



City of Los Banos

At the Crossroads of California

www.losbanos.org

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

SEPTEMBER 21, 2016

If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office @ (209) 827-7000 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 de la ciudad al (209) 827-7000 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk'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 Ayuntamiento respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina de la Secretaria de la ciudad en 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: (City Council Members)
Faria ____, Lewis ____, Silveira ____, Stonegrove ____, Villalta ____
4. CONSIDERATION OF APPROVAL OF AGENDA.
5. PRESENTATIONS.
A. Certificates of Recognition – Girls State and Boys State Delegates.

- B. Certificates of Recognition – Veteran Participants of the Central Valley Honor Flight Tour in Washington, D.C.
6. PUBLIC FORUM. (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.)
7. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)
- A. Check Register for #200679 – #200920 in the Amount of \$827,551.64.
Recommendation: Approve the check register as submitted.
- B. City Council Resolution No. 5793 – Authorizing the City Manager to Award the Bid for the Purchase of One (1) New Half-ton Truck from Merced Chevrolet in the Amount of \$34,615.40.
Recommendation: Approve the resolution as submitted.
- C. City Council Resolution No. 5794 – Awarding the Bid and Authorizing the City Manager to Execute a Contract to Purchase and Install One (1) 4,000 Gallon Above Ground Blast/Impact Resistant Fuel Storage Tank (AST) Split 1,000/3,000 Gallons with Fuel Management and Gasoline and Diesel Dispensing Systems from Donlee Pump Company in the Amount of \$89,038.76.
Recommendation: Approve the resolution as submitted.
- D. City Council Resolution No. 5795 – Approving the Acceptance of a First 5 Merced County Mini-Grant to Support a Car Seat Safety and Awareness Training Program for the Community in the Amount of \$3000 and Amending the 2016-2017 Fiscal Year Budget by Increasing the Appropriation Amount for the Expenditures and Revenues in the Amount of \$3000.
Recommendation: Approve the resolution as submitted.
8. PUBLIC HEARING. (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 Receive Public Comment and Consideration of Approval of The Villas Final Development Plan #2016-01, East Center Area Plan Amendment, and East Center Area Plan Mitigate Negative Declaration, Consisting of the Subdivision of Approximately 58.8 Acres into 231 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 (4) Acre Park/Detention Basin; 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, APNs 431-270-010 and 431-270-004.

- 1) City Council Resolution No. 5796 – Approving an Amendment to the Villas Area Plan Annexation (ANX #2001-05) Previously Adopted by City Council Resolution No. 4680 on January 18, 2006.
- 2) City Council Resolution No. 5797 – Approving the Villas Final Development Plan #2016-01.

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 Receive Public Comment and Consideration of Amending the Special Events Permit Fee.

- 1) City Council Resolution No. 5798 – Amending Application Fees for the Administration and Issuance of Special Events Permits.

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

9. CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, OCTOBER 5, 2016 DUE TO COUNCIL MEMBERS ATTENDING THE LEAGUE OF CALIFORNIA CITIES CONFERENCE IN LONG BEACH, CALIFORNIA, OCTOBER 5-7, 2016.

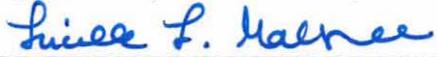
(Please note the next regularly scheduled City Council Meeting is October 19, 2016).

Recommendation: Cancel the meeting as stated.

10. ADVISEMENT OF PUBLIC NOTICES. (Two Reports)
11. CITY MANAGER REPORT.
12. CITY COUNCIL MEMBER REPORTS.
 - A. Elizabeth Stonegrove
 - B. Tom Faria
 - C. Deborah Lewis
 - D. Scott Silveira
 - E. Mayor Mike Villalta

13. ADJOURNMENT.

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.



Lucille L. Mallonee, City Clerk

Dated this 15th day of September 2016

CK # 200679 - 200920

09/21/2016

\$827,551.64

Bank Reconciliation

Checks by Date

User: sorozco
 Printed: 09/14/2016 - 7:56AM
 Cleared and Not Cleared Checks
 Print Void Checks



City of
Los Banos
At the Crossroads of California

Check	Check	Name	Module	Void	Amount
200702	9/1/2016	Aflac-Customer Service	AP		580.98
200703	9/1/2016	Hector Castillo	AP		767.00
200704	9/1/2016	Cal Valley Construction, Inc.	AP		913.78
200705	9/1/2016	Franchise Tax Board	AP		20.00
200706	9/1/2016	Mary Lou Gilardi	AP		64.60
200707	9/1/2016	In Shape Health Clubs Inc	AP		480.00
200708	9/1/2016	Oswaldo Lara	AP		150.00
200709	9/1/2016	Los Banos Volunteer	AP		2,416.67
200710	9/1/2016	Los Banos Police Assn	AP		2,204.00
200711	9/1/2016	MassMutual	AP		1,264.60
200712	9/1/2016	MassMutual	AP		4,295.00
200713	9/1/2016	Merced County Sheriff	AP		294.89
200714	9/1/2016	Gerald "Obie" O'Brien	AP		77.14
200715	9/1/2016	Nationwide Retirement Solutions	AP		1,600.00
200716	9/1/2016	Professional Fire Fighter	AP		630.00
200717	9/1/2016	Ronny's Landscaping	AP		46,190.15
200718	9/1/2016	Ronny's Landscaping	AP		17,881.07
200719	9/1/2016	Jacob Sawyer	AP		345.00
200720	9/1/2016	State Disbursement Unit	AP		1,537.50
200721	9/1/2016	U.S. Bank Equipment Finance	AP		1,890.82
200722	9/1/2016	Vantagepoint Transfer Agents - 306797	AP		636.20
200723	9/1/2016	Vantagepoint Transfer Agents - 705827	AP		25.00
200724	9/1/2016	Vantagepoint Transfer Agents - 801838	AP		1,825.00
200725	9/1/2016	Westamerica Bank - Cafeteria Plan	AP		278,861.54
200726	9/1/2016	Law Offices of William A Vaughn	AP		9,000.00
200727	9/2/2016	Accela, Inc.	AP		4,958.00
200728	9/2/2016	Advanced Traffic Products, Inc.	AP		340.21
200729	9/2/2016	Ameripride Valley Uniform Services Inc.	AP		201.88
200730	9/2/2016	Henry A Anderson Jr	AP		178.20
200731	9/2/2016	Anderson Pump Company Inc	AP		52,051.92
200732	9/2/2016	Aramark Uniform Ser Inc	AP		603.21
200733	9/2/2016	AT&T	AP		378.42
200734	9/2/2016	AT&T	AP		190.08
200735	9/2/2016	AT&T	AP		124.00
200736	9/2/2016	Sean Bayard	AP		16.18
200737	9/2/2016	Bear Cat Mfg Inc	AP		1,430.48
200738	9/2/2016	BSK Associates	AP		462.00
200739	9/2/2016	Jorge Bautista	AP		600.00
200740	9/2/2016	Cal Traffic	AP		2,721.50
200741	9/2/2016	Capture Technologies Inc	AP		2,535.99
200742	9/2/2016	Cen-Cal Air	AP		2,890.00

Check	Check	Name	Module	Void	Amount
200743	9/2/2016	Coffee Break Service	AP		161.75
200744	9/2/2016	Comcast	AP		4.26
200745	9/2/2016	Copy Shipping Solutions	AP		2,310.09
200746	9/2/2016	LN Curtis & Sons	AP		68.87
200747	9/2/2016	Custom Locksmith & Alarm Inc.	AP		207.96
200748	9/2/2016	Docs Towing & Transport, Inc.	AP		125.00
200749	9/2/2016	Don's Mobile Glass	AP		1,941.81
200750	9/2/2016	Farmer Brothers Coffee	AP		90.22
200751	9/2/2016	Fastenal Company	AP		2,877.07
200752	9/2/2016	Fisher Scientific Company, LLC	AP		169.17
200753	9/2/2016	Forensic Nurse Specialists of Central Ca Inc.	AP		1,100.00
200754	9/2/2016	Galls Inc	AP		95.12
200755	9/2/2016	Greater San Joaquin Umpire Association	AP		1,204.00
200756	9/2/2016	Helena Chemical Co Inc	AP		652.86
200757	9/2/2016	Hi Tech Emergency Vehicle Services, Inc	AP		1,408.48
200758	9/2/2016	Holt of California	AP		1,117.40
200759	9/2/2016	Index Products Inc.	AP		253.60
200760	9/2/2016	Jerry Witt	AP		4,023.00
200761	9/2/2016	Kagome	AP		450.00
200762	9/2/2016	Lincoln Equipment Inc	AP		131.48
200763	9/2/2016	Los Banos Express Oil & Lube	AP		301.76
200764	9/2/2016	L & W Metals MFG, LLC	AP		2,721.60
200765	9/2/2016	Steve Macillas	AP		70.00
200766	9/2/2016	Marfab Inc	AP		215.58
200767	9/2/2016	McNamara Sports Inc	AP		1,657.47
200768	9/2/2016	Merced County Dept Of Agriculture	AP		348.00
200769	9/2/2016	Mobley Enterprises Inc.	AP		1,075.00
200770	9/2/2016	Napa Auto Parts	AP		514.77
200771	9/2/2016	NDN International LLC	AP		933.12
200772	9/2/2016	The Office City	AP		1,218.96
200773	9/2/2016	OSE	AP		179.45
200774	9/2/2016	O'Reilly Auto Parts	AP		1,809.61
200775	9/2/2016	Purchase Power Inc	AP		4,000.00
200776	9/2/2016	Ronny's Landscaping	AP		1,550.00
200777	9/2/2016	Scott Savage	AP		535.00
200778	9/2/2016	Santos Ford Lincoln Mercury, Inc.	AP		464.42
200779	9/2/2016	Save Mart Supermarkets	AP		190.16
200780	9/2/2016	Sorensens True Value	AP		517.98
200781	9/2/2016	Sorensens True Value	AP		183.55
200782	9/2/2016	Terminix Processing Center	AP		442.32
200783	9/2/2016	USA Blue Book	AP		1,515.19
200784	9/2/2016	Heriberto Gonzalez	AP		25.09
200785	9/2/2016	UC Construction	AP		74.50
200786	9/2/2016	David C and Maria Valencia	AP		36.57
200787	9/2/2016	Valley Vanguard Properties Inc.	AP		100.00
200788	9/2/2016	Abraham & Jainamma Mathew	AP		28.89
200789	9/2/2016	Pratap Kurra	AP		369.69
200790	9/2/2016	James Gillio	AP		71.17
200791	9/2/2016	Maria Reynaga	AP		25.01
200792	9/2/2016	UC Construction	AP		6.18
200793	9/2/2016	UC Construction	AP		70.96
200794	9/2/2016	UC Construction	AP		70.96
200795	9/2/2016	UC Construction	AP		70.96

Check	Check	Name	Module	Void	Amount
200796	9/2/2016	UC Construction	AP		65.22
200797	9/2/2016	Christopher Young	AP		66.64
200798	9/2/2016	Benito Villa	AP		68.28
200799	9/2/2016	Sonia Olivares	AP		13.49
200800	9/2/2016	Tony Vega	AP		76.92
200801	9/2/2016	Valley Vanguard Properties Inc.	AP		79.51
200802	9/2/2016	Valley Vanguard Properties Inc.	AP		87.96
200803	9/2/2016	Valley Vanguard Properties Inc.	AP		76.68
200804	9/2/2016	James Gillio	AP		42.32
200805	9/2/2016	Samantha & Cheng Saechao	AP		37.95
200806	9/2/2016	Carolyn Fisk	AP		45.21
200807	9/2/2016	Anabel Ramiro	AP		4.83
200808	9/2/2016	John Soares	AP		100.00
200809	9/2/2016	James Curiel	AP		4.83
200810	9/2/2016	Manuel Melendez	AP		45.21
200811	9/2/2016	Victor Solis	AP		4.83
200812	9/2/2016	Francisco Nunez Perez	AP		42.32
200813	9/2/2016	Jesus Gonzalez Hernandez	AP		42.32
200814	9/2/2016	RB Construction	AP		96.46
200815	9/2/2016	UC Construction	AP		75.21
200816	9/2/2016	RB Construction	AP		96.46
200817	9/2/2016	Wesley Horan	AP		49.03
200818	9/2/2016	Donaciano & Natali Lorenzana	AP		323.08
200819	9/2/2016	Kathleen Rodriquez	AP		86.51
200820	9/2/2016	Credit Bureau Associates	AP	Void	100.37
200821	9/2/2016	Westhill Property Mgmt	AP		16.38
200822	9/2/2016	Westhill Property Mgmt	AP		65.39
200823	9/2/2016	Lisa Curiel	AP		25.01
200824	9/2/2016	Los Banos Property Management Services	AP		86.51
200825	9/2/2016	Credit Bureau Associates	AP	Void	23.99
200826	9/2/2016	Pamela Spain	AP		3.81
200827	9/2/2016	UC Construction	AP		21.25
200828	9/2/2016	UC Construction	AP		41.75
200829	9/2/2016	UC Construction	AP		79.47
200830	9/2/2016	UC Construction	AP		42.57
200831	9/2/2016	Valley Vanguard Properties Inc.	AP		42.27
200832	9/2/2016	Valley Vanguard Properties Inc.	AP		24.02
200833	9/2/2016	Valley Vanguard Properties Inc.	AP		18.28
200834	9/2/2016	Estefania Angulo	AP		76.92
200835	9/2/2016	Linsey Heide Leonard	AP		65.39
200836	9/2/2016	Esther Chavez Avila	AP		5.77
200837	9/2/2016	Frank Duquette	AP		82.70
200838	9/2/2016	Vavrinek, Trine, Day & Co., LLP	AP		1,680.00
200839	9/2/2016	Verizon Wireless	AP		971.42
200840	9/2/2016	Jennifer Williams	AP		777.50
200841	9/2/2016	Windecker Inc	AP		60.95
200842	9/2/2016	Young's Air Conditioning	AP		28.21
200843	9/2/2016	Young's Automotive	AP		938.60
200844	9/9/2016	Abbott & Kindermann, LLP	AP		4,155.14
200845	9/9/2016	Anthony Gomes	AP		1,398.07
200846	9/9/2016	Aramark Uniform Ser Inc	AP		307.78
200847	9/9/2016	BJ's Consumers Choice	AP		62.00
200848	9/9/2016	Board of Equalization	AP		614.00

Check	Check	Name	Module	Void	Amount
200849	9/9/2016	BSK Associates	AP		85.00
200850	9/9/2016	Clark Pest Control Inc	AP		93.00
200851	9/9/2016	Culver Company Inc	AP		632.70
200852	9/9/2016	Don's Mobile Glass	AP		175.00
200853	9/9/2016	Elk Grove Dodge	AP		25,274.35
200854	9/9/2016	Engineering Unlimited Inc	AP		654.76
200855	9/9/2016	Ernest Packaging Solutions	AP		292.34
200856	9/9/2016	Fastenal Company	AP		557.71
200857	9/9/2016	Federal Express	AP		30.78
200858	9/9/2016	Ferguson Enterprises Inc DBA Groeniger & Company	AP		2,225.03
200859	9/9/2016	Gouveia Engineering Inc.	AP		8,449.88
200860	9/9/2016	Hart Paving & Grading, Inc.	AP		6,500.00
200861	9/9/2016	JB Anderson Land Use Planning	AP		220.00
200862	9/9/2016	Kimball Midwest	AP		525.94
200863	9/9/2016	KRC Safety Co. Inc.	AP		601.02
200864	9/9/2016	Lawson Products, Inc.	AP		46.73
200865	9/9/2016	Los Banos Express Oil & Lube	AP		135.74
200866	9/9/2016	Los Banos Medical Group A Medical Corp.	AP		350.00
200867	9/9/2016	Marfab Inc	AP		121.48
200868	9/9/2016	Matson Alarm Co Inc	AP		181.00
200869	9/9/2016	McNamara Sports Inc	AP		1,904.00
200870	9/9/2016	Merced Sun Star	AP		494.08
200871	9/9/2016	Merced Truck & Trailer Inc	AP		419.86
200872	9/9/2016	Napa Auto Parts	AP		23.27
200873	9/9/2016	The Office City	AP		337.64
200874	9/9/2016	O'Reilly Auto Parts	AP		534.07
200875	9/9/2016	PG&E Company	AP		34.16
200876	9/9/2016	PAPE Machinery Inc.	AP		1,655.46
200877	9/9/2016	PERS - Public Employees	AP		113,433.33
200878	9/9/2016	Pitney Bowes Inc	AP		453.60
200879	9/9/2016	Portfolio Recovery Associates, Inc.	AP		744.15
200880	9/9/2016	Protech Security & Electronics, Inc.	AP		132.00
200881	9/9/2016	Regency Park Estates LLC	AP		8,162.00
200882	9/9/2016	RTC Construction Management, Inc.	AP		123,661.59
200883	9/9/2016	SJVAPCD	AP		88.00
200884	9/9/2016	Safe T Lite	AP		162.75
200885	9/9/2016	Santos Ford Lincoln Mercury, Inc.	AP		10.89
200886	9/9/2016	Sherwin Williams Co	AP		523.26
200887	9/9/2016	Sierra Chemical Co	AP		953.84
200888	9/9/2016	Snap On Tools	AP		335.88
200889	9/9/2016	Sorensens True Value	AP		553.57
200890	9/9/2016	Sorensens True Value	AP		1.99
200891	9/9/2016	Sprint Solutions, Inc.	AP		759.81
200892	9/9/2016	Stonecreek Properties	AP		2,532.28
200893	9/9/2016	Talley Oil Inc.	AP		7,879.41
200894	9/9/2016	Tractor Supply Credit Plan	AP		702.11
200895	9/9/2016	Traffic Logix Corp.	AP		3,288.92
200896	9/9/2016	United Textile	AP		202.55
200897	9/9/2016	Brenda Geary	AP		30.79
200898	9/9/2016	UC Construction	AP		54.03
200899	9/9/2016	UC Construction	AP		56.16
200900	9/9/2016	Yueh Hung	AP		91.34
200901	9/9/2016	Salvador Campa	AP		4.83

Check	Check	Name	Module	Void	Amount
200902	9/9/2016	UC Construction	AP		47.47
200903	9/9/2016	Rebecca Payne	AP		85.58
200904	9/9/2016	RB Construction	AP		58.62
200905	9/9/2016	Sharon Lewis	AP		55.68
200906	9/9/2016	Leticia Valdez	AP		42.32
200907	9/9/2016	Benny Wright	AP		11.51
200908	9/9/2016	Western Pacific Signal, LLC	AP		2,530.77
200909	9/9/2016	Windecker Inc	AP		625.83
200910	9/9/2016	Young's Air Conditioning	AP		502.00
200911	9/9/2016	Richard A Blak Phd	AP		375.00
200912	9/9/2016	City of Los Banos Escrow Account	AP		1,431.42
200913	9/9/2016	Myriam Flores	AP		172.00
200914	9/9/2016	Lila Faou nuku	AP		400.00
200915	9/9/2016	Aundre Garcia	AP		172.00
200916	9/9/2016	Merced County Auditor Controller	AP		1,482.50
200917	9/9/2016	Kimberly Toomey	AP		69.00
200918	9/9/2016	Credit Bureau Associates	AP		100.37
200919	9/9/2016	Credit Bureau Associates	AP		23.99
200920	9/9/2016	Wells Fargo Bank	AP		5,250.00

Break in check sequence due to the following:
Check #200679 - 200701 (Payroll)

Total Void Check Count:	2
Total Void Check Amount:	124.36
Total Valid Check Count:	217
Total Valid Check Amount:	827,551.64
Total Check Count:	219
Total Check Amount:	827,676.00



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM:  Ray Reyna, Police Commander

DATE: September 21, 2016

SUBJECT: Acceptance of Bid for One (1) 2017 One-Half Ton Code Enforcement Truck

TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council adopt a Resolution authorizing the City Manager to award the bid for the purchase of one (1) 2017 2WD one-half ton crew-cab code enforcement truck to Merced Chevrolet in the amount of \$34,615.40.

Discussion:

The Police Department has requested bids for the purchase of one (1) new one-half ton code enforcement truck. The Department received sealed bids from two dealerships, the lowest being Merced Chevrolet in the amount of \$34,615.40. The bid received from Merced Chevrolet appears to meet the minimum specifications as outlined by the invitation to bid document, released on August 19, 2016. No bids were received from the local vendor.

Fiscal Impact:

\$23,958.00, or approximately 69% of this vehicle has been funded by MCAG related to the AVA program. The remaining balance is authorized in the approved 2016-2017 fiscal year budget.

Reviewed by:


Sonya Williams, Finance Director


Alex Terrazas, City Manager

Attachments:

Bid Opening Sheet
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING THE CITY MANAGER TO AWARD THE BID FOR THE PURCHASE OF ONE (1) NEW HALF-TON TRUCK FROM MERCED CHEVROLET IN THE AMOUNT OF \$34,615.40

WHEREAS, THE City Council of the City of Los Banos has the ultimate responsibility for fleet procurement; and

WHEREAS, the request for sealed bids for one (1) new half-ton truck were officially opened on September 6, 2016; and

WHEREAS, Merced Chevrolet was the low bidder, providing a price of \$34,615.40; and

WHEREAS, funding to purchase this vehicle was approved during the Fiscal Year 2016-2017 budget for use through the Code Enforcement vehicle funds.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby authorize the City Manager to award the bid for the purchase of one (1) new half-ton truck to Merced Chevrolet in the amount of \$34,615.40.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 21st day of September 2016, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

BID OPENING

**ONE (1) NEW 2017 2WD ONE-HALF TON CREW CAB TRUCK
TUESDAY, SEPTEMBER 6, 2016 @ 2:00 PM**

- | | | |
|----|--------------------|-------------|
| 1. | Merced Chevrolet | \$34,615.40 |
| 2. | Bonander Buick GMC | \$35,333.23 |

Signed:  Dated: September 6, 2016
Jana R. Sousa, MMC
Assistant City Clerk/Human Resources Technician

Signed: 
Ray Reyna, Police Commander



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM: Tim Marrison, Fire Chief 

DATE: September 21, 2016

SUBJECT: Fire Department Acceptance of Bid for the purchase and installation of a 4,000 gallon above ground blast/impact resistant fuel storage tank (AST) split 1,000/3,000 gallons with fuel management and gasoline and diesel dispensing systems.

TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council adopt a Resolution authorizing the City Manager to execute a contract to purchase and install one 4,000 gallon above ground blast/impact resistant fuel storage tank (AST) split 1,000/3,000 gallons with fuel management and gasoline and diesel dispensing systems from Donlee Pump Company in the amount of \$89,038.76.

That the City Manager is further authorized to approve any change orders for the Project up to a single change order amount of \$8,903.87 (10% of the contract price), individually or collectively, as needed for unanticipated contingencies and is required to report all change orders to the City Council as soon as practical.

Discussion:

The Fire and Police Departments have combined our 2015 Department of Homeland Security grant funding in an effort to purchase and install an above ground portable fuel tank. This fuel tank will be equipped with a fuel management system that will allow both Police and Fire staff to fuel their emergency vehicles at a secure fueling location. This tank will be installed at Fire Station #1 in the location of an existing 500 gallon diesel tank that is completely surrounded by security fencing.

Currently, the Police Department fuels their vehicles at a commercial vending location. The installation of this tank at Fire Station #1 will allow for continuous operations during a wide spread power outage, due to the new fueling facility having emergency generator back up power supply. The new facility will double the Fire Department's current diesel fuel capacity and allow access to gasoline. The accessibility to this fuel is essential to our response capabilities during a prolonged emergency or disaster.

The Fire Department released the Invitation to Bid for the purchase and installation of a 4,000-gallon above ground blast/impact resistant portable fuel storage tank (AST) split 1,000/3,000 gallons with fuel management and gasoline and diesel dispensing systems on August 24, 2016. This Invitation to Bid was advertised on the City of Los Banos web site as well as within the Merced Sun-Star on August 26th and August 29th 2016.

The City received sealed bids on September 12, 2016 from two vendors. Of the two bids submitted, Donlee Pump Co. submitted the lowest responsive and responsible bid, with a Total Net Price of \$89,038.76

Fiscal Impact:

The approved grant funding from the Department of Homeland Security will fund \$50,000.00 of this project. This amount was adopted in the 2016-2017 City of Los Banos budget.

Police 248-421-150-753 - \$25,000.00
Fire 248-422-100-753 - \$25,000.00

The remaining \$39,038.76 will be split equally between the Police and Fire Departments. This funding was also approved in the 2016-2017 budget.

Police 245-421-100-720 - \$19,519.38
Fire 238-422-100-720 - \$19,519.38

Reviewed by:


Sonya Williams, Finance Director


Alex Terrazas, City Manager

Attachments:

Bid Opening Sheet
Resolution



City of Los Banos

At the Crossroads of California

BID OPENING

PUBLIC SAFETY FUEL TANK

1.	<u>KC Partners Corp</u>	<u>\$ 195,544.00</u>
2.	<u>Donlee Pump Company</u>	<u>\$ 89,038.76</u>
3.	_____	\$ _____
4.	_____	\$ _____
5.	_____	\$ _____
6.	_____	\$ _____
7.	_____	\$ _____
8.	_____	\$ _____
9.	_____	\$ _____

Signed: Lucille L. Mallonee
Lucille L. Mallonee, MMC
City Clerk/Human Resources Director

Dated: September 12, 2016

Tim Marrison
Tim Marrison, Fire Chief

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AWARDING THE BID AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT TO PURCHASE AND INSTALL ONE 4,000 GALLON ABOVE GROUND BLAST/IMPACT RESISTANT FUEL STORAGE TANK (AST) SPLIT 1,000/3,000 GALLONS WITH FUEL MANAGEMENT AND GASOLINE AND DIESEL DISPENSING SYSTEMS FROM DONLEE PUMP COMPANY.

WHEREAS, a notice inviting bids was prepared and advertised as required by the Los Banos Municipal Code for the purchase and installation of one 4,000 gallon above ground blast/impact resistant fuel storage tank (AST) split 1,000/3,000 gallons with fuel management and gasoline and diesel dispensing systems; and

WHEREAS, sealed bids were received and opened on September 12, 2016 in accordance with the Los Banos Municipal Code; and

WHEREAS, the City received sealed bids from two different vendors; of the two bids submitted, Donlee Pump Company submitted the lowest responsive and responsible bid, with a Total Net Price of \$89,038.76; and

WHEREAS, funding to purchase this fueling system was approved during the Fiscal Year 2016-2017 budget with a combination of Fire and Police Homeland Security Grant funding and Capital Outlay funding; and

WHEREAS, the City Council finds and determines that the award of bid and execution of a contract consistent with the bid specifications will be in the best interest of the City of Los Banos.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES HEREBY RESOLVE AS FOLLOWS:

1. That the foregoing is true and correct.
2. That the City Manager is authorized to execute a contract on behalf of the City consistent with the bid specifications, and in a form approved by the City Attorney for the purchase and installation of one 4,000 gallon above ground blast/impact resistant fuel storage tank (AST) split 1,000/3,000 gallons with fuel management and gasoline and diesel dispensing systems from Donlee Pump Company, in the amount of \$89,038.76.
3. That the City Manager is further authorized to approve any change orders for the Project up to a single change order amount of \$8,903.87 (10% of the contract price), individually or collectively, as needed for unanticipated contingencies and is required to report all change orders to the City Council as soon as practical

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 21st day of September 2016, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Michael Villalta, Mayor

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and Council Members

FROM:  Brenda Geary, Police Services Manager

DATE: September 21, 2016

SUBJECT: Acceptance of First 5 Merced County Mini-Grant in the Amount of \$3,000.00

TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council approve the acceptance of First 5 Merced County Mini-Grant in the amount of \$3,000.00 and approve an increase in City revenues and expenditures in the amount of \$3,000.00 for FY 2016-2017.

Discussion:

The Police Department has applied for and been awarded a Grant in the amount of \$3,000.00. Funding from this grant has been identified to support a car seat safety and awareness training program for the community. The program will focus on parents of children 0-5 who may have questions, concerns, or lack of knowledge on the installation and proper sizing of child safety seats. In direct partnership with the California Highway Patrol, utilizing child safety seat technicians, two "Safety Check" operations will be conducted throughout the City of Los Banos. During the "Safety Check" operations, child safety seat technicians will evaluate the child seat for recalls along with proper fit for the child. If it is determined that the seat is not adequate and the parent is financially unable to purchase a new seat one will be given to them. The events will be schedule during the period from November 1, 2016 to May 30, 2017.

The budget for this grant, including account numbers are as follows:

Revenues:

County Grants:	100-000-337-010	\$ 3,000.00
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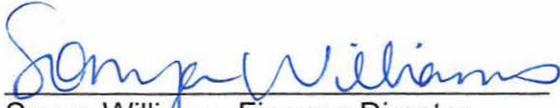
Expenditures:

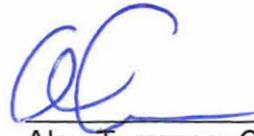
General Materials & Supplies:	100-421-140-267	\$3,000.00
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Fiscal Impact:

Revenues and Expenditures for the FY 2016-2017 will increase in the amount of \$3,000.00.

Reviewed by:


Sonya Williams, Finance Director


Alex Terrazas, City Manager

Attachments:

Resolution
Acceptance Letter

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING THE ACCEPTANCE OF A FIRST 5 MERCED COUNTY MINI-GRANT, IN THE AMOUNT OF \$3,000.00 AND AMENDING THE 2016-2017 FISCAL YEAR BUDGET BY INCREASING THE APPROPRIATION AMOUNT FOR EXPENDITURES AND REVENUES IN THE AMOUNT OF \$3,000.00

WHEREAS, the Police Department has applied for and been awarded a First 5 Merced County Mini-Grant in the amount of \$3,000.00; and

WHEREAS, a proposal has been presented to the City Council of the City of Los Banos to increase the appropriation limit in the City Budget for the FY 2016-2017; and

WHEREAS, the City Council of the City of Los Banos may adjust the overall appropriation levels in each fund at any time during the FY 2016-2017 by action to amend this budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve the acceptance of the First 5 Merced County Mini-Grant in the amount of \$3,000.00 and an increase to the appropriation limit for revenues and expenditures in the amount of \$3,000.00 within the Department's County Grants Fund. The budget for this grant, including account numbers is as follows:

Revenues:

County Grants:	100-000-337-010	\$3,000.00
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Expenditures:

General Materials & Supplies:	100-421-140-267	\$3,000.00
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The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 21st day of September 2016, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Brenda Geary

From: Reed, Myisha [MReed@co.merced.ca.us]
Sent: Tuesday, September 13, 2016 11:27
To: Reed, Myisha
Cc: Moua, James
Subject: Next Steps: First 5 Merced County General Mini Grant

Good morning,

I am happy to inform you that the First 5 Merced County Commission has approved funding for your General Mini Grants project!

In order to execute the contract for your General Mini Grant, a number of documents must be developed. By Friday, James Moua will send you drafts of the exhibits necessary to execute your contract. It is important to review, edit and submit them so your contract may be finalized and executed in a timely manner.

At a glance, next steps in the contracting process include the following:

- Please review the drafts of the Scope of Work and Budget that will be provided to you. Make any edits as necessary. These documents will be included in your contract.
- Generally, contracts will require insurance. Staff will contact you to determine the insurance type and coverage that is necessary for your program. Please be advised a copy of this insurance is necessary to execute the contract and will be kept on file.
- Once all documents have been successfully negotiated, the contract will be ready for signature. You will be given the option to come into the office or have them mailed to you for signature.
- The contract and exhibits will then be sent to First 5 Merced County's Legal Counsel and Commission Chair for signature.
- An original copy of the executed contract and exhibits will be provided to you.

****Important:** The General Mini Grant Program provides funding to approved programs on a reimbursement basis. Recipients may receive an advance payment of up to 20% of their approved grant amount. If you would like to request an advance, please send an email to Myisha Reed, Program Manager, at mreed@co.merced.ca.us with "Advance Payment Request" in the subject line. **

Congratulations again and First 5 Merced County looks forward to working with you in support of our community's children.

Sincerely,

Myisha Reed
Program Manager

First 5 Merced County
260 E. 15th Street
Merced, CA 95341
(209) 385-7337 X 4925
mreed@co.merced.ca.us

First 5 Merced County proudly supports The Children's Bill of Rights for Merced County!



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members

FROM: Stacy Souza Elms, Senior Planner 

DATE: September 21, 2016

SUBJECT: The Villas Area Plan Amendment and Final Development Plan #2016-01

TYPE OF REPORT: Public Hearing

Recommendation:

1. Open the Public Hearing and receive applicant and public comment;
2. Consider comments presented at the hearing, the information in the Staff Report, the recommendation of the Planning Commission and discuss the proposal;
3. Adopt a resolution approving The Villas Area Plan Amendment previously adopted by City Council Resolution 4680 on January 18, 2006; and
4. Adopt a resolution approving The Villas Final Development Plan #2016-01 and Mitigated Negative Declaration (SCH #2002081111).

Background:

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.

The Annexation was recorded by the Merced County Local Agency Formation Commission (LAFCO) on January 12, 2007 and no development has occurred on the subject project site. On March 3, 2016, the Villas VTTM #2001-06 and Development Agreement expired.

The Los Banos Planning Commission held a public hearing on May 11, 2016, July 27, 2016, and August 10, 2016 for the purpose of considering an amendment to The Villas Area Plan Resolution 4680, Vesting Tentative Tract Map #2016-01, Mitigated Negative Declaration (SCH #2002081111), and Final Development Plan #2016-01. At the completion of the public hearing, the Planning Commission approved Vesting Tentative Tract Map #2016-01 and recommended approval of an amendment to The Villas Area Plan and Final Development Plan #2016-01 to the Los Banos City Council.

After listening to many hours of public testimony, the Planning Commission included the following conditions of approval into their recommendation of the Final Development Plan:

- Require a 7 foot masonry fence between the Bluff Drive residence and The Villas project.
- Require one story custom homes on lots 4,5,10, and 11 as they back up to one story homes on Bluff Drive.
- Require a 25 foot rear setback for the homes adjacent to Bluff Drive.

The Los Banos Planning Commission approved the Vesting Tentative Tract Map conditioned upon City Council approval of the Final Development Plan.

Discussion:

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 approval 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.

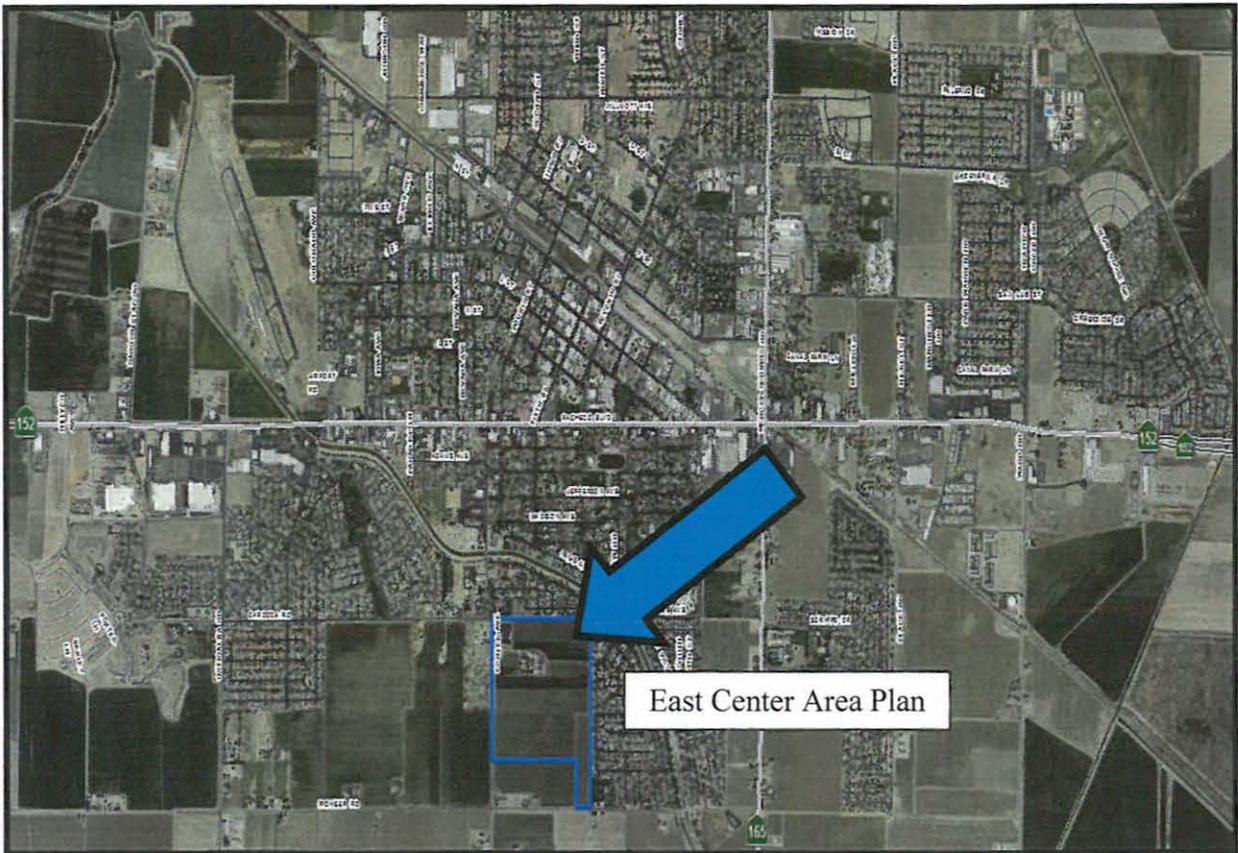
The applicant is also seeking approval of a revision to the Villas Area Plan Annexation (ANX 2001-05), which was previously adopted by the City Council on January 18, 2006. The Area Plan Conditions of Approval require Cardoza Road to provide a landscape area and pathway on the north side of the extended 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 City Council will consider approving the amendment of the Villas Area Plan Resolution as requested by the applicant and Final Development #2016-01. The City Council has the following alternatives to consider:

- Approve the amendment to the Villas Area Plan Resolution 4680 and approve the Final Development Plan as recommended by the Planning Commission; or
- Approve the amendment to the Villas Area Plan Resolution 4680 and approve the Final Development Plan with additional conditions; or
- Deny the amendment to the Villas Area Plan. By doing so, the proposed Final Development Plan would not be consistent with the Area Plan and the City Council would not be able to make the required findings to approve the project. In addition, the Vesting Tentative Tract Map, which was approved by the Planning Commission, would not be approved, as the map's approval is contingent upon the City Council's approval of the Final Development Plan.

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 on lots 4,5,10, and 11 with a minimum 25 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. The proposed conditions of approval require the custom built homes to be single story for lots that back up to single story homes along Bluff Drive and require a 15 foot larger setback than what is required by the the Los Banos 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 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.

Custom built homes are one-of-a-kind houses on land owned by private individual(s). They are site specific homes built from a unique set of plans for the wishes of the specific home owner. The homeowner hires their own architect to custom design their home. The homeowner then decides on variables such as amenities, features, size, creative touches, and style. The Final Development Plan consists of 14 custom lots along the northern boundary of the project site, adjacent to the Bluff Drive residence, with a minimum width of 100 feet.

Semi-custom homes are built by a home builder that allows buyers to customize only certain aspects of the home. The home builder may re-use architectural plans and customize them. Changes may consist of resizing, adding or deleting rooms, or selecting different interior and exterior finishes. The Final Development Plan consists of 43 semi-custom lots, located south of the custom homes, with lots that average 80 feet wide.

Production homes are built by a homebuilder using the same plans throughout the same subdivision. The Final Development Plan consists of 174 production homes on lots which are 60 to 50 feet wide.

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 drainage 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.

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 September 9, 2016. As of the date of this staff report one comment letter was received from the residence along Bluff Drive during the Planning Commission public hearing process. The letter is included as Attachment 4 of this staff report.

Reviewed by:



Alex Terrazas, City Manager

Attachments:

1. Resolution - Amending The Villas Area Plan Resolution 4680
 - Exhibit A: Proposed Area Plan
 - Exhibit B: The Villas Amended Area Plan Conditions of Approval
2. Resolution - Final Development Plan #2016-01& Mitigated Neg Dec
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings of Approval
 - Exhibit C: Conditions of Approval
 - Exhibit D: Mitigation Monitoring Program
3. The Villas Final Development Plan
4. Planning Commission Meeting Minutes
 - May 11, 2016
 - July 27, 2016
 - August 10, 2016
5. Comment Letter
6. Public Hearing Notice—September 9, 2016

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS APPROVING AN
AMENDMENT TO THE 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 Los Banos Planning Commission held a public hearing on May 11, 2016, July 27, 2016, and August 10, 2016, for the purpose of considering an amendment to The Villas Area Plan, Vesting Tentative Tract Map #2016-02, Final Development Plan #2016-02, and environmental documentation, and at the completion of the public hearing, duly considered the evidence presented and conditionally approved Vesting Tentative Tract Map #2016-02 and recommended approval of an amendment to The Villas Area Plan, Final Development Plan #2016-02, and associated Mitigated Negative Declaration to the Los Banos City Council; and

WHEREAS, The City Council has reviewed The Villas Area Plan submitted to the City in February 2016; and

WHEREAS, a public hearing was duly noticed for September 21, 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 September 9, 2016 to consider and take testimony regarding the revised East Center Area Plan; and

WHEREAS, on September 21, 2016, the Los Banos City Council, 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 City Council of the City of Los Banos does hereby approve an amendment to the 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 City Council of the City of Los Banos held on the 21st day of September 2016, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A

The Villas Area Plan – April 2016
(Under separate cover)

Fast 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

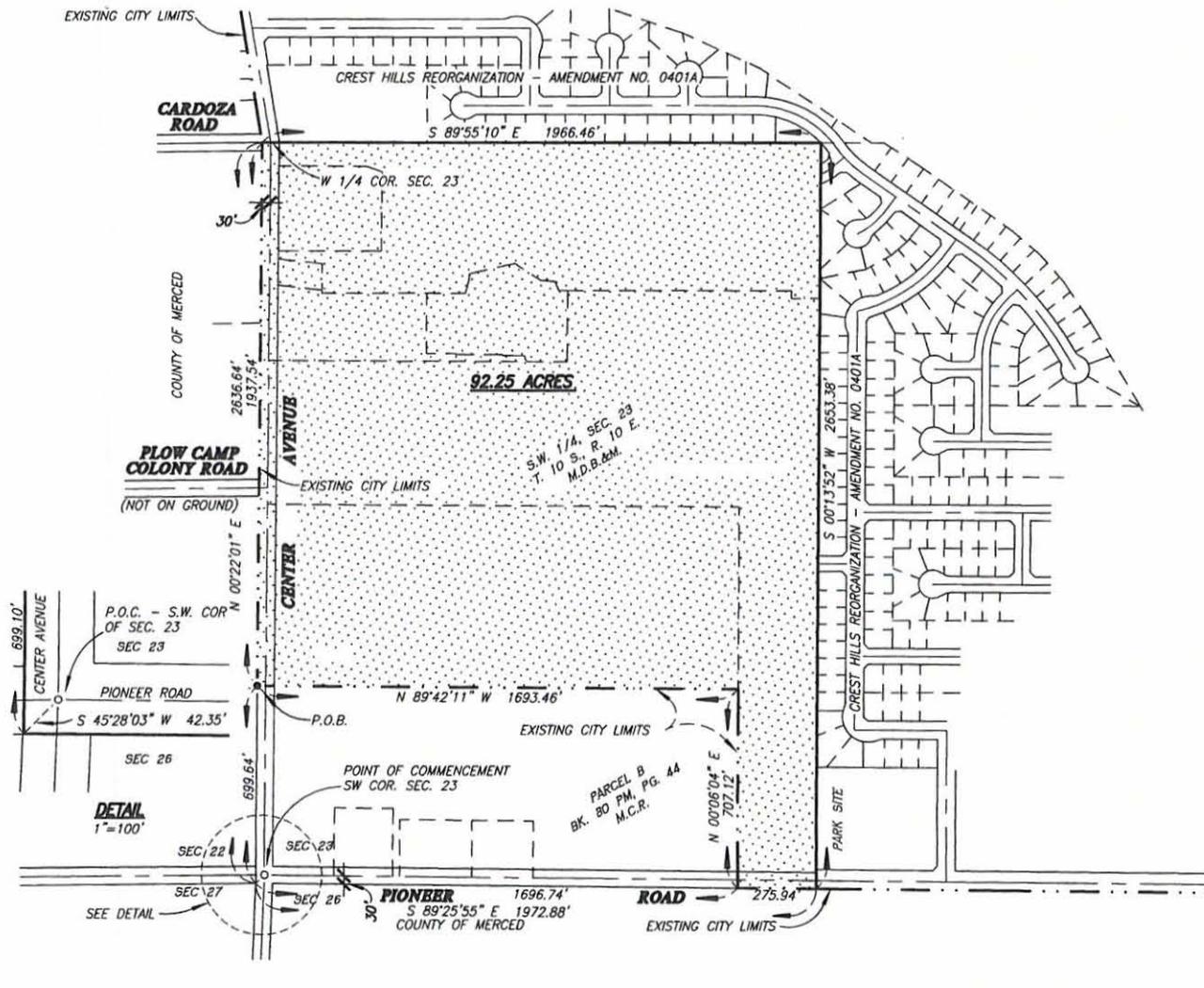
The City has prepared a storm drain master plan. The project area is within the Gardens 3 sub-area. The planned discharge rate for the Gardens 3 sub-area is 9.4 cfs. Minor revisions to the draft watershed boundaries between Gardens 3 and Gardens 2 may be required.

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 669.64 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 "Cresthills 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

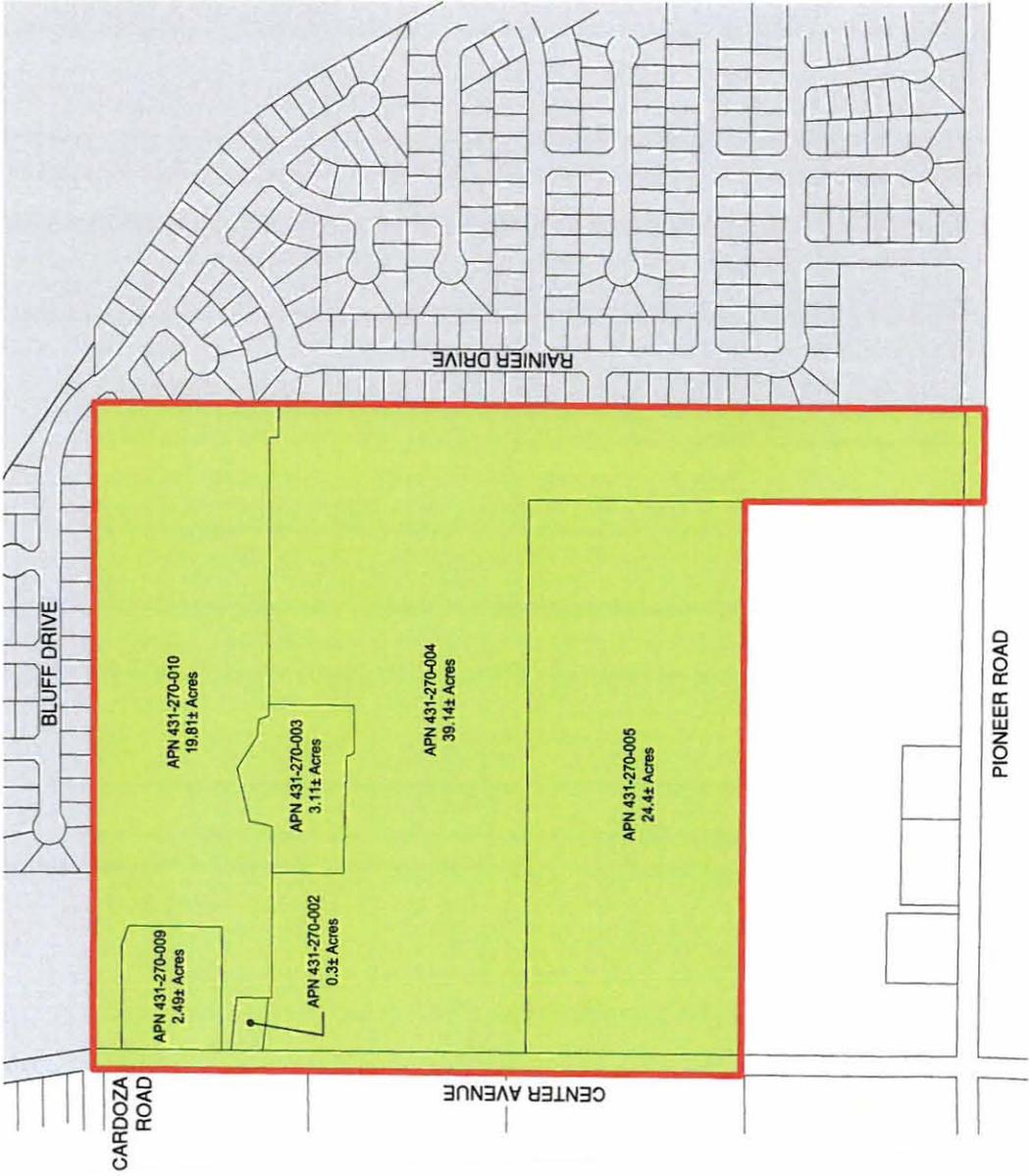
Course [5]. South 00°13'52" West 2653.38 feet continuing along said corporate limit line to the south line of the 30.00 foot half-width of Pioneer Road; thence

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°42'11" 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

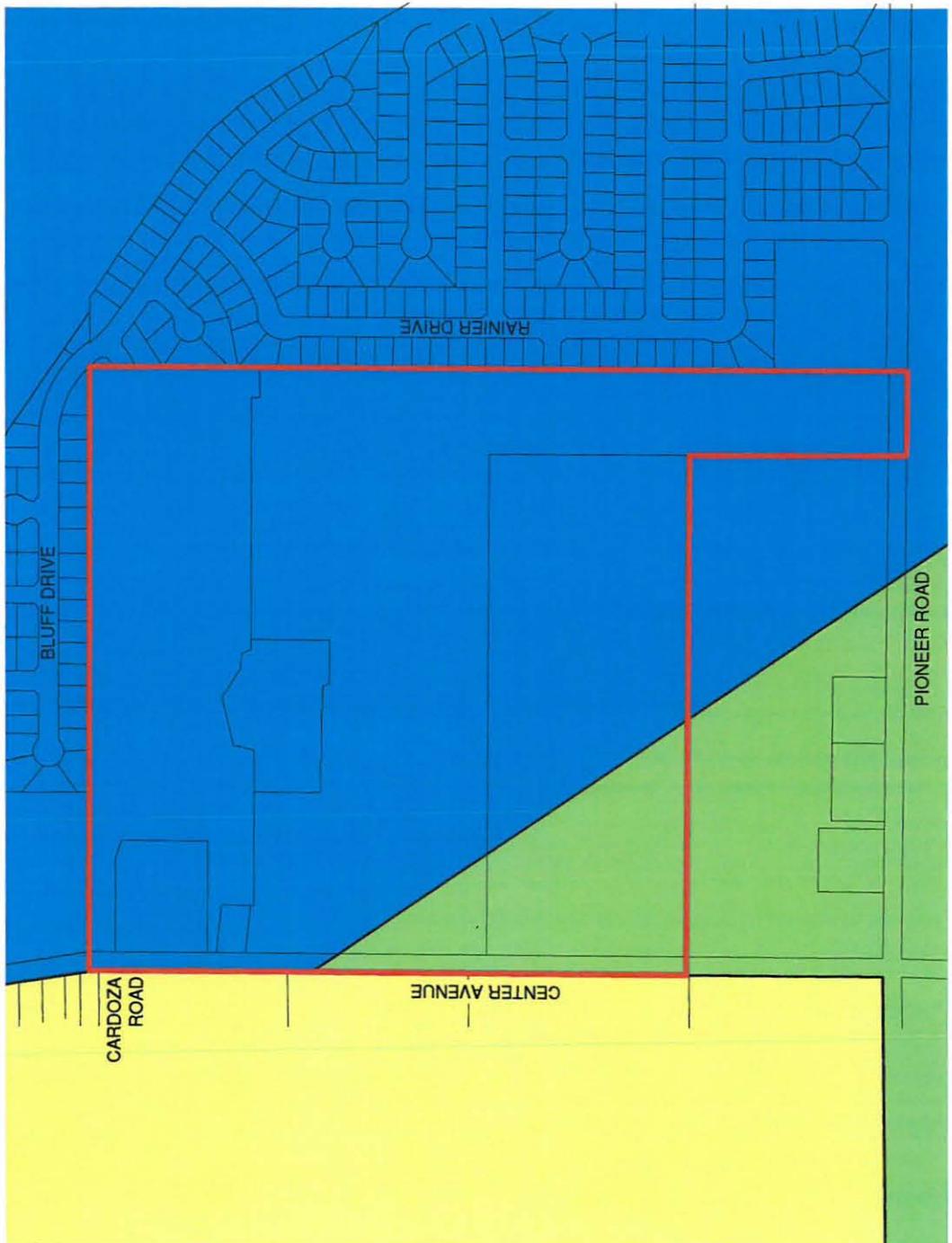


Reference Map

Legend

Area Plan Boundary

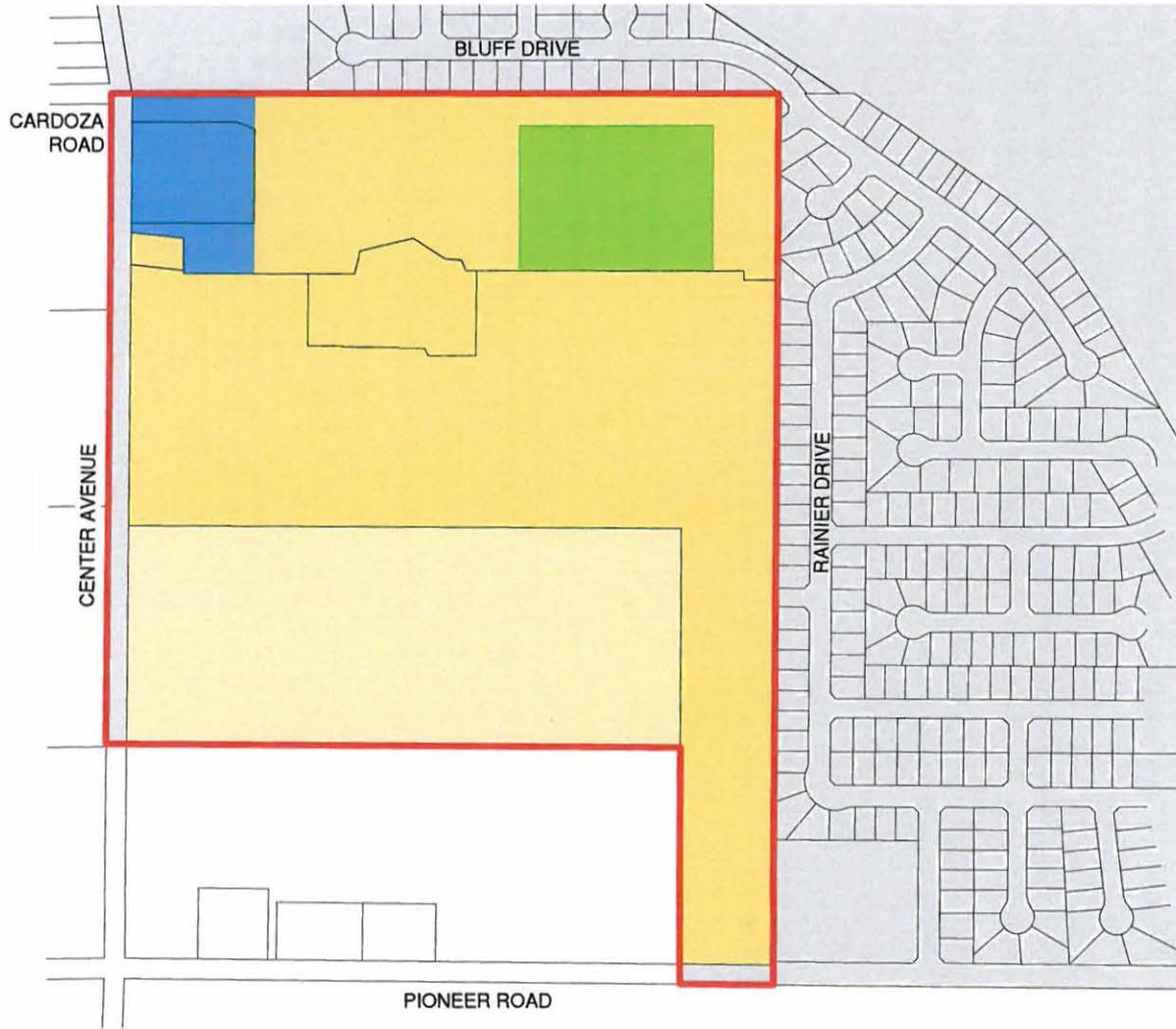




Reference Map

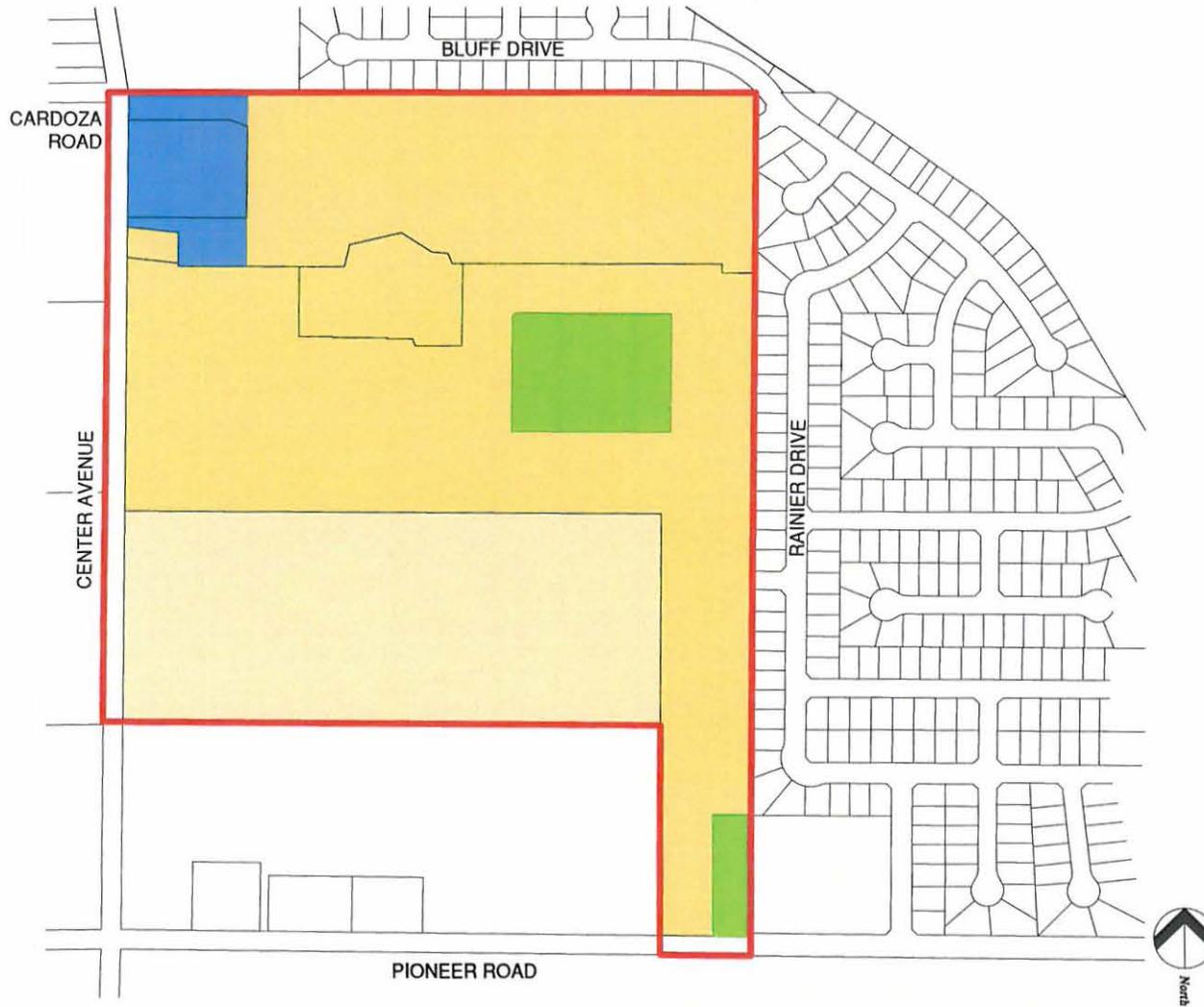
Legend

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



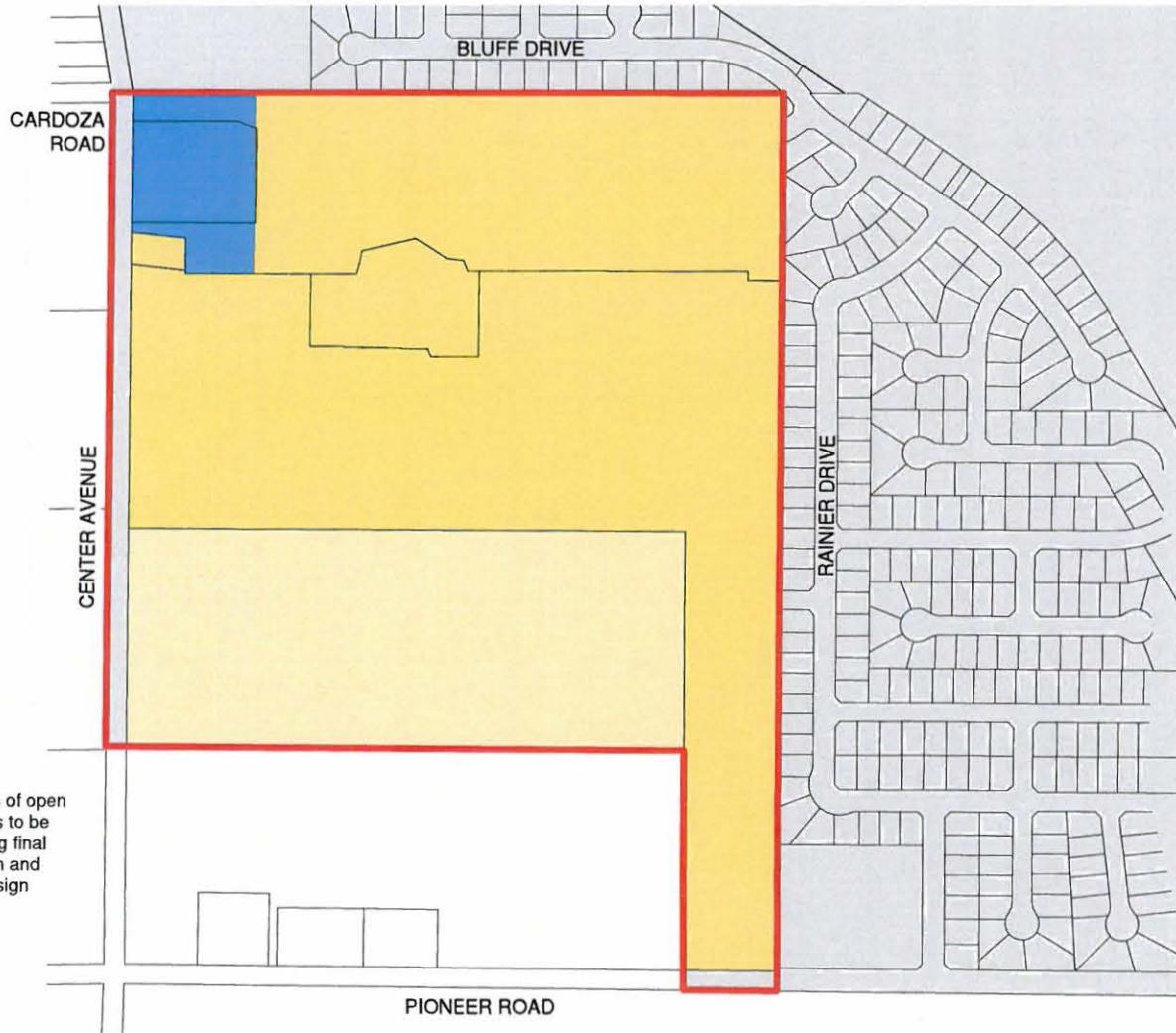
Reference Map

- 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



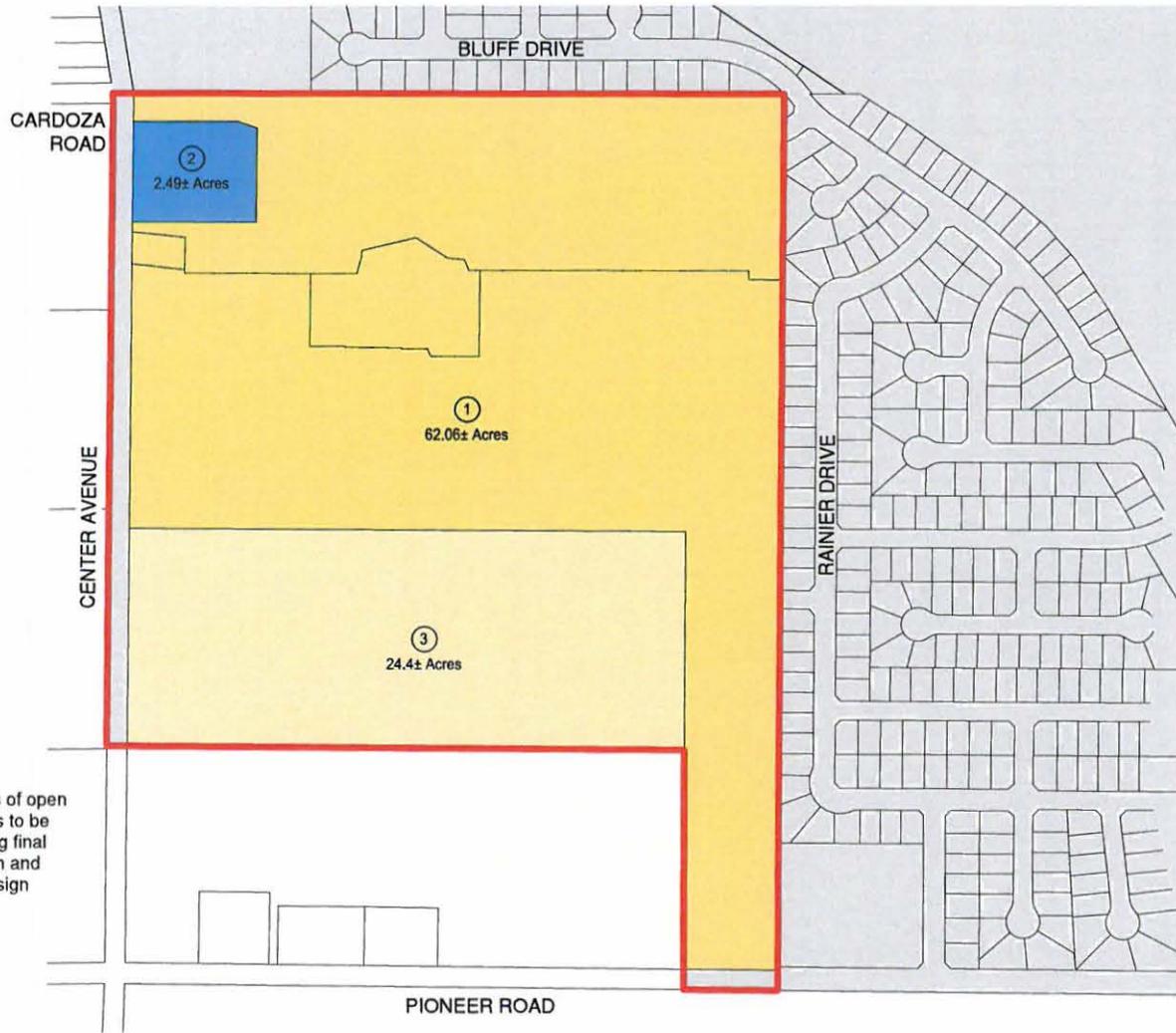
* Actual locations of open spaces and parks to be determined during final development plan and tentative map design phases.



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



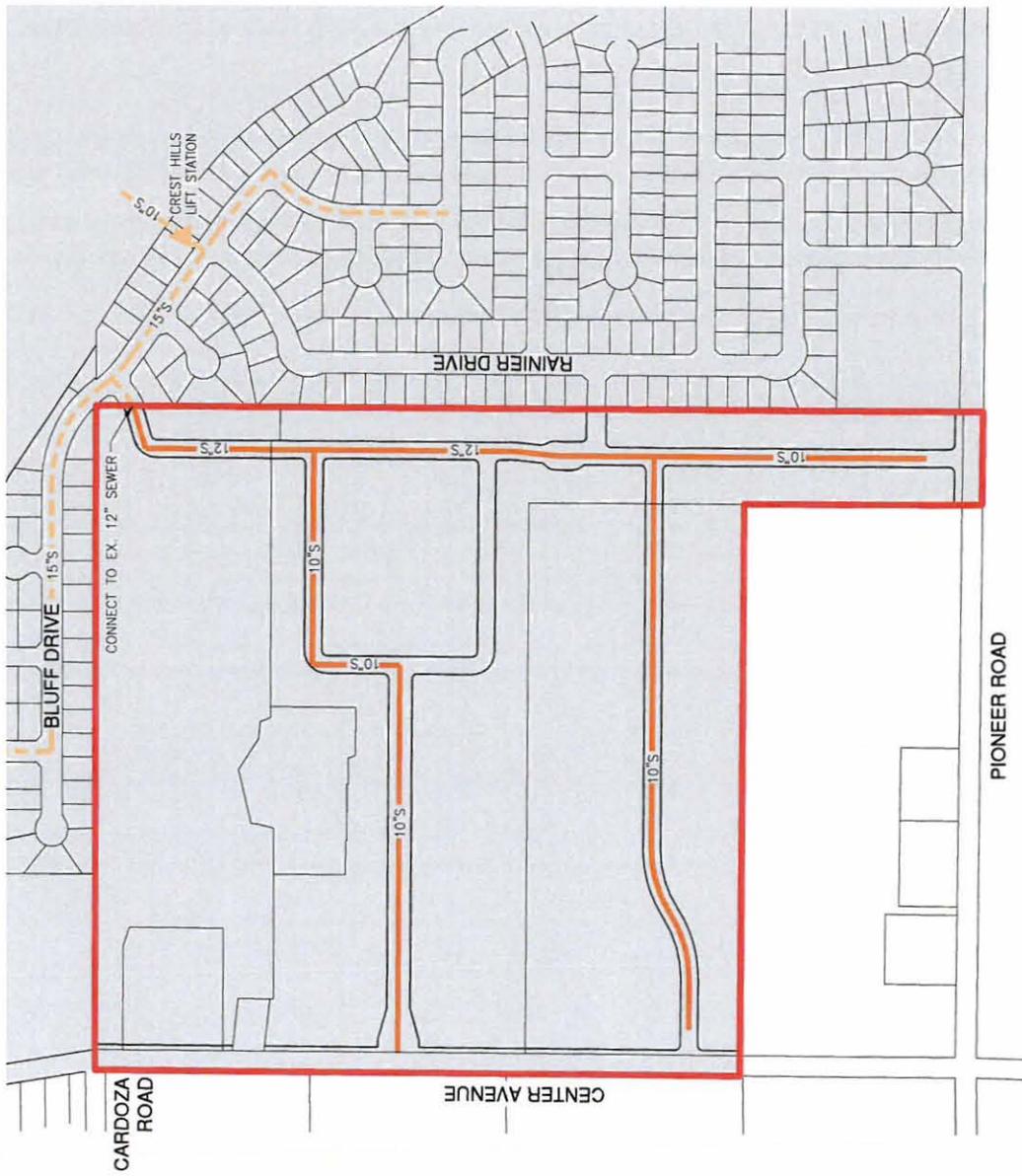
* Actual locations of open spaces and parks to be determined during final development plan and tentative map design phases.



Reference Map

Legend

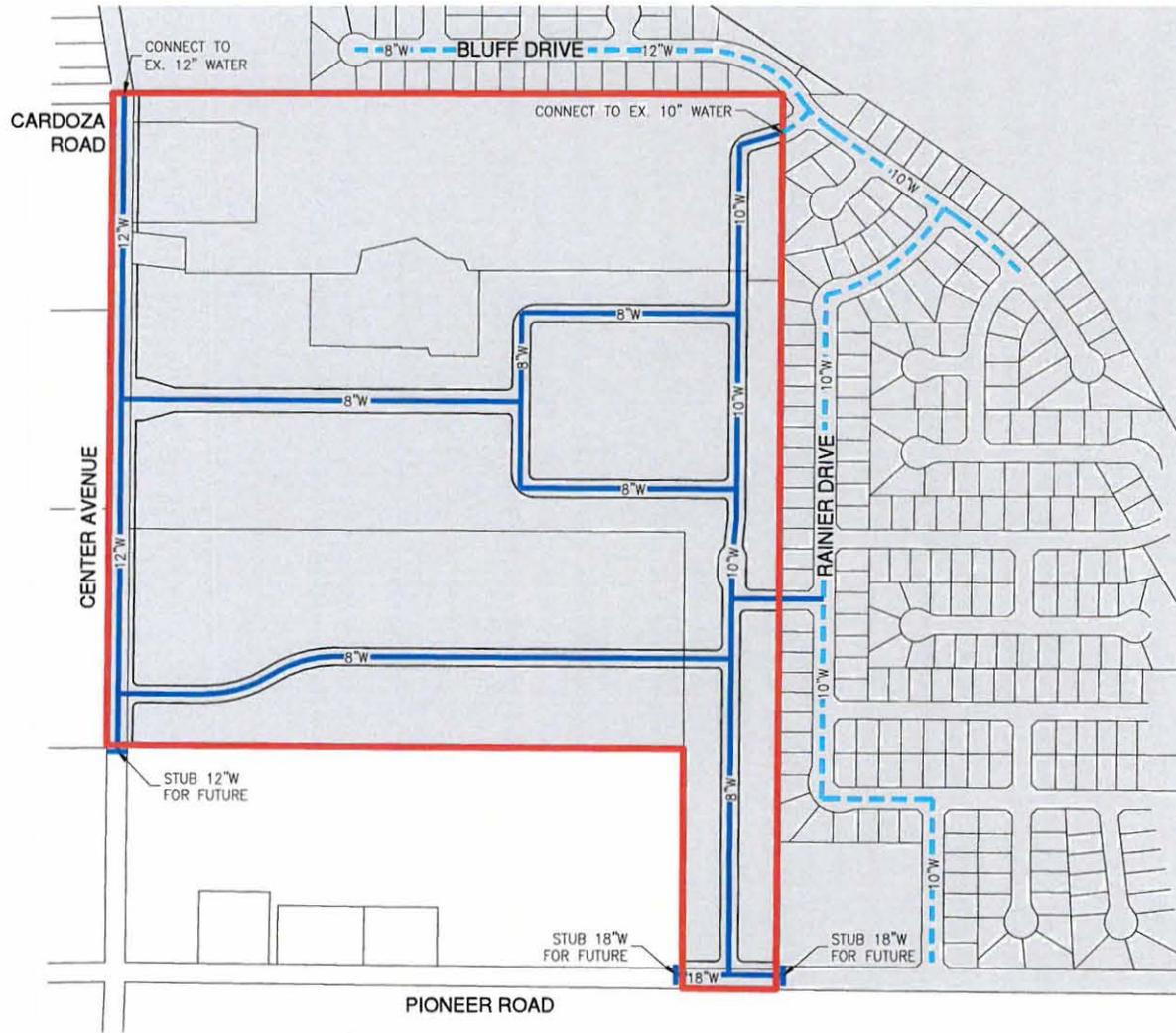
-  Area Plan Boundary
-  Within Current City Limits
-  Planned Development/
Low Density Residential (PD R-1)
-  Planned Development/
Medium Density Residential (PD R-2)
-  Professional Office



Reference Map

Legend

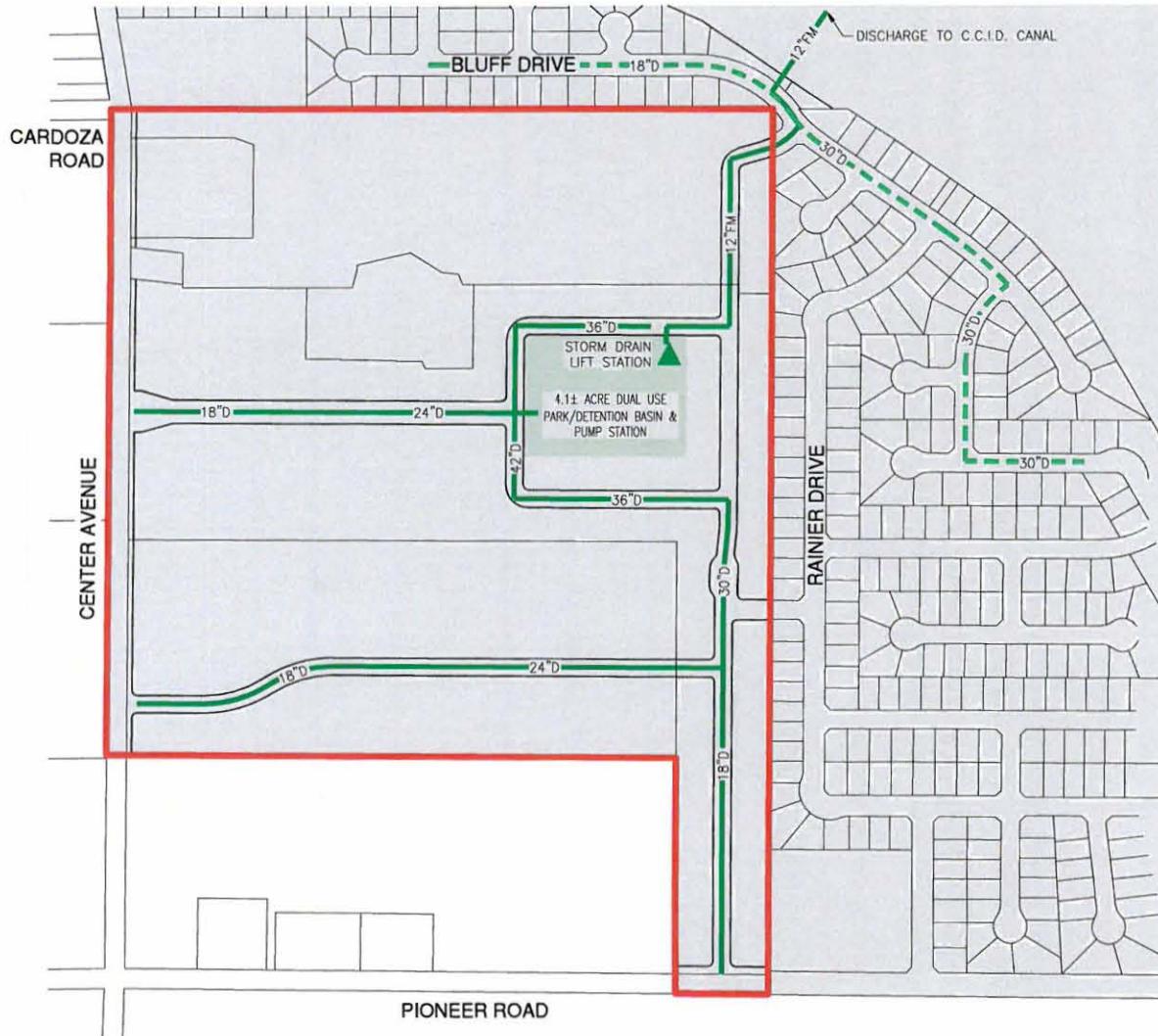
- Within Current City Limits
- Area Plan Boundary
- Conceptual Development Plan Boundary
- Proposed Sewer
- EX. 12" S



Reference Map

- Legend**
- Within Current City Limits
 - Area Plan Boundary
 - Conceptual Development Plan Boundary
 - Proposed Water
 - EX. 12"W Existing Water

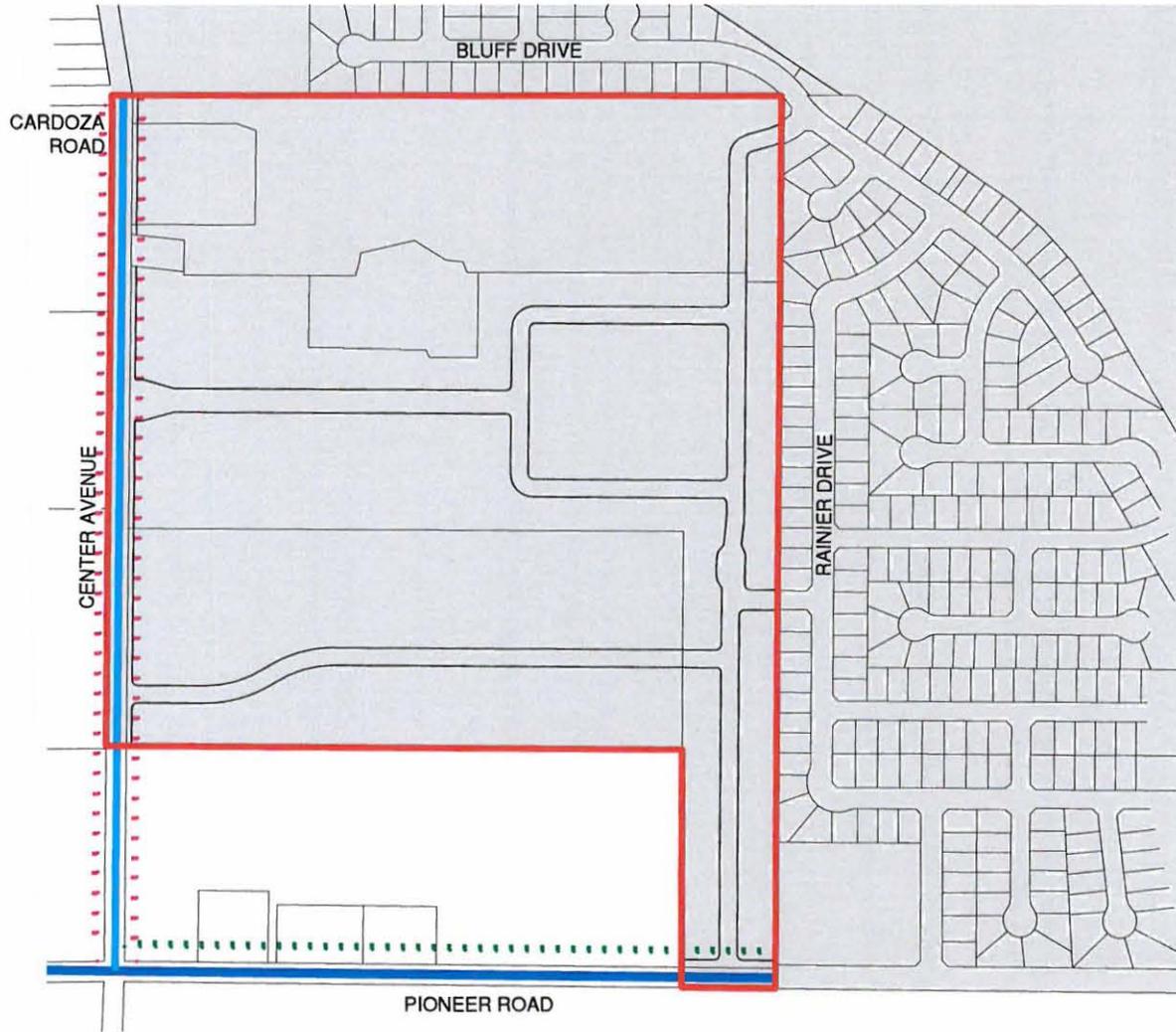




Reference Map

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

EXHIBIT B

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 on lots 4,5,10, and 11 with a minimum 25 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. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS APPROVING THE VILLAS
FINAL DEVELOPMENT PLAN #2016-01**

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 on January 18, 2006 and amended on September 21, 2016; 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 Los Banos Planning Commission held a public hearing on May 11, 2016, July 27, 2016, and August 10, 2016, for the purpose of considering an amendment to The Villas Area Plan, Vesting Tentative Tract Map #2016-02, Final Development Plan #2016-02, and environmental documentation, and at the completion of the public hearing, duly considered the evidence presented and conditionally approved Vesting Tentative Tract Map #2016-02 and recommended approval of an amendment to The Villas Area Plan, Final Development Plan #2016-02, and associated Mitigated Negative Declaration to the Los Banos City Council; and

WHEREAS, the City Council 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 September 9, 2016 to consider and take testimony regarding these matters on September 21, 2016; and

WHEREAS, at the City Council meeting of September 21, 2016, the Los Banos City Council 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 City Council 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 City Council of the City of Los Banos does hereby approve The Villas Final Development Plan #2016-01 located within the East Center Area Plan, 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 City Council of the City of Los Banos held on the 21st day of September 2016, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

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 City Council 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 September 9, 2016, and considered at a public hearing on September 21, 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 City Council 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.
3. The developer shall be required to acquire full right-of-way prior to approval of any Improvement Plans or Final Map.

Lighting:

4. 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:

5. 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 on lots 4,5,10, and 11 with a minimum 25 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.
6. This project shall be subject to P-D (Planned Development) Design Standards as presented in the Final Development Plan.
7. 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.

8. The variation in setbacks, unit placement, and materials and colors shall be implemented in a random fashion with no apparent pattern, to avoid monotony.
9. The minimum front yard setback for custom and semi-custom homes shall be 20'.
10. 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'.
11. 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.
12. The minimum rear-yard setback for custom homes shall be 25'.
13. The minimum rear-yard setback for semi-custom and production homes shall be 10' for single story units, and 20' for multi-story units.
14. The rear yard setback may be reduced by 2' to provide for stagger, except for custom built homes adjacent to Bluff Drive.
15. 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.
16. To protect privacy, building placement that offsets side-facing second-story bedroom windows at adjacent houses shall be required.
17. Residential dwelling units shall not exceed 30 feet in height.
18. 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.
19. 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:

20. The developer shall provide decorative lighting as shown in the Final Development Plan.

21. 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.
22. 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.
23. The developer shall install a seven-foot masonry fence along the northern boundary line between the custom built homes and Bluff Drive residence.
24. The developer shall install a seven-foot stucco fence along the western boundary line adjacent to the Vierra Property.
25. Custom built homes shall be defined as one-of-a-kind houses on land owned by private individual(s). It shall be a site specific home built from a unique set of plans for the wishes of the specific home owner. The homeowner shall hire their own architect to custom design their home. The homeowner shall decide on variables such as amenities, features, size, creative touches, and style.
26. Semi-custom homes shall be defined as a home built by a home builder that allows buyers to customize only certain aspects of the home. The home builder may re-use architectural plans and customize them. Changes may consist of resizing, adding or deleting rooms, or selecting different interior and exterior finishes.
27. Production homes shall be defined as a home built by a homebuilder using the same plans throughout the same subdivision.

Parks and Landscaping:

28. Landscape plans shall emphasize deciduous shade tree plantings to the south and west of buildings.
29. Landscaping and site design shall substantially conform to the conceptual plans of the Final Development Plan.
30. 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.
31. 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.

32. 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 Checklist Plan

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.

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.

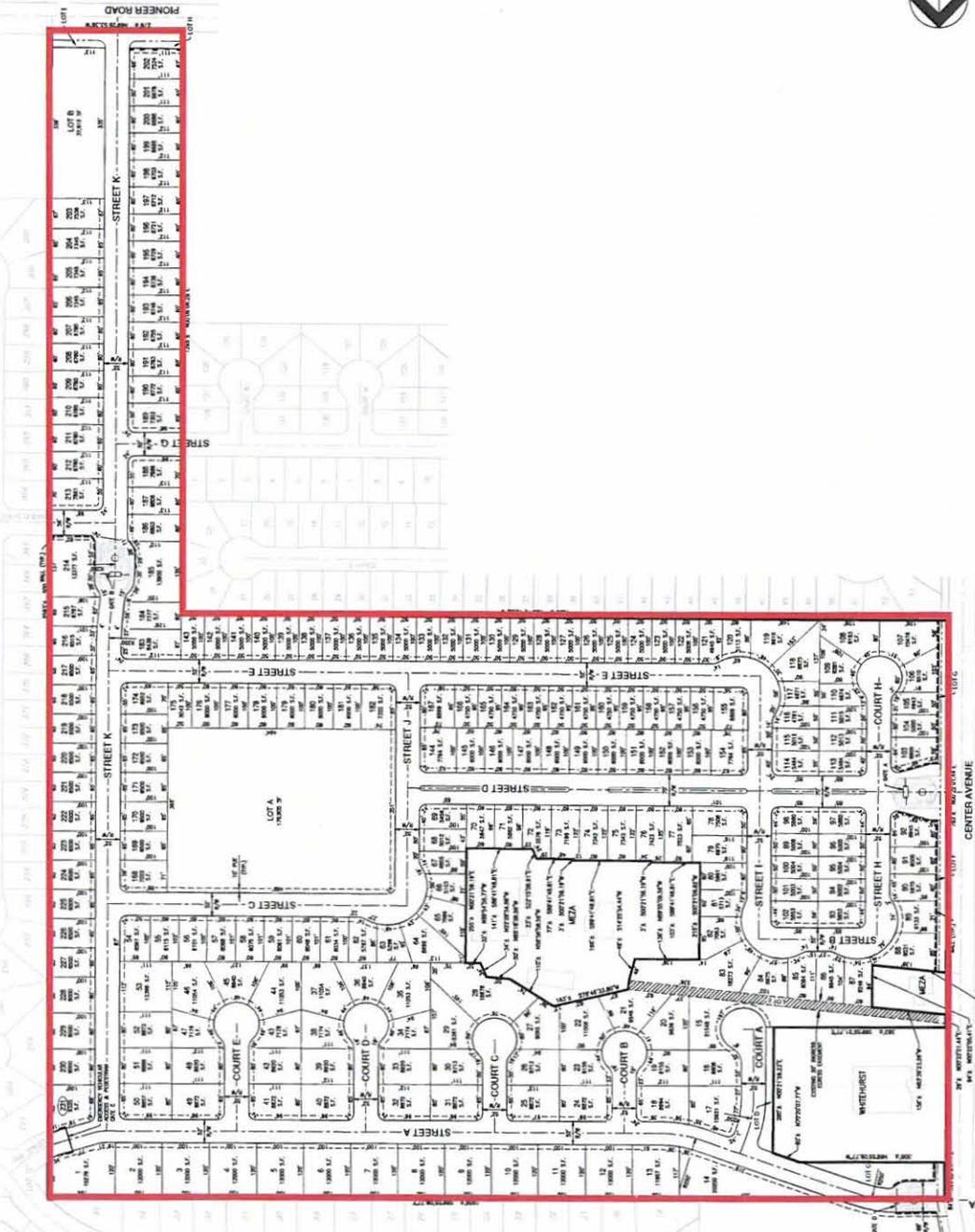


Reference Map

Legend

The Villas FDP Boundary

-  The Villas FDP Boundary
-  Custom Lots
-  Semi-Custom Lots
-  60' & 50' Lots
-  60' Lots
-  Park / Open Space



Reference Map

Legend

— The Villas FDP Boundary

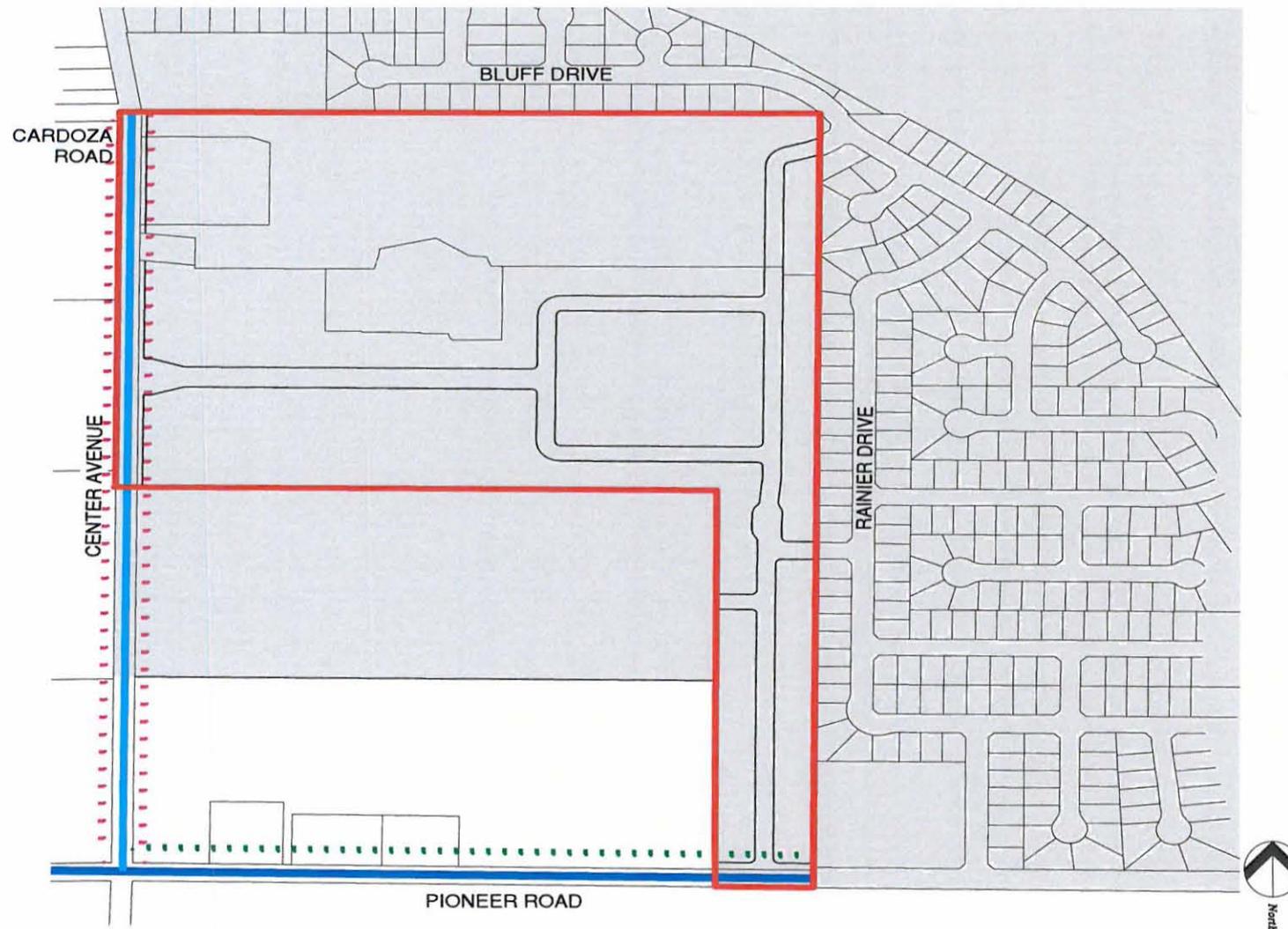


Reference Map

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 1-C



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

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



Front Elevation



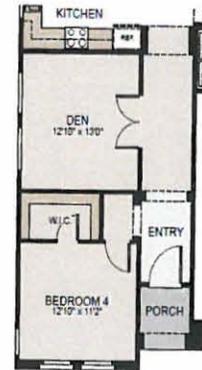
Right Elevation



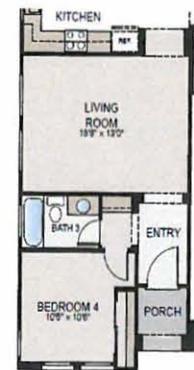
Rear Elevation



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



Option 4 Bedroom
with Den



Option 4 Bedroom
with 3 Bath



PLAN 2-A



PLAN 2-B



PLAN 2-C

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



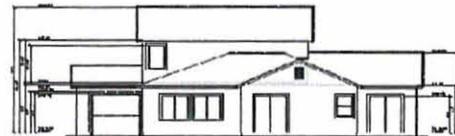
Second Floor 3A-C



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



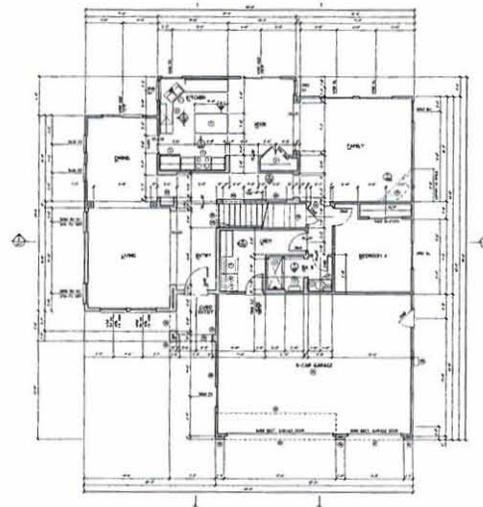
Front Elevation



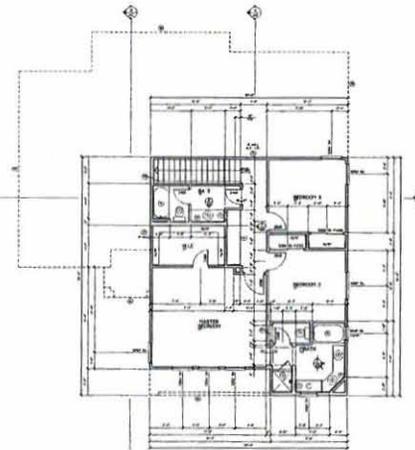
Right Elevation



Rear Elevation

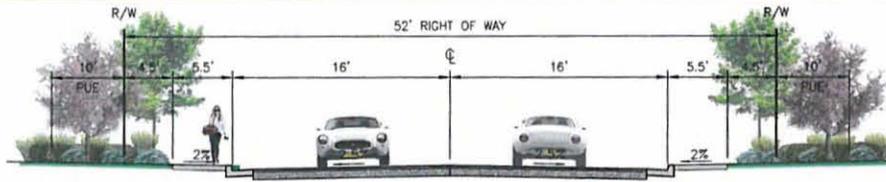


Plan 2518 (60' Lots)
Main Floor Plan 5A-5C

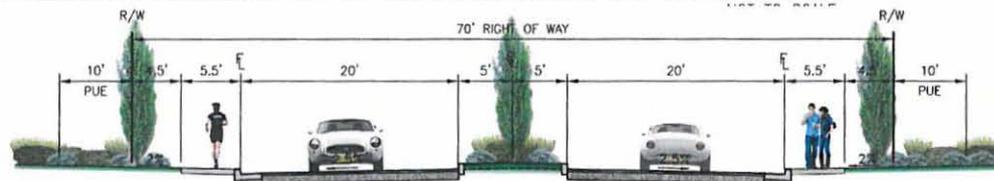


Second Floor 5A-5C

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

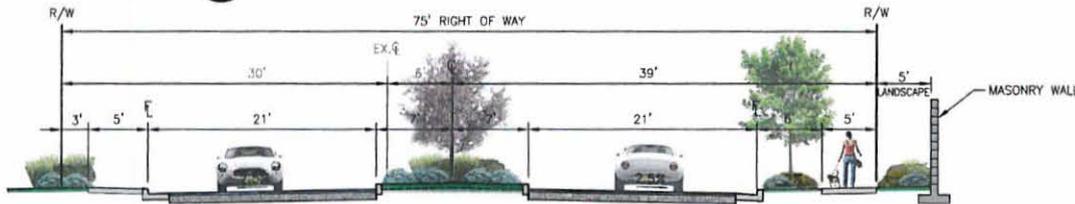


1 TYPICAL 52' RIGHT OF WAY SECTION



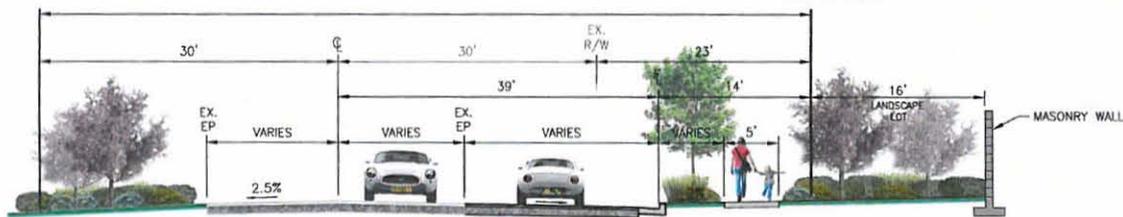
2 STREET D SECTION

NOT TO SCALE



3 CENTER AVENUE SECTION

NOT TO SCALE



4 PIONEER ROAD SECTION

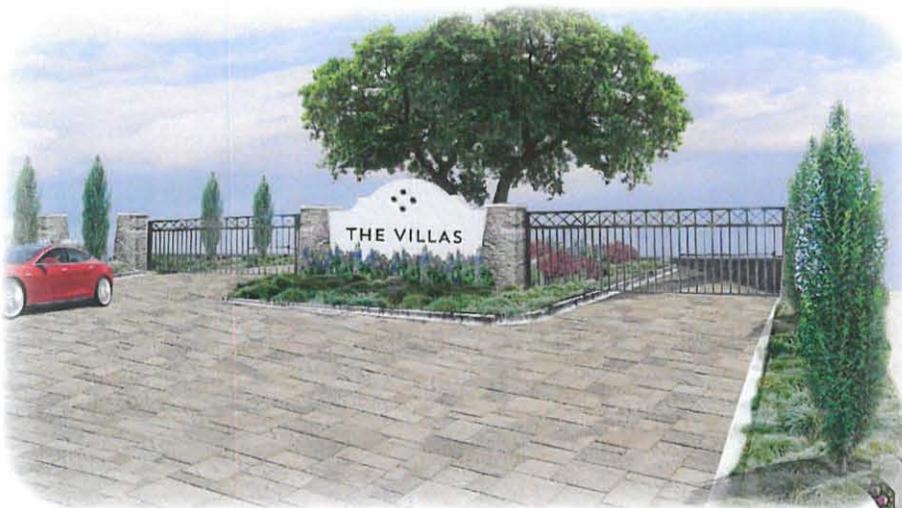
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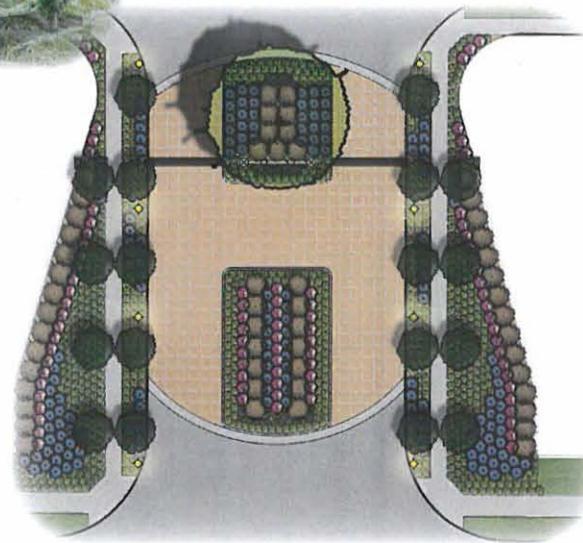
Reference Map

Legend

— The Villas FDP Boundary



Gated Entry Perspective Drawing



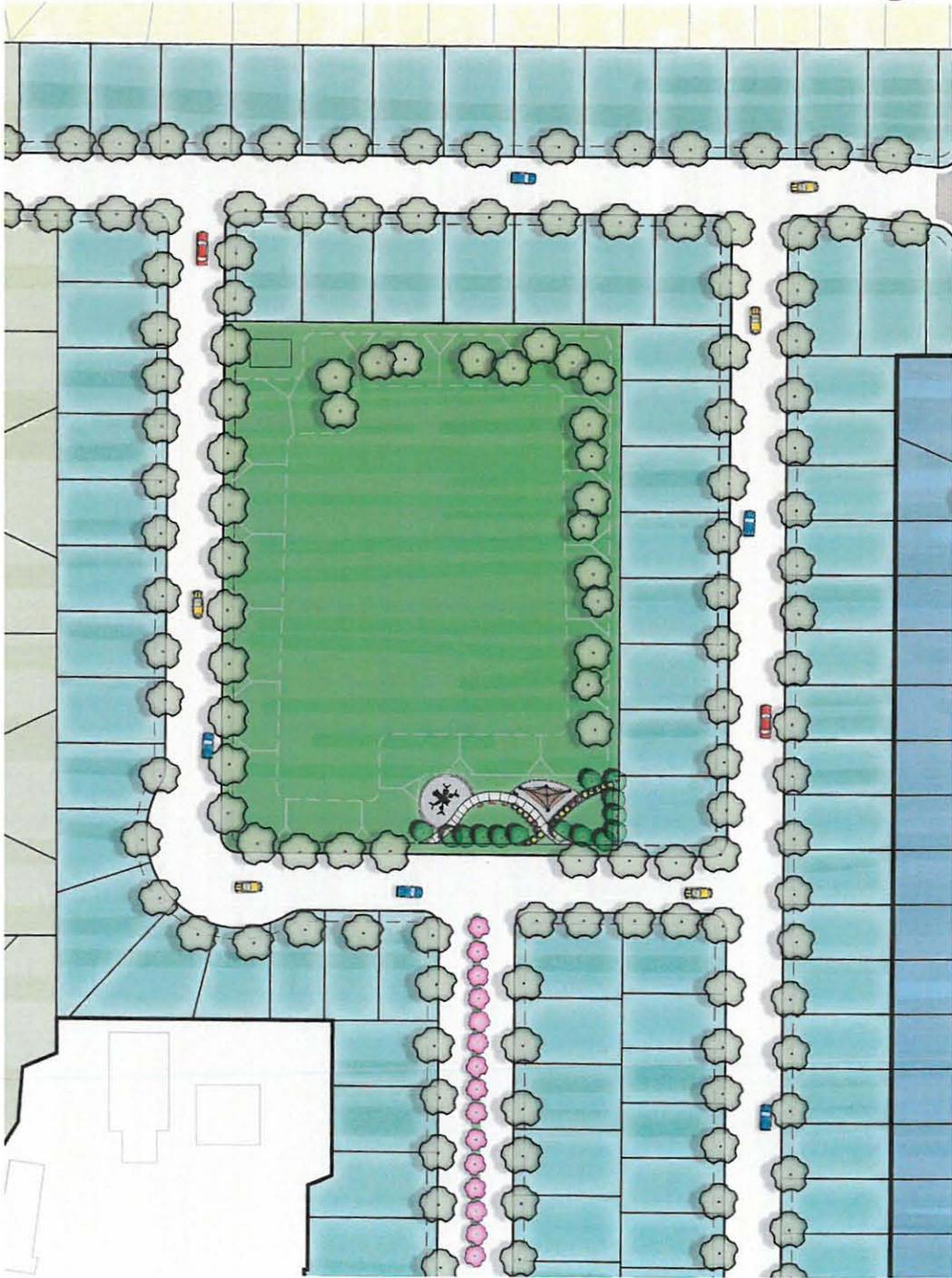
Gated Entry Plan View Drawing



Reference Map

Legend

 The Villas FDP Boundary



Reference Map

Legend

The Villas FDP Boundary





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".



Common Name	Scientific Name	Size	Water Use
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	Iris sp.	5 gal	Low
California Lilac	Ceanothus sp.	5 gal	Low
Cotoneaster	Cotoneaster sp.	5 gal	Low
Grevillea	Grevillea 'Noelii'	5 gal	Low-Mood
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 europaea 'Little Ollie'	5 gal	Low
Fountain Grass	Pennisetum alopecuroides	1 gal	Low
New Zealand Flax	Phormium tenax	5 gal	Low-Mood
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-Mood
Variegated Society Garlic	Tulbaghia v. 'Silver Lace'	1 gal	Low
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

Common Name	Scientific Name	Size	Water Use
Mayton tree	Maytenus boaria		Moderate
Wilson Olive	Olea europaea 'Wilsoni'		Low
Chinese Pistache	Pistachia chinensis 'Keith Dasey'		Low
Quercus robur 'Fastigiata'	Columnar English Oak	15 Gallon	Moderate
Coast Live Oak	Quercus agrifolia		Very Low
Valley Oak	Quercus lobata		Low
Lacobark Elm	Ulmus parvifolia 'Alleé'		Moderate
Zelkova	Zelkova serrata 'Green Vase'		Moderate

Common Name	Scientific Name	Size	Water Use
California Buckeye	Aesculus californica		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	15 Gallon	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

Potential Plant Species Shrubs

Groundcovers / Turf

Potential Street Trees

Potential Plant Species General Use Trees



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



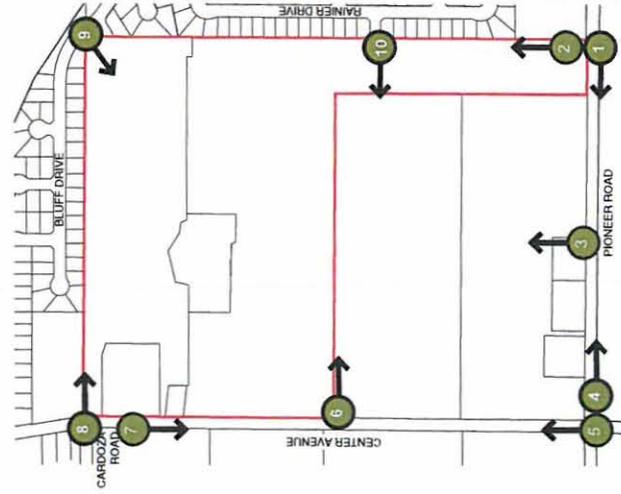
Decorative Park Furnishings

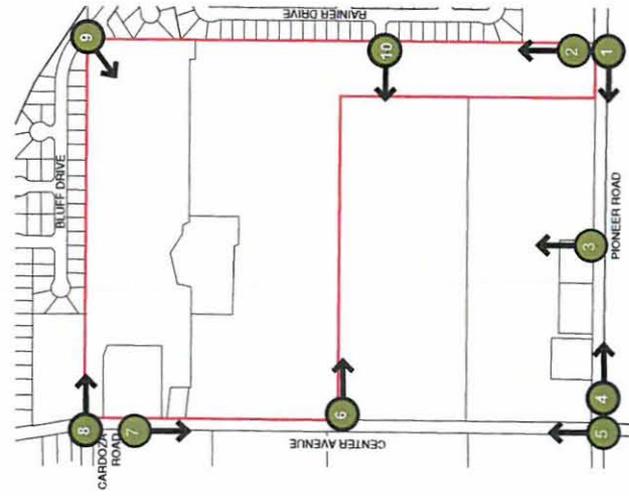


Reference Map

Legend

-  The Villas FDP Boundary
-  Photo Location
-  Photo Orientation





Reference Map

Legend

-  The Villas FDP Boundary
-  Photo Location
-  Photo Orientation

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
MAY 11, 2016**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

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

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

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

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

CONSIDERATION OF APPROVAL OF AGENDA. Motion by McCoy, seconded by Cates to approve the agenda with changes in the order of public hearings to hear items in the following order: items 8A, 8C, 8D, 8B, and 8E. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MARCH 23, 2016. Motion by McCoy, seconded by Cates to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

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

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

KATHY BALLARD, Los Banos, spoke of the need to review the code in regards to signage and A-frames, recommended these signs are removed at close of business and lights are turned off, and how flashing lights and flags look bad when the business is closed; TOM NEEB, Los Banos, spoke of his concern of safety down State Route 165 by New Bethany where pedestrians walk and there are no sidewalks as well as the safety issue on Center Avenue where the canal is in which people are riding their bikes.

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

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A SPRAY BOOTH FOR IDEAL ENVIRONMENTAL METAL STORAGE CONTAINERS LOCATED AT 1725 W. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 430-010-004.

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

Commissioner Faktorovich inquired about the process in which the container is moved through production.

Chairperson Spada opened the public hearing. PEPPER SNYDER, Sprig Haven Farm LLC, responded that containers will be manufactured inside and exit the rear of the building then be painted and thanked staff for their work. No one came forward to speak and the public hearing was closed.

Chairperson Spada stated that anytime we can bring in quality jobs to Los Banos it's a huge win and thanked Mr. Snyder for bringing this business to our community.

Motion by McCoy, seconded by Limon to adopt Planning Commission Resolution No. 2016-20 – Approving Conditional Use Permit #2016-10 to Allow the Operation of a Paint Spray Booth for Ideal Environments Located at 1725 W. Pacheco Boulevard. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

City Attorney Vaughn stated that he has a disqualifying conflict for items 8C and 8D and would leave the Council Chambers while special counsel would take his place.

PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2016-01, FINAL DEVELOPMENT PLAN #2016-01, AND EAST CENTER AREA PLAN AMENDMENT FOR THE VILLAS CONSISTING OF THE SUBDIVISION OF APPROXIMATELY 58.8 ACRES INTO 378 SINGLE-FAMILY RESIDENTIAL LOTS RANGING FROM CUSTOM AND SEMI-CUSTOM HOMES TO PRODUCTION HOMES; APPROXIMATELY 51 ACRES OF THE PROJECT SITE WILL BE CONTAINED WITHIN A PRIVATE GATED-COMMUNITY WITH A FOUR ACRE PARK/DETENTION BASIN; THE FINAL DEVELOPMENT PLAN CONSISTS OF SITE DESIGN AND CONCEPTUAL ARCHITECTURE TO IMPLEMENT THE PLANNED DEVELOPMENT ZONING; THE PROJECT SITE IS LOCATED EAST OF CENTER

AVENUE, SOUTH OF THE CRESTHILLS #1 SUBDIVISION, WEST OF CRESTHILLS #2 SUBDIVISION, AND NORTH OF PIONEER ROAD AND THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 431-270-010 AND 431-270-004. Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Senior Planner Elms read two comment letters into the record from Chris White with Central California Irrigation District (CCID) and from Dean Bubar with Los Banos Unified School District.

Commissioner Faktorovich commented on how the project looks professionally done and his concern regarding how this project will be generating many trips per day and streets are wide enough but in case of emergency sees positional for bottle neck traffic on this site.

Senior Planner Elms responded that a traffic study was done based on 694 units built for the East Center Area Plan, how the project has shrunk in size since then, how a traffic engineer had reviewed the project at that time, how the City Engineer and other department heads have already reviewed this project, and how it meets all City standards and requirements.

Chairperson Spada opened the public hearing. JEFF ROBERTS, Granville Homes, spoke on behalf of the applicant regarding his excitement for this project, thanked staff for their diligent work, how he is in concurrence with staff recommendations on the map and Final Development Plan, how he wanted to make a couple of comments for the record, how the applicant has no issues with the Central California Irrigation District (CCID) letter nor with the Los Banos Unified School District (LBUSD) letter that were received by the City, how they are both consistent with what is in place, not proposing to change anything in regards to those two organizations, COA speaking to CCID certification but that should be handled thru Final Development Plans when they can verify that any of their facilities that might have been on site are eliminated, property is already annexed to the City, there are only private ditches on the property and no CCID facilities, how it's a pretty standard condition, regarding Community Facilities District (CFD) required there are no issues, no intention to do a Mello-Roos District but does intend to do a CFD, asked for clarification that the condition regarding the parking lot is in reference to the park extension, and how they are definitely in favor of the park extension; Senior Planner Elms confirmed that the parking lot is part of the park extension; Mr. Roberts spoke of the northern tier of the property south of Bluff Drive, Cardoza road was realigned with the direction of staff with agreement from applicant and Whitehurst Funeral Chapel, how the road will provide access to the funeral chapel, in favor of alignment of Cardoza Road and where the gate will be located, how the applicant is not in favor of having a single story restriction on the northern piece of the project and pointed out that the existing homes on Bluff Drive are comprised of 12 two story and 5 single story homes, how the applicant's piece has deeper rear setbacks and

there shouldn't be any more or less restrictions on these lots than those other homes that front Bluff Drive.

TOM NEEB, resident of Bluff Drive, inquired if there will be a street immediately on the northern edge of the project or if large custom lots back up to the northern boundary; Senior Planner Elms responded that the semi custom homes will be back up against the Bluff Drive homes; Chairperson Spada clarified that the back of existing homes will back up to new homes with backyard to backyard with additional setback of deeper lots.

JOHN JORDAN, 419 Bluff Court, spoke of a committee that approved a greenbelt walkway several years ago, how the map shows Cardoza Road jagged, how residents have had a view of foothills for 25 years, suggested putting the greenbelt in and having Cardoza Road go immediately behind the Bluff Drive homes, would like things to go back to how they were originally approved, how his other concern is that there will be traffic for Whitehurst Funeral Chapel parking in the residential area; Senior Planner Elms responded that the applicant does not control Whitehurst Funeral Chapel and any intensification of traffic would require a larger parking lot at the responsibility of the funeral chapel; Mr. Jordan responded that the funeral chapel should be here then wanting to do this, how California is still in a drought and we would be adding more people to this town, and suggested that more thinking needs to be done here.

TED MEZA, Los Banos, thanked everyone who spoke so far, spoke of how he lives right in the middle of this proposed development, how the building around him will look good and how he has a beautiful place there, how now they will be getting squeezed around them, how a Green Valley Charter School is also located on his property, how he would like cooperation with the surrounding property owner who has not communicated with the school, the need to put this project on hold until negotiations could come forward for the school, how the school needs to be expanded, and communication needs to take place first.

DARRYL LAWRENCE, resident of Bluff Drive, spoke of how it makes more sense abutting Cardoza Road straight, makes more sense to run Cardoza Road straight behind the houses on Bluff Drive and addresses the greenbelt issue, and inquired if the infrastructure was made to accommodate this development; Senior Planner Elms confirmed that it was sized for this project; Mr. Lawrence spoke of how originally other things were going to be done and now they changed their mind and more thought should be put on this.

TISHA BLACKWOOD-FREITAS, representative of Green Valley Charter School, spoke of the school community and questioning this plan, concerned this plan doesn't take into the operations of this school, how the school is working on an expansion and was not notified of this plan until recently through the property owner, how the traffic will increase and use of road is already at capacity, how she is not opposed to plans but concerned about current infrastructure in the area, services for this type of development would not be addressing their needs, and thanked the Planning Commission for their consideration.

CLAUDIA JORDAN, resident of Bluff Drive, spoke of the history of Cresthills I subdivision originally being for custom homes and how that changed over time and now they are not all custom homes, how she bought her home in that area because she felt she would keep the value of her home but its no longer a custom home subdivision, how there are predictions that in 2018 there will be another housing market downturn, how this project is not just today and next year its for the future, how she has lived there for 25 years with a beautiful view, how she would like the greenbelt walkway still, and asked Planning Commission for their consideration.

MEL BIGGS, 515 Bluff Drive, spoke in favor of a greenbelt walkway and not wanting neighbors or big houses right behind him.

ANDREW MEZA, 1858 Center Avenue, agreed with previously stated concerns and inquired about the expansion of Center Avenue and where it ends at the end of his yard; Senior Planner Elms responded that the right-of-way is from sidewalk to sidewalk, how on his property most likely additional frontage would have to be dedicated in order to develop Center Avenue, and how the project proponent will need to acquire that from him; Mr. Meza inquired if the City was going to take some of his front yard; Senior Planner Elms responded that the City would request dedication for the build out of Center Avenue; Mr. Meza spoke of how congestion is a current problem, it doesn't make sense to do this project right now, and spoke of how he does not support this project.

MATT BUFFUNO, 507 Bluff Drive, spoke of how this project will be taking agriculture away from the community, how he is a high school agriculture teacher, how agricultural education is harder to teach because less and less students have the opportunity to live on a farm or see farmland, how one of the problems facing agriculture is urban sprawl, how the agricultural land behind Bluff Drive is prime soil, how he is upset as an agricultural educator about taking more and more farmland, how Los Banos has changed a lot since 1992 for good and for bad, how he teaches agricultural education in Gustine, how they don't allow as many homes like this to be built, how Los Banos was built on agriculture, and asked the Commission to keep that in mind when making their decision tonight.

TODD BAKER, Los Banos, spoke of how these residents came out ten years ago on this topic, how it tells the community to not to bother showing up to these meetings if the Commission doesn't listen now, and asked the Commission to vote no.

Chairperson Spada stated that the Commission respects the residents' opinions and how the Commission does listen and will take this into consideration.

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

Chairperson Spada inquired about the history on this issue of the greenbelt and how the agreement was first reached.

Senior Planner Elms emphasized page 5 of the staff report in which it discusses the original condition, the proposed revision, and the residents' original request for a landscape buffer behind Bluff Drive, then the placement of Cardoza Road, then the new homes.

Commissioner Toscano inquired as to how many feet the setback would be on Mr. Meza's front yard for dedication on Center Avenue.

Senior Planner Elms responded that it depends where the public right-of-way starts, she was not sure off top of her head, how a condition of approval was incorporated to require curb and gutter on the cemetery side of Center Avenue and the developer would develop up the curb and gutter up to the masonry wall on the east side of Center Avenue.

Commissioner McCoy spoke of how it was previously stated that the original agreement expired and the applicant applied for a new one and inquired if that is why we can change Conditions of Approval #18.

Senior Planner Elms responded that the area plan never expires and runs with the land, how it was the old tentative map for the Villas and the original development agreement that expired, how the area plan stands and the conditions stand, and that's why the applicant is asking to revise the condition on the area plan.

Commissioner Faktorovich inquired if it is incorrect that this greenbelt walkway that was previously planned and is now changed to be different than the original plan.

Senior Planner Elms responded that staff didn't look at that during that time, spoke of how staff only looked at scope of property lines within the Whitehurst property, and how this was not considered because development wasn't considered at that time other than parceling off the chapel from the rest of the parcel.

Commissioner Faktorovich spoke of how the greenbelt is a concern among the residents and the need to clarify that issue and be consistent with what was proposed.

Senior Planner Elms stated that the proposal consists of removing the landscape area between Bluff Drive and Cardoza Road and replacing the landscaping with custom built homes.

Commissioner Cates thanked Granville Homes for taking interest in Los Banos, how he wished we had this turnout at every meeting, how input like this tonight is what is important, implored the community to come out, stated that with all due respect to the developer it sounds like some things came up in which there wasn't any communication with Bluff Drive residents or the charter school, how conversations need to take place with residents now, and the need for balance and to grow sensibly with consideration for everyone involved.

Commissioner McCoy inquired if the charter school got the notice.

Senior Planner Elms responded that the property owners within a 300 foot radius were notified and a notice was published in the newspaper, stated that the school does not own the property, how Mr. Meza had notified the school, and how the City met all government code requirements for noticing.

Commissioner McCoy responded that the residents of Bluff Drive want the greenbelt for privacy and value of homes, how something changed without enough input from the public, how this type of project should perhaps have a workshop beforehand like design review before it comes for approval, how he works in the agricultural industry, how the farmer sells the land for the development and it's a business, how there will be development and growth, and being unsure of what the Commission's actions will be today.

Senior Planner Elms stated that the majority vote on the motion will be the recommendation made to City Council.

Commissioner Limon spoke of how he thinks its awesome to see people here and speak on their concerns, how he is very mindful of agriculture and understands these concerns, how it will be tough either way, and how the Commission can only make recommendation on this, and this being a difficult decision.

Senior Planner Elms clarified to the Planning Commission that tonight their action is to approve or deny or conditionally approve the tentative map and recommend approval for area plan amendment and the final development plan and clarified that if their recommendation is to not approve the area plan revision then they cannot approve tentative map because it wouldn't be in conformance with their recommendation.

Commissioner Faktorovich spoke of how it appears to him that there is a lack of understanding on all sides because of vague wording of the condition and suggested moving the public hearing to a later date with clarity on what was changed.

Senior Planner Elms clarified that the original area plan did not show a landscape path, how it the only part that has changed is the actual wording of the condition which was included in the staff report, and based on public comment in 2006 a condition was formed to add the landscape path.

Chairperson Spada spoke of there being a few scenarios including an option to allow a the developer to build a 2 story home only where an existing 2 story home is located behind it, another option being to honor the original condition that the City Council approved which would extend the cul-de-sacs and put the greenbelt back in, and spoke of how he doesn't understand how we can go against a prior City Council vote.

Mr. Abbott spoke of how state law provides planning type actions come to Planning Commission for recommendation, how there is nothing unusual about requests to modify existing policy, suggested making recommendation to City Council on whether the area plan should be amended, once they decide that issue then it will open up their decisions on the following entitlements, how the first task is to take action on the environmental document then the second task would be to entertain a motion on the area plan, how if they decide against amending the area plan and preserving the landscape strip then they would take action on the tentative map and have to make a finding that it is consistent with the area plan, how if they deny the area plan amendment then they have to deny map, how this is what state law contemplates, suggested getting the environmental document done then making a motion on the area plan then making a motion on the map.

Commissioner Toscano spoke of her disappointment in this happening and asked where the condition went.

Senior Planner Elms stated that the applicant is fully aware of the condition and that is why they are asking for the amendment.

Commissioner Toscano spoke of how she doesn't understand why Cardoza Road doesn't go straight through, how this development is needed, how she doesn't like urban sprawl but there is a lack of southside homes available, likes this idea of custom lots that back up to Bluff Drive, and how she has a difficult time saying yes to this but wants the development to move forward.

Commissioner McCoy asked about the Project Review Board's thoughts on this project.

Senior Planner Elms explained that Cardoza Road would be within the gated community and would be private with larger setbacks and single story homes and would be a compromise with existing homes, how discussion was centered around that and analyzed based on the original area plan, how the area plan looks essentially the same with the jog in the road, how it is still relatively the same in regards to circulation, how the original area plan didn't show graphics for the landscape plan and was purely text, and how that was done after the area plan was created.

Commissioner McCoy spoke of how he has an issue with having to make a recommendation that goes against what residents originally fought for and won.

Chairperson Spada spoke of the gated community with walking path greenbelt area and inquired where it starts and ends and if it would be kept separate from their gated community.

Senior Planner Elms responded that Cardoza Road would have a gate entrance by Whitehurst Funeral Chapel and there would be good neighbor fences along Bluff Drive.

Chairperson Spada inquired what kind of fence on the development side.

Chairperson Spada reopened public hearing.

CLAUDIA JORDAN, resident of Bluff Drive, spoke of original plans from the developer, how residents previously came here and said they want a buffer, understands that they cannot stop development, how they got together as neighbors didn't want two story houses behind them, and how she is recommending one story houses behind Bluff Drive; Commissioner Faktorovich inquired Ms. Jordan would be satisfied if she was assured there wouldn't be 2 story houses and there would be a buffer; Ms. Jordan spoke of wanting the original plan that was approved to be honored.

Commissioner McCoy inquired what did residents envision as the greenbelt.

Ms. Jordan spoke of a greenbelt walkway being similar to what currently exists from Ortigalita Road down Cardoza Road through to Wal-Mart.

Commissioner McCoy spoke of how the developer didn't own that northern parcel back then and now they do and now the Planning Commission has to make decisions now based off what we have here.

JEFF ROBERTS, Granville Homes and Ranchwood Homes, spoke of how he doesn't have the benefit of having been here ten years ago, how didn't realize the dynamics of this issue, has heard comments today, feels they have put together a good proposal with lower density and with larger custom lots, feels this buffer behind the gate would be better than a public greenbelt running adjacent to the lots, the need for the Planning Commission to consider whether the environmental document is adequate and whether they want to make the change to the area plan, if they do want to change the plan then the map would fit that, asked if they don't want to modify the plan to then please give him a chance to modify the map to fit the current area plan, spoke of how he thinks City Council gave good direction, and asked for the Planning Commission to pause after the area plan discussion and then give him additional direction if necessary.

TISHA BLACKWOOD-FREITAS, Green Valley Charter School, spoke of representing 200 families, how she doesn't know if the school has been recognized in the environmental document, environmental benefits of this school to the community and the issues facing them, and would like to know how it will impact the students when construction begins.

ANDREW MEZA, 1858 Center Avenue, asked for clarification of setbacks and sidewalks.

Senior Planner Elms responded that the property owner would be given fair value of that land, City wants to see infrastructure and connectivity and safe travels to schools, prefers there not be a gap there, and how staff would work to get the property dedication at a fair value.

Mr. Meza inquired about there being a sidewalk in front of his house.

Senior Planner Elms responded that there would be full improvements to the masonry wall including a sidewalk and landscape buffer similar to what is on Ortigalita Road but that would be negotiated with the property owner.

Chairperson Spada closed the public hearing.

Commissioner Toscano inquired if it was a factor that there is knowledge of a school on the Meza property and if it would need to be mitigated.

Senior Planner Elms spoke of how population growth mitigates school facilities, how CEQA mitigates air quality, traffic, noise, hazardous and biological substances, how this project was deemed to have potentially significant impacts but could be mitigated and changed to less significant impacts, how school facilities would be adequate and based on the amount of increase of fees it would create new facilities and justify that part of CEQA, in terms of construction is identified in CEQA and mitigation requirements would apply.

Commissioner McCoy inquired that since the charter school didn't exist in 2006 if the developer has to communicate with them.

Senior Planner Elms spoke of how the environmental document does not take into account the individual charter school but it takes into account the Los Banos Unified School District and how it analyzes the facility's needs based on the district.

Mr. Abbott spoke of CEQA and how impact fee statutes provide that the payment of impact fees of the developer mitigates all impacts associated with construction, statute doesn't draw distinction between public and private schools, does not address existing school facilities which could be impacted by adjacent schools, statute is not completely comprehensive in character, only addresses need for new facilities, the Commission would be required to determine that environmental document is adequate for all purposes which would include the existing physical environment which the school is part of the existing environment and adequately addressed, built upon a prior environmental document, not in a position to tell you if the scope is sufficient for the existing charter school, and asked for a couple minutes with the Senior Planner for discussion.

Commissioner McCoy inquired when the northern parcel was purchased.

Mr. Roberts responded that it was purchased two years ago.

Senior Planner Elms stated that the school has only been physically located there about a year.

Mr. Abbott spoke of how he doesn't think CEQA's required issues include how a land development project like this might foreclose a potential expansion, the expansion is entirely speculative and not an issue of consideration of the environmental document.

Commissioner McCoy inquired should it have been considered in the impacts.

Chairperson Spada called a five minute recess at 9:19 p.m.

The Commission returned to the dais and resumed the meeting at 9:31 p.m.

Mr. Abbott spoke of this being an unusual situation, how the previously approved area plan has gone thru environmental review, previously granted entitlements for the development agreement which has expired, how the prior vesting map is still alive, how the existing entitlement is still in place, how the general CEQA practice is to assess the existing physical environmental, school facility does not appear to have long term lease, we don't know or have proof of any environmental review, under these circumstances the introduction of a school into a previously approved area for urban development isn't a substantial change in circumstances that dictates a significant examination on environmental issues, guidance is to accept negative declaration that has been prepared and take action on whether not to recommend approval of the area plan amendment and stop at that point, the action would be taken on Resolution #2016-17 for the area plan amendment and then we can decide what next action would be.

There was further discussion among the Commissioners, staff, the project applicant, and legal counsel regarding how the existing policy calls for a landscape area and pathway and the request before the Commission for an amendment to the area plan.

Motion by Commissioner Cates, seconded by Commissioner Limon to deny Planning Commission Resolution No. 2016-17 – 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. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

Mr. Roberts stated that considering this action, he would like an opportunity to amend the map to reflect this.

Senior Planner Elms stated that the item can be continued to May 25th.

Motion by Commissioner McCoy, seconded by Commissioner Cates to continue Public Hearing – to Consider Vesting Tentative Tract Map #2016-01, Final Development Plan #2016-01, and East Center Area Plan Amendment for The Villas Consisting of the Subdivision of Approximately 58.8 Acres into 378 Single-family Residential Lots Ranging from Custom and Semi-custom Homes to Production Homes; Approximately 51 Acres of the Project Site Will be Contained within a Private Gated-community with a Four Acre Park/Detention Basin; the Final Development Plan Consists of Site Design and Conceptual Architecture to Implement the Planned Development Zoning; the

Project Site is Located East of Center Avenue, South of the Cresthills #1 Subdivision, West of Cresthills #2 Subdivision, and North of Pioneer Road and the City Limit Line; More Specifically Identified as Assessor's Parcel Numbers: 431-270-010 and 431-270-004 to the Planning Commission meeting on May 25th at 7:00 p.m. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2016-02, FINAL DEVELOPMENT PLAN #2016-02, AND EAST CENTER AREA PLAN AMENDMENT FOR THE HILL PROPERTY CONSISTING OF THE SUBDIVISION OF APPROXIMATELY 24.4 ACRES INTO 138 SINGLE-FAMILY RESIDENTIAL LOTS; THE FINAL DEVELOPMENT PLAN CONSISTING OF SITE DESIGN AND CONCEPTUAL ARCHITECTURE TO IMPLEMENT THE PLANNED DEVELOPMENT ZONING; THE PROJECT SITE IS LOCATED EAST OF CENTER AVENUE, SOUTH OF THE PROPOSED VILLAS SUBDIVISION, WEST OF CRESTHILLS #2 SUBDIVISION, AND NORTH OF THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 431-270-005.

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

Senior Planner Elms stated that the two comment letters from Chris White with Central California Irrigation District (CCID) and from Dean Bubar with Los Banos Unified School District that were read into the record for the previous public hearing also applies to the this public hearing.

Chairperson Spada opened the public hearing. JEFF ROBERTS, Granville Homes, spoke on behalf of the applicant, spoke of how they have been working with staff on modifications for Street G, leaning towards connecting Court G with Street G, also those street names are placeholders and do not intend on keeping those names, willing to stub the cul-de-sac to the south, doesn't think that will please property owner though, and open to the Planning Commission's recommendation; FRANK L. VIEIRA JR., 19850 Pioneer Road, spoke of his concern with master drain that starts at stockmen's gravel pit and dumps into the CCID canal which has to remain open, how this was addressed in 2006 and was resolved, how it is all piped to CCID canal, how the exit on southside is not okay and should be removed, how his property butts up to their proposed subdivision and recommended a masonry wall to go down both sides of his property on the north and east sides to be done at the time construction starts, and doesn't want a stub out to his property.

Commissioner Toscano inquired if there was plans to put in retaining wall.

Mr. Roberts responded that typically you put a wooden fence between residential and residential.

Senior Planner Elms spoke of this being low-density residential and staff would recommend wooden fence, looking out for future plans and master planning of the area,

asking for connection there so there would be better connectivity and circulation between subdivisions.

Mr. Roberts spoke of how the fence would typically be done at end of construction but they can put it first.

Senior Planner Elms stated that they can stub out Court L and stubbed and possibly fence it so that Mr. Vieira wouldn't see a stub just so we can have future connection for a future subdivision.

Commissioner McCoy inquired if there is a set way to do this when it comes to R-2 zoning abutting up to agricultural zoning.

Senior Planner Elms responded that a wooden fence is what staff suggests unless there is a sound wall issue due to traffic but since there is no roadway proposed it would not be compatible with a masonry wall.

Mr. Vieira spoke of his concern on wooden fence and the need for sound barrier due to having tractors that run up and down and blowers that make dust, and how he wants that to be taken care of.

TED MEZA, Los Banos, spoke on the extension on school and how he didn't get a satisfying answer.

Chairperson Spada spoke of the environmental impact report consideration being for public schools, how private school brings more on, how Mr. Meza wants the ability to expand, and suggested talking to staff regarding concerns.

Senior Planner Elms suggested Mr. Meza talk to property owner, how this is a civil issue and City cant get involved, and how this is an issue between property owners to discuss.

Mr. Meza asked the Commission to hold up the project until negotiations happen.

Chairperson Spada responded that the Commission legally cannot do that, if applicant is following law then they can't hold them up, and how Mr. Meza needs to work it out privately.

Commissioner McCoy inquired if there was another option besides wooden fence and masonry fence.

Mr. Roberts spoke of being willing to sit with the neighbor and discuss options, willing to do this upfront to establish this line right away, not insensitive to almond issues, and how the applicant participates in growing almonds as well.

Commissioner Toscano thanked the developer, urged Mr. Meza and Ms. Freitas to talk to developers themselves, and knows the developer wouldn't want to upset them.

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

Commissioner McCoy asked for clarification in the street connection and stubbing.

Senior Planner Elms stated that the condition is already there for the connection and that the Commission can add extra language to add a fence to the stub to add a fence to the stub on Resolution No. 2016-19.

Motion by Commissioner Cates, seconded by Commissioner Faktorovich to adopt Planning Commission Resolution No. 2016-18 – Approving the Hill Property Approving The Hill Property Vesting Tentative Tract Map No. 2016-02 for the Subdivision of Approximately 24.4 Acres into 138 Single-family Residential Lots Located Generally East of Center Avenue, South and West of the Villas Subdivision, and North of the City Limit Line; More Specifically Identified as Assessor's Parcel Number: 431-270-005. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

Motion by Commissioner McCoy, seconded by Commissioner Limon to adopt Planning Commission Resolution No. 2016-19 – Recommending Approval to the Los Banos City Council of Final Development Plan #2016-02 for the Hill Property with the addition of a fence along the stubbed Court L. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

City Attorney Vaughn returned to his seat in the Council Chambers at 10:31 p.m.

PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2015-01 AND FINAL DEVELOPMENT PLAN #2015-01 FOR SOUTHPOINTE AT REGENCY PARK FOR THE SUBDIVISION OF 109 ACRES INTO 510 SINGLE-FAMILY RESIDENTIAL LOTS, SITE DESIGN AND CONCEPTUAL ARCHITECTURE TO IMPLEMENT THE PLANNED DEVELOPMENT ZONING, APPROXIMATELY 2.59 ACRES OF OPEN SPACE, AND A 10 ACRE DETENTION BASIN LOCATED EAST OF PLACE ROAD, NORTH OF THE VERONA ESTATES, AND WEST OF WARD ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 424-120-009 AND 073-220-015 (CONTINUED FROM APRIL 27, 2016). Senior Planner Elms presented the staff report, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Senior Planner Elms read two comment letters into the record from Al Anderson at 2079 Venetia Street and from Carlos Reynoso, a resident in the Verona subdivision.

Chairperson Spada opened the public hearing. JEFF ROBERTS, on behalf of Granville Homes and Ranchwood Homes, concurs with staff recommendation, on April 27th asked Planning Commission to let him work with staff, were successful in coming to a

conclusion on design aspects of Ward Road and traffic calming enhancements along canal, set a trend for this project and the upcoming Northpointe project, how the applicant has a couple issues to address including the parking area in the open space feature in which they haven't worked out the design yet and will need to do so, Condition of Approval #36 which discusses barricades prior to acceptance in which will need to be discussed with staff, an issue with Condition of Approval #48 for the timing of improvement for Ward Road, applicant isn't sure on timing for any of these phases and don't want to build a road that goes nowhere and ends in a dead end cul-de-sac, asked Planning Commission to eliminate Conditions of Approval #48 please so we can build Ward Road when the development occurs, and thanked the Commission for their indulgence and support of the project.

Senior Planner Elms spoke regarding barricading streets and how staff does work with the developer but it's a public safety concern, thinks we can come to an agreement on that, regarding Conditions of Approval #48 if Planning Commission doesn't feel its necessary then its their choice, makes more sense from developer's perspective to develop from Ward Road starting there on the onset and wouldn't have any benefit so staff wouldn't have an issue, and had asked Police Chief Brizzee if he had concerns.

City Attorney Vaughn inquired what phase they were looking at completing Ward Road because that would affect the drainage basin as well.

Mr. Roberts spoke of how they haven't worked out their phasing yet but would be happy to work with staff on that, to put in a facility that has no use becomes an attractive nuisance, how drainage has to be in phase 1 but goes north of that, doesn't have problem with providing access to basin, and they could provide Ward Road extension with turnaround at the basin until such time the roads are built.

City Attorney Vaughn asked if there would be an open ended condition or specific language for the condition.

Mr. Roberts spoke of how they will build Ward Road as agreed to but don't want to build a road and just have it sit there and they can work out phasing and show staff.

City Attorney Vaughn stated that's reasonable to do phasing and develop as necessary, thinks a condition can be created to agree with phasing plan and agreed on by staff with staff discretion, condition can say improvements will be built in conformance with the phasing plan to be agreed upon by the developer and staff as opposed to eliminating the condition, not uncommon that these developments are phased, and can get infrastructure built in a reasonable manner when it's time.

Commissioner McCoy inquired if staff was okay with eliminating Conditions of Approval #36.

Senior Planner Elms stated that it could be amended to say staff will work with developer.

City Attorney Vaughn suggested to incorporate that sheet that was passed around with different configuration for the north corner of the development and incorporate that into the approvals.

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

Chairperson Spada spoke of not being sure about metal roofs.

Commissioner Toscano stated there was one by her house on Monroe and its nice.

Commissioner Cates inquired what the smallest square footage of house in this development could be.

City Attorney Vaughn stated that its on back of elevations, as small as 1200 square feet.

Motion by Commissioner McCoy, seconded by Commissioner Cates to adopt Planning Commission Resolution No. 2016-13 – Approving Southpointe at Regency Park Vesting Tentative Tract Map #2015-01 for the Subdivision of Approximately 97 Acres into 510 Single-family Residential Lots Located Generally East of Place Road, South of the Villa Burano Area Plan, West of the San Luis Canal, and North of the Verona/Mission Estates, More Specifically Identified as Assessor's Parcel Numbers: 424-120-009 and 073-220-015 with changes to Conditions of Approval #36 to staff to work with developer on the barricading on the street and changes to Conditions of Approval #48 that improvements will be built in conformance with the phasing plan to be agreed upon by the developer and staff and the addition of the Ward Road revised plan received by the Engineer as Exhibit E. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

Motion by Commissioner Cates, seconded by Commissioner McCoy to adopt Planning Commission Resolution No. 2016-14 – Recommending Approval of Final Development Plan #2015-01 for Southpointe at Regency Park. The motion carried by the affirmative action of all Planning Commission members present; Llamas absent.

Senior Planner Elms spoke of staff's desire to adjourn the meeting to Monday, May 16, 2016 at 5:00 p.m. at City Hall in the Council Chambers.

PUBLIC HEARING – TO CONSIDER SITE PLAN REVIEW #2016-04 FOR THE REMODEL OF AN EXISTING SINGLE TENANT RETAIL BUILDING OF APPROXIMATELY 85,000 SQUARE FEET ON APPROXIMATELY 6.77 ACRES TO A MULTI-TENANT RETAIL BUILDING IN WHICH SAVE MART WILL OCCUPY APPROXIMATELY 52,000 SQUARE FEET LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT AT 1400 S. MERCEY SPRINGS ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 083-130-040.

Chairperson Spada adjourned the meeting at 11:13 p.m. to Monday, May 16, 2016 at 5:00 p.m. at City Hall in the Council Chambers.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF NEW 2,790 SQUARE FOOT, SINGLE STORY OFFICE BUILDING LOCATED AT 1317 S. SIXTH STREET IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT. Chairperson Spada adjourned the meeting at 11:13 p.m. to Monday, May 16, 2016 at 5:00 p.m. at City Hall in the Council Chambers.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. No report.

PLANNING COMMISSION MEMBER REPORTS.

CATES: No report.

FAKTOROVICH: No report.

LIMON: No report.

LLAMAS: Absent.

McCoy: No report.

SPADA: No report.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 11:13 p.m. to 5:00 p.m., Monday, May 16, 2016 to Hold a Public Hearing to Consider Site Plan Review #2016-04 for the Remodel of an Existing Single Tenant Retail Building of Approximately 85,000 Square Feet on Approximately 6.77 Acres to a Multi-tenant Retail Building in which Save Mart will Occupy Approximately 52,000 Square Feet Located within the Highway Commercial Zoning District at 1400 S. Mercey Springs Road, More Specifically Identified as Assessor's Parcel Number: 083-130-040 and to hold a Design Review Study Session for the Development of a New 2,790 Square Foot, Single Story Office Building Located at 1317 S. Sixth Street in the Highway-Commercial Zoning District.

APPROVED:

Tom Spada, Chairperson

ATTEST:

Sandra Benetti, Planning Technician

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JULY 27, 2016**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

CALL TO ORDER. Chairperson Spada called the Planning Commission Meeting to order at the hour of 7:00 p.m.

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

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Arkady Faktorovich (arrived at 7:01 p.m.), Erik Limon, Palmer McCoy, Tom Spada, and Susan Toscano; Refugio Llamas absent.

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

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Cates, seconded by Limon to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Faktorovich (arrived at 7:01 p.m.) and Llamas absent.

Commissioner Faktorovich arrived and took his seat at the dais at 7:01 p.m.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Chairperson Spada opened the public forum. JOYCE MEZA, Los Banos, spoke of how there will be a forum on community health on August 4th at the Henry Miller building and urged the Commission to pass the word to interested individuals; MARTIN MILOSEVICH, Los Banos, spoke on behalf of Bluff Drive residents regarding the Villas project that came forward to the Commission on May 11th regarding the greenbelt condition and spoke of how Mr. Jeff Roberts came to the neighborhood and spoke to residents; Senior Planner Elms asked that this particular address be done during the public hearing.

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

City Attorney Vaughn excused himself due to a conflict for the following item and left the City Council Chambers at 7:06 p.m.

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 MAY 25, 2016; CONTINUE TO A DATE CERTAIN). Senior Planner Elms stated that the applicant has canvassed the neighborhood, showed a map depicting the neighborhood, and introduced the applicant.

Chairperson Spada opened the public hearing.

JEFF ROBERTS, Granville Homes, spoke on behalf of the applicant and stated that he will do a portion of the presentation on the Villas project and informed the Planning Commission that Ms. Jennifer Trevino will also present information as well. Mr. Roberts presented the report including a statement for the record that they are in general concurrence with staff’s recommendation, how they have a couple of additions to the recommendation, how they were asked by the Planning Commission to look hard at the northern boundary of the project and the type of buffer that can be created, looked extensively at this issue, met with several residents of Bluff Drive, stated for the record that there is confusion about what happened ten years ago with this site and maps that were discussed and conditions that were looked at, how they now see it a little clearer, how there was once a public street idea with a public street along the north side of the property with a green space, how that map was never approved, discovered a City document entitled The Villas Master Planned Community dated 2005 which talked about a circulation plan, handed out that document to the Planning Commission, how this document conflicts somewhat with texts that was made in the staff report, extremely close to the recommendation of staff this evening, have looked closely at this issue, they are proposing a gated community with privates streets, the idea of putting a public trail or street thru a private project is a difficult one, this created a scenario with a single loaded street which is not desirable in development, have to put in curb/gutter/asphalt/base rock/sewer lines/water lines/etc., how this would be an inefficient way to plan and design, there would only be services on one side of the street, how double loaded streets are most efficient to design and plan, spoke of the deficiencies of developing the single loaded street, how this is not a feature they want to

incorporate in their project, asked the Bluff Drive residents if they wanted to participate in the development or maintenance of this in which they declined the idea, how the cost is normally born by a Community Facilities District (CFD), how this is an expensive idea which they don't think will work well in a private gated community, how after meeting with residents they discovered that the residents didn't want to pay for these features, and introduced Jennifer Trevino.

JENNIFER TREVINO, Attorney representing the applicant, thanked the residents of Bluff Drive who took time away from their families to speak with them, how a common thread was that nobody wanted to pay for the greenbelt, how there was about 11 different opinions on how to move forward, how there is a missed opportunity there, how they didn't communicate well enough on how the project will look, taking input from the residents, how an outside perspective can give great solutions, how they spoke with 11 out of the 17 families of Bluff Drive, spoke of different conversations with each of the families including how one resident suggested a lot line adjustment, how one understood development is going to happen, how another resident had concerns about having a greenbelt behind their property that would allow pedestrians to throw trash over their fence, how some people didn't realize the project was a gated community, how another resident was excited for the idea of a new fence, how a police officer was discussing the security and safety benefits of having a gated community, after discussing and listening to everyone we had to come up with a buffer solution and make a decision not only fair and just but one to benefit the residents of Bluff Drive, the gated community and community as a whole.

JEFF ROBERTS, Granville Homes, thanked the Bluff Drive residents for their hospitality, explained to the Planning Commission that they are melding old plans and new plans and ideas to come together with an amended version of what they would like to see happen which would be the creation of a buffer against the 17 lots with 14 lots along Bluff Drive that are a minimum of 12,000 square feet that are at least 100 feet wide and 120 feet deep, which is much larger than existing lots on Bluff Drive, would like to have opportunity to build 1 or 2 story homes, they would come up with an attractive fencing program such as redwood double sided picket fence which would be installed at no cost to neighborhood, they would remove and eliminate the old fencing, how they are willing to commit to this as a condition, how they would create homeowners association to maintain green space and private streets, how the large lots and larger setbacks in the rear yard will protect integrity of 17 lots to the north and provide an appropriate buffer between the two tiers of lots, stated that most infill projects like this typically propose a higher density against an existing neighborhood but this is lower and is rare, how going to a public street subdivision would eliminate those custom lots and the quality and attractiveness of this subdivision, how Los Banos deserves a high caliber of housing rages and types with custom and semi custom homes, how this project will supply that need, and thanked the Commission.

Commissioner Toscano inquired about setbacks and lot sizes.

Mr. Roberts spoke of there being a substantially larger lot sizes along Bluff Drive and the increased setbacks.

Commissioner Faktorovich thanked Mr. Roberts and inquired if the City Council ever voted on the buffer zone.

Mr. Roberts responded that there is a resolution that talks about the idea for the design of Cardoza Road as a public street, how the circulation plan that he passed out shows Cardoza Road dropping to the south and providing for a tier of lots between Cardoza Road and the property line to north, we are proposing larger lots and that would push Cardoza Road a little further away, we are consistent with that circulation plan, taking the old information and new conditions and come up with a solution.

Commissioner Faktorovich spoke of how the public believed something was promised and no action was ever taken by Planning Commission or City Council.

Mr. Roberts spoke of divergent information being a struggle with this project and his appreciation of the Commission's consideration.

Chairperson Spada inquired if there were any City Council minutes that gave the residents the greenbelt.

Senior Planner Elms responded that this information was presented at the May 11th Planning Commission meeting, how the staff report referenced City Council Resolution No. 4680 Condition #18, how it was a Condition of Approval and not an exhibit or map, how this was based on public hearing back in 2006 in which they included this condition based off public comment, described the condition to say that Cardoza road shall be aligned near the northern boundary of the planned area with a landscape area and pathway to the north of the road, the applicant is connecting Cardoza Road but what they are changing is the proposal which is a gated community with private streets instead of a public subdivision with public streets, the Whitehurst family owned the property to the north at the time and weren't ready for development, now ten years later staff believes that the proposal is consistent with Cardoza Road aligning to the northern boundary, staff worked with applicant to make Cardoza Road went thru with emergency vehicle access off the backside of Bluff Drive which is Pike Street, how the applicant was able to work with staff on that, how staff feels this meets the intent of this condition, staff was looking for a compromise and this is what was presented on May 11th at the Planning Commission meeting, and how it was staff's opinion that the addition of a gated community caused the landscape area and pathway to be unnecessary.

MARTIN MILOSEVICH, Los Banos, referenced back to City Council Resolution No. 4680 Condition of Approval #18 which addresses the greenbelt, how that's the concern, how residents know the development will be low density, this being an ideal development, how it backs right up against their properties though, how this was addressed in 2006, how residents feel if they didn't speak up on May 11th at the

Planning Commission meeting then it would all be over, and how a wooden fence won't appease me.

Chairperson Spada inquired of Mr. Milosevich what would appease him in reference to a fence.

Mr. Milosevich responded that he is happy with his fence as it is.

Commissioner Toscano inquired who pays for the greenbelt.

Senior Planner Elms spoke of how when it was approved back in 2006 it would have been a public street but now that it has changed to a private and gated community so the homeowner's association would be responsible.

CLAUDIA JORDAN, Bluff Court resident, spoke of her concern that she would have two neighbors behind her, how the cost of the greenbelt should be done by homeowner's association and the developer should pay, confused why she is being asked if she would pay for this, and pointed out that supporters for the project are not present.

Commissioner McCoy inquired of Ms. Jordan regarding what she envisioned with the greenbelt based on the conversation that took place in 2006.

Ms. Jordan responded that it would be something similar to what is on the corner of Ortigalita and Cardoza Roads with a nice masonry wall and landscaping.

Chairperson Spada pointed out that the project discussed ten years ago was for an open development, which had a public walkway, and how it differs from this proposed project which is a private gated community and how a public walkway would not work here.

Commissioner Cates spoke of how he understands both sides, how the Planning Commission can't control what private property owners do in regards to development, how the Planning Commission is charged to do what they are legally bound by law to do, how they are unable to tell a developer that they need to change the project because residents that back up to the development don't like it, and the need to focus on what the Planning Commission is legally bound to do.

Senior Planner Elms stated that conditions could be amended, spoke of how resolutions and the municipal code are living documents that can be amended, and how the charge of the Planning Commission is to recommend to the City Council.

Commissioner McCoy spoke of how the City needs to grow, how the type of housing proposed doesn't exist right now in Los Banos, how it's a great project, how the Planning Commission is a recommending body but he can't recommend without all the facts, the need to get their papers out and re-read it, how the staff report says that the Commission needs to continue the public hearing, how he understands that the

applicant is losing money by delaying, and the need to know more and read all the data before making a decision.

Chairperson Spada stated that there would not be a vote tonight.

Senior Planner Elms spoke of the need for clear direction for staff and the applicant, how we can't waste any more time, the need for the applicant to know exactly what the Planning Commission wants, how redesigning plans costs money to the applicant, and providing the alternatives is costly as well.

Commissioner McCoy spoke of how at the last meeting the applicant was going to redesign and work with landowners to come to a resolution and how it was his understanding that they were going to present alternatives tonight.

Mr. Milosevich Los Banos, spoke of how he thought the applicant was going to present alternatives but only heard one plan presented tonight.

Ms. Jordan stated that she came tonight assuming that she would be looking at something different.

DARRYL LAWRENCE, Bluff Court resident, spoke of how at the last meeting the applicant said he were going to redraw the plans, how the applicant showed him a new drawing and not what was discussed tonight, and how the fence idea doesn't work for him because he has a stucco fence.

Commissioner Faktorovich spoke of how he previously worked as an architect, how he is sympathetic with the applicant, how the final say is from the City, how there was no action taken by City Council or a Planning Commission recommendation at that time, how a conversation gave an impression that was something was cast in stone, how he admires the applicant working with public to find a solution, how this is stretching the applicant's time and budget, understands the demand and costs on their part, and how one of the concerns of having a two story structure looking over the fence shouldn't be an issue if a two story is built butting up to another two story.

Mr. Roberts spoke of his appreciation of the comments, he had hoped to have a decision tonight or a consensus at least, how it is an interesting idea to match a one story to a one story house and discuss with staff, how the fence idea is just to show their willingness and residents don't have to participate, how this is an attractive property in the City ready for development, how the question mark on what will be built won't be answered until a map is approved and one has not yet been approved.

Commissioner McCoy stated that if residents are dead-set on a greenbelt then they are going to end up with a dead-end walkway that will become a nuisance where people will throw trash over the wall.

Ms. Jordan stated that hooligans do come to the neighborhood, how the walkway would be private and hooligans wouldn't be an issue really, questioned the one story to one story houses, spoke of the ball being in the developer's court, and how they have to come up with a plan.

Commissioner Toscano spoke of the need for resolution, how neither party will be 100 percent happy, how she wouldn't want a walkway behind her house, how there are ways to mitigate these issues, how a 20 foot setback is a better idea to provide a greater buffer, how she created her own solution and planted tall trees, and how she would prefer a backyard neighbor as opposed to a walkway.

Mr. Milosevich spoke of being open to a lot line adjustment that would grant residents 10 feet of property that belongs to the applicant.

Commissioner Limon commended Mr. Roberts on his efforts, spoke of his concern for residents as well, how at some point there has to be a compromise, how a greenbelt is nice but can attract issues, and how a homeowner's association will have to monitor it.

Senior Planner Elms stated that staff needs clear direction, how she would like the opportunity to work with the applicant on some conditions, how she has the temperature of the Commission, and how we can work together and present something at the next meeting.

TOM BATES, 423 Bluff Court, spoke of how there wasn't a map ten years ago but residents were invited to a meeting and given a conceptual plan, how they signed a petition at that time to ask for a Class I or Class A walkway, how he is not sure about that definition, how his conception is that there would be shrubs and a pathway and a sidewalk and a street, how residents asked for that but it didn't go forward, how the Condition of Approval #18 isn't specific and doesn't give dimensions, but how they did get a map showing lots.

GREG HOSTETLER, 923 Pacheco Blvd and applicant, spoke of how he can see where some of the confusion is, how he is sympathetic to the neighbors and wants to hear from them, the need to make a bigger attempt to meet with residents, how he didn't own the Whitehurst property at the time of the approval of the area plan, how the Whitehurst family was not part of the development or layout of lots that were going in, how they just went along as cooperative landowners, how a greenbelt probably sounded good at the time but it was an idea or dream of someone's that wasn't an approved or official design, how he wasn't responsible for it, if it becomes a requirement of the City then it falls within what the City has to pay for, after he acquired the Whitehurst property he changed the design, how what he is showing the Commission tonight is what they think is the best alternative, how it is a gated community with large lots, how this is a better design because it will be gated and minimize traffic, how an open greenbelt would have to be maintained by the City and will not benefit his gated community, how his design got approved on his property back in 2005 which included multifamily and he reduced the density to bring a higher value to the neighborhood, how he didn't control things in

2005, and how this is a great plan but they didn't do a good enough job reaching out to community.

MARSHA NEWTON, Bluff Court resident, asked what the definition of a custom built home.

Mr. Hostetler described a custom home as a one on one single floor plan, how the property owner would design their floor plan and choose colors and sizes, and how they planned to sell lots to individual owners for custom homes.

Ms. Newton inquired if Granville Homes would be building them and have different plans for people to pick from would a person be able to buy the lot and seek out their own builder with their own plans from their own architect and build their home on that lot without any interference from Granville Homes and spoke of Cresthills I issues that arose in which they allowed tract homes to be built instead of custom homes because lots weren't selling.

Mr. Hostetler stated that Ms. Newton is close to right on, how they will be allowed to buy their own lots and pick their own builders and plans but will have to deal with Covenants, Conditions & Restrictions and the architectural committee, how they wouldn't want to sell a lot to someone who builds something not in conformance with the neighborhood, how there will be minimum square footage for homes, and how he would be glad to meet with residents.

Commissioner Toscano stated that those 14 homes are definitely custom and inquired about the other types of homes in the development.

Senior Planner Elms responded that the Final Development Plan (FDP) memorializes and calls out custom, semi-custom, and production homes, how the FDP defines these, and how we are getting off on a side tangent and have already memorialized this hashed this out.

Ms. Newton spoke of there being many nice custom homes in Cresthills I but not all the lots sold and the City allowed another builder to come in and build a custom home on the lots and they may meet CCRs but didn't portray what this applicant is trying to do.

Senior Planner Elms clarified that the difference is there will be an architectural committee for this development.

Ms. Newton responded that her CCRs are not enforced.

Mr. Hostetler responded that the CCRs are not controlled by the City, how it is a civil issue, how the City does not have policing powers, any single homeowner in the development can file an action and that party has to pay attorney fees and the violator has to pay, and reiterated that the City does not have any authority on this.

Commissioner Toscano asked the applicant to please explain the difference between a homeowner's association and CCRs.

Mr. Hostetler responded that a homeowner's association is for maintenance and enforces CCRs, spoke of how historically people don't read their CCRs and what's on their deed and what they are supposed to do, spoke of not wanting production homes on this, how he wants the biggest homes on these lots, and invited Ms. Newton to assist in developing the architectural design rules.

MATT BUFFUNO, Bluff Drive resident, asked if the applicant can share information on the homeowner's association fees and rules.

Chairperson Spada responded that it has not been developed at his point and pointed out that Mr. Hostetler invited Ms. Newton to be on the committee.

JOYCE MEZA, Los Banos, inquired if there was a clubhouse within this gated community and if the gates would open by pressing a button.

Mr. Hostetler confirmed there would be no clubhouse and there would be a button that opens the gates.

Ms. Meza spoke of how she will be surrounded by this development, how she hosts events on her property place, how there is a labyrinth on the property, how she would hope that the plans were stated that there be a gate around her property, how she would like to straighten out the jugged lines on the property on the southside with a lot line adjustment, how she would not want a good neighbor or high end fence but a stone fence that matches other developments that Mr. Hostetler has done around town, and suggested not building two story houses along her property.

TED MEZA, Los Banos, spoke of his concern about the existing school on his property, how it was annexed several years ago, how they have cattle and chickens and goats, how this morning he got email telling him that they will probably get sued for having school on his property, how it was inspected and ADA approved and done professionally, and how the email said they may be illegal in ingress and egress.

Commissioner Toscano inquired who sent the email.

Mr. Meza responded that it came from Mr. Roberts' attorney.

Chairperson Spada responded that it is a civil in which the City cannot get involved.

Mr. Meza inquired about the issue referencing the ingress and egress.

Senior Planner Elms responded that it is a civil issue between property owners, how there was a prescriptive easement because they were using the access road to get on to the property, how the City can't get involved, and it would be up to the court.

Chairperson Spada responded that it is not a public easement and not legally recorded so the City cannot do anything, suggested working with the developer or get a land use attorney to discuss this, how this cannot discussed during the Planning Commission meeting, and this being a private matter not within the Planning Commission's jurisdiction.

ANDREW MEZA, 1858 Center Avenue, spoke of his concern about the widening of Center Avenue, how it would take over 21 feet of his front yard, how the road will be less than 8 feet from the front of his house, inquired if there would be a median in front of his home, inquired how much parking he would be losing, moving his gate being an issue, asked where the compassion is and spoke of how they are taking away his rights.

No one else came forward to speak and the public hearing was continued to August 10, 2016.

Chairperson Spada spoke of how he would support the development one story homes to one story homes and two story homes to two story homes originally but maybe a fence on developers side that is continuous and leave other fences alone, a row of trees as well, how the project ten years ago included a public road and development, this project is private access, how a greenbelt won't work, how a 20 foot setback is good and traffic will be better, and how walking traffic will be less and there will be less noise and vandalism.

Commissioner Cates stated that the developer is willing to work with residents, empathizes with both sides, has no authority over private property rights, if developer meets all criteria that City specifies then we have no choice, how the Planning Commission is a recommending body and not a mitigating body, can't tell private property owners what they can and cannot build, how they can make suggestions, and his hopes that residents understand that.

Commissioner Faktorovich suggested that the developer work with the public and meet halfway.

Commissioner McCoy asked if staff could clarify the Center Avenue issue according to Mr. Andrew Meza.

Senior Planner Elms responded that the general plan shows Center Avenue built out at 75 feet wide and is currently at 60 feet, in front of cemetery would be double left turn lane, the median would only be along the Hill property, how Mr. Andrew Meza will have access to left turn lane, there would be 15 feet of additional right of way, how staff can look at that closer and speak to the engineer, and how it sounds like he measured 20 feet but should be 15 feet.

Commissioner McCoy inquired about the front setbacks.

Senior Planner Elms responded that planned development has flexibility in setbacks.

Commissioner McCoy spoke of the 20 foot setback, how he likes idea of tall trees, there has to be progress, stuff changes like the economy, when things don't work then things change, the need to make decisions and sometimes having to change course, gated community behind Bluff Drive is an improvement to what can go behind them, how residents need to take their heels out of the dirt and look at both sides, and his hopes when this comes back in August that there will be happy people on both sides.

Commissioner Toscano inquired about Mr. Andrew Meza's property and when it was annexed into the City when he purchased home if he was told about losing frontage.

Senior Planner Elms responded that the area plan is the guiding document for development which was adopted at the time of annexation and shows Center Avenue and how it was to be built, how this was part of the annexation approval, and how the Mezas did protest at Planning Commission and LAFCo.

Mr. Andrew Meza stated that he was not given a voice, was told what was going to happen after the fact and could not even try to stop it, and now the issue is getting bigger.

Motion by McCoy, seconded by Cates to continue 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 to the Planning Commission meeting on August 10, 2016. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

Chairperson Spada called a 5 minutes recess at 9:06 p.m.

City Attorney Vaughn returned to his seat in the Council Chambers at 9:14 p.m.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND ASSOCIATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH AN EATING PLACE FOR WINGSTOP LOCATED AT 1989 E. PACHECO BOULEVARD, SUITE K, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 083-140-028. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

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

Motion by McCoy, seconded by Limon to adopt Planning Commission Resolution No. 2016-36 – Recommending Approval of Conditional Use Permit #2016-15 to the Los Banos City Council for the Use of a Type 41 Alcohol License for the On-sale of Beer and Wine in Conjunction with an Eating Place for Wingstop Located at 1989 E. Pacheco Boulevard, Suite K. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND ASSOCIATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION TO ALLOW THE USE OF A TYPE 21 ALCOHOL LICENSE FOR THE OFF-SALE OF GENERAL ALCOHOL AND TYPE 86 ALCOHOL LICENSE FOR INSTRUCTIONAL TASTING OF ALCOHOL FOR SAVE MART SUPERMARKETS LOCATED AT 1400 S. MERCEY SPRINGS ROAD, SUITE B, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 083-130-040.

Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Commissioner McCoy inquired if Savemart has to ask if they want to move alcohol displays.

Senior Planner Elms responded that staff requires that of all big box stores including grocery stores, how the floor plan is where they are approved to have their displays, and they would need approval to move or change.

Chairperson Spada opened the public hearing.

JEFF WELLS, Senior Manager for Compliance for Savemart, spoke of the company being excited about moving to the larger footprint location, this being a refreshed look, looking forward to adding type 86 license as well, and how this helps to commit to the community and alcohol beverage partners.

KATHY BALLARD, Los Banos, inquired about CEQA and people loitering.

Senior Planner Elms responded that Savemart is an active property owner and ensures panhandlers move off their property, and how they work with law enforcement to do so.

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

Motion by Limon, seconded by Faktorovich to adopt Planning Commission Resolution No. 2016-37 – Recommending Approval of Conditional Use Permit #2016-14 to the Los Banos City Council for the Use of a Type 21 Alcohol License, “Off-sale General Alcohol” and Type 86 Alcohol License, “Instructional Tasting”, for Save Mart Supermarkets

Located at 1400 South Mercey Springs Road, Suite B. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

PUBLIC HEARING – TO CONSIDER COTTAGE FOOD OPERATION #2016-01 AND ASSOCIATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION AT THE RESIDENCE OF 695 CHINABERRY COURT FOR SARAH VANLOBENSELS LOCATED WITHIN THE LOW RESIDENTIAL ZONING DISTRICT (R-1) AND MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 431-060-016. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Commissioner Limon inquired how she will advertise.

Senior Planner Elms responded that the applicant was clear about no customers or employees at home and no advertisements.

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

Motion by McCoy, seconded by Toscano to adopt Planning Commission Resolution No. 2016-35 – Approving Cottage Food Operation Permit #2016-01 for 695 Chinaberry Court, More Specifically Identified as Assessor's Parcel Number: 431-060-016. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

DESIGN REVIEW STUDY SESSION – THE CONSTRUCTION OF A NEW 9,536 SQUARE FOOT MULTI-TENANT RETAIL BUILDING WITH A DRIVE-THRU ON 1.22 ACRES AT 1420 E. PACHECO BOULEVARD IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT. Senior Planner Elms presented the revisions, which included a PowerPoint presentation, and noted that Jonathan Lee with the Orosco Group was present to answer any questions.

There was discussion among commissioners, staff, and the applicant regarding the project including an arcaded walkway behind the posts on the southern elevation.

Commissioner McCoy spoke of the north elevation facing a parking lot and suggested putting something there to break it up.

Senior Planner Elms responded that it can be part of the landscape plan to add trellises.

Mr. Lee responded that they can add the trellises.

Senior Planner Elms stated that hopefully this will come back in about a month at public hearing after staff hears from the applicant on the traffic study.

Initial feedback provided to applicant, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms had no report.

PLANNING COMMISSION MEMBER REPORTS.

CATES: No report.

FAKTOROVICH: No report.

LIMON: No report.

LLAMAS: Absent.

McCOY: Inquired what will be coming forth to the Planning Commission on August 10th.

Senior Planner Elms responded that it depends on what is provided by applicant, how it can be the same plan or map with different conditions, how the compromise seems to be custom-built homes with conditions to provide a buffer and compromise with residents.

SPADA: Thanked everyone for their participation in the meeting, stated that this is important, and commended the Commission.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 9:51 p.m.

APPROVED:

Tom Spada, Chairperson

ATTEST:

Sandra Benetti, Planning Technician

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

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

CALL TO ORDER. Chairperson Spada called the Planning Commission Meeting to order at the hour of 7:00 p.m.

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

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

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

CONSIDERATION OF APPROVAL OF AGENDA. Motion by McCoy, seconded by Cates to approve the agenda with the removal of the minutes for the Planning Commission meeting of May 11, 2016. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

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

City Attorney Vaughn left the Council Chambers at 7:03 p.m. due to a conflict for the following agenda item.

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).

Senior Planner Elms presented the staff report, which included a PowerPoint presentation, noted that staff received a comment letter from the Bluff Drive residents in addition to the previously received letters from Central California Irrigation District (CCID) and Los Banos Unified School District (LBUSD) that were read into the record on May 11, 2016, and stated that Mr. Dan Cucchi was present for legal counsel.

Chairperson Spada opened the public hearing. JEFF ROBERTS, Granville Homes, spoke of being a partner with Mr. Greg Hostetler on this project, thanked staff for their recommendation, how they have worked hard on this issue, how the applicant went back to the neighborhood to meet with residents, how Mr. Hostetler and project engineer Randy O'Dell are also present to answer any questions, how they disagree with the one story limitation on the custom homes, this being a beautifully gated project, how they will be true custom lots abutting the existing neighborhood to the north, how this is consistent with the density envisioned in the area plan, how they do not have one hundred percent agreement with the residents along Bluff Drive, this is a project that was partially approved several years ago but was never implemented by a tract map, the wording for Conditions of Approval #18, how Conditions of Approval #19 refers to traffic calming measures that had to be incorporated regarding Cardoza Road, how these types of conditions aren't needed for private streets and were clearly conditions that would be part of a public street, how this solution is more attractive and more appropriate, large lots with larger setbacks required in rear yard, how their only concern is the one story restriction along the back of Bluff Drive, and stated that they would appreciate the Planning Commission's support in recommending approval to the City Council.

MARTIN MILOSEVICH, Bluff Court resident, read a letter to the Planning Commission from the Bluff Drive residents and clarified that there were originally no houses proposed to be built along the back of the Bluff Drive homes.

JOHN JORDAN, 419 Bluff Court, spoke of Mr. Hostetler's proposal for homes along the back of the Bluff Drive homes, how residents want a buffer in order to see the foothills still, residents would like the greenbelt along the back of Bluff Drive, if they don't get their greenbelt then some residents would like an additional ten feet of property added to their properties, how there are different fences along the rear property lines and perhaps a masonry fence could be added but inquired as to what would happen to the existing fences, and spoke of his concern for where funeral customers will park.

TOM NEEB, 503 Bluff Drive, spoke of being present at the Planning Commission meeting in May, how Commissioners made comments that neighbors on Bluff Drive were promised a buffer ten years ago and they should have it which made him feel he had their support at that time, how he is wondering if the Commission is still in line with what they publicly said; Commissioner Faktorovich thanked him for his comments, responded that he was under the impression that a promise was made in black and white in writing, how he found out the City Council didn't vote on that issue and there was no decision in black and white, how when this project expired the train left the station, how a person purchased the property in good faith and followed the plan with certain alterations; Mr. Neeb responded that promises were made back to residents in which the promises are no longer standing due to lack of a written promise.

ANDREW MEZA, 1858 Center Avenue, spoke of how he is still very concerned with how this project affects him and the properties behind him, how he believes there is something going wrong, how his front yard concerns him with the lane going through, how close this road will be to his front yard and front door, how another issue is that he was annexed into the City a decade ago and hadn't yet received any services and now he would have to pay to tie into the City's water and shut down his well, inquired who is in charge of buying his land, how nobody has contacted him regarding any of these issues, the impacts to the schools, how there are nearly 11,000 students going to school in Los Banos, requested for someone to answer his questions, and spoke of his concern for where the funeral chapel customers will park.

MATT BUFFUNO, 507 Bluff Drive, spoke of being high school agricultural teacher, his disappointment to hear that this project would be taking away prime agricultural land, spoke of a paragraph from the Future Farmers of America (FFA) creed, how he teaches his students those words, and how if we believe in those words then we can make students better in the public and City they live in.

JOYCE MEZA, 1862 Center Avenue, spoke of being a small fish in this pond, how this land means a lot and is special to those who have come to her place, how she is not in business anymore and does not charge anymore but still very viable and meaningful to many people, how there are students at the charter school on her property as well, how she would like to request no two story houses to be built on the labyrinth side and playground side of her property, thanked the Planning Commission for listening to her, her concern about her water well and City hook up and animals, and asked the Commission to consider some of the things that have been mentioned.

TOM BATES, 423 Bluff Court, spoke of how he met with Mr. Hostetler's group twice, how they talked about the ten foot extension of property, some kind of masonry wall to separate the properties, how Mr. Hostetler said he would go back and run numbers, and wants to know if there is any information to present regarding this.

Mr. Roberts, Granville Homes, commented on some statements, spoke of this being a large piece of property adjacent to agricultural land, how what was envisioned ten years ago was almost 700 units and they have reduced density, how the greenbelt has been

spoken about, how any development here would change the view of the foothills whether its development of this project or something else, how this pattern of the circulation plan is very close to what we presented in our map, how the Los Banos Unified School District has one of the highest school fees in state of California and they supported the project and have an agreement in place with the applicant, how it is typical to develop agricultural land in the valley, their concern regarding the two story-one story home restriction, how they would like to build one or two stories, how they are willing to put in certain types of fencing in there was consensus how they have run some numbers regarding lot line adjustments of 10 feet and can talk about that if that's what the consensus of neighborhood wants, how only some residents were in favor, how the applicant doesn't want a property line that jogs, and how residents didn't all agree with the necessary details for that.

Mr. Milosevich spoke of how lot line adjustments can be done but never got resolution on that.

GREG HOSTETLER, 923 Pacheco Boulevard, spoke of how he didn't own the land ten years ago, how they never promised to build there because they didn't have the authority to do so, how they now own that parcel and this project will be a great amenity to the community, how the lot line adjustments are an idea but no consensus among the 11 out of 17 of the group that he spoke to, how there is a logistics issue and the challenges it poses, and how they didn't promise anything because they didn't own that property at that time.

Commissioner Toscano inquired if the applicant would put up a masonry wall against the whole project.

Mr. Hostetler responded that he met with a few residents and said he would seriously consider that and how they obtained the cost on that today.

Chairperson Spada inquired if it would be a CMU wall and how tall it would be.

Mr. Roberts responded that it would be a masonry fence.

Mr. Hostetler responded that it would be seven feet tall.

Chairperson Spada stated that he would support a 25 foot setback, masonry wall, and one story restriction.

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

Chairperson Spada spoke of the need to find the medium.

Senior Planner Elms addressed the Meza family regarding left turn lane along frontage of the development, how it would be a double striped turn lane which would be in front of Meza property with no median, how both Meza properties could still use their water

wells as long as they want and can use septic until it fails, how when the well fails the City would expect them to connect to City services as long as its within 200 feet of City connection, how the right of way would be dedicated thru final map to the City, how the property owner would agree to a price and it would be purchased by the applicant, and in regards to the use of farm animals she spoke of how the property is grandfathered and can be used for eternity that way until that use is discontinued at which time they will be required to conform to City land use code.

Mr. Milosevich inquired about the shelf life of a development agreement.

Senior Planner Elms spoke of the life of development agreements and tentative maps, the Subdivision Map Act, how the development agreement extends the life of tentative maps, and how the applicant has not yet agreed to a development agreement but staff anticipates that they will in the future.

Commissioner McCoy inquired about Mr. Meza's concern about his front yard.

Senior Planner Elms responded that 15 feet of right of way would need to be dedicated.

Commissioner Toscano inquired about the width of the bike path.

Senior Planner Elms spoke of how the circulation plan states that on Center Avenue there is a five foot sidewalk and park strip where there is a class 2 bike line, how there is a separate dedication for sidewalk then landscaping then wall, how the legal right of way is 60 feet and needs to be 75 feet so an 15 feet of dedication is needed for right of way.

Commissioner McCoy inquired if the construction of Center Avenue will be done before approval of the map.

Senior Planner Elms responded that occupancy is given when the permit is finalled not when residents necessarily move in and how the City would be accepting all public improvements in that tentative map.

Commissioner Cates spoke of his belief that a government body does not have right to constitute what a private property owner does as long as they meet requirements, how the developer should be able to build two story homes, and inquired about the legal ramifications.

Mr. Dan Cucchi, legal counsel, spoke of this being a fundamental policy question, how the reason the Planning Commission has a little more latitude is because of request to amend the area plan, how ultimately the City has no obligation to approve the amendment, and in the end it's a policy question for the Planning Commission to decide if this is an issue they want to get into.

Commissioner Faktorovich spoke of how the company takes an enormous risk on this project, empathizes with this person, how this is private property, the need to be kind to one another and understand everyone's position, and how this is a dangerous attitude.

Commissioner Limon how this is a tough decision, how their decisions are based on staff time and information as well, how the applicant substantially conforms to requirements, understanding the concerns of residents, how this is a good opportunity for Los Banos, and how Mr. Hostetler has been part of this community for a long time.

Commissioner McCoy spoke of his hope that everyone would come to an agreement, how he doesn't necessarily agree with the Commission, asking to change the condition, how Mr. Hostetler knew and was involved when it was going on several years ago, how residents knew that at some time there was going to be houses there, at one point this was all cattle land and now is becoming houses, how the Commission is put here to give guidance and give recommendation, how he got appointed to be a voice for the community and being asked to change something that was done in the past, how this is a substantially different project that what was originally proposed, how residents will not be happy with a greenbelt in the end, not in favor of limiting the one story versus two story homes, how ten years ago this town was growing at a remarkable rate, the need for growth today, and the need to understand that the Planning Commission does make recommendations on private property and be mindful of it.

Mr. Hostetler spoke of how when he was aware of the area plan he didn't own it and didn't endorse it and how he would agree to not build two stories behind property as long as there is no change of ownership.

Senior Planner Elms suggested that perhaps any lot that is a two story in which is more than 50 percent of lot then a two story can be built.

Mr. Hostetler stated that he has been developing since 1976 and has never had a two story restriction.

Mr. Roberts spoke of Senior Planner Elms' idea of allowing two stories to be built along lots in which 50 percent or more of the lot is backing up to older single family homes, being in support of that providing ownership doesn't change, willing to do 25 foot setback, and being fine with the masonry fence.

Motion by McCoy, seconded by Cates to adopt 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 with the amendment that only single family homes could be built on lots 4, 5, 10, and 11 abutting up to single story homes and amend Conditions of Approval #18 to require a 25 foot rear setback for the lots that abutting the older lots on Bluff Drive. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

Motion by McCoy, seconded by Limon to adopt 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 as amended with the provision of adding a seven foot continuous masonry wall to be built along Bluff Drive lots. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

Motion by Faktorovich, seconded by Cates to adopt Planning Commission Resolution No. 2016-41 – Recommending Approval to the Los Banos City Council of Final Development Plan #2016-01 for the Villas as amended with the provision of adding a seven foot continuous masonry wall to be built along Bluff Drive lots and amending Conditions of Approval #4 to require a 25 foot rear setback for the custom built lots abutting the Bluff Drive lots. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

Chairperson Spada called for a five minute recess at 9:10 p.m.

City Attorney Vaughn returned to his seat in the Council Chambers and Chairperson Spada resumed the meeting at 9:19 p.m.

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

Chairperson Spada opened the public hearing.

Commissioner McCoy inquired if repairs are only done inside the building.

Mr. Bidgon Fabian, applicant, responded that repairs are in the shop and the painting is done in the booth.

Senior Planner Elms responded that all repairs have to be inside the building and the painting must be done in the paint booth.

Commissioner McCoy inquired why those requirements were in place.

Senior Planner Elms responded that it was in regards to the storing of vehicles, how the Planning Commission has the ability to waive that requirement because its in the Light

Industrial zoning district, and the requirement is part of the Highway-Commercial zoning district.

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

Motion by McCoy, seconded by Limon to adopt 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 with amendment to Conditions of Approval #27 to allow repairs outside but out of public view inside the fenced area. The motion carried by the affirmative action of all Planning Commission Members present; Llamas absent.

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. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Jacob Glaze, Kimley-Horne & Associates, was present on behalf of the applicant to answer questions.

There was discussion among Commissioners regarding the architecture including this being a modular building that will be there at least 5-7 years, how there is nothing in the code to prohibit modular buildings in this zoning district, and how they would like to see it look more like the supercenter.

Chairperson Spada spoke of his concern regarding how this may be setting a precedence.

Commissioner Cates suggested window treatments that would make it look less like a square modular building, something to match up to the supercenter, and suggested changing the roofline to mirror Walmart.

Mr. Glaze spoke of doing these all across the state, how their general intent is to stick with this building and dress it up, working on improving the modular building proposal in Santa Clarita, how this is a good program for Walmart employees, and how it is their desire we would like to make this building appealing to the Commission and his clients.

There was further discussion among Commissioners regarding the architecture including how future housing will be facing this project to the south, screening the air conditioning units, suggestion of planting trees along the south elevation, and adding window treatments.

There was discussion among Commissioners regarding the landscaping including the suggestion of a planter to be incorporated like the existing store has and using drought tolerant plants.

Initial feedback provided to applicant, no action taken.

City Attorney excused himself from the meeting at 9:57 p.m. due to having a client relationship with the project applicant for the next item.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT AND RE-SUBDIVISION OF SEVEN (7) EXISTING LOTS INTO ELEVEN (11) LOTS FOR SINGLE-FAMILY RESIDENTIAL HOMES. Senior Planner Elms presented the staff report, which included a PowerPoint presentation.

Joe Rocha, applicant, was present to answer questions.

Commissioner Limon thanked Mr. Rocha for bringing this project forward.

Commissioner Faktorovich inquired about floor plan and size of bedrooms.

Mr. Rocha responded that the smallest bedroom is around 10x10.

Commissioner Faktorovich suggested making them larger and doing 3 bedrooms instead of 4 bedrooms so it might be more of an economical benefit.

Mr. Rocha stated that he wanted to keep the properties for a while, how he thinks the size is suitable, trying to keep it simple, and how it is a decent floor plan and flows well.

Senior Planner Elms suggested a railing on some porches.

Mr. Rocha stated that he was not opposed to that but the problem is that kids will hang all over the place and with it being a rental that might not be a good idea and how he is trying to do all stucco with less maintenance.

Senior Planner Elms stated that electroliers will be required as mentioned at Project Review Board and wall sconces will be added.

Initial feedback provided to applicant, no action taken.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms reported that City is working on community video for economic development purposes, updating the old video, how the videographer was here last week and shot scenes of Los Banos to highlight aspects of life here, how when it comes out for public review she will do a presentation, how the bowling alley opened last week, and how Hobby Lobby will have a grand opening on October 17th.

Chairperson Spada inquired about the 99 Cent Only Store debacle.

Senior Planner Elms responded that they only have temporary occupancy and the contractor will not receive last payment until they conform to conditions, how they have

requested to come back to Planning Commission to revise the Conditions of Approval but she has refused, and how there is an injustice there.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Spoke of it being good to see the former K-Mart building getting work done, how the bowling alley is phenomenal, and asked if staff has asked to talk to Harbor Freight Tools.

Senior Planner Elms responded that staff has not spoken with a live person but will keep plugging and said it is helpful when residents email these companies.

FAKTOROVICH: No report.

LIMON: Thanked staff for their hard work and dedication, spoke of how Republic Services will be sponsoring the Christmas Parade and other events this year, how the Fall Cleanup event will be on September 24th at Fairgrounds parking lot.

LLAMAS: Absent.

McCOY: No report.

SPADA: Spoke of how he will not be here on August 24th and would like Commissioner McCoy to be Chairperson at that meeting, his concern about opening Pandora's box with the modular unit for Walmart and how it sets a bad precedence for our town, and thanked everyone for working so hard on the Villas project.

TOSCANO: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 10:31 p.m.

APPROVED:

Tom Spada, Chairperson

ATTEST:

Sandra Benetti, Planning Technician

To The Los Banos Planning Commission

In 2006 the property known as "The Villas" was annexed into the Los Banos City limits. As part of that annexation application there was an Area Plan submitted. The area plan was drawn by O'Dell Engineering under the direction of Ranchwood Homes, Greg Hostetler. The Area Plan stated on the north end of the property there would be "with a landscaped area and pathway to the north of the road." It was our understanding that this pathway would be against the fences of the current Bluff Drive residences, followed by a sidewalk, curb, Cardoza Road then the houses, giving the current homeowners approximately 80 feet of a buffer. Mr. Hostetler, Ranchwood Homes was not the owner of the property at that time. Mr. Hostetler has since purchased the property, (which came with the Area Plan) and is asking for an amendment to change the Area Plan and eliminate the landscaped area, sidewalk, etc. He now wants to put the homes along the northern boundary, up against the Bluff Drive homes. I think Mr. Hostetler should follow his original Area Plan thus keeping his word to give the residents a deep buffer to the new houses. This was his plan for the last 10 years and now he wants to go back on it.

On July 19, 2016 Mr. Jeff Roberts, of Granville Homes, and Jennifer Trevino canvassed the neighborhood. He was asking the neighbors to sign a statement in favor of the amendment. He also asked the residents if we would be in favor of a lot line adjustment giving each homeowner an additional 10 feet of land across our back property line, the northern boundary of "The Villas".

The homeowner representatives have met with Mr. Hostetler twice and have not come to any resolution. The residents are not asking to control the layout/design of the neighborhood, we are saying Mr. Hostetler committed to a plan and he should keep that plan.

If the city is not going to hold Mr. Hostetler to his Area Plan, we would be in favor of a lot line adjustment to the length of our property by 10 feet (as suggested by Mr. Jeff Roberts) and a minimum setback of 20 feet all- inclusive for the neighboring structures.

Thank you

411 Bluff Ct. Paul Lawrence Paul Lawrence

415 Bluff Ct. Quon Milojevich Quon Milojevich

419 Bluff Ct. Clara Jones Clara Jones

503 Bluff Drive Thomas G. Heeb

507 Bluff Drive Matthew Plummer Janelle Bepko

511 Bluff Drive Mr. [Signature] Mr. [Signature]

515 Bluff Drive [Signature]

100 519 Bluff Drive Joe Avila Henriqueta Avila

519 601 Bluff Drive Paul Rimentel

605 Bluff Drive Pedro Aviza Pedro Aviza

609 Bluff Drive Nicholas C. West Judy F. West

613 Bluff Drive Rental Property

707 Bluff Drive [Signature] Teri Ann Dick

711 Bluff Drive Manfred [Signature]

715 Bluff Drive Enrija Montemuro Paul Montemuro

719 Bluff Drive [Signature]

423 Bluff Court OUT OF TOWN VERBALLY AGREED



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: September 9, 2016

Re: Notice of Public Hearing

Proposal: The Villas 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 City Council to consider The Villas Final Development Plan #2016-01, East Center Area Plan Amendment, and East Center Area Plan Mitigated Negative Declaration. The proposed project consists of the subdivision of approximately 58.8 acres into 231 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.

The Los Banos Planning Commission held a public hearing on August 10, 2016 for the purpose of considering the Villas Project. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and approved Vesting Tentative Tract Map #2016-01 and recommended approval of Final Development Plan #2016-02, East Center Area Plan Amendment and associated Mitigated Negative Declaration to the Los Banos City Council.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the City Council on Wednesday, September 21, 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

Agenda Staff Report

TO: Mayor Villalta and City Council Members
FROM: Stacy Souza Elms, Senior Planner 
DATE: September 21, 2016
SUBJECT: Special Events Fee Amendment/ Stakeholder Meetings
TYPE OF REPORT: Public Hearing

Recommendation:

Staff recommends that the City Council:

- Receive presentation of the staff report;
- Open the public hearing and receive public testimony;
- Consider testimony presented at the public hearing and the information in the staff report;
- Adopt Resolution No. ____ amending application permit fees for special events;
- Authorize by motion the holding of stakeholder meetings for staff to propose potential changes to the Special Events Ordinance for City Council consideration and appoint a Council Member to attend stakeholder meetings; and
- Authorize by motion a temporary suspension of special event departmental service charges as set forth herein.

Background:

On September 16, 2015, the Los Banos City Council adopted Ordinance No. 1134 establishing the regulation and processing of special events on public property. The Ordinance was designed to address public health and safety impacts of special events. These events were identified as impacting public property by modifying public use, parking regulations or traffic flow patterns. The purpose of the Ordinance is to establish clear time, place, and manner regulations for the issuance of a permit for special events for the use of City streets, parks, facilities, or other property owned or controlled by the City. The intent was to provide a coordinated process for managing activities on property owned or controlled by the City, including, the traffic, noise and aesthetic impacts of the activities and to ensure the health and safety of event patrons, residents, workers, and other visitors and to prohibit illegal activities from occurring at events. It was also intended to create a mechanism for cost recovery while not unduly impacting the viability of the events. The purpose was also to protect the rights of people to engage in communicative and expressive activities as well as to regulate the time, place, and manner of these activities in a reasonable and minimally restrictive fashion.

The Special Events Ordinance became effective 30 days after its adoption, which was October 16, 2015.

Discussion:

The Special Events Ordinance has been in effect for approximately 11 months, and Staff is recommending reevaluation of the Ordinance.

Application Processing Fee:

The processing fee for each Special Event application is currently \$150. Staff has considered various ways to decrease the processing fee. Staff has determined that events can be divided into minor or major events. Minor events have minimal impact on staff time and are fairly routine in nature (i.e. color runs). Major events are more intense on staff time and take much more analysis for each department head (i.e. parades).

Based on the experience of the last 11 months, and community input, staff has developed a tiered processing fee system that categorizes the intensity of special events as major or minor. The following uses would be considered **minor** and the processing fee would be \$60 based on an hour of the Community and Economic Development Department's review time.

➤ **Minor Events:**

- Runs/Relays that are not shutting down any streets
- Downtown Street Faires
- Park Events

- Religious Processions
- Similar Minor Events

Staff Time*:

- a) Senior Planner – 1 hour \$64.11
 - Review application
 - Analyze application in accordance with Ordinance
 - Determine reasonable conditions
 - Issue/deny permit

The following events would be considered **major** and the processing fee would be \$150 based on the following breakdown:

➤ Major Events:

- Parades
- Similar Major Events

Staff Time*:

- a) Senior Planner – 1 hour \$64.11
 - Review application
 - Analyze application in accordance with Ordinance
 - Determine reasonable conditions/route application
 - Issue/deny permit
 - b) Police Chief – 15 minutes \$32.09
 - Analyze and provide comments to Senior Planner
 - c) Fire Chief – 15 minutes \$27.37
 - Analyze and provide comments to Senior Planner
 - d) Public Works Director \$32.48
 - Analyze and provide comments to Senior Planner
- TOTAL: \$156.05**

*If the Community and Economic Development Department determines that the nature of the special event requires more staff time than what is calculated above, the applicant will be required to enter into a Cost Recovery Agreement to recoup full cost of staff time.

Departmental Service Charges:

The departmental service costs associated with each special event are based on the size and the intensity of each individual event. Over the course of 11 months, departmental service charges have ranged from \$79.88 to \$282.52. It is often difficult for staff to determine such charges before an event, as it is sometimes unknown how many volunteers will attend an event to minimize costs, and each event is unique. This issue was heavily discussed during the public hearing in 2015 to establish the Ordinance. Organizations were concerned that these unknown costs would be too cost prohibitive for such events to continue on in the community.

Staff is recommending stakeholder meetings be held to discuss potential changes to the Ordinance. The purpose of the stakeholder meetings would be to insure the public interest is well served by making special events available to the community. The costs of such events are generally recovered through fees collected for each specific event. However, the public interest is also served by providing a solution for the cost of special events that have direct community benefit. The stakeholder meetings would have the following agenda:

- Design a process for the submittal and review of departmental service fee waivers
- Discuss different approaches to provide City services for special events (i.e. grant program, fee reduction/waiver program, and other approaches)
- Establish eligibility criteria
- Ineligibility
- Qualification criteria
- Evaluation criteria

The stakeholders meetings would include members from the various organizations that have held special events over the past year as well as any interested community members. Staff would also recommend considering appointing a City Council member to attend the meetings. The stakeholder meetings would disband after work is completed.

In the mean time, staff is recommending the City Council temporarily suspend departmental service charges, not to exceed \$1,200 for any one event, and not to exceed \$1,800 for any one (1) applicant, during a 12 month period, until further City Council consideration and action. Each event will still be required to pay for the Special Event Permit fee (\$60 or \$150) and provide insurance coverage that meets the City's requirements.

Fiscal Impact:

The estimated total cost of departmental charges for one (1) year, based on events in the past year, is approximately \$6,500. This cost would be absorbed, as it was prior to the Ordinance going into effect, by each department's budget.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Special Events Ordinance

Resolution No. 5697

Resolution No. _____ amending permit fees for Special Events

Public Hearing Notice – September 9, 2016

ORDINANCE NO. 1134

**AN ORDINANCE OF THE CITY OF LOS BANOS
ADDING ARTICLE 41 CHAPTER 3 TO TITLE 9 OF
THE LOS BANOS MUNICIPAL CODE RELATING
TO SPECIAL EVENTS ON PUBLIC PROPERTY**

WHEREAS, The Planning Commission directed the Community Development Department to prepare a proposed ordinance to provide for regulation of special events on public property within the City of Los Banos;

WHEREAS, regulation of these events are necessary in order to ensure that such events are compatible with surrounding property uses and that the health, safety and welfare of the general public are not unduly compromised;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the proposed ordinance on April 8, 2015, July 22, 2015, and August 12, 2015 at which time all individuals desiring to comment on the proposed ordinance were heard and on August 12, 2015 the Planning Commission recommended that the City Council adopt an ordinance regulating Special Events On Public Property; and

WHEREAS, the City Council conducted a duly noticed public hearing on the recommended changes to the Zoning Code on September 2, 2015 and September 16, 2015 at which time all individuals desiring to comment on the proposed amendments were heard.

THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

Section 1. Article 41, "Special Events On Public Property," is hereby added to Chapter 3 Title 9 of the Los Banos Municipal Code to read as follows:

Article 41. Special Events On Public Property

- 9-3.4101 Purpose and Intent.
- 9-3.4102 Definitions.
- 9-3.4103 Special Event Permit Required—Exceptions.
- 9-3.4104 Application For Special Event Permit.
- 9-3.4105 Special Event Permit - Process.
- 9-3.4106 Special Event Permit - Requirements and Conditions of Approval.
- 9-3.4107 Special Event permit—Grounds for Denial.
- 9-3.4108 Permit Issuance – Street Closure.
- 9-3.4109 Indemnification Agreement.
- 9-3.4110 Insurance.
- 9-3.4111 Departmental Service Charges—Refunds.
- 9-3.4112 Permittee/Sponsor Duties.
- 9-3.4113 Interference.
- 9-3.4114 Violation - Penalties.
- 9-3.4115 Appeal.

Sec. 9-3.4101 Purpose and Intent. The purpose of this Article is to establish clear time, place and manner regulations for the issuance of a permit for special events for the use of city streets, parks, facilities, or other property owned or controlled by the City. The City intends for its regulations to provide a coordinated process for managing activities on property owned or controlled by the City, including, but not limited to, the traffic, noise and aesthetic impacts of the activities and to ensure the health and safety of event patrons, residents, workers, and other visitors and to prohibit illegal activities from occurring at events. It is further intended to create mechanisms for cost recovery, to the extent authorized by law, while not unduly impacting the viability of the events. It is also the purpose of this Article to protect the rights of people to engage in

communicative and expressive activities as well as to regulate the time, place, and manner of these activities in a reasonable and minimally restrictive fashion.

Sec. 9-3.4102 Definitions. The following words and phrases whenever used in this Article shall be construed as defined in this section.

(a) "Applicant" means any person or organization who seeks a special event permit to conduct or sponsor an event governed by this Article.

(b) "Departmental service charges" means the actual costs which a department of the City incurs in connection with activities for which a special event permit is required under this Article, including, but not limited to, costs associated with fire safety, traffic and/or pedestrian control, the closure of streets or intersections, the diverting of traffic, the salaries of City personnel involved in administration or coordination of City services for the event, the cost to the City to provide support personnel, equipment, materials and supplies, cleanup and restoration, and related City costs, such as fringe benefits or employee overtime. Departmental service charges shall not include costs incurred by the City to provide ordinary levels of police protective services to those engaged in activities or conduct for which a special event permit is required pursuant to this Article.

(c) "Expressive activity" means conduct protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution, which is the principal purpose of the event.

(d) "Parade" means a march or procession consisting of persons, animals or vehicles, or combination thereof, on any city street, sidewalk or other city-owned land and improvements which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls.

(e) "Permit application fee" means the non-refundable fee to be paid by the special event permit applicant to cover the full costs (or a portion thereof) of processing and investigating special event applications, and administering the special event permit program.

(f) "Permittee" means any person or organization that has been issued a special events permit.

(g) "Public Assembly" means the gathering of more than seventy five (75) persons participating in an organized activity having a common purpose on or within a city street, park, or other public right of way, or other property owned or controlled by the City.

(h) "Sidewalk" means that portion of a highway, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel.

(i) "Special event" means a street fair, art and craft show, carnival, rally and any other event regardless of the number of persons involved, which occurs on a city street, sidewalk or other city-owned land and improvements which is likely to obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls. Examples of special events include, but are not limited to, concerts, parades, public assemblies, circuses, carnivals, fairs, festivals, street fairs, community events, mass participation sports (such as marathons and other running events), and community celebrations and observances conducted on public property or public rights-of-way.

(j) "Street" means a way or place, of whatever nature, publicly maintained and open to use of the public for purposes of vehicular travel. Streets include highways and alleys.

Sec. 9-3.4103 Special Event Permit Required—Exceptions. Any person desiring to sponsor a parade, public assembly or other special event on a city street, sidewalk or

other city-owned land and improvements in the city shall first obtain a special event permit. A special event permit is not required for the following:

- (a) Funeral processions conducted by a licensed mortuary or funeral home.
- (b) Parades involving only pedestrians marching along a parade route which is restricted to marching on sidewalks, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls.
- (c) Spontaneous events involving expressive activity which are occasioned by news or affairs coming into public knowledge less than 30 days prior to such event may be conducted without the organizers first having to obtain a special event permit, provided that participants comply with applicable traffic regulations, laws and controls.
- (d) Any activities or events held or conducted by or on behalf of governmental entity otherwise exempt from the provisions of this Article under separate provision of law.
- (e) Events involving expressive activity, including but not limited to, lawful picketing, that takes place on public sidewalks owned or controlled by the city, provided that participants comply with applicable traffic regulations, laws or controls.
- (f) Block parties that conform to the other provisions of the Municipal Code.
- (g) Farmer's markets that conform to the other provisions of the Municipal Code.

Sec. 9-3.4104 Application For Special Event Permit. Any person desiring to sponsor a parade, public assembly or other special event not otherwise exempted shall submit a written application for a special event permit in a form acceptable to and with all supporting information required by the Community and Economic Development Department, not less than thirty (30) days or more than one year and two months before the event date. Such application shall be accompanied by a nonrefundable, nontransferable application fee in an amount as established by resolution of the City Council. The permit application shall not be deemed complete until the permit fee has been paid. The application shall include all of the following information:

- (a) Information for all events:
 - 1. The name, address and telephone number of the applicant and an alternative contact person;
 - 2. If the event is proposed to be sponsored by an organization, the name, address and telephone number of the organization, the authorized head of the organization, and written authorization to apply for the special event permit by an officer of the organization;
 - 3. The name, address and telephone number of the person who will be present and in charge of the event on the day of the event;
 - 4. The nature/purpose of the event;
 - 5. Date and time (starting and ending) of the event;
 - 6. Location of the event, including its boundaries;
 - 7. Estimated number of participants in the event;
 - 8. The type and number of vehicles, animals and structures which will be used at the event. Whether there will be water aid stations at the event;
 - 9. Description of any sound amplification equipment which will be used at the event;
 - 10. Whether any food or beverages will be sold at the event;
 - 11. Whether monitors will be employed at the event;
 - 12. Parking requirements for the event;
 - 13. The attachment of a certificate of insurance complying with the provisions of this Article.

(b) Additional information required for parades, and other events occurring along a route:

1. The assembly point for the event, the time at which units of the parade or other event will begin to assemble;
2. The route to be traveled;
3. Whether the parade or other event will occupy all or only a portion of the streets proposed to be transversed;
4. The number, type, size and material of any floats or banners.

(c) Supplemental Information. Such supplemental information as the Community and Economic Development Director shall find necessary, under the particular circumstances of a special event application, to allow for sufficient information to determine whether to approve, conditionally approve, or deny an application.

Sec. 9-3.4105 Special Event Permit – Process.

(a) Within three (3) business days of receipt of a complete special events permit application, the Community and Economic Development Director shall circulate the application to affected City departments for comments. Within thirty (30) calendar days of receiving the complete special event permit application, the Community and Economic Development Director shall render a decision to approve, conditionally approve or deny the permit and shall notify the applicant of the decision. If the application is denied, the notice shall state the grounds for the denial in writing. Notice may be given either by personal delivery to the applicant, or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his or her address as it appears in the special event application.

(b) In determining whether to approve an application, no consideration may be given to the message of the event, the content of speech, the identity or associational relationships of the applicant, or to any assumptions or predictions as to the level or nature of emotion which may be aroused in the public by the content of speech or message conveyed by the event.

Sec. 9-3.4106 Special Event Permit - Requirements and Conditions of Approval.

The Community and Economic Development Director may condition the issuance of a special events permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety of persons and property, and the control of traffic; provided, that such conditions shall not unreasonably restrict the right of free speech. Such conditions may include but are not limited to the following:

1. Alteration of the route, time or location of the event proposed on the event application;
2. Conditions concerning the area of assembly and disbanding of parades or other events occurring along a route;
3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street traversed;
4. Requirements for the use of traffic cones or barricades;
5. Requirements for provision of first aid or sanitary facilities;
6. Requirements for use of event monitors, and providing notice of permit conditions to event participants;
7. Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats and other decorated vehicles for fire safety by the Los Banos Fire Department;
8. Requirements for use of garbage containers, cleanup and restoration of city property;
9. Restrictions on use of amplified sound;
10. Conditions designed to avoid or lessen interference with public safety functions and/or emergency service access.
11. The obtaining of all applicable permits and licenses;

12. The manner by which alcohol sales and service, if any, shall be conducted at the event;
13. Requirement for proof of permission to use private property for a portion of the event.

Sec. 9-3.4107 Special event permit—Grounds for Denial.

(a) The Community and Economic Development Director shall deny an application for a special event permit if any of the following conditions exist:

1. Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail.
2. The applicant fails to complete the application form after having been requested to do so.
3. The sole purpose of the event is advertising of any product, goods, wares, merchandise or event, and is designed to be held for private profit.
4. Another special event permit application has been received prior in time, or has already been approved to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the police department is unable to meet the needs for police services for both events.
5. The time, route or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to traffic congestion.
6. The concentration of persons, animals and vehicles at the site of the event, or the assembly and disbanding areas around an event, will prevent proper police, fire or ambulance services to areas contiguous to the event.
7. The event will require the diversion of public safety or other city employees from their normal duties, so as to unreasonably reduce adequate levels of service or municipal functions to any other portion of the city.
8. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the city streets or a previously granted encroachment permit.
9. The event shall occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class thereof.
10. The ability of persons to enter and exit residential or business properties impacted by the event will be unreasonably impaired considering factors such as the duration, size and scope of the event.
11. The proposed use, event or activity will have a significant adverse environmental impact.
12. The event or activity will have a substantial adverse impact on the health and safety of the general public, and/or residents and businesses within a three hundred foot radius of the event.
13. The event will substantially interrupt public transportation, or other vehicular and pedestrian traffic, in the area of its location.

(b) When the grounds for denial of an application for permit are any of those specified in subdivisions 1 through 13 of subsection (a) of this section, can be corrected by altering the date, time duration, route or location of the event, or imposition of conditions, the Economic and Development Director shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance.

Sec. 9-3.4108 Permit Issuance – Street Closure.

(a) The City shall issue the special events permit once the application has been approved, and the applicant has agreed in writing to comply with the terms and conditions of the permit, if any, and the provisions of this Article pertaining to indemnification, departmental service charges and deposits, and insurance have been satisfied.

(b) Notwithstanding any provision in the Municipal Code to the contrary, the City Manager is authorized to close any street, or portion thereof, as part of the issuance of a special event permit or when necessary to further the purpose of the underlying event and protect the health and safety of the public.

Sec. 9-3.4109 Indemnification Agreement. Prior to the issuance of a special event permit, the permit applicant and authorized officer of the sponsoring organization (if any), must sign an agreement to reimburse the City for any costs incurred by it in repairing damage to city property in connection with the event proximately caused by the action of the permittee/sponsoring organization, its officers, employees or agents, or any person who was or reasonably should have been under the permittee's sponsoring organization's control. The agreement shall also provide that the permittee/sponsoring organization shall defend the City against, and indemnify and hold the City harmless from, any liability to any persons resulting from any damage or injury in connection with the event proximately caused by the actions of the permittee/sponsoring organization, its officers, employees or agents, or any person who was or reasonably should have been under the permittee's/sponsoring organization's control.

Sec. 9-3.4110 Insurance.

(a) The applicant/sponsor of an event must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. Such insurance shall name on the policy or by endorsement as additional insureds the city, its officers, employees, agents and volunteers. Insurance coverage must be maintained for the duration of the event. Such insurance shall provide "occurrence" coverage against liabilities for death, personal injury or property damage arising out of or in any way connected with the event. Such insurance shall be in the amount of at least one million dollars (\$1,000,000.00), per occurrence, and shall name the city and the city's officers, employees and agents as additional insureds under the coverage afforded. Proof of such insurance, in a form approved by the city attorney, shall be filed with the city clerk prior to the issuance of the permit and such insurance shall be maintained in full force and effect throughout the course of the event authorized by such permit.

(b) The insurance requirement set forth in this section shall not be construed to apply to special events permitted under this Article solely for purposes of expressive activity which enjoy protection under the United States or California constitutions except that applicants for such parades or special events shall be required to either: (1) agree to defend, indemnify, and save and hold harmless city, its officers, agents, employees and volunteers pursuant to Section 9-3.4109; or (2) agree to redesign or reschedule the permitted event to respond to specific risks, hazards and dangers to the public health and safety identified by the special events coordinator as being reasonably foreseeable consequences of the permitted parade or special event; or (3) provide insurance coverage as required by this section.

(c) If the City Manager determines, after consultation with the City Attorney, that a particular use, event or activity does not present a substantial or significant public liability or property damage exposure for the city or its officers, agents and employees, the special events coordinator may give a written waiver of the insurance requirements of this section

Sec. 9-3.4111 Departmental Service Charges—Refunds.

(a) In addition to the payment of the nonrefundable permit application fee, a permittee shall pay the City for all city departmental service charges, as the same are

defined in this Article, which are incurred in connection with or resulting from the permittee's activities under the permit.

(b) If city property is destroyed or damaged by reason of the event, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property.

(c) Each permittee shall be jointly and severally liable for the payment of fees and charges required by this Article.

(d) **City Billing.** City departments shall submit the final invoices and billings for departmental service charges to the permittee(s) no later than ten (10) working days after the expiration date of the permit.

(e) **Cash Deposit.** As a condition precedent to the issuance of a permit authorizing an event, the permittee shall pay to the City a cash deposit in an amount sufficient to cover all applicable fees, including the total City departmental charges which the City estimates will be incurred in connection with the permit.

(f) **Refunds.** If a permittee is unable to hold or conduct an event because of inclement weather or some other cause beyond the control of the permittee, and submits a written request to the city manager for a refund of fees within ten calendar days after the date the event was to be held, the city manager may authorize a refund of fees or a prorated portion thereof, except for the nonrefundable application fee.

Sec. 9-3.4112 Permittee/Sponsor Duties.

(a) Each permittee/sponsor of an event shall comply with all terms, and conditions of the special event permit.

(b) Each permittee/sponsor of an event shall ensure that the person leading a parade or other event along a route, or the person in charge of any other event carries the special event permit on his or her person for the duration of the event.

(c) Each permittee/sponsor of an event shall ensure the area used for the permitted event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

Sec. 9-3.4113 Interference. It is unlawful for any person to interfere with or disrupt a lawfully permitted special event.

Sec. 9-3.4114 Violation - Penalties.

(a) It is unlawful and a public nuisance to intentionally violate any of the provisions of this Article. Violation of this Article may be charged as either an infraction or a misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 36901.

(b) In addition to any other remedy or penalty set forth in this Article or this Code, administrative penalties may be imposed pursuant to applicable provisions of Chapter 11 Title 4 of this Code against any responsible party, in violation of any of the provisions of this Article. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Chapter 11 Title 4 of this Code.

(c) Remedies under this Article are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

Sec. 9-3.4115 Appeal. The decision of the Community and Economic Development Director or designee may be appealed as provided by the appeal procedure provided in Part 6 of Article 23 of this Chapter.

Section 2. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

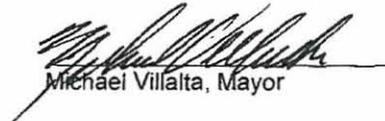
Section 5. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member Silveira and seconded by Council Member Lewis on the 2nd day of September, 2015.

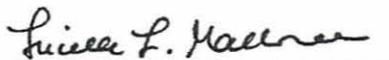
Passed on the 16th day of September, 2015 by the following roll call vote:

AYES: Council Members Faria, Lewis, Silveira, Stonegrove, Mayor Villalta
NOES: None
ABSTAIN: Council Member Faria
ABSENT: None

APPROVED:


Michael Villalta, Mayor

ATTEST:


Lucille L. Mallonee, City Clerk

RESOLUTION NO. 5697

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS ESTABLISHING PERMIT
FEES FOR THE ADMINISTRATION AND
ISSUANCE OF SPECIAL EVENTS**

WHEREAS, the City of Los Banos adopted Ordinance No. 1134 which provides for the regulation of processing of special events within the City of Los Banos and authorizes the City Council to approve by resolution fees relating to processing and issuance of a permit application and permit; and

WHEREAS, the administration and issuance of Special Event Permits require staff time; and

WHEREAS, staff has conducted a fee study and has calculated that the staff time associated with processing and issuance of each application will be covered with a nonrefundable fee of \$150.00; and

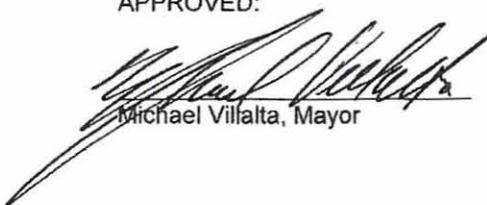
WHEREAS, the City Council now desires to adopt a schedule of fees related to special events permits as proposed in the fee report set forth in Exhibit A attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby establish the special event permit application fee as \$150.00 for each application.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 16th day of September 2015, by Council Member Silveira who moved its adoption, which motion was duly seconded by Council Member Stonegrove and the Resolution adopted by the following vote:

AYES: Council Members Lewis, Silveira, Stonegrove, Mayor Villalta
NOES: None
ABSTAIN: Council Member Faria
ABSENT: None

APPROVED:


Michael Villalta, Mayor

ATTEST:

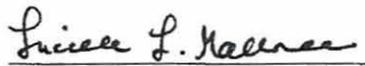

Lucille L. Mallonee, City Clerk

EXHIBIT A

Application Fee:

a) Senior Planner – 1 hour	\$60.39
• Review application	
• Analyze application in accordance with Ordinance	
• Route application to departments	
• Issue/Deny permit	
b) Police Department – 15 minutes	\$30.43
• Analyze and provide comments to Senior Planner	
c) Fire Department – 15 minutes	\$26.15
• Analyze and provide comments to Senior Planner	
d) Public Works Department – 15 minutes	
• Analyze and provide comments to Senior Planner	<u>\$31.90</u>
Total:	\$148.87

Each special event permit application will be accompanied by a nonrefundable fee of \$150.00 to cover staff time associated with analyzing and issuing each special event permit.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS AMENDING APPLICATION
FEES FOR THE ADMINISTRATION AND
ISSUANCE OF SPECIAL EVENTS PERMITS**

WHEREAS, the City of Los Banos adopted Ordinance No. 1134 which provides for the regulation and processing of special events within the City of Los Banos and authorizes the City Council to approve by resolution fees relating to processing an application and issuance of a permit; and

WHEREAS, on September 16, 2015 the Los Banos City Council adopted Resolution 5697 establishing permit fees for the administration and issuance of Special Events permits; and

WHEREAS, staff is recommending an amendment to the fees established by Resolution No. 5697; and

WHEREAS, staff has conducted a fee study and has determined that special events can be categorized as minor and major events in terms of the cost to process the application; and

WHEREAS, the City Council now desires to amend the current schedule of fees related to special events permits as proposed in the fee report set forth in Exhibit A attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby amend the Special Event Permit application fee as set forth in Exhibit B.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 21st day of September 2016, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A STUDY

Application Fee:

The following uses would be considered **minor** and the processing fee would be \$60 based on an hour of the Community and Economic Development Department's review time.

➤ Minor Events:

- Runs/Relays that are not shutting down any streets
- Downtown Street Faires
- Park Events
- Religious Processions
- Similar Minor Events

Staff Time*:

- a) Senior Planner – 1 hour \$64.11
- Review application
 - Analyze application in accordance with Ordinance
 - Determine reasonable conditions
 - Issue/deny permit

The following events would be considered **major** and the processing fee would be \$150 based on the following breakdown:

➤ Major Events:

- Parades
- Similar Major Events

Staff Time*:

- a) Senior Planner – 1 hour \$64.11
- Review application
 - Analyze application in accordance with Ordinance
 - Determine reasonable conditions/route application
 - Issue/deny permit
- b) Police Chief – 15 minutes \$32.09
- Analyze and provide comments to Senior Planner
- c) Fire Chief – 15 minutes \$27.37
- Analyze and provide comments to Senior Planner
- d) Public Works Director \$32.48
- Analyze and provide comments to Senior Planner

TOTAL: \$156.05

*If the Community and Economic Development Department determines that the nature of the special event requires more staff time than what is calculated above, the

applicant will be required to enter into a Cost Recovery Agreement to recoup full cost of staff time.

**EXHIBIT B
FEES**

Each Special Event Permit application shall be accompanied by a nonrefundable fee based on the type of special event listed in Exhibit A to cover staff time associated with analyzing and issuing each Special Event Permit.

- **Minor Events** **\$60**
 - Runs/Relays that are not shutting down any streets
 - Downtown Street Faires
 - Park Events
 - Religious Processions
 - Similar Minor Events

- **Major Events** **\$150**
 - Parades
 - Similar Major Events



City of
Los Banos
At the Crossroads of California

**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT**

Date: September 9, 2016

Regarding: Notice of Public Hearing

Proposal: Amend Special Events Permit Fee

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider amending the Special Events Permit Fee.

Information regarding the calculation of these fees and all necessary back up material is available in the Community and Economic Development Department located at 520 J Street, Los Banos, CA 93635, during normal business hours.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council on Wednesday, September 21, 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 item 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

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Date: September 16, 2016

Regarding: Notice of Public Hearing

Proposal: Site Plan Review #2016-09 – The Vieira Company

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Site Plan Review #2016-09 for the construction of a new 4,800 multi-tenant retail building for the Vieira Company. The Planning Commission will also consider a CEQA categorical exemption for the project site located within the Highway Commercial zoning district on the southwest corner of Romero Street and Mercey Springs Road at 305 Mercey Springs Road; more specifically identified as Assessor's Parcel Number: 025-133-006.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, September 28, 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



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Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: September 16, 2016

Regarding: Notice of Public Hearing

Proposal: Mobile Vendor Permit #2016-03 – Tacos El Jefe

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider Mobile Vendor Permit #2016-03 to allow the operation of a mobile food truck to vend on private property located at 80 West G Street, Suite C; more specifically identified as Assessor's Parcel Number: 081-190-008. The applicant is Christian Mendoza, dba: Tacos El Jefe.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, September 28, 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