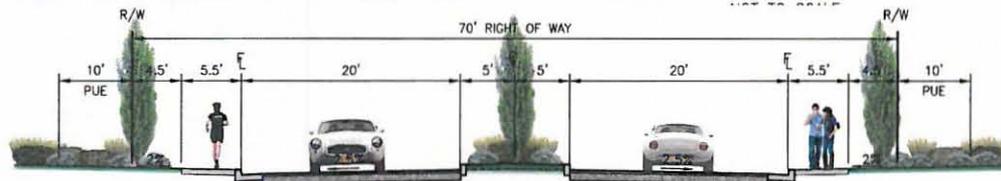


Second Floor 5A-5C

TYPICAL MATERIALS: Walls: Stucco Siding • Roof: Concrete barrel tile or Concrete tile • Windows: Vinyl • Doors: Wood • Garage Doors: Metal Roll Up

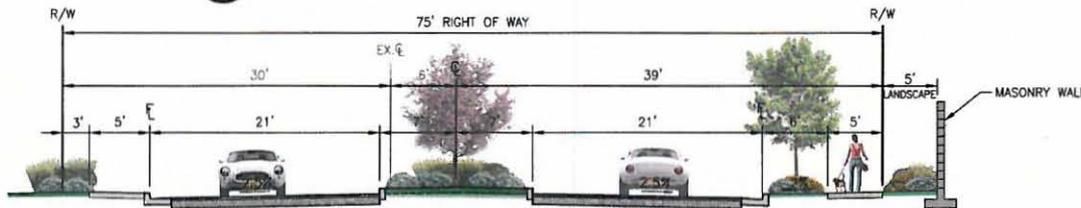


1 TYPICAL 52' RIGHT OF WAY SECTION



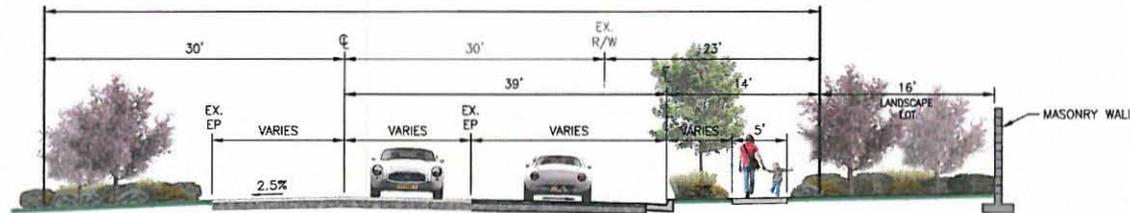
2 STREET D SECTION

NOT TO SCALE



3 CENTER AVENUE SECTION

NOT TO SCALE



4 PIONEER ROAD SECTION

NOT TO SCALE



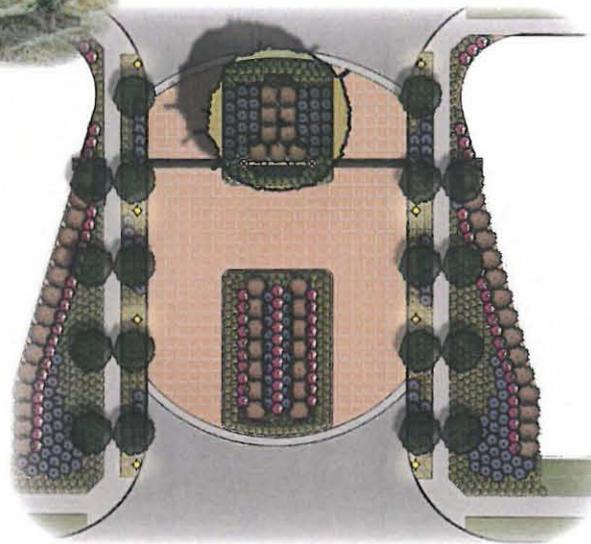
Reference Map

Legend

— The Villas FDP Boundary



Gated Entry Perspective Drawing



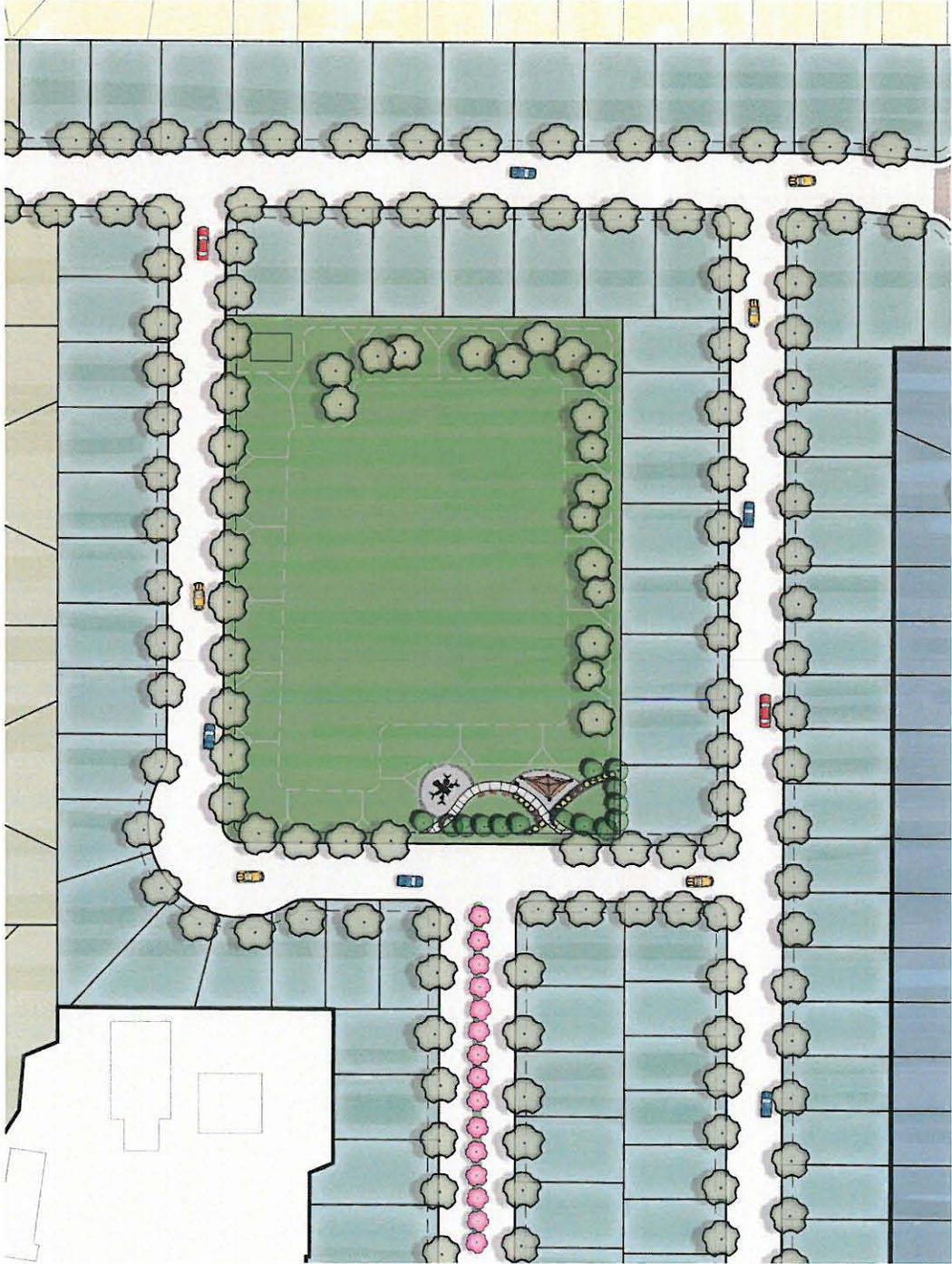
Gated Entry Plan View Drawing



Reference Map

Legend

 The Villas FDP Boundary



Reference Map

Legend

The Villas FDP Boundary



Potential Plant Species	Common Name	Scientific Name	Size	Water Use	
Shrubs	Lily-of-the-Nile	Agapanthus sp.	5 gal	Low	
	Powis Castle Sagebrush	Artemisia 'Powis Castle'	5 gal	Low	
	Little Leaf Cordia	Cordia parviflora	5 gal	Low	
	African Iris	Dietses sp.	5 gal	Low	
	California Lilac	Ceanothus sp.	5 gal	Low	
	Cotoneaster	Cotoneaster sp.	5 gal	Low	
	Grevillea	Grevillea 'Noellii'	5 gal	Low-Mod	
	Juniper	Juniperus sp.	5 gal	Low	
	Lantana	Lantana sp.	5 gal	Low	
	Spanish Lavender	Lavandula stoechas	5 gal	Low	
	Oleander	Nerium oleander	5 gal	Low	
	Little Ollie Olive	Olea europea 'Little Ollie'	5 gal	Low	
	Fountain Grass	Pennisetum alopecuroides	1 gal	Low	
	New Zealand Flax	Phormium tenax	5 gal	Low-Mod	
	Mugo Pine	Pinus mugo	5 gal	Low	
	Mock orange	Pittosporum tobira	5 gal	Moderate	
	India Hawthorne	Rhaphiolepis indica	5 gal	Low	
	Sage	Salvia sp.	1 gal	Low-Mod	
	Variigated Society Garlic	Tulbaghia v. 'Silver Lace'	1 gal	Low	
	Groundcovers / Turf	Manzanita	Arctostaphylos 'Emerald Carpet'	1 gal	Low
Myoporum		Myoporum parvifolium	1 gal	Low	
Mexican Primrose		Oenothera speciosa 'Siskiyou'	1 gal	Low	
		90 / 10 active turf fescue grass blend	Seed/Sod	High	
Potential Street Trees	Common Name	Scientific Name	Size	Water Use	
	Mayton tree	Maytenus boaria	15 Gallon	Moderate	
	Wilson Olive	Olea europaea 'Wilsonii'		Low	
	Chinese Pistache	Pistachia chinensis 'Keith Davey'		Low	
	Quercus robur 'Fastigiata'	Columnar English Oak		Moderate	
	Coast Live Oak	Quercus agrifolia		Very Low	
	Valley Oak	Quercus lobata		Low	
	Lacebark Elm	Ulmus parvifolia 'Allee'		Moderate	
Zelkova	Zelkova serrata 'Green Vase'	Moderate			
Potential Plant Species	Common Name	Scientific Name	Size	Water Use	
	General Use Trees	California Buckeye	Aesculus californica	15 Gallon	Very Low
		Incense Cedar	Calocedrus decurrens		Moderate
		Eastern Redbud	Cercis canadensis		Moderate
		Desert Willow	Chilopsis linearis		Very Low
		Chitalpa	Chitalpa tashkentensis		Moderate
		Jeffrey Pine	Pinus jeffreyi		Low
		Flowering Cherry	Prunus serrulata		Moderate
		Blue Oak	Quercus douglasii		Very Low
		Black Oak	Quercus kelloggii		Low
		Interior Live Oak	Quercus wislizenii		Very Low
		Purple Robe Locust	Robinia pseudoacacia 'Purple Robe'		Low



Landscape Description

Plants selected for use in project streetscapes, parks, detention basins, and other open spaces, will be native or adapted species well suited to the local climate and specific uses, including high traffic uses related to parks and recreation. The project area is located on the border of Sunset Western Garden Climate Zones 8-9. Minimum plant stock sizes used for landscape installations will be:

- Street Trees -15 gallon
- Shrubs - 1 gallon
- Groundcover - 1 gallon
- Turf - Sod or Hydroseed

All plant stock supplied will be nursery grown material conforming to national nursery standards and will be free of harmful insects. Planting design will follow City of Los Banos standards. There are many different types of landscapes within this project, each will have differing landscape needs. Appropriate landscape species and their locations will be determined at the landscape improvement plan stage, however, a sample list of plants that may be used within project landscape areas can be found in the "master plant list".



Decorative 6' Privacy Wall



Good Neighbor Privacy 6' Fence



Reference Map



Optional Decorative Paver Entry



Optional Decorative Paver Entry



Standard Brushed Concrete Walks



Asphalt Pavement Streets

Legend

 The Villas FDP Boundary



5-12 yr. old Playground and Picnic Shelter



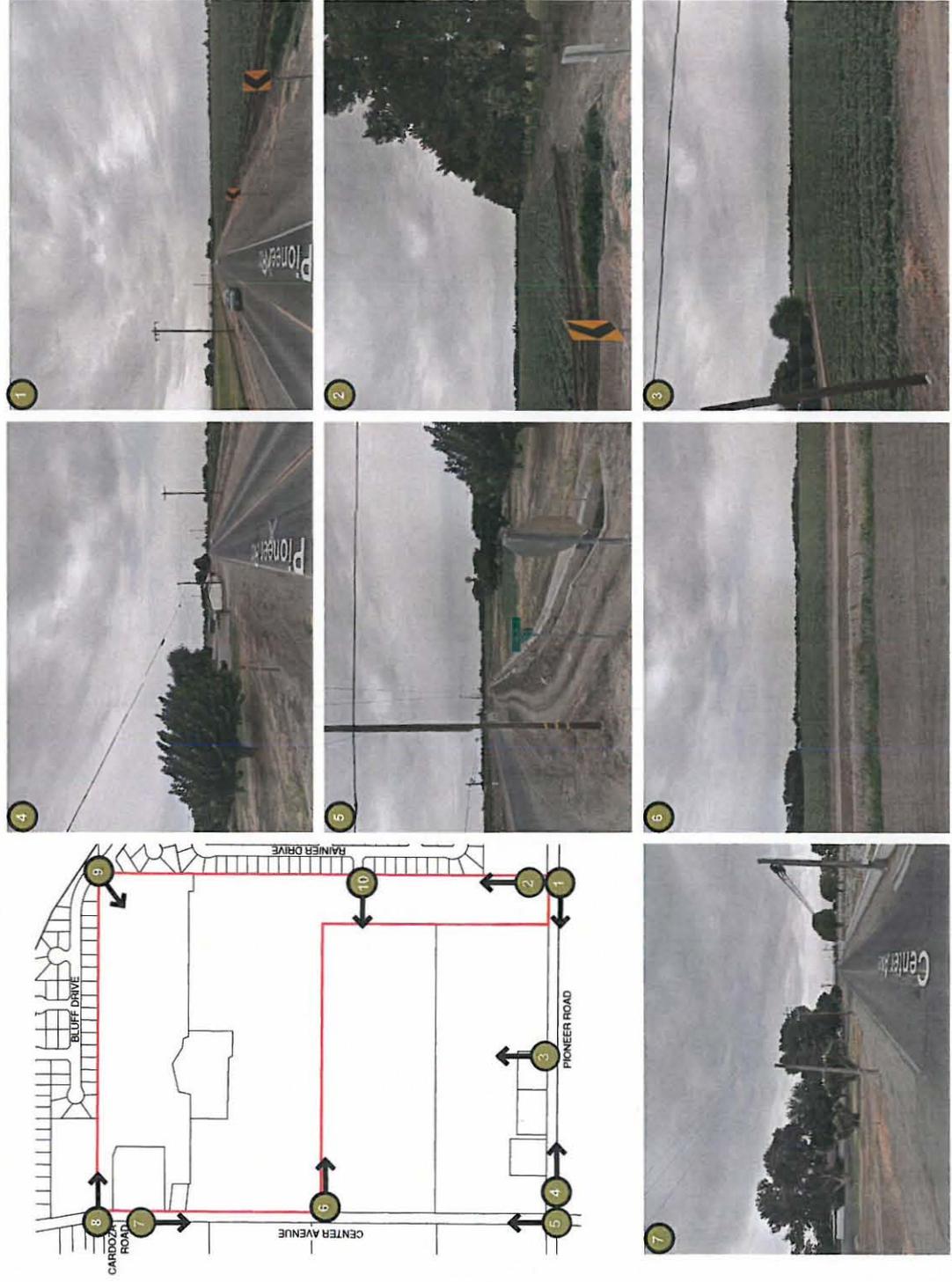
Decorative Park Furnishings



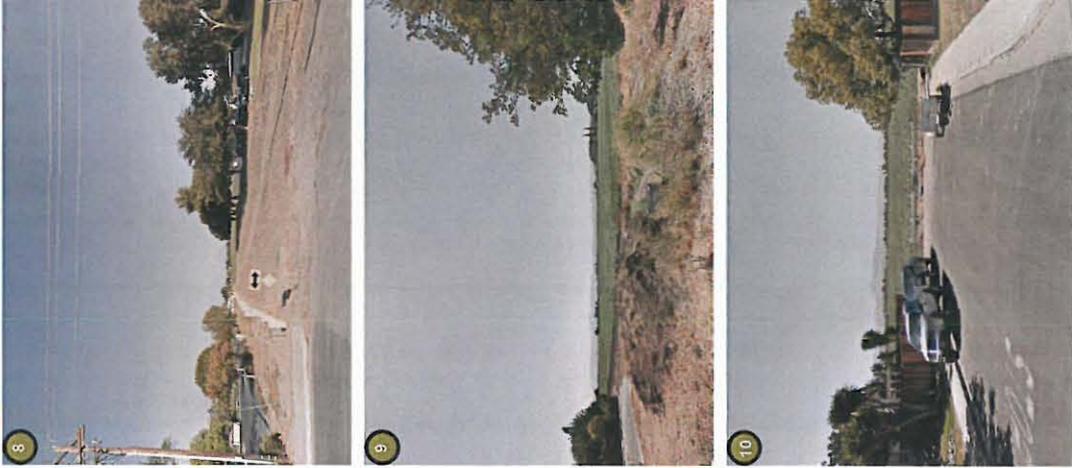
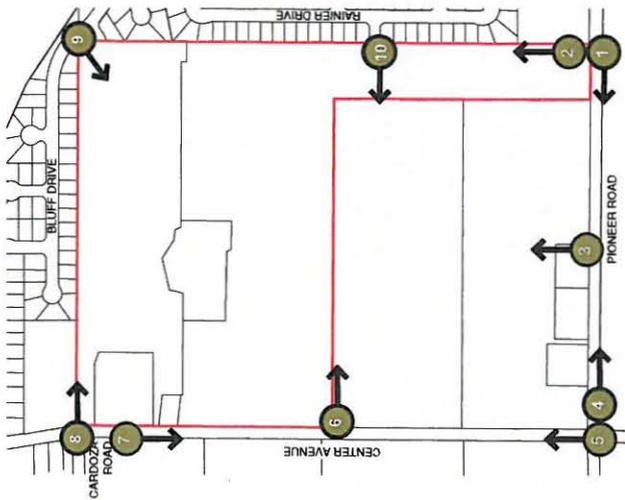
Reference Map

Legend

-  The Villas FDP Boundary
-  Photo Location
-  Photo Orientation



Site Photos



Reference Map

Legend

-  The Villas FDP Boundary
-  Photo Location
-  Photo Orientation



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: April 29, 2016

Re: Notice of Public Hearing

Proposal: The Villas Vesting Tentative Tract Map #2016-01, Final Development Plan #2016-01, and East Center Area Plan Amendment

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider Vesting Tentative Tract Map #2016-01, Final Development Plan #2016-01, and East Center Area Plan Amendment for The Villas. The proposed project consists 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.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, May 11, 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



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: AUGUST 10, 2016
SUBJECT: CONDITIONAL USE PERMIT #2016-16 – FABIAN’S AUTO BODY

RECOMMENDATIONS:

1. That the Planning Commission adopt Resolution No. 2016-38 approving Conditional Use Permit #2016-16 for the use of an auto body shop and automotive paint spray booth for Fabian’s Auto Body located at 1434 Ward Road.

PROJECT BACKGROUND/DESCRIPTION:

The requested application is for the use of an auto body shop and automotive paint spray booth for Fabian’s Auto Body located at 1434 Ward Road. The property is in the Light Industrial (L-I) zoning district. Auto body shops and automotive paint booths are not specifically permitted uses in the L-I zoning district; however, Section 9-3.1403(f) allows all other uses as deemed appropriate by the Planning Commission. The project site has historically been used as a wrecking yard for many years. The applicant, Bidgon Fabian, has taken over the wrecking/dismantling yard and is proposing to establish an additional use consisting of an auto body shop with an automotive spray booth on the same parcel. The proposed auto body shop would be located at the southwest corner of the property and would consist of 40,000 square feet (200’ x 200’) of the existing parcel. The auto body shop will be contained within an existing fenced area and will separate and distinct from the vehicle wrecking yard/dismantler business.

The proposed auto body shop will operate out of a 2,450 square foot building existing on site. The automotive paint spray booth will be located outside of the auto body shop and will be approximately 375 square feet (25’x15’). Direct access to the booth is through the auto body shop via roll-up doors. All work will be performed inside the auto body shop or within the automotive paint spray booth. Operations of the business will be Monday thru Friday from 8 a.m. to 5 p.m. The auto body shop has existing parking off of Ward Road that will accommodate up to six (6) parking spaces. The applicant is not proposing an structural changes to the existing building at this time.

The project site is consistent with surrounding Light Industrial uses in the neighborhood. The project site is located on a parcel which contains an existing vehicle dismantling business and is located south from A&S Metals which is a large recycling facility. In addition the project site is adjacent to Technology Drive which has been master planned to be a Light Industrial Park. To the west of the project site is the City's future corporation yard and existing water tank. The nearest residence is located approximately 190 feet from the proposed auto body shop south of the project site.

The auto body shop and automotive paint spray 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 1434 Ward Road more specifically identified as Assessor's Parcel Number: 084-030-006.



LAND USE:

Property	Land Use	Zone	General Plan
Project site	Light Industrial	L-I	I
North	Wrecking Yard/Dismantler	L-I	I
South	Residential/Undeveloped	L-I	I
East	Undeveloped	L-I	I
West	Undeveloped	PF/C-1	PF/C

C-1 = General Commercial
PF = Public Facility

L-I = Light Industrial
C = Commercial

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA – Article 19, Section 15301. The applicant’s request for the use of a spray booth consists of a previously existing use at an existing facility. No alterations to the existing property are being proposed at this time.

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 Industrial, which allows primary manufacturing, R&D, wholesale and warehouse distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space. No large-scale retail uses are allowed to minimize land-use conflicts and provide support for commercial areas. The subject property is currently zoned Light Industrial (L-I). Pursuant to Section 9-3.1402 of the Los Banos Municipal Code, auto body shops and automotive paint spray booths are not permitted uses by right; however, as set forth in Section 9-3.1403 (f), all uses as deemed appropriate by the Planning Commission may be permitted 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 proposed use as conditioned 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 an auto body shop and automotive paint 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. The use is consistent and not in conflict with any existing or proposed uses within the immediate area.

- 3. That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City.**

The project site parcel currently operates an existing vehicle wrecking yard/dismantler. The proposed use of the auto body shop and automotive paint spray booth is compatible with other uses within the rea 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 July 29, 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 9-3.1403 and 9-3.2326(a).

RECOMMENDATIONS:

1. That the Planning Commission adopt Resolution No. 2016-38 approving Conditional Use Permit #2016-16 for the use of an auto body shop and automotive paint spray booth at Fabian's Auto Body located at 1434 Ward Road.

ATTACHMENTS:

1. Resolution #2016-38
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Site Plan
3. Site Photos
4. Public Hearing Notice – July 29, 2016

RESOLUTION NO. 2016-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT #2016-16 TO ALLOW THE OPERATION OF AN AUTO BODY SHOP AND AUTOMOTIVE PAINT SPRAY BOOTH FOR FABIAN'S AUTO BODY LOCATED AT 1434 WARD ROAD

WHEREAS, the applicant has requested that the City of Los Banos consider a Conditional Use Permit to allow the operation of an auto body shop and automotive paint spray booth for a proposed auto body shop located at 1434 Ward Road further identified as Assessor's Parcel Number: 084-030-006; and

WHEREAS, a public hearing was duly noticed for August 10, 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 July 29, 2016 to consider and take testimony regarding the Conditional Use Permit for an auto body shop and automotive 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 #2016-16 for Fabian's Auto Body 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 #2016-16 to permit an auto body shop and automotive spray booth located at 1434 Ward 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 10th day of August 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 #2016-16– FABIAN’S AUTO BODY

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 #2016-16 was evaluated and determined to be categorically exempt per Article 19, Section 15301 as the use of an auto body shop and automotive paint spray booth will not alter the existing building.
2. Conditional Use Permit #2016-16 was adequately noticed on July 29, 2016 for consideration at a public meeting on August 10, 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 #2016-16 – FABIAN'S AUTO BODY

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 Industrial, which allows primary manufacturing, R&D, wholesale and warehouse distribution, agricultural sales and services, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution, with support commercial services and ancillary office space. No large-scale retail uses are allowed to minimize land-use conflicts and provide support for commercial areas. The subject property is currently zoned Light Industrial (L-I). Pursuant to Section 9-3.1402 of the Los Banos Municipal Code, auto body shops and automotive paint spray booths are not permitted uses by right; however, as set forth in Section 9-3.1403 (f), all uses as deemed appropriate by the Planning Commission may be permitted 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 auto body shop will be providing a service to the community. The proposed use is compatible with and complementary of existing light industrial 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 as conditioned 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 an auto body shop and automotive paint 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 project site parcel currently operates an existing vehicle wrecking yard/dismantler. The proposed use of the auto body shop and automotive paint spray booth is compatible with the other uses in the area 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 #2016-16 – FABIAN'S AUTO BODY

1. Conditional Use Permit 2016-16 is for the use of one (1) auto body shop and one (1) automotive paint spray booth for Fabian's Auto Body located at 1434 Ward Road; more specifically identified as Assessor's Parcel Number: 084-030-006 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 permit 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 spay 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**

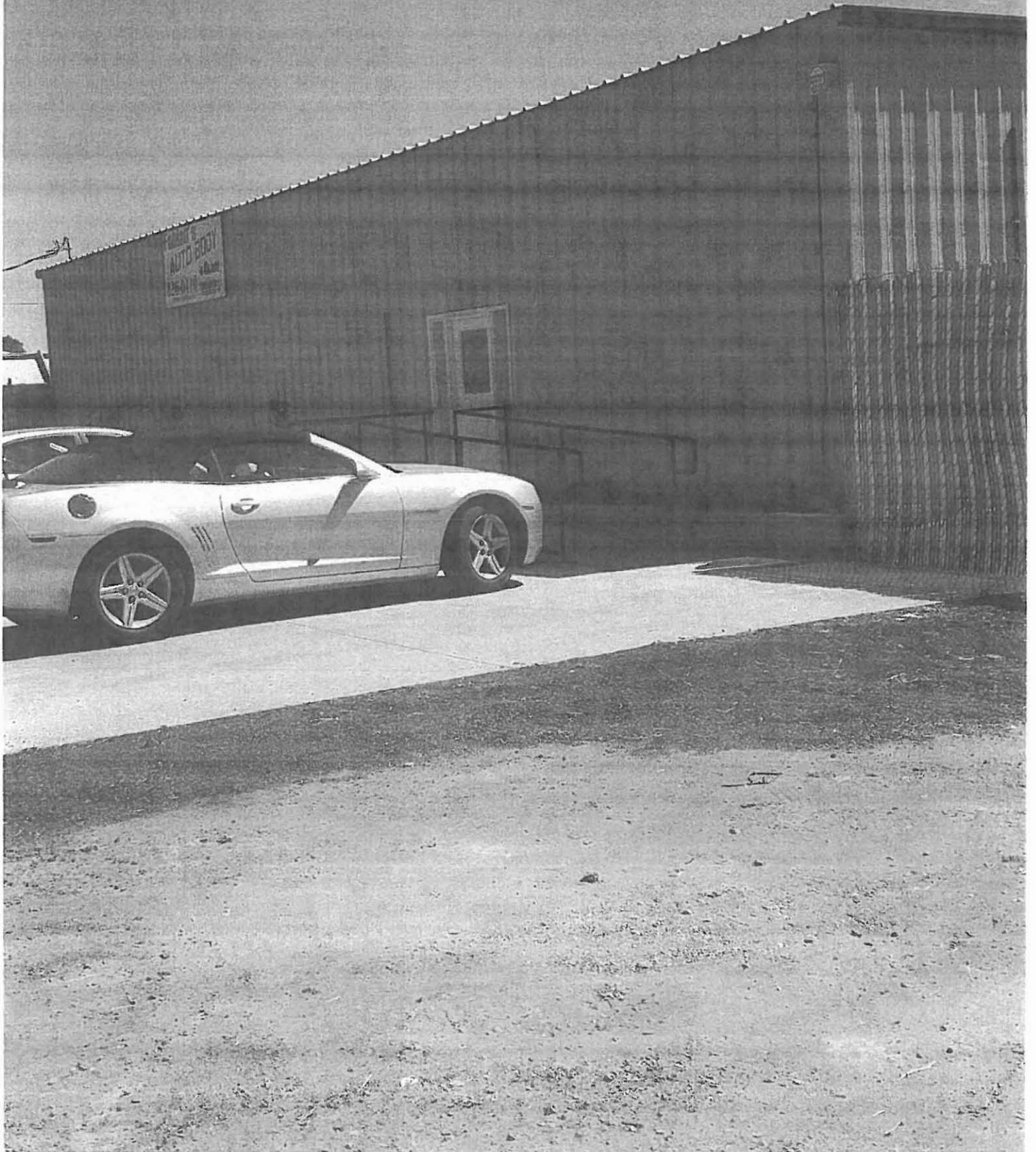
18. The spray booth, exhaust fan blades and exhaust ducts shall be kept free from the accumulation or deposits of combustible residues.
19. Tools used for cleaning purposes shall be constructed of non-sparking materials.
20. Residues removed during cleaning and debris contaminated with residue shall 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.
26. No vehicles shall be visible from the public right-of-way.

27. No vehicle repair activity shall occur outside at any time. All repair work shall occur within the auto body shop building or automotive spray booth.
28. During the use of the auto body shop, the fence between the vehicle wrecking yard/dismantler and auto body shop shall be maintained to separate the two uses at all times.
29. No other uses shall be permitted within the auto body fence area.
30. Parking for customers and employees shall only be allowed outside of the fenced area along Ward Road. Vehicles being serviced must remain behind the building within the fenced area screened from the public right-of-way.

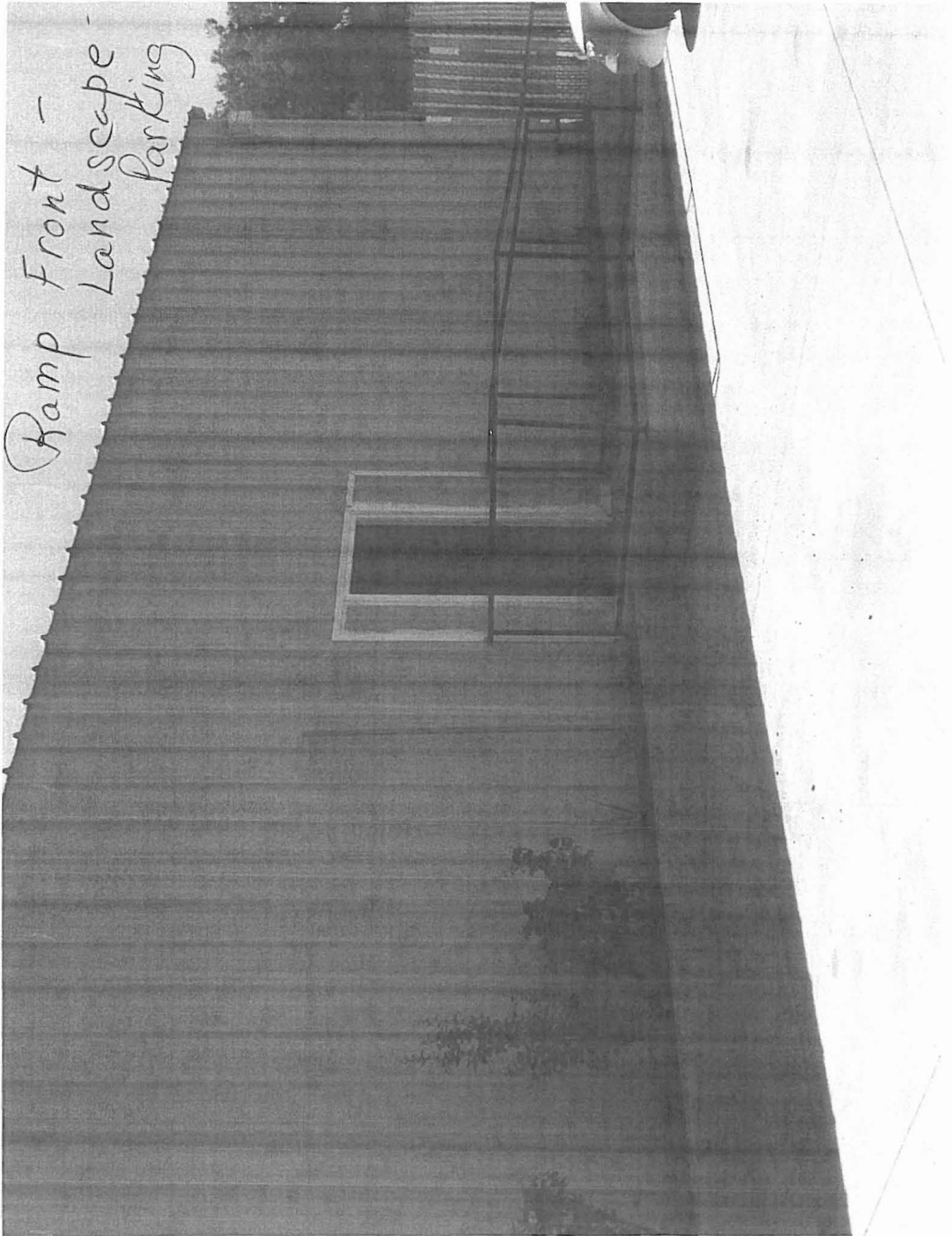




View Front Entrance
Sign



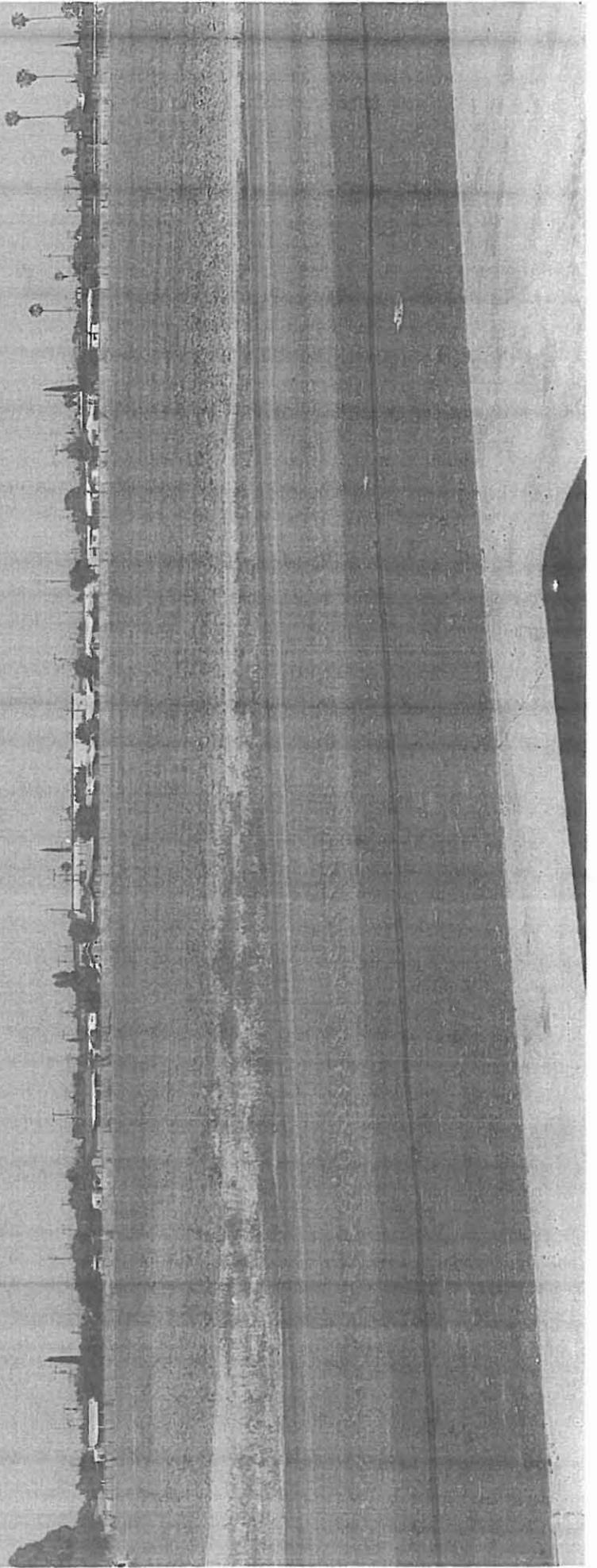
Ramp Front -
Landscape -
Parking



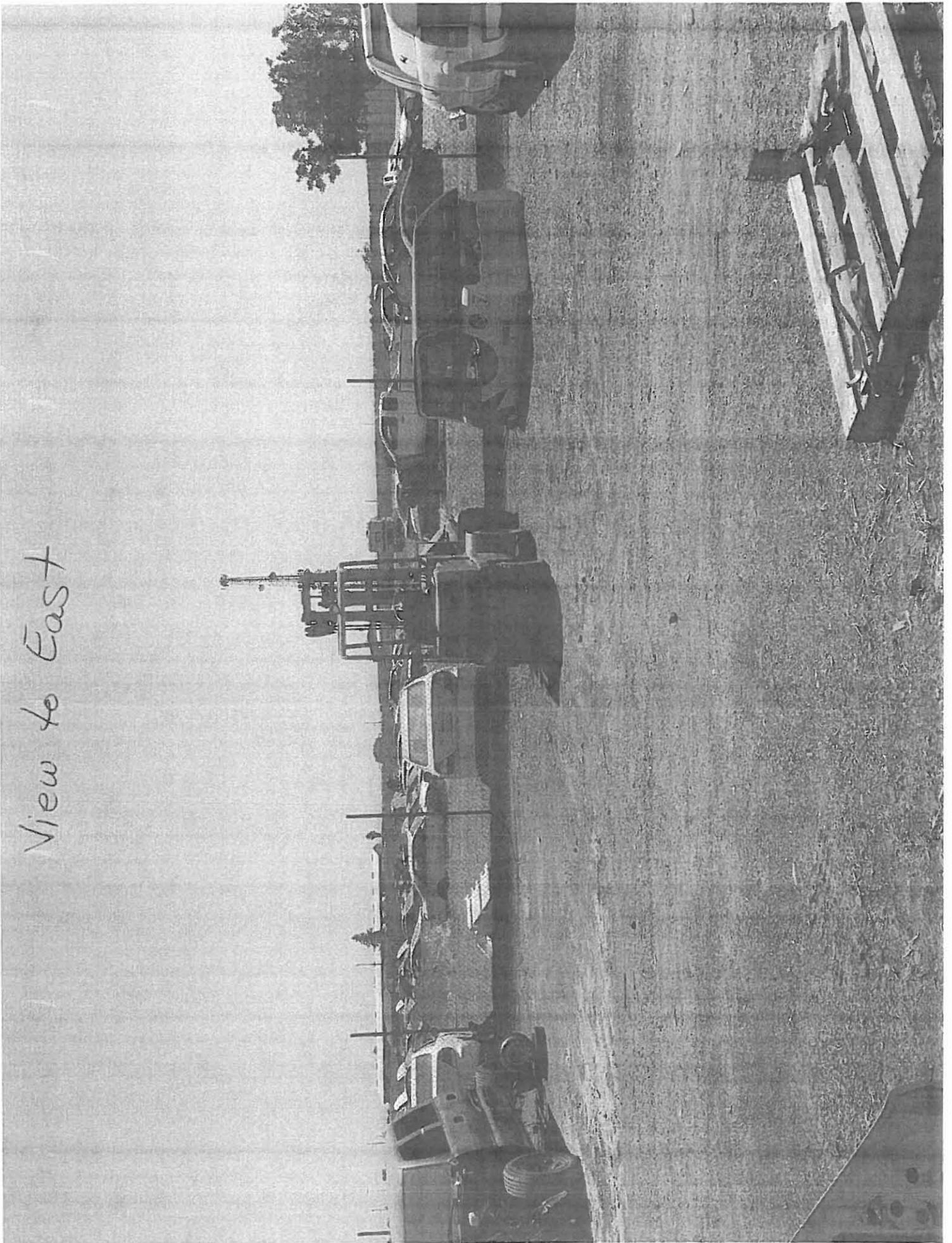
Back of Shop

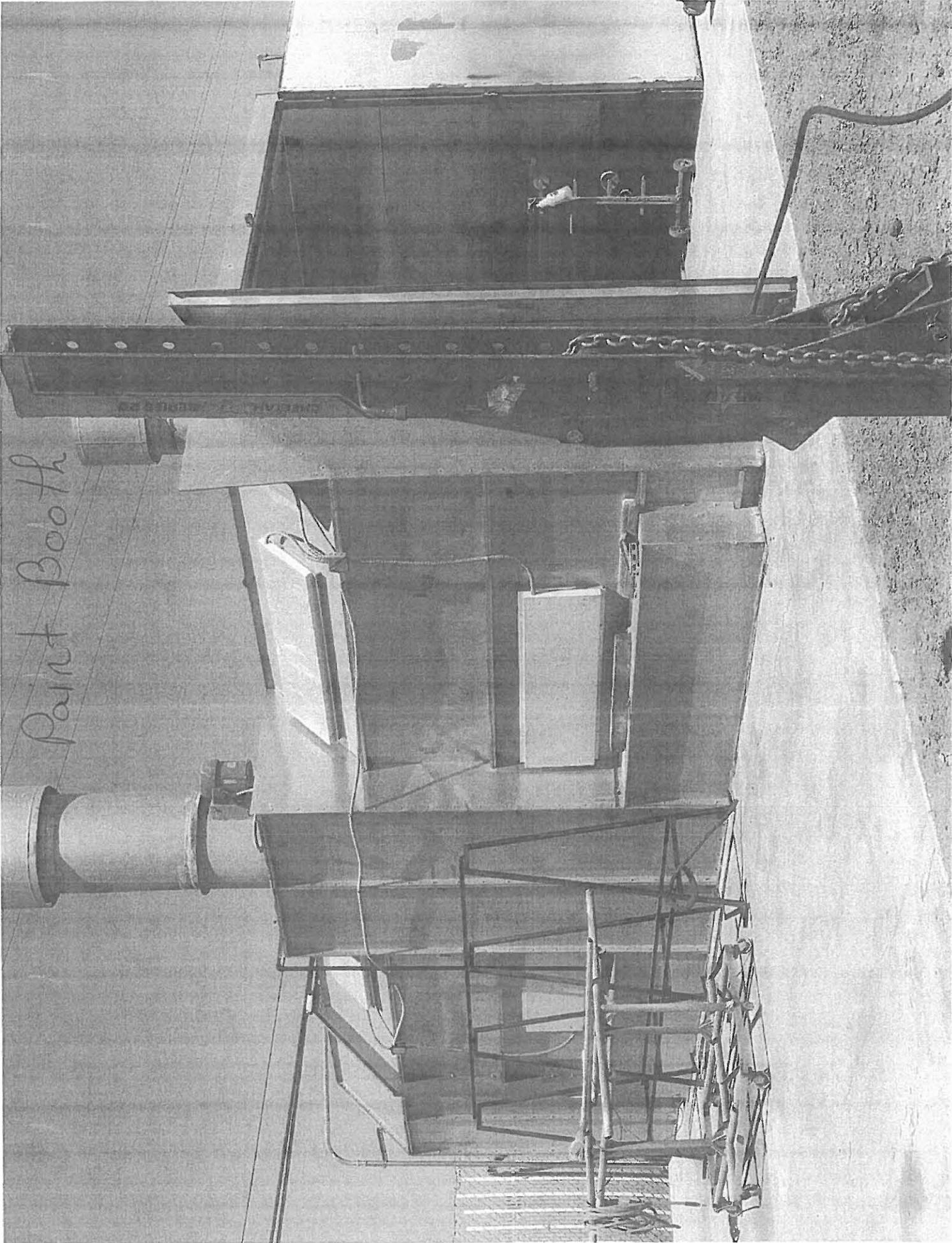


View - to West



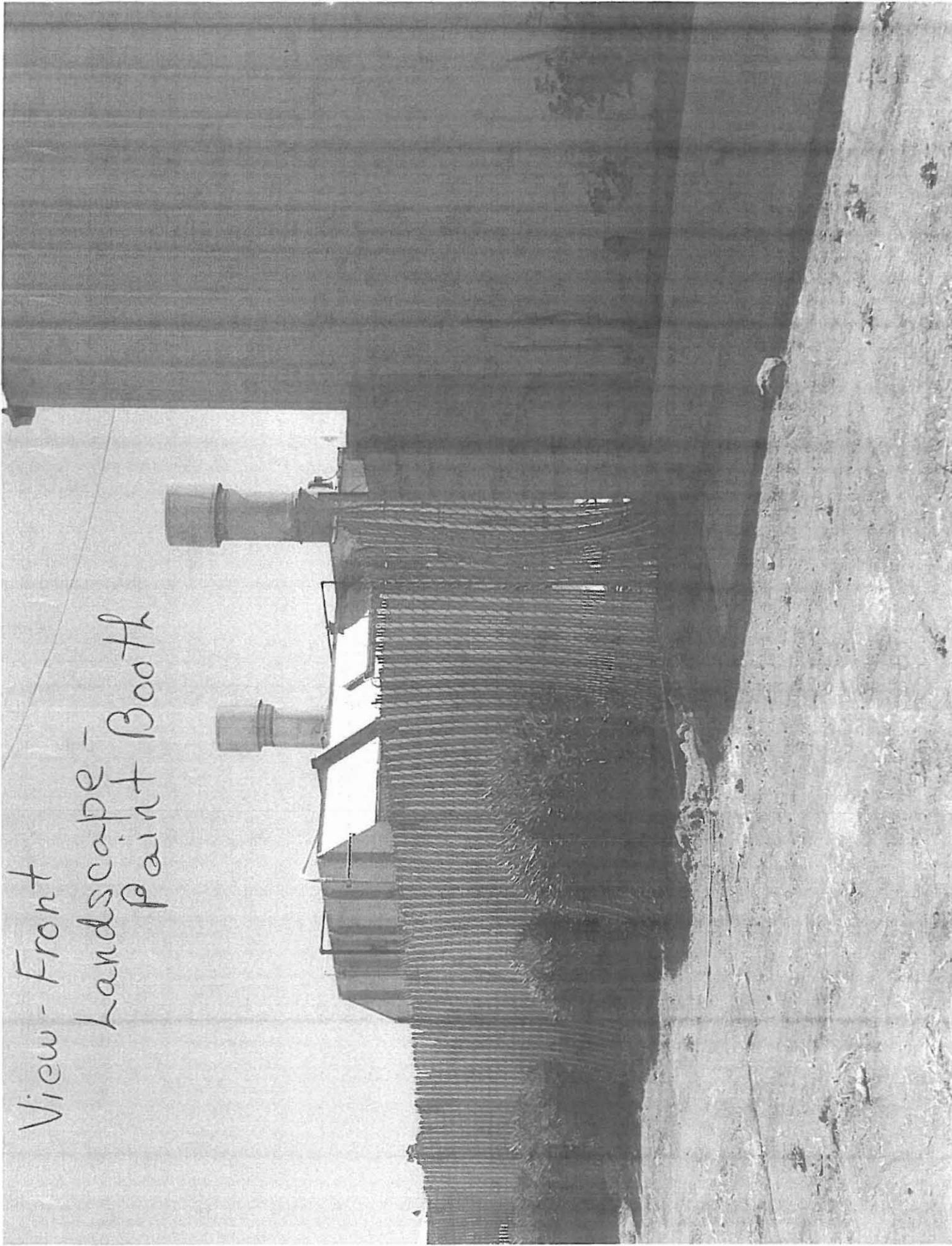
View to East

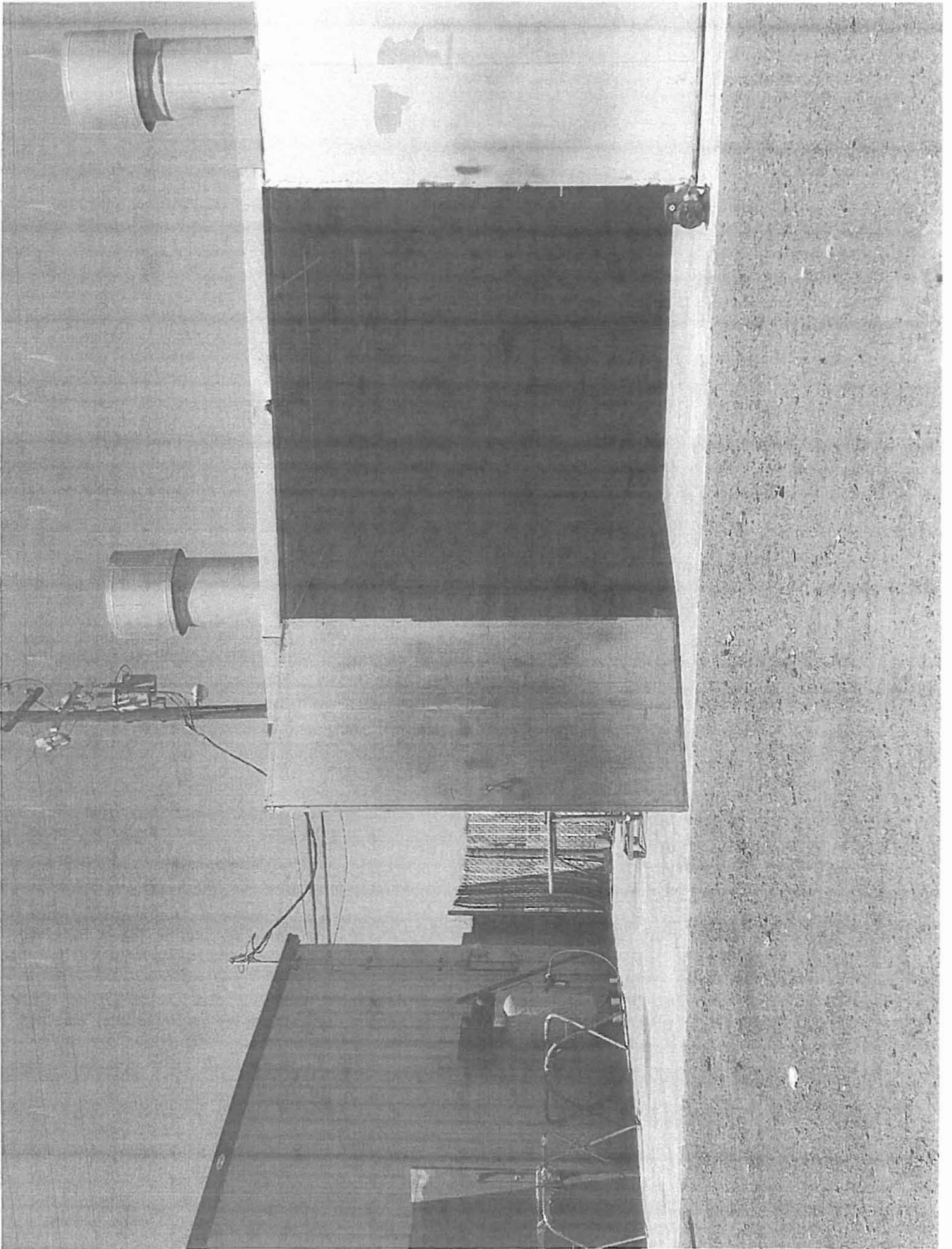




Paint Booth

View - Front
Landscape -
Paint Booth







City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: July 29, 2016

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2016-16 – Fabian's Auto Body

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 spray booth for automotive repair and restoration at Fabian's Auto Body. The subject property is located at 1434 Ward Road, more specifically described as Assessor's Parcel Number: 084-030-006.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, August 10, 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 Ordinance 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

DESIGN REVIEW STUDY SESSION

TO: Chairman Spada and Planning Commissioners
FROM: Stacy Souza Elms, Senior Planner *SE*
DATE: August 10, 2016
SUBJECT: Project Study Session Review – Wal-Mart Academy
1575 W. Pacheco Blvd.

Project Description

The applicant, OA Holdings No. 1, LLC, is proposing to construct a 3,000 square foot modular building to be utilized as a training center for Wal-Mart at 1575 W. Pacheco Blvd. The project site is located west of the existing Wal-Mart Supercenter within the Los Banos Creek Shopping Center.



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

Planning Commission Project Study Session Review

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

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

- Architecture;
- Landscaping; and
- Lighting.

Architecture

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

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

The applicant is proposing to construct a modular unit on permanent foundation. The location of the building will be on the west side of the Wal-Mart Parking lot, next to the loading dock and will sit back from the front of Wal-Mart. Staff has advised the applicant that a plain modular building would not be suitable next to the enhanced Wal-Mart Super Center and that enhancements would need to be provided in order to reach compliance with the Los Banos Community Design Standards. The applicant has proposed to provide stone veneer and stucco siding to match the existing Wal-Mart Super Center.

Landscaping

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

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

No additional landscaping is proposed with this submittal as it is considered an addition to the existing Wal-Mart site and will be utilizing the existing landscaping.

Lighting

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

- Aesthetics of exterior lighting

The project proposes to utilize the same parking lot lighting fixtures existing on the project site. The modular building does include basic mounted lights, which will be located on all four sides of the proposed building.

Project Review Board

The proposed project will be reviewed by the Project Review Board (PRB) for these aspects:

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

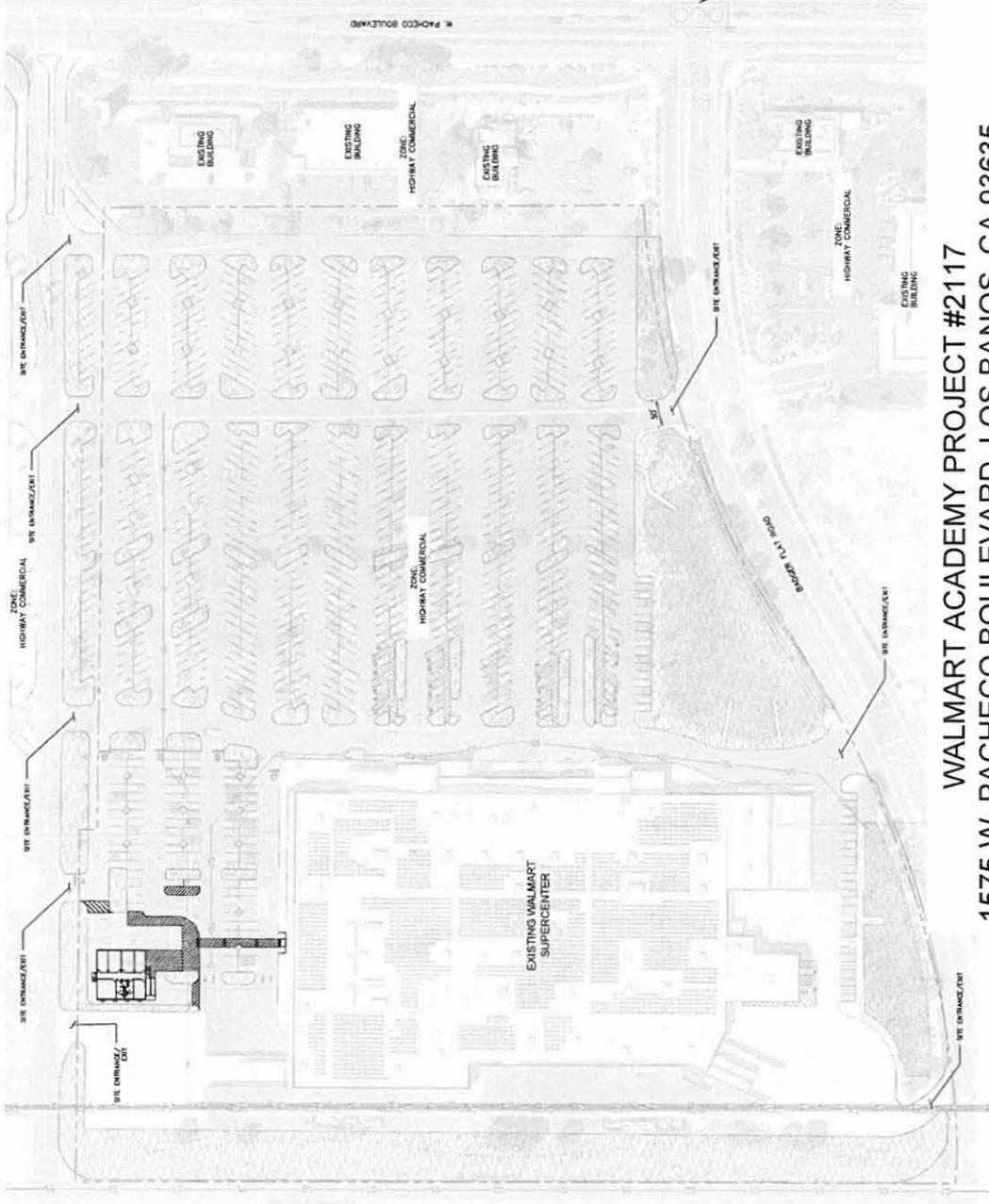
The PRB will be providing a formal recommendation to the Planning Commission concerning the scope of their review during the Site Plan Review process.

Recommendation

Planning staff has worked closely with the application on the initial design of the proposed project. Staff is requesting that the Planning Commission evaluate the architectural considerations, landscape and site treatment, and lighting elements as described above and provide initial feedback to the applicant on the proposed design. No formal action will be taken at this time.

Attachment

Site Plan
Landscape Plan
Site Photos



WALMART ACADEMY PROJECT #2117
1575 W. PACHECO BOULEVARD, LOS BANOS, CA 93635
OVERALL CONCEPTUAL SITE PLAN 1

LEGEND

- EXISTING PROPERTY LINE
- LANDSCAPE AREA

PROJECT DESCRIPTION	
SITE AREA	17.59 ACRES
ZONING	H-C (HIGHWAY COMMERCIAL)
EXISTING BUILDING AREA*	117,000 SF
PROPOSED BUILDING AREA	117,000 SF + 173,000 SF
EXISTING PARKING COURT	977
PROPOSED PARKING COURT	942
REQUIRED PARKING COURT**	976

* EXISTING BUILDING AREA DOES NOT INCLUDE EXISTING WAREHOUSE BUILDING TO BE DEMOLISHED.
 ** REQUIRED PARKING COURT IS BASED ON 1.5 SPACES PER 1,000 SF OF GROSS FLOOR AREA.

SITE DATA

PLANNING AND ZONING COMMISSION, LOS BANOS, CALIFORNIA
 LOCAL JURISDICTION: LOS BANOS
 PARCELS: 016-012-003 ACRES (23.0% OF TOTAL AREA)
 BUILDING AREA: 3,977 ACRES (22.7% OF TOTAL AREA)
 PARKING AREA: 9,500 ACRES (54.3% OF TOTAL AREA)
 FLOOD ZONE: 0.2% ANNUAL CHANCE FLOODPLAIN

PROPOSED BUILDING DESCRIPTION

SIZE: 3,000 SF
 HEIGHT: 11 FEET
 USE: OFFICE SPACE

PROJECT TEAM

OWNER/DEVELOPER
 DAVID LUDWIG, P.E.
 WAL-MART STORES, INC.
 705 THE CITY DRIVE, SUITE 200
 BENTONVILLE, AR 72716-1510
 PH: (479) 273-4000

ARCHITECT
 BRN ARCHITECTURE, INC.
 8700 ANTONIO PLAZA, SUITE 300
 BENTONVILLE, AR 72716-1510
 PH: (479) 273-9488

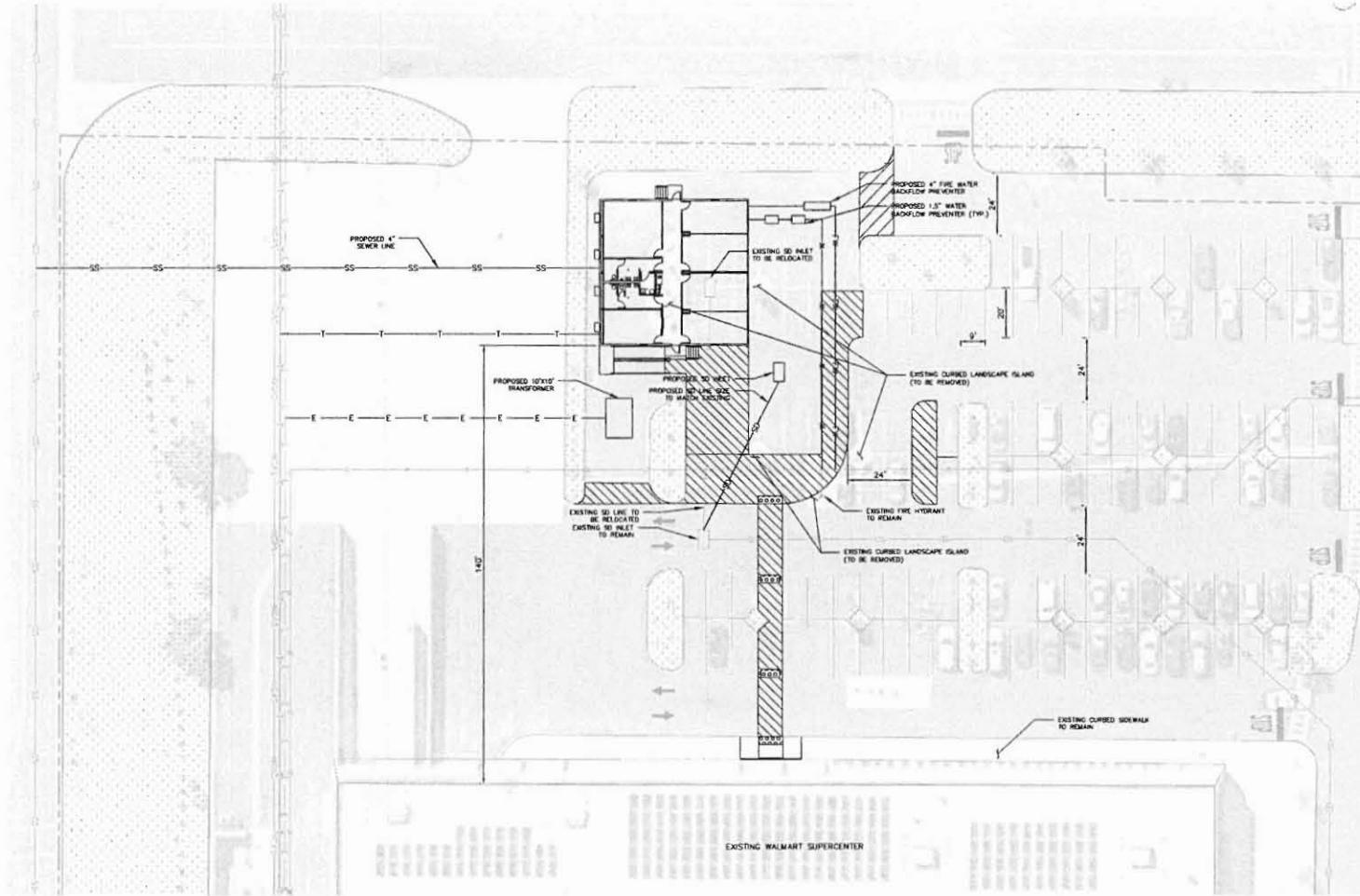
PROJECT DESCRIPTION

NEW 3,000 SF MODULAR BUILDING ON A PERMANENT FOUNDATION WITHIN EXISTING PARKING COURT FOR ADDITIONAL OFFICE SPACE AS WELL AS FOR TRAINING OF WALMART EMPLOYEES AND WALK-OUT STORES. ALL BUILDING REGULATIONS WILL FOLLOW ALL WMA & BUILDING REGULATIONS.

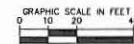


GRAPHIC SCALE IN FEET
 0 50 100

Kimley»Horn
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 785 THE CITY DRIVE, BENTONVILLE, AR 72716-1510
 PHONE: 714-705-1374



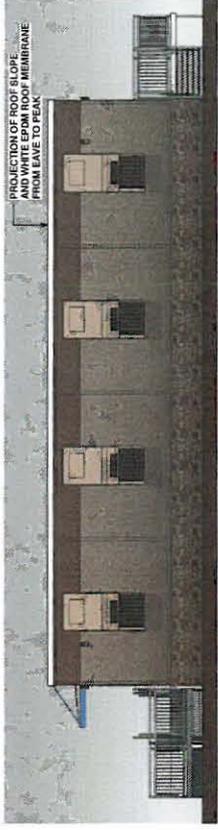
WALMART ACADEMY PROJECT #2117
1575 W. PACHECO BOULEVARD, LOS BANOS, CA 93635
CONCEPTUAL SITE PLAN 1



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 753 THE CITY DRIVE, SUITE 200, ORANGE, CALIFORNIA 92665
 PHONE: 714-705-1374

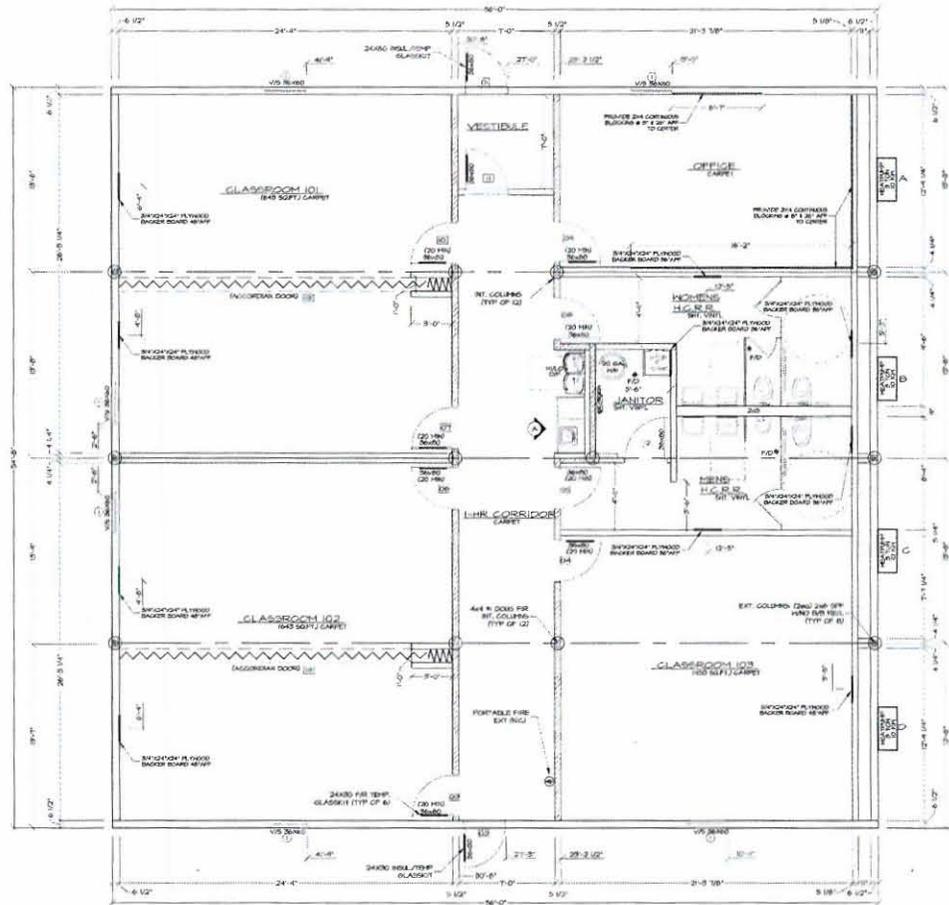


NOTE:
RENDERING COLORS ARE
AN APPROXIMATION USING
ARTIFICIAL LIGHTING. ACTUAL
FINISH COLORS TO MATCH
EXISTING BUILDING.



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PROJECT NAME / ADDRESS Prototype 56x56 Training Building		COMPANY NAME / ADDRESS WALMART ACADEMY - LOS BANOS, CA	DRAWING TITLE Exterior Elevations																																	
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APPROVED BY		Date																																		
PROJECT NO/S. Prototype 56x56 Training Building																																				



WALMART ACADEMY PROJECT #2117
1575 W. PACHECO BOULEVARD, LOS BANOS, CA 93635
FLOOR PLAN



Photo 1

Proposed location of modular building, west of existing Walmart.



Photo 2

Proposed location of ADA ramp, west of existing Walmart.



Photo 3

Existing Walmart front hardscape.



Photo 4

Existing Walmart front hardscape.



Photo 5

Vacant lots located west of existing Walmart.



DESIGN REVIEW STUDY SESSION

TO: Chairman Spada and Planning Commissioners
FROM: Stacy Souza Elms, Senior Planner *spe*
DATE: August 10, 2016
SUBJECT: Sunset Hills Development
Delaware Ave – between Pine Street and Madrone Street

Project Description

The Applicant, Sunset Hills Development, is proposing to develop and re-subdivide seven (7) lots into eleven (11) lots for single-family residential development. The project is located north of Los Banos Memorial Hospital on Delaware Avenue between Pine Street and Madrone Street.

The project site is surrounded by residential uses. To the east are multi-family residences and to the west are single-family residences and tri-plex units.



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

Planning Commission Project Study Session Review

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

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

- Architecture;
- Landscaping; and
- Lighting.

Architecture

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

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

The applicant has tried to integrate the surrounding area into the design of the new single-family residential homes. The applicant has strived to blend the new architecture into the existing neighborhood to provide some cohesion.

The architecture includes four (4) elevation styles, which consist of two (2) elevation styles that contain front porches. Each unit will consist of two (2) car garages, tiled roof, and single-story 1,400 square foot homes.

Landscaping

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

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

Front yard landscaping will be provided to meet City standards and State regulations. Landscape Master Plans will be reviewed by the Public Works Department to ensure compliance with the City's Water Efficiency Ordinance.

Lighting

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

- Aesthetics of exterior lighting

The project proposes to utilize decorative wall mounted sconces on each unit. The developer will also be required to provide street lights to match the existing neighborhood.

Project Review Board

The proposed project will be reviewed by the Project Review Board (PRB) for these aspects:

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

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

Recommendation

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

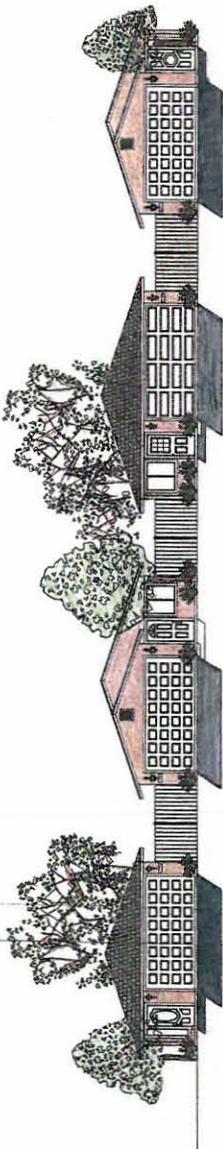
Attachments
Elevations

NO.	

PEZANSKI ARCHITECTS
 1500 W. 10th St.
 Suite 100
 Lincoln, NE 68502
 (402) 441-1111
 www.pezanski.com

SUNSET HILLS DEV
 DELAWARE AVE
 SINGLE FAMILY DWELLING

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SHEET	A4



STREET VIEW

NOT TO SCALE





